

# Democratic Dialogue in Education:

Troubling Speech,  
Disturbing Silence.

Ed. by Megan Boler Cont  
Peter Lang Publishing  
2004.

## Library of Congress Cataloging-in-Publication Data

Democratic dialogue in education: troubling speech, disturbing silence / edited by Megan Boler.  
p. cm. -- (Counterpoints; v. 240)  
I. Critical pedagogy. 2. Postmodernism and education. I. Boler, Megan.  
II. Series: Counterpoints (New York, N.Y.); v. 240.  
LC196.D46 370.11'5--dc22 2003025195  
ISBN 0-8204-6319-1  
ISSN 1058-1634

Bibliographic information published by Die Deutsche Bibliothek. Die Deutsche Bibliothek lists this publication in the "Deutsche Nationalbibliografie"; detailed bibliographic data is available on the internet at <http://dnb.dtb.de/>.

Thank you to the Philosophy of Education Society who granted us permission to reprint three of the essays contained in this volume:  
"All Speech is Not Free: The Ethics of Affirmative Action Pedagogy" by Megan Boler (2001);  
"The Ethics of 'Affirmative Action Pedagogy'" by Suzanne deCastell (2001);  
and "Silences and Silencing Silences," by Huey-Li Li (2002).

Cover design by Sophie Boorsch Appel  
Cover image © 2004 [www.clipart.com](http://www.clipart.com)

The paper in this book meets the guidelines for permanence and durability of the Committee on Production Guidelines for Book Longevity of the Council of Library Resources.



© 2004 Peter Lang Publishing, Inc., New York  
275 Seventh Avenue, 28th Floor, New York, NY 10001  
[www.peterlangusa.com](http://www.peterlangusa.com)

All rights reserved.  
Reprint or reproduction, even partially, in all forms such as microfilm, xerography, microfiche, microcard, and offset strictly prohibited.

Printed in the United States of America

Editor's Introduction .....  
Introduction .....  
*Nicholas C. Burbules*

## PART I. THE CHALLENGE OF CREATING SPACE SOCIAL JUSTICE DIALOGUE

All Speech Is Not Free: The Ethics of "Affirmative Action Pedagogy"  
*Megan Boler*

Moral and Political Clarity and Education as a Practice of Freedom  
*Ronald David Glass*

The Tolerance That Dare Not Speak Its Name .....  
*Cris Mayo*

## PART II. COMPLICATING SPEECH AND SILENCE

No Speech Is Free: Affirmative Action and the Politics of Give and Take .....  
*Suzanne deCastell*

Talking Cure: The Desire for Dialogue .....  
*Alison Jones*



Studies in the  
Postmodern Theory of Education

Joe L. Kincheloe and Shirley R. Steinberg  
*General Editors*

Vol. 240



PETER LANG  
New York • Washington, D.C./Baltimore • Bern  
Frankfurt am Main • Berlin • Brussels • Vienna • Oxford

*Democratic Dialogue*  
IN *Education*

*TROUBLING Speech,*  
DISTURBING *Silence*

*Edited by* MEGAN BOLER



PETER LANG  
New York • Washington, D.C./Baltimore • Bern  
Frankfurt am Main • Berlin • Brussels • Vienna • Oxford

Library of Congress Cataloging-in-Publication Data

Democratic dialogue in education: troubling speech, disturbing silence / edited by Megan Boler.

p. cm. — (Counterpoints; v. 240)

I. Critical pedagogy. 2. Postmodernism and education. I. Boler, Megan.

II. Series: Counterpoints (New York, N.Y.); v. 240.

LC196.D46 370.11'5—dc22 2003025195

ISBN 0-8204-6319-1

ISSN 1058-1634

Bibliographic information published by Die Deutsche Bibliothek. Die Deutsche Bibliothek lists this publication in the "Deutsche Nationalbibliografie"; detailed bibliographic data is available on the Internet at <http://dnb.ddb.de/>.

Thank you to the Philosophy of Education Society who granted us permission to reprint three of the essays contained in this volume: "All Speech is Not Free: The Ethics of Affirmative Action Pedagogy" by Megan Boler (2001); "The Ethics of 'Affirmative Action Pedagogy'" by Suzanne deCastell (2001); and "Silences and Silencing Silences," by Huey-Li Li (2002).

Cover design by Sophie Boorsch Appel  
Cover image © 2004 [www.clipart.com](http://www.clipart.com)

The paper in this book meets the guidelines for permanence and durability of the Committee on Production Guidelines for Book Longevity of the Council of Library Resources.



© 2004 Peter Lang Publishing, Inc., New York  
275 Seventh Avenue, 28th Floor, New York, NY 10001  
[www.peterlangusa.com](http://www.peterlangusa.com)

All rights reserved.  
Reprint or reproduction, even partially, in all forms such as microfilm, xerography, microfiche, microcard, and offset strictly prohibited.

Printed in the United States of America

Content

Editor's Introduction . . . . .

Introduction . . . . .  
*Nicholas C. Burbules*

PART I. THE CHALLENGE OF CREATING SPACES FOR SOCIAL JUSTICE DIALOGUE

All Speech Is Not Free: The Ethics of "Affirmative Action Pedagogy" . . . . .  
*Megan Boler*

Moral and Political Clarity and Education as a Practice of Freedom . . . . .  
*Ronald David Glass*

The Tolerance That Dare Not Speak Its Name . . . . .  
*Cris Mayo*

PART II. COMPLICATING SPEECH AND SILENCE

No Speech Is Free: Affirmative Action and the Politics of Give and Take . . . . .  
*Suzanne deCastell*

Talking Cure: The Desire for Dialogue . . . . .  
*Alison Jones*

- Democratic Dialogue in Education: Troubling Speech, Disturbing Silence  
Rethinking Silencing Silences ..... 69  
*Huey Li Li*

ART III. MORAL AND PHILOSOPHICAL DIMENSIONS  
OF DIALOGUE

- Ameliorating Violence in Dialogues Across Differences:  
The Role of *Eros* and *Lógos* ..... 89  
*Jim Garrison*
- Democratic Dialogue: Who Takes Responsibility? ..... 103  
*Barbara Houston*

- DIALOGUE IN PRACTICE: RISKS AND BENEFITS
- Confrontation and Pedagogy: Cultural Secrets, Trauma, and Emotion in  
Antioppressive Pedagogies ..... 123  
*Ann C. Berlak*

- Fighting Fire with Fire: Jane Elliott's Antiracist Pedagogy ..... 145  
*Ingrid M. Erickson*
- List of Contributors ..... 159
- Name Index ..... 161
- Subject Index ..... 163

Editor's Introduction:  
Troubling Speech, Disturbing Silence

In 1998 I was invited to be one of four speakers at Montclair State University on the topic of "Freedom of Speech vs. Freedom from Hostility." The public forum, scheduled to coincide with National Coming Out Day, spoke to a standing-room-only crowd about the tension between Supreme Court mandates for absolute freedom of expression in university environments, on the one hand, and the "Fighting Words doctrine," which expects universities to protect its members from racial, ethnic, and religious slurs on the other. I was struck at that time with a tension that remains unresolved in my mind to this day: how can freedom of speech be claimed as a functioning law of society when people are in fact individually and systematically silenced as a result of their identity and/or views? The lone educator on the panel that included representatives from the ACLU and NAACP; I conceptualized and argued for an "affirmative action pedagogy" to illustrate how social hierarchies confer unequal weight and legitimacy to different voices, making dialogue a difficult ideal to achieve in our classrooms. Just as affirmative action seeks to redress historically embedded inequities, so do I suggest that there are times when countering dominant cultural beliefs (especially within the abbreviated time space of a classroom) may require privileging traditionally silenced voices.

I presented a more fully developed version of my argument regarding affirmative action pedagogy at the Philosophy of Education Society (PES) Annual Meeting. Paper sessions at PES take the format of a primary paper and a response presented by a preselected respondent. In the response to my essay (reprinted as Chapter 4 in this collection), Suzanne deCastell contested numerous assumptions in my argument, including whether or not dialogue is an ideal to be pursued in classrooms and how voice is or is not tied to social identity. Over the next year,

Megan Boler

## All Speech Is Not Free: The Ethics of “Affirmative Action Pedagogy”

All speech is not free. Power inequities institutionalized through economics, gender roles, social class, and corporate-owned media ensure that all voices do not carry the same weight. Within Western democracies, different voices pay different prices for the words they choose to utter. Some speech will result in the speaker being assaulted or even killed. Other speech is not free in the sense that it is foreclosed: Our social and political culture predetermines certain voices and articulations as unrecognizable, illegitimate, unspeakable (Butler, 1997).<sup>1</sup>

Similarly, not all expressions of hostility are equal. Some hostile voices are penalized while others are tolerated.<sup>2</sup> Hostility that targets marginalized people on the basis of their assumed inferiority carries more weight than hostility expressed by a marginalized person toward a member of the dominant class. Efforts to legislate against “hate speech” within public spaces cannot, in principle, recognize the differential weight and significance of hate speech directed at different individuals or groups.

If all speech is not free, then in what sense can one claim that freedom of speech is a working constitutional right? If free speech is not effective in practice, then an historicized ethics is required. Thus, the discomfiting paradox of U.S. democracy becomes apparent: While we may desire a principle of equality that applies in exactly the same way to every citizen, in a society where equality is not guaranteed, we require historically sensitive principles that may appear to contradict the ideal of “equality.” An historicized ethics operates toward the ideal of principles such as constitutional rights, but it also recognizes the need to develop ethical principles that take into account that not all persons have equal protection under the law or equal access to resources. Within a climate of extreme backlash to affirmative action

#### 4 • The Challenge of Creating Spaces for Social Justice Dialogue

and to women's rights, I propose an "affirmative action pedagogy," a pedagogy that ensures critical analysis within higher education classrooms of any expression of racism, homophobia, anti-Semitism, sexism, ableism, and classism. An affirmative action pedagogy seeks to ensure that we bear witness to marginalized voices in our classrooms, even at the minor cost of limiting dominant voices.

The first part of my argument is that all voices are not equal. Second, I will argue that the obligation of educators is not to guarantee a space that is free from hostility—an impossible and sanitizing task—but rather, to challenge oneself and one's students to critically analyze *any* statement made in a classroom, especially statements that are rooted in dominant ideological values that subordinate on the basis of race, gender, class, or sexual orientation. When students claim, for example, that they have been victimized by affirmative action, and "prove it" with their experience, we cannot allow ourselves or our students to be silenced by this "authority of experience" or "self-disclosure." No utterance that assumes the inferiority of targeted groups is sacred or immune to interrogation.

#### *The Unique Public Spaces of Education*

What does it mean to recognize, in the educational practices of college and university classrooms, that all voices are not equal? The solution is neither to invoke an absolutist sense of free speech, nor to prohibit simply and absolutely all hostile expressions. The uniqueness of classrooms is that, ideally, they provide a public space in which marginalized and silenced voices can respond to ignorant expressions rooted in privilege, white supremacy, or other dominant ideologies. Unlike many public spaces in which one may encounter hate speech—say, on a street or in a shopping mall—the classroom is one of the few public spaces in which one can respond and be heard. Educators must deal with messy issues that others cannot or do not want to address. Does this prerogative give educators any special constitutional privilege or dispensation? I leave that question open. However, to advocate that we use classrooms to critically interrogate racist and homophobic remarks is not based on an invocation of free speech. Rather, an affirmative action pedagogy recognizes that we are not equally protected in practice by the First Amendment, and that education needs to represent marginalized voices fairly by challenging dominant voices in the classroom.

I must also distinguish the public space of higher education classrooms from other public spaces where hate speech occurs. Within the majority of college and university classrooms, we are concerned with statements that are offensive, oppressive, or ignorant and that are supported by dominant cultural values institutionalized and validated through social, legal, and political practices. I distinguish such offensive expressions from what may be termed "verbal abuse" or what are legally

#### BOLER • *All Speech Is Not Free* •

referred to as "fighting words": for instance, name-calling solely intended to denigrate the other.<sup>3</sup>

The First Amendment protects the individual's right to free speech against government intervention. In the case of publicly funded higher education, the First Amendment protects individual educators' right to set classroom rules. However to what extent does the First Amendment protect hostile expressions within classrooms? Within this murky legislative terrain, I set out to examine the ethics of affirmative action pedagogy. I want to explore a pedagogy that reflects a commitment as well to the Fourteenth Amendment and to Title IX, to ensure social equity and to create an educational climate that does not replicate the social inequities of the "real" world.

#### *The Freedom to Create "Unreal" Space*

Some argue that to create a classroom environment that does not replicate the inequities of the "real" world is a disservice to students. This accusation would apply as well to women's colleges and to historically black colleges. I can see no viable reason why educators should not create "separatist" spaces in which to empower historically marginalized groups, so that they may reenter a hostile "real" world better equipped to defend their views and rights. Universities in general function as "white men's clubs" and by default function to empower those who already hold privileged positions within the "real" world.

The highly publicized event, involving Professor Mary Daly's women's studies classroom has functioned as a lightning rod for these frequently ill-informed debates. Professor Daly made a decision to prohibit two male students from enrolling in her women's studies class. In this instance, apparently the two male students were enrolling not out of genuine educational interest but in a desire to "disrupt" the "safe space" of women's studies through contentious participation. I am told that Professor Daly regularly allowed men to enroll but held separate classes for them.

The Mary Daly case raises another interesting ethical dilemma: On what basis does one disallow a student from a classroom? In Daly's case, the intention of the prohibited students was precisely to disrupt the classroom environment. Yet in other cases, one may have students whose intention is not to disrupt, who are genuinely open to education and change, yet who bring with them potentially offensive views that can in effect disrupt the classroom as much as would intentional harassment.

Not all university educators, by any means, agree on what rules should govern the climate or speech of a classroom. At a recent women's studies faculty development meeting, we discussed how any of the 20 of us dealt with expressions of racist

homophobic ignorance that arise in our classrooms. One faculty member, an assistant professor in black studies, stated that she informs students that, during the semester, they are welcome to say or express any views they wish. She invites this precisely because she sees the classroom as a place where others can educate such ignorance, that collectively the group can respond and speak back. She described how she can see attitudes change within the context of the educational space, over time. For example, when she counters a student's ignorant remark, and other students chime in, she sees the student nodding his or her head as he or she begins to develop a new awareness of the social context of his or her expression. This professor stressed the importance of critical analysis: She requires students' accountability for every one of their claims and opinions.

Another assistant professor of religion and black studies expressed an entirely different set of ground rules. She described how her web page devotes a good portion to demarcating areas of discussion, questions, and remarks that are not permissible in her classroom. She discusses these rules of conduct with her students at the beginning of class. In a women's studies class, for example, she tells students that she expects that every enrolled student is there because he or she supports the empowerment of all women everywhere. In a black studies class, she tells enrolled students that she expects them to object to any denigration of black persons anywhere.

Is the second case an example of censorship? What if a student does not support the empowerment of women? However, what effects would it have if one excludes this student from class, when in fact there is some evidence to show that sitting through the course would change that person's prejudiced thinking? A program on BS "Not in Our Town I" (Patrice O'Neill and Rhian Miller, directors, 1999) documented the radical transformation that can occur as a result of educational experience. Specifically, a course called "Tolerance" was offered in response to hate speech and crimes on a southern California high school campus. One semester a white supremacist attended the course but did not appear to change his views. A few years later, though, he returned to the teacher and explained how the course changed him. He reevaluated his belief system and now supports black rights.

Although the first instance—inviting students to express anything—may appear to invoke free speech, the operative principle is in fact, the belief that an educational environment actively engages critical analysis of how racist or homophobic opinions, for example, are founded in institutionalized systems of privilege and subordination. Following from this interpretation, the belief is that this process of challenging racism or homophobia will result in changing individual and group attitudes that are rooted in ignorance.

The second instance—prohibiting certain kinds of speech, or enforcing an assumption about what beliefs participants are assumed to hold—is similarly motivated by a commitment to an affirmative action pedagogy. In this type of class-

room, it is significant that particular hostile expressions are prohibited—those aimed at subordinate groups. This rule functions to correct an educational history that has systematically discriminated against marginalized voices. Within women's and black studies in particular, this attempt to counter unequal representation is especially appropriate.

It is helpful to see both of the above pedagogies as different ways of deploying an affirmative action pedagogy. One encourages a voicing of the hostilities in order that they may be critically addressed; the other privileges marginalized voices by setting ground rules to create a space that allows, uniquely, the unheard to be heard.

### *Justifications for Historicized Ethics*

On what basis might one justify an affirmative action pedagogy? The first justification is forwarded by legal scholars in the area of critical race theory. The authors of *Words That Wound* (Matsuda, Lawrence, Delgado, & Crenshaw, 1993) address the tension between the First and Fourteenth Amendment. The tension arises because, in fact, all people are not equally protected under the law because of the institutionalized inequities within our society. This reality complicates the effectiveness of the First Amendment. Scholarship in critical race theory and educational analyses document that in recent years, we find incidents of hate speech primarily to be directed at racial, religious, or sexual minorities. Not surprisingly, one finds in turn that invocations of the right to free speech are most often invocations to protect the right of the members of the dominant culture to express their hatred toward members of minority culture. These authors make important legal and historical cases to support their observation that, in practice, while the rhetoric of the First Amendment is a buzz word that makes all of us want to rally for its principle, in practice "the first amendment arms conscious and unconscious racists—Nazis and liberals alike—with a constitutional right to be racist. Racism is just another idea deserving of constitutional protection like all ideas" (Matsuda et al., 1993, p. 15). A scholar from another discipline addresses classroom dynamics and similarly argues that we must "read the appeal to the First Amendment as itself a kind of panic response in the same order as hate speech itself" (Roof, 1999, p. 45).

A second justification for privileging marginalized voices is based on the measurement of the psychological effect of hate speech on targeted groups and individuals. As one legal scholar explains, hate speech affects its victim in the visceral experience of a "disorienting powerlessness" (Lawrence, 1993, p. 70), an effect achieved because hate speech is comparable to an act of violence. In reaction to hate speech, the target commonly experiences a "state of semishock," nausea, and dizziness, and an inability to articulate a response. This scholar gives an example of

student who is white and gay. The student reports that in an instance where he is called “faggot” he experienced all of the above symptoms. However, when he is called “honky,” he did not experience the disorienting powerlessness. As the scholar remarks, “the context of the power relationships in which the speech takes place, and the connection to violence must be considered as we decide how best to foster the freest and fullest dialogue within our communities” (Lawrence, 1993, 70).

These considerations bring me to another key point: The analysis of utterance in the classroom requires more than rational dialogue. In fact, the critical race theorists argue that because racism is irrational, no amount of rational dialogue will change racist attitudes. I disagree, in part because I am convinced that classroom discussion must recognize the emotions that shape and construct the meanings of our claims, our interchange with one another, and our investments in particular worldviews. Thus, a discussion of racism or homophobia cannot rely simply on rational exchange but must delve into the deeply emotional investments and associations that surround perceptions of difference and ideologies. One is personally faced with allowing one’s worldviews to be shattered, in itself a profoundly emotionally charged experience.

In her book *Exorable Speech*, Judith Butler makes an argument against the critical race theorists. Two aspects of her argument are relevant to mine: the accountability of the person who utters “hate speech,” on the one hand, and the potential for critical agency on the part of the target of hate speech, on the other. Butler argues for the benefits of what she calls the “citationality of discourse which can work to enhance and intensify our sense of responsibility for it” (1997, p. 27). For example, the person who repeats or articulates a circulating form of hate speech would be required to negotiate “the legacies of usage that constrain and enable that speaker’s speech” (1997, p. 27). Butler’s argument reaches farther than my own, as she is arguing against any codes that constrain hate speech, including codes that might legislate hate speech in the dormitories or public spaces of a university. I am appropriating her point more narrowly to examine when and how injurious language expressed in a classroom provides a “teachable moment”—in other words, an extent to which educational spaces provide one of very few opportunities in which a speaker will be held accountable for the “legacies of usage” that surround hateful speech and beliefs.

I have frequently argued that one of the most effective ways to demand accountability for the “opinions” students feel “free” to express in the classroom, is a homework assignment that requires students to trace the source of their views. With respect to white supremacy, for example: a history of why and how it is contained and supported, what enables the speaker as an individual to express this view without fear of censure or loss of privilege, and so forth. Such an assignment can be equivalently required of any student’s expressed view: The sexual assault

survivor can provide an analysis of the legacies that enable her to speak of being assaulted, of the histories of women’s liberation that have sought to legislate on behalf of assault survivors, and so forth.

Butler’s second point relevant to my discussion is her argument that the *expression* of hate speech, and not its censorship, is invaluable because such expressions ensure that the victims of hate speech can develop critical agency. She writes,

Those who argue that hate-speech produces a “victim class” deny critical agency and tend to support an intervention in which agency is fully assumed by the state. In the place of state-sponsored censorship, a social and cultural struggle of language takes place in which agency is derived from injury, and injury countered through that very derivation. (1997, p. 41)

Butler’s argument supports the black studies professor who invites her students to express any of their views, no matter how offensive. This argument is compelling in some educational situations, but it would seem to offer little in situations where there are no allies to the victim who risks his or her life in uttering a critical response. To tell someone who appears “gay” or “lesbian” that, when he or she is walking down the street and is accosted by homophobic remarks from a passing car that he or she should “engage in a social and cultural struggle over language” seems a rather empty promise of redress, given that there may be no opportunity to speak back or the person’s life may be at risk. However, within an educational environment, articulation of injurious views can, if handled ethically, provide the target of hate speech with opportunities to speak back and thereby develop a sense of critical agency.

These complicating factors reiterate that all speech is not free and that the principle of free speech is so deeply mediated by power that it cannot assure the equality promised by democracy. I turn now to address briefly what has come to be called the “paradoxes of self-disclosure,” which represent a post-political correctness use of “free speech” to protect hate speech.

### “Self-Disclosure” as Thinly Disguised Hate Speech

Within a historical moment of backlash in which those with privilege have been “forced” by feminist and affirmative action policies to acknowledge power inequities, those with privilege have also recognized that expressions of “personal experience” tend to be exempted from penalization. An issue of *Concerns* (1999), a publication of the Modern Language Association, is devoted to the paradoxes created within the context of this backlash, particularly with respect to the First Amendment and new challenges for equitable pedagogies. The authors address an intriguing phenomenon of “self-disclosure” used by privileged students to justify



• The Challenge of Creating Spaces for Social Justice Dialogue

ensive expressions. Self-disclosure essentially takes up where "non-situated" hate speech or assertions of superiority left off.

Judith Roof (1999) details the evolution of self-disclosure as a version of "stand-joint epistemology," in which speakers locate themselves in relation to gender, race, class, and sexual orientation, for example. Roof goes on to argue that "the relative power accorded to groups in Western culture affects both what is disclosed and how that disclosure might be heard" (p. 48). As a result of differential weight and authority of voices,

Self-disclosures sometimes manage, whether their tone is proud or apologetic, to validate the embattled attitudes of privilege and entitlement that tend to produce hate speech in the first place. Disclosure can transform a centrist or dominant position into a victimized, marginal, oppressed slot that competes loudly for attention against the more traditionally marginal and oppressed voices that are emerging . . . [resulting in] the reassertion of a speaker's relative privilege. (p. 49)

Many educators who teach about social inequalities encounter this phenomenon which self-disclosure used by a speaker who enjoys relative social privilege functions to reassert their dominance. For philosophers, this throws us into longstanding arguments regarding epistemological relativism: Do all assertions carry equal weight? If not, why not? Particularly with respect to the invocation of "personal experience," how are we to "rank" the painfulness/attention-worthiness of different experiences, and how much space these experiences should be permitted within a discussion?

Angela Jones (1999) offers an insightful way of dealing with such uses of self-disclosure:

Every semester, for instance, a self-identified white, middle-class male student will complain that he is tired of hearing minorities "whine" about their oppression, usually volunteering his own problems as evidence that he too is oppressed. . . . I resist the temptation to cross-examine him because his complaint typically shuts down anyone who would challenge him and my pointed questions would only shut him down or create an adversarial exchange. . . . Instead it is my goal at those moments to authorize those who have been silenced by connecting their previously volunteered experiences to this particular discussion. (p. 36)

The educator might then ask the marginalized students to discuss and explain the uses they have previously raised and bring the discussion around to ask: Why is it that an analysis of racism and sexism gets cast as "whining"? Jones's example represents a recurrent problem: When we reconfigure the conversation to foreground the experiences of marginalized groups, those who have traditionally been at the center develop creative ways to reassert their centrality.

I recognize that my comment is contentious: Don't white, middle-class male students have as much right to share their experiences in the classroom? I think there are justifiable cases where they do not. In the case in question, the speaker's comment functions first to dismiss the other students' comments as "whining." Second, his interjection shifts the focus of attention back to himself and to his reluctance to recognize white male privilege as an institution and pervasive reality, no matter how troubled his own individual experience. If indeed the conversation then is redirected to his experience, affirmative action pedagogy fails. The discussion instead becomes one in which the privileged and dominant voice of society is the focus and center of attention, a context that further allows him to take up time justifying his emotional resistance to recognizing historically and socially determined inequities. Further, frequently such interjections derail a class from ongoing and in-depth study of nuances of feminist theory or other details of assigned readings. What is recreated is the classic situation to which women of color have learned to respond: "We don't want to educate you about racism, and we don't want to have to justify the fact of racism." This student's options include, instead, to go back over his class notes and assigned readings; discuss issues of sexism and feminism with other scholars and peers who care to educate him about sexism or racism, for example; to do further outside reading and scholarship to evaluate the extent of feminist, postcolonial, black, and cultural studies to grasp the accomplishments and breadth of cross-disciplinary critiques of privilege. Perhaps he can come to recognize that these critiques are not isolated instances of "whining" but rather part of a systematic investigation of social inequalities, hierarchies, and the operation of power within western society.

*Putting Affirmative Action Pedagogy into Practice*

The complexities of ensuring critical agency and juggling the paradoxes of self-disclosure come into sharp relief when one puts affirmative action pedagogy into practice. While I am arguing that ideally we challenge, for example, any homophobic remark uttered in a classroom, the complexity of social relations makes this extraordinarily difficult. To begin with, different voices carry different weight; some voices are heard better than others; some voices are foreclosed before even speaking. For example, it is one thing for my white male colleague to say, "As a heterosexual white man I believe that persons of any sexual orientation should be equally protected under the law." It is an entirely other matter for someone to say, "As a lesbian I believe that persons of any sexual orientation should be equally protected under the law." Obviously, the lesbian is biased while the white male heterosexual isn't, right? If the white man says "I feel victimized by affirmative action," the media and many of those in political power listen and validate his experience.

Whereas if an African American female says "I feel victimized by capitalist patriarchy" not only will she not be quoted in the news and not validated, she will be blamed for her failure to succeed.

A second level of complication surrounds the relationship between individuals, between different group members. For example, I am thinking of a course I was co-teaching with an African American, heterosexual, female colleague. Early in the semester, the one African American male, who rarely said anything in class, stated, "I wouldn't want any homosexuals teaching my children." I experienced, to a degree, the visceral effects of hate speech. I was shocked by his comment. I was not out as a lesbian to this class. Frankly, at that particular moment, I didn't know how to respond. I also did not want to put this man on the spot, in part because he had not spoken before. I recall that my colleague spoke directly with him when we broke into small groups. In large part her ability to challenge him was founded in their shared racial identity and perhaps the fact of their shared sexual orientation. I can recall in contrast an incident in another class in which the discussion was focused on issues of homophobia. A white male student shared, in a moment of self-disclosure, that the thought of two men having sex made him feel like throwing up, that it was totally disgusting and repulsive to him. He qualified by saying he was not opposed to other men being homosexuals, but—(the inevitable qualification). In this instance, in part because I had established more of a sense of rapport and dialogue with this class and this young man, I was able to interrogate: "Why would one feel repulsion? What social institutions and values contribute to this being our learned response? Why, supposedly, don't we feel that when we think of heterosexuality?" These kinds of critical inquiry exemplify how teachers can demand accountability from students for their hostile expressions.

I want to briefly address further the experience of educators. Who can guarantee the safety of the educator? In my own experience, coming out at a public rally held on the drillfield of my university—a former military, engineering institution—in support of Matthew Shepherd was safer than coming out in my own classroom. In some ways for obvious reasons—because one assumed people attending a vigil for Shepherd support lesbian and gay rights; because I could slip away and never face that particular crowd again. However, it is a sad state of affairs that the fear of homophobia at this university is so great that many gay and lesbian professors and students I know do not come out. This means that gay and lesbian students in class have one less role model and ally.

Just as educators must commit to being allies to marginalized views within their classrooms, so must we develop creative ways to provide allies to the educator. Collaborative teaching with diverse instructors is an excellent way to create greater safety for an educator who feels silenced or fears recrimination from students or from the institution. For example, a woman defending feminism or addressing sexism will not always be heard as legitimate, whereas if a male colleague comes in and

discusses feminism it lends validation. Crucially, for lesbian and gay educators who do not feel safe coming out it may be important to have straight allies come in and take some of the heat. This collaboration might be in the form of a roving "team" of colleagues who are available on an on-call basis. Although this is not an ideal solution—it risks disempowering the marginalized by requiring others to speak for them—it reiterates the fact that all speech is not free.

There are no prescriptions for one effective pedagogy. All speech is not equal, and this fact makes for a murky terrain with no easy solution. Ironically, one of the few places we may be able to exorcise some of the roots of inequality of speech is in the classroom, as painful and messy as this process may be. Until all voices are recognized equally, we must operate within a context of historicized ethics which consciously privileges the insurrectionary and dissenting voices, sometimes at the minor cost of silencing those voices that have been permitted dominant status for the past centuries.

## Notes

1. Forclosure is exemplified in the "Don't ask, Don't tell," policy applied to the presence of gays in the military.
2. See the many cases cited in Matsuda et al. For example, a 1989 case at Stanford University in which racist hate speech/vandalism was not penalized but a student of color protest faced disciplinary measures (1993, pp. 55–58).
3. This begs question of whether the simple utterance of a derogatory term, when invoked for the purpose of critical inquiry, is an instance of hate speech. See for example Butler (1997, pp. 37–40).

## References

- Butler, J. (1997). *Excitable speech*. New York: Routledge.
- Jones, A. (1999). Self-disclosure in the feminist writing classroom. *Concerns: Publication of the Women's Caucus for the Modern Language Association*, 26(1), 33–41.
- Matsuda, M., Lawrence, C., Delgado, R., & Crenshaw, K. (1993). *Words that wound*. Boulder: Westview Press.
- Lawrence, C. (1993). If he hollers let him go: Regulating racist speech on campus. In M. Matsuda et al. *Words that wound* (pp. 68–81). Boulder: Westview Press.
- Roof, J. (1999). The truth about disclosure, or revoking a First Amendment license to hate. *Concerns: Publication of the Women's Caucus for the Modern Language Association*, 26(1), 42–54.

Suzanne deCastell

## No Speech Is Free: Affirmative Action and the Politics of Give and Take

Central to the argument of Megan Boler's powerful, provocative, and stimulating essay is its call for an historicized ethics that "recognizes the need to develop ethical principles that take into account that all persons do not have equal protection under the law nor equal access to its resources." In Stanley Fish's words, it is "The sleight-of-hand logic that first abstracts events from history and then assesses them from behind a veil of willed ignorance" (1993) that bolsters anti-affirmative action arguments and legitimizes the perpetuation of institutional inequalities. The pedagogical practices to which historicized ethical principles ought to give rise, Boler argues, are practices of affirmative action applied to classroom speech. Affirmative action pedagogy, she writes, "ensures critical analysis within higher education classrooms of any expression of racism, homophobia, anti-Semitism or sexism," that she further characterizes as "ignorant expressions rooted in privilege." "An affirmative action pedagogy," Boler explains, seeks to ensure that we bear witness to marginalized voices in our classrooms. . . . No utterance that assumes the inferiority of targeted groups is sacred or immune to interrogation" (Boler, this volume).

However, what is meant by *voices* here, and is it the substance of what is spoken, or is it the identity of the speaker that constitutes the basis of differentiated rights to speak? *Voices* is a term that spans these two very different things: A minority student can speak with a racist voice; and the paradigmatic straight white male can voice principles and practices of equity and social justice. And neither has a monopoly on ignorance.

Whether restricting rights to speak is the way to secure freedom to speak is, of course, the trickiest question here, especially if we believe, as the American Civil Liberties Union does, that bigoted speech is only a symptom of a far greater social

and cultural problem that is bigotry itself. The discourse of "political correctness" is spoken invariably by those for whom it is merely a troublesome inconvenience that, however, is fairly easily dealt with. Exemplary of this easy solution is the student overheard to say to a peer "I wrote the political correctness section and I guess I'll put it in at the end." We all know we can regulate our speech, but changing our attitudes and actions is another matter altogether. Practices of politeness, whether merely social, or whether indeed enshrined in policy, surely do not amount to the virtues we as educators might wish were their actual motivation. Bernard Williams develops an argument with respect to tolerance that is worth considering in the present context: One possible basis for an attitude of tolerance, "but only one," Williams stresses, is a virtue of tolerance that emphasizes "the moral good involved in putting up with beliefs one finds offensive . . . [but] it is a serious mistake to think that this virtue is the only, or perhaps the most important, attitude on which to ground practices of toleration (Williams, 1996, p. 19). Tolerance as a practice, Williams points out, may most often be grounded in moral indifference, and so, I suggest, might practices of affirmative action in the classroom. So, one line of questioning to pursue here is about whether this essay is proposing an entirely political solution to a largely educational problem, that is not to deny significance to the convergence of the two domains, but nevertheless to insist on significant areas of distinctiveness between education and politics to which educational philosophers should attend.

Of particular historical interest here is how the progressive left has altered in its relation to the issue of freedom of speech: Just a few decades ago, the struggle was for, as de Certeau puts it, the "Capture of Speech," the right to freedom of expression. In more recent years, however, we have seen the progressive left turn increasingly to *restrictions* on speech rights. Why have we found free speech so unruly? How does our conception of violence alter when we shift critical attention from state violence to the violence of citizens toward minority group members, and presume the state to be its neutral arbiter?

Arguing a position in many ways diametrically opposed to the arguments of Boler's paper, Michel de Certeau contends that

Relations among groups are conflictual by nature. It is thus impossible to subscribe to the idealistic views that assume that conflicts can be resolved by means of a mutual "understanding" or merely by a technical improvement in pedagogical methods. In fact, technical improvement conceals the power that one group exerts over others by defining in its own terms the protocols of the encounter. (de Certeau, 1998, p. 161)

de Certeau calls this strategy an "*ethnization of political problems*" (p. 162), and calls for an explicitly political clarification and expression that is not constrained by, in his words again, the "obsession with unity," and he urges, in the context of

courses on civic morality within a "school for diversity," action and reflection to counteract this "ethnization" of the political.

The resourcefulness of minority speakers confronted by the apparatuses of power within which they must simultaneously speak against that power, I suggest, is not better served by one particular form of speech over another, and above all it is diminished and not elevated by special rights to speak granted by those same apparatuses.

Writing here on the politics of speech specifically from the standpoint of the revolt of workers and students in France in May and June of 1968, de Certeau stresses the significance of what he terms "the capture of speech." The very idea of a "capture" of speech is significant. Speech was not granted; it was, indeed, captured. Much was risked; struggles ensued—in the streets and universities, to be sure, but also within individuals, in families, between friends, within communities. Speech was not given, it was taken, and this, I think, is important. Because so long as power and participation are granted to its traditional outsiders by those who own the keys to the institution, the risk is that, in de Certeau's words, ". . . the dominant group would be given the dominant role as the essential actor in history" (an actor who becomes, de Certeau adds, "an evil agent if it cannot be a benevolent hero" (1998, p. 162). So seen, even this right to speak is granted under the sign of passivity.

Here again it becomes important to ask: Does this pedagogy accord rights to speak on the basis of what is said or on the basis of who says it, on the basis, that is, of identity? Because of course identities are more often hybrid than pure. More important, identities that are ascribed rather than asserted work, again, to position the subject under the sign of passivity—the teacher, but not I myself, knows who and what I am.

I am troubled, too, by an apparent lapse of historical memory in sentences such as "the uniqueness of classrooms is that, ideally, they provide a public space in that marginalized and silenced voices can respond to ignorant expressions. . . ." Ideally, they do, which is part of the problem with philosophical analysis that forgets its history. How can we forget that the uniqueness of classrooms, *historically*, is that they have effectively accomplished and authorized social relations of hierarchy and subordination, that they have provided a public space for the exercise of power and the legitimizing of racism and oppression in the name of truth, rationality, justice? And, it is in these very same spaces that we will now conduct education as a practice of freedom? How can this happen? By means of what tools can so radical a structural reorganization be accomplished?

When Boler characterizes the to-be prohibited forms of speech as those that "are supported by dominant cultural values institutionalized and validated through social, legal, and political practices" does she forget that education is precisely one such institution? Why place into the mouths of students institutionally supported racism, sexism, homophobia, and so on, as if these students were their ordinary

speakers, rather than words ventriloquized by subordinated subjects of the school's, and later the university's epistemological and ethical "canon," its "official knowledge" about its proper subjects, and its proper subject matters. If our students were the *source* of such ignorance and hostility, rather than merely the enunciators of what schools and universities have taught them, we might hope to deploy schools and universities as gatekeepers in practices of their eradication. However, if students are merely the mouthpieces for the official discourse that protects and preserves a political condition of radical social inequality, do we not, as Judith Butler (1997) warns, unwittingly suspend critical insight into state power and state violence when we displace power and violence onto individual citizens of whose rights to speak the state is thereby constituted as neutral arbiter?

If we are presupposing in such an argument that teachers are willing and able to transform pedagogy by means of critical dialogue, why do we do so? What theory of change is at work here?

### *The Talking Cure*

It is at this point that many educational theorists turn to the pre-eminent tool set of subject formation, the practice of speech, and to the particular form of speech privileged by educators since Socrates (and no less spurious today than in his time), that distinctive set of deceptions and deformations we like to call "dialogues." Why has such passionate effort been devoted to defending the sanctity of the dialogue as the educative method of choice? I suggest that dialogue does not in fact have the effect it is presumed to have, and at the level of its theoretical conceptualization, we have to ask why so many have made impassioned arguments for it. Recall here Foucault's (1978, 1988) extensive critical interrogations of the obligation to speak, the institutionalizing of the practice of confession, and, of particular importance for educators, its normalizing, in his words, "disciplinary" function.

Indeed Boler's first paragraph announces this: "... our social and political culture predetermines certain voices and articulations as unrecognizable, illegitimate, unspeakable." It is ironic indeed, then, that the argument following this acknowledgment of historically prestructured inequalities of speaking is an argument for the special protection of rights to speak. What kind of right is this right to deliver unrecognizable utterances always already illegitimately spoken by unspeakable subjects—and how can it be enforced and defended?

More important for my purposes is the presupposition too often made with respect to the talking cure—the insistence that hearing silenced voices, by that of course we mean people talking—fixes everything. I am not even sure whether talking fixes anything—but certainly talking does not "fix" social injustice even within the microcosm of the classroom, let alone fixes what is at root a political-administrative

and not an ethical or an educational problem. In fact, as Butler (1997) has argued, prohibiting hostile speech cannot be done except by re-citing it, and in that re-citation, the possibility of repeating its harms is ever present.

One right that educators ought not to defend, however, is the right to be ignorant and the right to speak ignorantly. And this is not specific to any particular community or type of student or type of speech. If educators refused that right of ignorance to their students, wouldn't pretty much all the kinds of speech that affirmative action pedagogy seeks to prohibit by resorting to speech codes be dealt with? What kinds of undesirable speaking would be left over?

Teaching often will involve, indeed necessarily does involve, the temporary, tactical, and selective suppression and privileging of what students might wish to say. But in the end, educating is the job of the educator, and what gets said in the classroom may be more important than whether or not it is the students themselves who say it.

While the First Amendment prohibits the making of *laws* restricting freedom of speech, and that prohibition does make any attempt to violate freedom of speech a risky business, there is no constitutional requirement for educators to afford full rights to speak to all students at all times, and indeed they have never done so. What we see here is not the courageous educator seeking equity and social justice even at the risk of breaking the law, but, sadly and pathetically enough, the too frequent timidity of educators who clutch at the First Amendment as a justification for *not* doing what they ought to do, and saying what they ought to say, even though their freedom of speech is protected.

Instead of criticizing ethically impoverished practice, shall we say to teachers "You will be entitled to silence students who oppose you, if you feel intimidated about affirming equity and inclusion, we will create a team of allies who will speak on your behalf. If you feel too exposed, you need not risk disclosure of your own otherness, we will find a majority speaker whose voice secures for you protective coloration... you can be a coward, weak, closeted, and we will make it possible for you to be an activist for social justice." Meanwhile, what work are we doing to afford protection to those far less powerful Others whom we would encourage to speak their difference, by a temporary and artificially enclosed silencing of otherwise dominant peers?

The truth is, whatever arguments we can marshal, teachers, and especially women and minority teachers, are rarely *able* in reality to silence speech both hostile and ignominant, when spoken by dominant "voices." Given our inability to create adequately protected discursive environments, why is so much attention paid to protecting the educator from the dangers of practicing equity and inclusion, and why is so little attention paid to making practices of equity and inclusion less dangerous for students of a different "voice"? For it is not at all clear to me that protecting the first secures the last.

## References

- Boler, M. (This volume). All speech is not free: the ethics of "affirmative action pedagogy."
- Butler, J. (1997). *Excitable speech: A politics of the performative*. London: Routledge.
- De Certeau, M. (1998). *The capture of speech*. Minneapolis: University of Minnesota Press.
- Fish, S. (1993). Reverse racism, or how the pot got to call the kettle black. [www.Theatlantic.com/politics/race/fish.htm](http://www.Theatlantic.com/politics/race/fish.htm)
- Foucault, M. (1978). *The history of sexuality* (Vols. 1-3) (R. Hurley, Trans.). New York: Random.
- Foucault, M. (1988). Technologies of the self. In L. Martin, H. Gutman, & P. Hutton (Eds.), *Technologies of the self: A seminar with Michel Foucault* (pp.16-49) Amherst: University of Massachusetts Press.
- Williams, B. (1996). Toleration: An impossible virtue? In D. Heyd (Ed.), *Toleration: An elusive virtue*. Princeton: Princeton University Press.

Alison Jones

## Talking Cure: The Desire for Dialogue

In her notes to contributors, Megan Boler posed to the writers of this book what she called its "central questions":

What challenges of voice/speaking/dialogue arise in your teaching practice? Is democratic dialogue possible in our classrooms? Is it a worthy ideal? How do existing social inequalities make dialogue problematic? Should certain forms of speech and/or certain historically constructed identities or voices be "privileged" as a form of historical redress?

What is this desire for dialogue? Why should we want to talk to each other? The commonsense answer is that it has to be a good thing to be able to communicate across difference. In its ideal form, dialogue between diverse groups dispels ignorance about others, increases understanding, and thus potentially decreases oppression, separation, violence, and fear.

The calls for communication between ethnic groups seem to be more urgent since the events of September 11, 2001. If it was already a good idea before the al-Qaeda attacks on New York and Washington to establish genuine cross-cultural dialogue, its importance certainly intensified afterwards. Conversation between adversaries, or just between those of different racial and religious backgrounds, is seen increasingly as a social good, at least by those seeking a peaceful means of resolving difference or conflict. Dialogue, it is assumed, provides the opportunity for the development of tolerance, understanding, and ultimately unity; it can decrease instances of ignorance and racism and other prejudices that are the basis of social division. Not only will dialogue between groups decrease actual threat, but