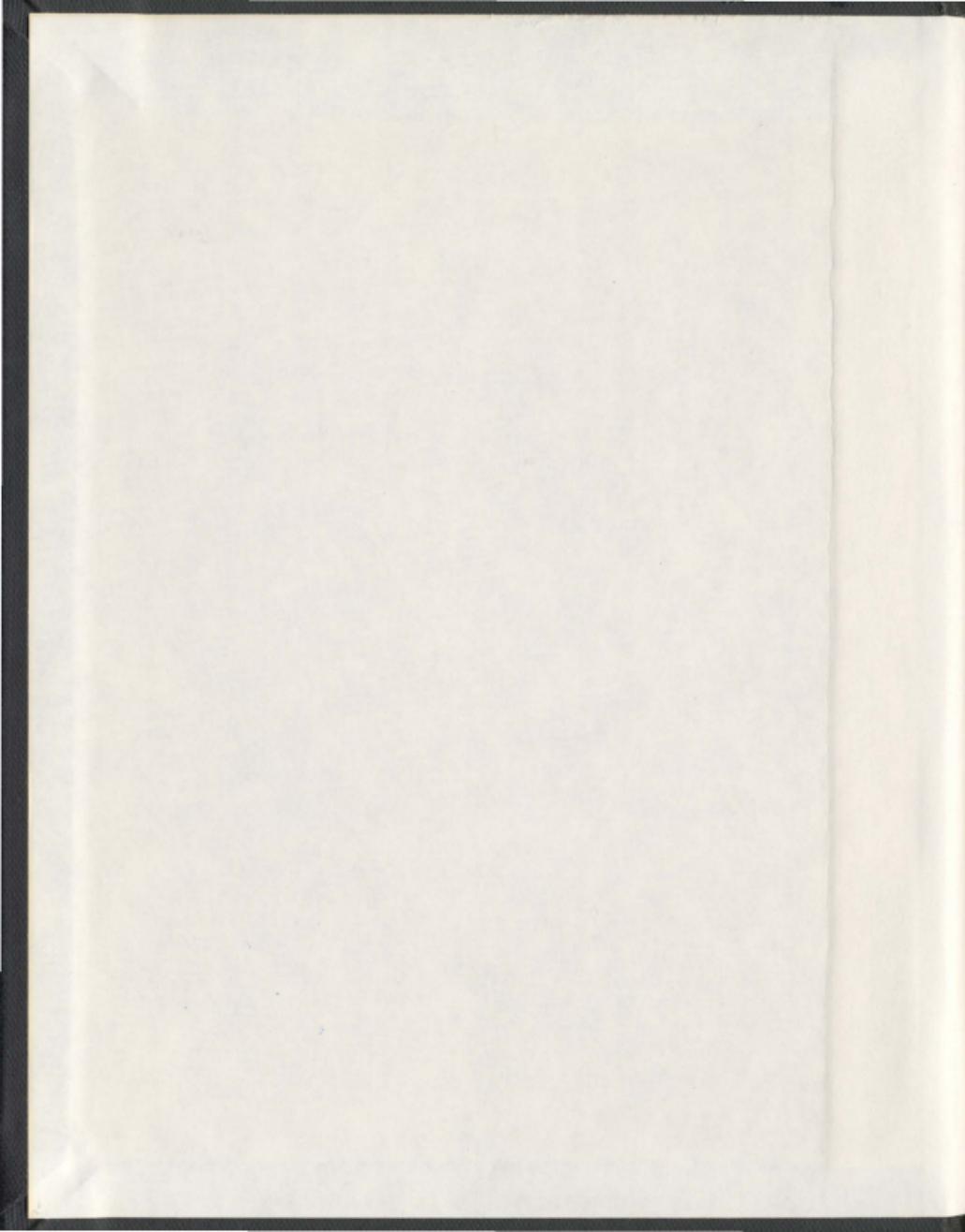


LEARNING WHAT YOU CANNOT SAY:
PUBLIC SCHOOL TEACHERS AND FREE SPEECH,
AN EXPLORATORY QUALITATIVE STUDY

JOHN L. HOBEN



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by

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A dissertation submitted to the
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Learning What You Cannot Say:
Public School Teachers and Free Speech,
An Exploratory Qualitative Study

by

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Learning What You Cannot Say: Public School Teachers and Free Speech, An Exploratory Qualitative Study

This thesis examines the impact of teacher perceptions of free speech on teacher identity and school cultures. Based on interviews with twenty-two teachers in Newfoundland and Labrador, the research explores how perceptions of free speech influence teachers' understanding and performance of their professional identities. Results suggest that teachers are uncertain about the nature and meaning of free speech and that this has a detrimental impact on teaching and learning as well as their ability to participate in school governance initiatives.

Informed by critical, democratic theories of education, the study explores demands faced by teachers as employees who are also professionals. Participants described a type of professionalism that was rooted in service, obedience and compliance and, which, along with the notion of the reasonable limitation, acted as a disciplinary norm. Significantly, when talking about free speech most teachers emphasized the importance of learning what one cannot say. More specifically, many teachers commenced their exploration of the concept of free speech by focusing on the notion of a reasonable limitation rather than considering the nature and existence of any right. Teachers treated free speech in the workplace as more of a privilege than a right and expressed great reluctance about speaking critically in the public sphere where their views could contribute to an informed public dialogue about contemporary educational issues.

Free speech, participants suggest, rather than being speech without limits, is the ability to express oneself with minimal administrative interference and often within the context of a "troubled agency". The latter results when teachers are forced to contest professional identities in school systems whose objectives are sometimes at odds with the best interests of students. Between the poles of speech and silence a broad range of speech practices and conceptions of free speech exist. Collectively, these findings suggest a need for further research as well as a renewed emphasis on the democratic role of public schooling within professional associations, teacher-education programs and schools themselves.

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Chapter 1: Introduction: Education & Free Speech

1.1. Summary & Overview

This Chapter explores the meaning of free speech as it relates to the public schooling context. I describe a well publicized incident of censorship and its effects on the cultural climate within Newfoundland and Labrador's schools. I begin to examine the implications of teachers' perception of their employment role in light of public schooling's democratic function. Often neglected aspects of speech are discussed, including the relevance of personal expression as a form of social speech closely tied to identity formation. I argue that creating forms of expression which are intimately connected to local spaces and democratic learning communities centered on creativity, caring and ecological sustainability is key to a critical democratic socialiability.

1.2. Reclaiming the Idea of Democracy in Education

"Language is no longer linked to the knowing of things, but to men's freedom."
(Foucault in Emerson, 1983, p. 245)

"The conception of education as a social process and function" says John Dewey (2005) "has no definite meaning until we define the kind of society we have in mind" (p. 202). All teaching and learning is, in some respects, localized and historical. Newfoundland culture is one with deep, longstanding, connections to language: Newfoundlanders share a cultural identity marked by a rich, imaginative tradition of storytelling, song, and folklore told in dialects which, like the stories and the people themselves are closely tied to a sense of home, community and place. Indeed, if we take seriously Wittgenstein's dictum that, "the meaning of a word is its use in the language" (Wittgenstein in Atkinson, 2008, p. 229), then the ability to use language creatively is an

important, even vital part, of the construction of public knowledge. Given such a critical framework, education is a mode of living which is concerned with human knowing and learning for the purpose of adaptation and growth within social communities (Dewey, 1963, 2005). Expression forms the primary mode of social interaction: it is the means through which teachers and students, not only present themselves—but also the primary mode of educational activity—the medium of teaching and learning itself (Freire, 1970, 2007).

Free expression deals intimately with the relationship between the speaker, speech and those actual or potential listeners who belong to a public culture governed by laws, norms and ideals. This is a type of speech which is often ignored or neglected by liberal rights discourse, but it is also one which can be deeply transformative, and, hence, political. As Eisner (2002) notes, expression reminds us that, “personal signature is important and that answers to questions and problems need not be identical” (p. 197). Expression, like culture, is concerned with the particular: how a situated subject makes meaning, from the world in which s/he lives. Expression creates the bonds of community, in the form of language and institutions through which we communicate our social expectations and shared notions of consequence.

In Newfoundland and Labrador, the shared legacy of colonialism, the ecological catastrophe of a failed fishery, years of turmoil and scandal in the Church, the end of the denominational educational system, and the challenges raised by economics and geographical isolation mean that what is at stake is not only individual rights but the future of communities. Effective education within such an historical context is about community building: about giving students the opportunity to explore who they are so

they can use the knowledge they are given to bridge divides between past and present to explore the intimidating, or even threatening world outside of their community. These tensions between the local and the global, the modern and the premodern are even more salient as we become aware of the need to develop models of education which build human relationships from the ground up—as a means of developing strong democracies and ecologically sustainable communities.

This qualitative study grew out of a recognition of the complex problems faced by teachers working in increasingly centralized, intensified school environments. As a sessional instructor in a Faculty of Education I often heard teachers speak of their reluctance to express their views regarding educational problems. Despite a desire to participate in public educational forums regarding problems arising from school consolidations or closures, changes in curriculum or policy. On a personal level, I have worked as both a teacher and a lawyer, bringing a unique perspective to these issues. My father, my mother, my uncle and many of their closest friends were teachers—most in rural areas of the Province—where the school is seen as an integral part of community social life.

Growing up during the time of the moratorium, I saw rural communities face enormous ecological and social challenges which forced those living in them to ask often difficult questions about who they were and what was it about rural life which made such intense commitments worthwhile. The abrupt closure of the fishery was a catastrophic event for isolated communities in which it was the major—and often only— source of employment (Cadigan, 2009; Scott, 1993). While one response to the crisis was government sponsored retraining, rural people faced an identity crisis, since many did not

want to leave their homes, and the new futures offered by formal schooling were often tied to the grim reality of leaving a culture and a way of life which was for many the only one they had ever known.

For me, as for many people, teachers played a special role in relating formal schooling to the lives of those within the community. Rural teachers were often capable of bringing the curriculum to life because many of them grew up in the communities in which they taught. They represented a convivial aspect of teaching and learning whereby a teacher was seen as more than a set of skills or a body of substantive knowledge which they carried under their arms like a bundle of books. They were a part of a broader community culture which animated the school and brought it to life.

Schooling of a different kind, of course, played a role in the moratorium. Many fishers and plant workers were retrained for jobs which often did not materialize, though many learned basic literacy, academic, and technical skills. It was, in many ways, a type of education which, from where I stood, seemed like a last resort, a palliative treatment for those with a dire prognosis—fatal attachment to place. Of course, some people did move away, although many more stayed—the young among them. But communities changed. In many cases, they were consolidated in a type of resettlement by attrition; this was done by many means including simple population decline and the consolidation of public services.

This of course, included schools. For many people, the loss of the school was about much more than missed curricular activities and the dangers of long drives on icy winter highways. The school was, and remains, a hallmark of a viable community, a vital part of the community's social life, as schools, like churches, are places where sports are

played, assemblies and award nights hosted, and seasonal concerts of all types—often involving local talents—performed. The prospect of losing one's school represents a severing of the community bond, a break, and a discontinuity with this tradition of homegrown teachers which perhaps reassured the community that it could grow into the school, rather than seeing the school as something branded on the body of the community and its social life.

But even more than an end to conviviality, the end of the community school also raises the problem of community leadership. In many small communities teachers play a strong role in community organizations and local politics, yet quite often they are conspicuously absent from campaigns to save neighborhood schools. This was also the case in my own community. In fact, after hearing about the rumored closure of our old high school I remember asking a friend if the community was going to band together to try and stop this from happening. His response was something along the lines of "well, the teachers don't care, they aren't doing anything, so why should anybody else?" That response bothered me. Mostly because I knew that many teachers felt that they were not allowed to speak out publicly against the closure.

For this reason local teachers stayed away from public meetings on the issue, resorted to having family members write editorials, or passed on secret communiqués to parents and friends. While our school survived, thanks mainly to the efforts of community members, my friend's comment stuck with me. It was a case where a forced silence had been taken to mean something which those who had been silenced deeply disagreed with. There seemed to be something tragic and contrary to the way community schooling worked in that—indeed, something deeply at odds with the basic ideals of

democracy itself. This was an event which hinted, perhaps, at “the traditions of silence, and [the] deep unwillingness to communicate on real issues which divide us” (Scott, 1993, p. 236).

Much later when the Avalon East incident garnered public attention, I was again struck by the seeming injustice of what went on. In January 2006 Mario Simon and James Dinn, two teachers from the Avalon East school district in Newfoundland, were suspended one week without pay for remarks made at a NLTA workshop on teacher stress related to the absence of resources for classroom teaching and substandard professional development.¹ Ironically, one of the members had criticized the board for ignoring teacher concerns and for creating a climate where “teachers feel they cannot speak out on matters affecting them and fear addressing those issues with the board”². The teachers’ public remarks were deemed by Darrin King, the Director of the District, to be “insubordinate” and “derogatory”.³ Only after intense public pressure and the threat of protests were the suspensions lifted.

Despite the fact that the disciplinary measures facing the teachers were later rescinded, many teachers expressed disbelief at the heavy handed nature of such sanctions imposed for the expression of honestly held beliefs. Moreover, teachers also expressed uncertainty regarding the limits of permissible speech, and, as a result, expressed a reluctance to make even general public statements regarding educational issues. Indeed, during the course of that dispute teachers were advised by their own association that “it would not be advisable for teachers to participate in any form of

¹ “No Tales Out of School”, *The Telegram*, Saturday, November 3, 2007, p. A.1.

² “No Suspensions for Teachers”, *The Telegram*, Tuesday, January 17, 2006, p. A. 1.

³ “St John’s teachers receive suspension notice” *The Western Star*, Thursday, January 12, 2006, p. 4.

public campaign or debate aimed at overturning a decision of their employer”.⁴ Such public statements were reinforced by comments made by the provincial teachers’ association president warning educators about making specific criticisms of school board policies or decisions, which he contrasted with general comments regarding educational policy.

As a graduate student, a former lawyer and a teacher dedicated to democratic education, I had serious concerns about these events. Why shouldn’t people be able to speak the truth about something they felt so passionate about? What lessons were being passed on to students? It seemed to me that on the one hand there were teachers who felt no one was hearing their warnings about being caught in a system under immense pressures and failing the kids it was charged with serving; and, on the other, an educational bureaucracy angered by intense media scrutiny, hampered by a lack of resources, and its perspective skewed, perhaps, by an instrumental rationality compounded by a desire to control and oversee the most minute details of educational life.

While I was heartened by the support expressed by teachers for their disciplined colleagues, I was also perturbed that the incident left much unresolved. Hearing the comments of teachers around me made me realize that they were now deeply uncertain about just what rights they had. Having presented a paper at the Atlantic School Boards Conference with Professor Paul Wilson of Grenfell Collegiate on the legal aspects of the issue, I decided that this was worth a deeper look.

Needless to say I was worried myself about addressing the topic in a province which is relatively small and historically faced with a challenging economic climate—

⁴ “No Tales Out of School”, *The Telegram*, Saturday, November 3, 2007, p. A.1.

one in which the government remains a major employer. However, I was motivated by memories of my old school, the people of my community and the struggle of many rural Newfoundlanders to make a better life for themselves and their children. While not always an easy task, it was one which they saw as right, and, for this simple reason was one well worth the effort. It was a lesson which I took to heart.

1.3. Why Speech? Education & Expression

The Avalon East incident illustrates how restraints on teacher speech are often viewed as consistent with an employee's common law duties of fidelity, loyalty, and confidentiality. It is also remarkable for how it was interpreted, not as a victory, but as emblematic of the lack of respect teachers receive, and the failure of schools to include teachers' voices in any meaningful way. Such events appear incongruous in light of recent administrative initiatives that have tended to call for increased community and teacher involvement in broad based decision making structures. Under this broader "progressive" umbrella initiatives such as, "site-based education, school based management, shared decision making, school councils, school improvement teams, collaborative schools, and teacher leadership "have attempted to enhance teacher participation as well as school accountability" (Bucci, 2005, p. 123). Talk about teaching provides one means of exploring alternative standpoints on individual teaching practice, especially as values and assumptions are reflected in everyday habits (Corcoran & Leahy, 2003, p. 33).

Given the public nature of this incident, what did such a silence mean for a teaching practice which accepts, "responsibility for development of students as whole

persons” (Noddings, 2003, p. 249)? Although “official” educational discourse often focuses on discrete learning outcomes, in many respects curricular issues cannot be readily separated from the cultural politics of schools (Giroux, 1998, 2000, 2005). Such issues also gain importance considering the fact that, “teacher beliefs and theories form the central thread in the knot of pedagogical and curriculum decision making” even though we often see that “teacher’s personal theories and philosophical theories often remain tacit and unexamined” (Fickel, 2000, p. 365).

Against this backdrop of uncertainty there was an equally sharp division between the academic curriculum and the pragmatic reality teachers face (Helfenbein & Shudak, 2009). Critical approaches, taught in teacher education programs, often endorse the pedagogical and practical benefits of dialogue outside, as well as within, the classroom; administrative programs likewise tout the importance of transformational leaders who consult and collaborate with teachers; guidance programs speak of the need for empathetic listening, mutual respect and dialogue as means of maintaining healthy working environments; and much of the discourse surrounding school restructuring speaks of the need to make teachers equal partners with parents and community members in creating transformative schools. Maxine Greene (1978), memorably phrases the dilemma of the reluctant servant of the system in search of wide awakensness, which so many feel in the modern world this way:

This is an important problem today...Everywhere, guidelines are deteriorating; fewer and fewer people feel themselves to be answerable to clearly defined norms. In many places too, because of the proliferation of bureaucracies and corporate structures, individuals find it harder and harder to take initiative. They

guide themselves by vaguely perceived expectations; they allow themselves to be programmed by organizations and official schedules or forms. They are like the hero of George Konrad's novel, *The Case Worker*. He is a social worker who works with maltreated children 'in the name', as he puts it, 'of legal principles and provisions'. He does not like the system, but he serves it: 'It's law, it works, it's rather like me, it's a tool. I know its ins and outs. I simplify and complicate it, I slow it down and speed it up. I adapt myself to its needs or adapt it to my needs, but this is as far as I will go'. Interestingly enough, he says (and this brings me back to wide-awakeness) that his highest aspiration is to 'live with his eyes open' as far as possible; but the main point is that he, like so many other clerks and office workers and middle management men (for all their meaning well), is caught within the system and is not free to choose. (p. 43)

What Greene (1995) calls wide awakeness is a capacity born out of imagination, critical thinking, and a commitment to living passionately. Speech, especially critical speech allows us to test, and, to change, the reality before us. Silence, in contrast, leads to a state of affairs where, "the reality they have constructed and take for granted allows for neither autonomy nor disagreement" (Greene, 1978, p. 45). Greene reminds us of the plague of indifference she has written about elsewhere in the context of Camus' doctor Rieux, or of Roger Simon (1990) and his exploration of the theme of duty in his discussion of *Inherit the Wind*. In the latter play, we are reminded of the words of Bert Cate's lawyer, Henry Drummond, who asks the beleaguered schoolteacher to decide whether he was "a civil servant or a servant of the truth?"

As Simon (1990) notes, the choices are often not so stark. Weissman (1996) argues “the idea of free speech has been decontextualized, so that the mere phrase ‘free speech’ provokes our respectful approval, without regard for the effects or circumstances of particular speeches” (p. 399). To be truly transformative schools must create a space for meaningful human relationships, to help people find their voice and their place in the world. Being critical is a form of communicative competence which requires that teachers and students practice “naming the world on their own terms, using language in ways relevant to their own lived experience and thereby taking power into their own hands” (Yeoman, 1996, p. 598).

Yet, despite such ideals, empowerment remains a goal frustratingly difficult to implement in real life practice. As Quinn (2003) phrased it: “to be frank, several barriers conspire in many schools—lack of time for planning, the lonely and isolated culture of the classroom, and the traditional, hierarchical decision making approaches—to mar the complete portrait of teachers as leaders” (p. 26). To Quinn’s (2003) list we could add a teaching environment which is inimical to open speech about teaching as an instrument of educational reform; factors which not only mitigate against the possibility of teachers as leaders, but also against the possibility of discovering a transformative, community-based pedagogy. There are personal as well as systemic costs of a workplace replete with increasing surveillance, loss of autonomy and heavier workloads. Younghusband (2005) in her path breaking study of teacher stress in Newfoundland and Labrador observed the increasing demands placed on teachers, in part due to administrative restructuring, consolidations, differentiated instruction, and the stigma placed on speaking out about stress:

Teachers bring themselves into their classroom as helping persons.... for individuals in helping professions the person is of utmost importance and his/her greatest skill is the ability to model aliveness and realness....those in a helping profession [must] take care of themselves so that they retain this aliveness. ...[Yet] teachers are exposed to risks that can become chronic problems...There is more to teacher stress, however, than trying to take care of one's self. After decades of research there is extensive information but little or no progress toward alleviating the problem. Teachers do not feel that they have an equal partnership in education; they feel overworked and unsupported. They report being excluded from the decision – making process and they want some autonomy. Teacher stress and resulting burnout is a serious problem that should be researched in a meaningful way if the quality and productivity of education is not to be weakened and if the health and well-being of teachers to be taken seriously. (p 11)

Censorship is of concern, consequently, because it hinders the dialogue and knowledge sharing which stands at the core of teaching proficiency and coping alike. This practical teaching knowledge is context specific, experience based, and furthers individual teachers as well as the school as a whole (Corcoran & Leahy, 2003, p. 31). Teachers circulate within many worlds—that of the classroom, but also, that of the broader community (Shor, 1996). Given the public nature of these forums many examples of censorship become known to students who “learn implicitly...every day through policies and practices at school, and how these are developed and implemented” (Cassidy and Ferguson, 2008, p. 198). Censorship mediates the types of experiences teachers are able to share with students, thereby forming part of a powerful “informal

curriculum” which teaches students much about the ways in which power should be exercised in a democratic society (Cassidy & Ferguson, 2008, p. 207).

Part of this “informal curriculum” is legal in nature and reflects the importance of the schools role as a site for the dissemination of basic democratic knowledge about rights essential to the creation of strong publics (VanderStaay, 2007). It belongs to what Black (1973) terms the “mobilization of rights”: the process by which law becomes taken up and circulated, the means by which substantive law takes on its cultural form and effects change within society. It is also, as Lawrence Friedman (1989) points out, a position sensitive to the ways in which “legal and popular culture, as images of each other, help explicate and illuminate their respective contents” (p. 1579). Indeed, the process of informing citizens of their rights and obligations in relation to the state is largely an educative one, since without such knowledge rights and obligations cannot inform social expectations or conduct. We might say that formal rights need to become embedded in culture in order to become normative; and that, more generally, they represent a minimum standard of socially acceptable conduct (Moghaddam, 2000, p. 292; Moghaddam *et. al.*, 2000, pp. 296).

As part of this process, within the post-industrial world of globalization, legal changes need to effect corresponding changes at the “more subtle micro level of everyday social practices” (Moghaddam *et. al.*, 2000, p. 297). The rights of assembly and expression are important countervailing mechanisms to the state’s power and constitute an important non-violent way of coordinating political action. Just as we are careful to ensure that the state respects certain limits regarding our property and our bodily integrity, because speech is so important to our autonomy, it must be protected from

undue political interference, normally by constitutionally protected rights. C. Edwin Baker (1989), drawing on the work of Thomas Emerson, describes the purpose of state protected speech as being:

essential for furthering four values: (1) individual self fulfillment, (2) advancement of knowledge and discovery of truth, (3) participation in decision making by all members of the society (which is 'particularly significant for political decisions' but 'embraces the right to participate in the building of the whole culture'), and (4) 'achievement of a 'more adaptable and hence stable community. (p. 47)

However, this is often not the case. As Baker (1989) notes elsewhere, "the modern period is increasingly dominated by instrumentally orientated market and bureaucratic practices that treat wealth and efficiency as goals that properly dominate all other concerns" (p. 95). And yet, speech is very pertinent to the well being of communities and their ability to pool resources for collective action, often in response to powerful bureaucracies which are the object and the source of instrumental rationality as they intrude into community life.

Rights, to be meaningful, must be part of a participatory tradition which acknowledges the role of a civic responsibility open to imaginative, impassioned interpretations of democratic culture (Simon, 1990). What we want to avoid is a social norm of begrudging admission: that freedom is important to someone else, or that it belongs to another, perhaps more formal legal setting – that it is ancillary, rather than fundamental to education, in some profoundly personal and immediate sense. The

renowned anthropologist and cultural critic Dorothy Lee (1987), writing some fifty years ago, put the problem this way:

A few years ago...I proceeded to find out how we use the term *free* in the mid-twentieth century...After weeks of listening to conversations...I came reluctantly to the conclusion that the term *free* was almost never used, except by people whose function it was to evoke or facilitate freedom, or to remind people about freedom, or to prod people into being concerned about it—that is, by people such as social scientists, politicians, psychoanalysts, and educators. Otherwise, the term *free* was not applied to the freedom of the self. When used at all, it was used occasionally to refer to freedom from entanglement, and more frequently, to free time and free objects, that is, objects which could be acquired or enjoyed without being paid for, such as free lectures or free cigars. *Free* here referred merely to a condition of the situation, a negative condition; to something that was not there. It referred to a welcome lack of requirement, to an absence of *have to*. I do not *have to* pay for the cigars, or for a ticket to attend the lecture; my time is free because I do not *have to* do anything now. (pp. 53, 54)

As Lee (1987) suggests, while freedom's viability lies in the degree to which it has become a part of everyday culture, censorship, in contrast, is a blunt instrument to effect a subdued silence also attainable through public apathy, ignorance or the slow disintegration of democracy. In this regard, as J.M. Coetzee (1989) has wryly observed, "it is a revealing feature of censorship that it is not proud of itself, never parades itself" (p. 35). But realizing just when censorship occurs is complex since "[s]ilence can be either the outside of language or a position inside language, a state of noiselessness or

wordlessness. Falling silent is, however, not a state but an event” (Felman, 2002, p. 24). Silence becomes a mode of signification when most members of the public remain unaware of the depth of teachers’ fears about speaking out. Even discourse, Felman (2002) reminds us, citing the words of Walter Benjamin, strains towards the listener’s attentive repose since “[c]onversation....strives toward silence, and the listener is really the silent partner. The speaker receives meaning from him; the silent one is the unappropriated source of meaning” (Benjamin in Felman, 2002, p. 22). The censor also masquerades as listener, such that even silence is bound up in a series of gestures and performances, which must be examined if we are to attain some semblance of meaning. A sensitivity to gaps, masks, to things unspoken and a commitment to uncovering repression, then, are part of the moral quest of transformative teaching wherein “the expressionless turns into storytelling” (Felman, 2002, p. 14).

1.4. Revisiting the Knowledge Factory: Socializing Consumers or Citizens?

Felman’s (2002) emphasis on storytelling, as related above, suggests a need to revisit the local as a historical setting informed by distinct political and ideological forces. In this province, teachers’ sense of the importance of the local is compounded by a long history of strong interpersonal relationships borne out of the needs raised by, often isolated, communities and subsistence economies. Yet, within a standardized, centralized educational system, the school becomes something which transforms the local rather than being centered in an interactive dialectical engagement between local and official forms of knowledge. In this province, despite the fact that “shared decision making” has been touted as the new norm (Macaluso, 2005, p. 116), school boards, school administrators,

and even, the provincial teachers' association, have cautioned teachers about speaking out on the issue of rural school closures, teacher stress or increasing workloads.⁵ Such blanket prohibitions, arising, in part, out of the "discourse of educational management", have also suppressed the expression of concerns regarding the working conditions of teachers and the state of the education system (Humes, 2000).

Silence also leads to isolation, especially among young teachers who "if not fully supported and engaged [may withdraw from] the reflection-renewal-growth process" (Corcoran & Leahy, 2003, p. 33). Unfortunately, such tendencies are compounded by the fact that "[e]ducation policies emphasizing standardized, measurable educational outcomes, efficiency, accountability, and the performative value of knowledge have become typical of industrialized Western countries in an era of neoliberal reforms to the welfare state" (Servage, 2009, p. 166). Many of these restrictive policies are implemented by a professional class of managers who provide "the technical and professional support for accountability, measurement, product control and assessment that is required by the proponents of...marketization and...policies of tighter control" (Apple, 1998, p. 21).

Such "empowerment" models belie the subtlety of censorship since very often the day to day suppression of speech is accomplished by the working of systemic "filters" where, "[t]hose who adapt, perhaps quite honestly, will then be free to express themselves with little managerial control, and they will be able to assert, accurately, that they perceive no pressures to conform" (Herman & Chomsky, 1988, p. 306). In many ways these managers work to stifle speech, not due to ill intentions or a lack of concern, but because their own institutional roles are tightly structured to keep systemic speech filters in place. Within the contemporary schooling context, the latter include:

⁵ "Teachers Say They're Gagged By Fear", The Telegram, Monday, January 30, 2006, p. A1.

professional forms of organization, discipline and control (Illich, 1996); an increasingly deskilled curriculum with autocratic and reductive “accountability” mechanisms (Apple, 1999); an authoritarian, corporate management ethic; an unreflexive or uncritical model of teacher education and citizenship (Apple, 1999); and, a unifying ideology of globalization, neo conservative militancy and terror (McLaren, 2005; Giroux 2005, 2006).

Increasingly, teachers come to conceive of their role as educational technicians, a legacy of positivistic theories of knowledge coupled with an emphasis on free market values. To some, the foundation of such trends can be found in efforts on the part of the New Right to “replace substantive freedom with the freedom of the marketplace”, thus depoliticizing issues related to public schooling (Giroux in Doyle & Singh, 2006, p. 7) including fiscal accountability measures, standardized testing, and a centralized positivistic curriculum. In such an environment, an expanding conservative discourse of efficiency weighs the value of expression against utilitarian considerations (Baynes, 2000; Hall, 1996, p. 37; Fish, 1994) as “censorship seeks to produce [compliant authoritarian] subjects according to explicit and implicit norms” (Butler, 1997b, p. 133). Thus, the human impact of what Michael Apple (1998) has termed the “conservative restoration” has become consonant with the larger trend, supported by neo-conservatives, aimed at the, “deskilling...[and] intensification of [teachers’] work” (p. 11). Teacher perceptions are central to developing effective schools because they are vital to professional morale and the viability of schooling cultures. Such individual perceptions inform everyday speech, since as Fickel (2000) argues, teachers conceptualize teaching and learning with their, “personal practice theories”, theories which incorporate both

substantive knowledge and lessons learned from their cumulative experience, professional and private (p. 364).

The treatment of teachers and students as “human capital” rather than critical subjects of potential transformational agency, if unchecked, may unfortunately hearken a return to what Britzman (2003) terms “crude authoritarian social relations” or a democracy of mere “consumption practices” (Apple, 1998, p. 5; Britzman, 2003, p. 16). Indeed, such an educational system relegates students and teachers alike to the status of educational consumers: the end users of a centralized, often remote, curriculum deaf to the needs and interests of local cultures and communities.

On a more basic level perhaps, it is vital to understand language’s role as a primary means of human perception and learning. To interfere with expression is to interfere with the formation of ideas, and through learning with the very interaction and formation of self and community (Martinson, 2008). In the words of the eminent early pragmatist and symbolic interactionist, G.H. Mead (2008), “meanings grow out of social intercourse; they are not there and then expressed...Meaning must arise in the child’s consciousness in some sort of intercourse with others” (p. 177). Indeed, Mead (2008) emphasizes that meaning cannot simply be manufactured and disseminated, but must have a basis in genuine understanding. Controlling language and its expression is a way of dictating what types of experiences can be shared, and which count as valid or worthwhile. Undoubtedly the complex systemic aspects of this problem are to a large degree a product of the inherent tension between authoritarian organizational cultures and the teacher’s desire to function as a “democratic practitioner” (Pearl, 2005, p. x). Indeed, the inability to engage in authentic human encounters can have detrimental psychic

effects which resonate throughout schooling cultures (Kelly, 1997). The inherent contradiction between ostensibly democratic schools and an increasingly authoritarian state apparatus is a systemic contradiction played out within the inner lives of “teacher citizens” and students (Pryor, 2003; Pearl, 2005, p. xii; Butler, 1997a).

1.5. Revisiting the Idea of Democracy as Education

While exploring teacher perceptions of the nature of free speech may seem like a simple enough objective, it requires that the investigator come to terms with the empirical difficulties related to the collection and categorization of evidence, and, the ambiguity of the term itself. As Baker (1989) points out “despite nearly universal acclaim for the value of free speech, little agreement exists concerning its scope” (p. 3). It would seem, that this term involves meanings derived from a number of competing discourses. Writing from the American context, Nelson (2005) reminds us that, legal terms often have very different meanings from those in popular usage, philosophical discourse or social science circles (p. 21). While often misunderstood by the public and sometimes obscure, in many ways legal discourse, “sets [the] parameters for debates about speech (Nelson, 2005, p. 22). Thus, when we are talking about free speech we are referring to both a communicative practice and a term which has a range of semantic, experiential and affective meaning.

Likewise, understanding censorship in education requires a grasp of the cultural and institutional context within which substantive law comes to life. The idea of free speech as the mere absence of overt interference detracts from the many functions speech has within human society, and neglects to consider the influence of actual institutional

cultures. While in most cases this lies outside of a concern with democratic rights, it takes on a different dimension in the case of public schools charged with fostering democratic skills and values. One wonders whether free speech is an empty potentiality of meaning, except as it becomes a theme of fear, of other-directedness or constrained action (Emerson, 1983, p. 248). In effect, free speech in contemporary schools is that defined by the censor (Emerson, 1983, p. 249), not because the apparatus of surveillance and control are so powerful, but because censorship is a *cultural* phenomenon. Thus, the authoritative and the internally persuasive aspects of speech and thought are kept separate without any possibility of transformation (Emerson, 1983, p. 255).

While the law and education alike value authority and order, these are, in a parliamentary democracy, constrained by constitutional rights which allow for a balancing of state and individual interests. Yet, adding to the confusion, as Clark and Case (2008) note, is the equally ambiguous state of democratic education itself wherein “apparent consensus about the centrality of citizenship education is almost meaningless because of widely disparate conceptions of citizenship which range from nationalistic loyalty to intentional solidarity” (p. 25). The very narrow, specialized and formal legal terminology in contrast with the breadth of the term in everyday parlance, since the meaning of speech itself, is both contested and changing.

Any theoretical standpoint which purports to assess teacher speech must take into consideration, then, the fact that, quite often, teachers are not speaking from positions of equality characterized by completely reciprocal, un-coerced engagements (Boler, 2004, p. 3; Fish, 1994; Nussbaum, 2004). What is often forgotten is that “the right to speak does not entail the right to be heard, and so from an educational standpoint, further questions

need to be asked: [namely] [h]ow do people learn to listen, learn to want to listen, to what others have to say?" (Boler, 2004, p. xxv). Valuing individual voices and being attentive to opposing views is a central presupposition of cosmopolitan democracy and the notion of dialogue itself. Consequently, it is hoped that the process of education can begin to build an institutional structure, which, if not ideal, is at least open to the dynamic processes of conflict and reparation (Bitzman, 2003). It is necessary then to lay the groundwork for enhanced dialogue, as part of the broader effort to realize a "concrete democracy" grounded in imaginative, transformative forms of teaching and learning (Zizek, 2005, p. 168).

But we must also remember that democracy itself is rapidly changing. In many respects, cyber cultures have become not simply points of access or nodes of information retrieval, but new radically dynamic cultural spaces (Burbles, 2006). Here, the link between expression and identity is overwhelmingly clear, as is the importance of securing what has become known as "communication rights". For some the latter, "above all involves recognizing that in societies, and indeed in a world, where power and control over communication resources are distributed extremely unevenly, the notion of freedom of expression involves more than simply the right to communicate and encompasses people's right to access and participate in diverse and independent media" (Petley, 2009, p. 176). Students are acutely aware of this new fluid, creative, user centered digital reality and the ways in which it contrasts with the often rigid, slow moving, and top down world of conventional schooling. In many ways, this "wiki" or "open source" culture is at odds with a centralized and hierarchical schooling organization that promotes ingenuity and

digital literacy without recognizing how such cultural practices are stifled by authoritarian pedagogical practices.

Communication is related to the ability to access groups and networks of potential listeners as well as to control the creation and dissemination of information. Yet, ironically, the battle over speech is not simply situated within the halls of legislatures, classrooms, churches, homes—it also takes place within the self. As Renaldo Arenas has eloquently stated, censorship has the power to make us, “not only a repressed person, but also a self-repressed one, not only a censored person, but a self-censored one, not only one watched over, but one who watches over himself” (Arenas in Coetzee, 1989, p. 35). Arenas’ idea of a misplaced watchfulness reminds us of the role miscommunication and misrecognition play in frustrated dialogue. This psychic dimension of speech politics has a place within an educational system in which each individual is capable of being a critic of power. Coetzee (1989) describes the role of dissident speech as consisting in the fact that “society is a body that has developed a special organ whose function is diagnostic of the health of the whole. When the body is in reasonable health, it tolerates and benefits from the functioning of this organ” (p. 207). However, he notes, “in a condition of hypertrophic repression it will, through agencies of the state, reject those of its own organs that cause it most unease, trying to kill the messenger who brings the bad tidings. Yet once this is achieved, collapse from unchecked disease is a foregone conclusion” (p. 207).

In this sense, we also have to realize that what we think of as multiple democratic publics must grow out of an involved, active and conscientious society of thinking citizens. Democracy requires a conception of what Hannah Arendt termed politics as

“action in concert” as opposed to seeing the political as a *techne* of order and obedience (Benhabib, 1990, p. 193). It also requires some notion of democratic publics as active, critical and open, often beyond any capacity made possible by today’s key democratic institutions. For Benhabib (1990), the value of Arendt’s contribution to modern democratic theory is, in part, due to her insights on the unique way we encounter historical memory within public space. She correctly identifies a tension between two types of public space in her work, one which in many ways resides in all modern publics and which are present, in greater or lesser degrees, the agonistic and the discursive.

The agonistic is described by Benhabib (1990) as “the public realm represents that space of appearance in which moral and political qualities are revealed, displayed, shared with others. This is a competitive space, in which one competes for recognition, precedence, and acclaim; ultimately it is the space in which one seeks a guarantee against the futility and the passage of all things human” (p. 193). In contrast, she describes “the discursive view of public space [that] suggests that such a space emerges whenever and wherever men act together in concert. Public space is the space ‘where freedom can appear.’ It is a space not necessarily in any topographical or institutional sense” (p. 194). For Benhabib (1990) public spaces are created by communicative action in the social sphere.

Benhabib’s (1990) comments underscore the possibility that contemporary schooling has eschewed discursive public forums in favour of agonistic bureaucratic spaces. They call to mind the danger that rather than having a school system which values critical thought, expression and dissent, we have created one where self interestedness and politics stifle the forthright discussion necessary for the growth of

vibrant learning communities. In the words of Noll (1994) “even when censorship does not originate from within a school, in fact even when no controversy exists, there is pressure for teachers to align themselves with the powers that be” (p. 63).

Such an attitude is tragic because it represents a surrender of the possibility of attaining a voice which resonates with the power of justice, and, because it is an affront to all those who are silenced in their attempts to testify against injustice. It is, in essence, surrender to a kind of dehumanization – an education in self abnegation, alienation and self doubt. For Felman (2002), such a silence also has powerful moral and historical antecedents. Here, drawing on the work of Benjamin and Levinas, she describes a type of subaltern speechless identity which exemplifies the dehumanization and despair at the heart of the modern human experience:

the expressionless (*das Ausdruckslose*) are those whom violence has deprived of expression; those who, on the one hand, have historically been made faceless, deprived of their *human* face—deprived, that is, not only of a language and a voice but even of the mute *expression* always present in a *living* human face. Those whom violence has paralyzed, effaced, or deadened, those whom violence has treated in their lives as though they were already dead, those who have been made (in life) without expression, without a voice and without a face have become—much like the dead—historically (and philosophically) expressionless (*das Ausdrucklose*). (pp. 13, 14)

Felman’s (2002) words remind us that at Auschwitz the name one was given was replaced with a number, written on the body to claim it. This processing, this disassembling, which the camps and the ovens represented, was a kind of inverse of life

and the quiet dignity offered by selves in communion. The nameless, faceless, know no speech except that imposed upon them by their captors. While the topic at hand seems perhaps trivial in comparison, it is not if we consider Auschwitz as a cautionary tale about dehumanizing silence, one whose seeds were planted in the rigid authoritarianism of the Prussian schooling model which have informed and influence many contemporary educational practices. Auschwitz in all its horror taught us all how silence is a kind of violence that threatens both dignity and the commemoration which allows us to bring meaning to memory's end. Thus the practice of witnessing became a means of bringing justice to that silence, a kind of regeneration or resurrection of the utterance (Felman, 2009). Here, in this province we are likewise faced with the legacy of an exterminated race of people—the Beothuk Indians—who remind us of the dangers of indifference, and, the costs of not speaking out against insidious forms of injustice and oppression.

The censor, then, masks. Rather than seeing the other as my neighbour, silence makes the other an object, a thing (Levinas, 1969, 1996). There is no attending or communion, simply the prospect of obedience and dehumanization (Levinas, 1969, 1996). Schooling must always try to come to terms with this tension: between knowledge and its systems and the voice which is the peculiar expression of the human. The question is whether we will build an educational system where public speech becomes a way of preemptively addressing systemic issues in an open, transparent manner, or one where it comes only at the point of crisis such that problems are dealt with in a manner that is dysfunctional, disruptive and damaging to the morale of teachers and the administrators who are faced with managing the aftermath of politically charged and often tense, working cultures. Democracy, as I have argued, provides the order and the spontaneity

necessary for a robust rights culture and effective, community based schools to coexist. The complexity of such an undertaking is compounded by the current lack of emphasis on democratic education, including the democratic tradition of dissent. It requires a wide-ranging focus and is willing to read against the grain of contemporary schooling. Most of all however, it requires a sensitivity to the silence of teachers and the possibility that such a silence is replete with significance.

1.6. Research Focus & Aims: A Summary

Given these concerns, there is a distinct need for qualitative work to explore the nature and extent of any gap which might exist between curriculum theory and practice (Breuing, 2011; Kaufmann, 2010). One purpose of the present study is to examine the lived perceptions of teachers as part of preparing the groundwork towards more teacher centered and pragmatic forms of teacher education. It seeks to move discourse about freedom of speech out of what Foucault once called, "dim mechanisms, faceless determinations, a whole landscape of shadow" (Foucault in Emerson, 1983, p. 246). As part of this ongoing process of consultation and dialogue with twenty two teaching practitioners through opened-ended interviews, the study considers 1) the nature and extent of any censorship experienced by teachers; 2) teacher perceptions of their rights and freedoms; and, 3) the curricular, administrative and work related problems which are most frequently associated with instances of censorship.

Towards the aforementioned ends, the study examines the nature and extent of administrative censorship in Newfoundland and Labrador's public school system in order to determine any incongruity between broad based democratic administrative structures

and organizational policies which restrict speech. A primary aim is to determine the nature of teacher conceptions of free speech and the consequent effect of such perceptions upon participation in governing structures, as well as, classroom behaviours and attitudes.

A particular emphasis is the impact of censorship upon community/neighborhood schools in relation to democratic governance and public awareness of problems within the educational system including: increasing student-teacher ratios, teacher stress, school closures or consolidations, perceived adverse curricular changes and workloads. Specific objectives include:

- i) determining the extent to which active administrative interventions at the local, board, governmental level have a direct or indirect adverse effect upon the perceived freedom of teacher speech;
- ii) determining teacher perception of the philosophical, legal and functional content of the right to free speech;
- iii) determining the effect of any censorship upon teacher effectiveness within the classroom, the school in general, and parental and community, associations.

It is hoped that the study will increase public awareness of issues related to free speech and democratic participation and stimulate additional academic research in the area. Accordingly, I believe that the empirical work described herein will help inform teacher education within university and professional settings and heighten awareness of speech related issues and their potential impact on public schooling.

This thesis is interdisciplinary and represents an attempt to listen to the narratives of teachers and to try and discern the nature and origins of their perceptions about free

speech. It is exploratory in nature and undertaken with the hope that it will underscore the need for additional research and attention from academics and policymakers alike. Indeed, despite the issue's importance, I had some difficulty in recruiting subjects given the relative controversy surrounding the subject. Many participants were recruited by word of mouth or through "snowball" sampling. Concerns about anonymity also raise methodological issues since it was difficult to relate contextualized narratives of rare or well-publicized events given the relatively small size of the province's teaching community. My analysis addresses the nature and meaning of speech as well as the implications of such views for schooling and pedagogical practice alike.

Chapter I represents a broad overview of the topic and sketches the central conceptual themes which will be addressed throughout the thesis. I briefly examine the nature of expression as it is defined in liberal rights theory and the law. I consider the implications of such views for teachers and teaching practice by looking at their most significant omissions—namely the way in which they deal with discourse related to emotion, imagination and personal identity. I also assess the importance of teacher professionalism and its relevance for teachers' views relating to legal rights such as free speech. Finally, I explore how viewing teaching as being strongly linked to democracy and community life potentially resolves many of these conflicts – both as a theoretical and pragmatic concern.

Chapter II provides a broad overview of the literature relating to free speech and takes a look at the role of free speech as it relates to dialogue, and to the field of critical pedagogy. I examine the way in which literature about pedagogy and critical teaching intersects with the theme of free speech and how these discourses differ from

conventional discourses of free expression. Finally, the chapter closes with an assessment of the importance of empirical studies of speech and how my own study fits into the existing literature on qualitative studies of liberal rights in education.

Chapter III deals with methodological and ethical issues including the nature and implications of grounded theory and its relationship to narrative, especially those narratives which often fill and contextualize interview 'data'; the ethical issues raised by controversial issues, and how this relates to the chosen methodology. Finally, this chapter also maps some of the basic themes in the study and provides a broad contextualization for the findings which follow.

Chapter IV is the first of three findings chapters which look at particular themes drawn from the grounded theory process. This section examines the meaning of free speech from the perspective of educational practitioners. Here I explore the nature of free speech and its relationship to imagination and desire. Beginning by looking at free speech's liberal roots, the chapter explores post structural conceptions of free speech and their relationship to notions of place. Teacher stories are used to illustrate the complex operation of censorship and the strategies used by teachers to avoid provoking controversy while retaining some semblance of autonomy and integrity in their pedagogical lives. Building on these themes, I examine the sources and origins of censorship with a particular emphasis on self censorship and its relationship to individual conceptions of personal and professional identity. This involves considering teachers notion of duty and the related notion of insubordination as both a disciplinary administrative tactic and a form of behavior which represents transgressions of professional norms. In so doing the chapter also examines the types of negative subject

roles underpinning the phenomenon of self censorship, as well as the relationship of the former to notions of reasonableness and responsibility—concepts which also have a central role to play in legal discourse.

Chapter V continues to explore these themes by relating expression to the social and cultural aspects of schooling. Here I explore the role community and culture play in defining speech and its limitations. In so doing, I also examine the rural aspects of teacher expression and the relationship between teacher identity, rights and the pragmatic politics of community schools. Once again, the discussion involves an exploration of the themes of culture, community and teacher identity.

Chapter VI revisits the themes of reasonableness and the reasonable limitation and their relationship to disciplinary power. It also explores links between notions of reasonableness and policy related interests which condition expression. In doing so, it examines the notion of responsibility, its relationship to care and how speech related dilemmas reflect deeper underlying notions about teacher identity. This requires considering how censorship is sometimes a formative experience for teachers in which they have to assess their own values and principles as they navigate the subtle sometimes conflicting pragmatic, political and professional demands raised by their duties to students.

Finally, in Chapter VII I consider the conclusions which can be drawn from the study and its implications for further research in the field. I try to synthesize the data and explore some of the central themes and tensions raised by participants. This involves assessing some of the limitations of the present study and also suggestions for modifying existing administrative and pedagogical practices within the province. I also revisit the

issue of what we mean by speech, given the accounts of the study participants and their implications for contemporary education in Newfoundland and Labrador.

In summary, a central theme of the thesis is the role of free expression in public democratic schools with an emphasis on the relevance of interpersonal, human relations found in formal organizational settings. Such a view of institutional structures also informs some of the study findings about the nature of free expression and the importance of some of its non conventional aspects, particularly those related to the imaginative, caring and intimate or “personal” aspects of human cultural life so central to the schooling experience. The thesis explores whether in a glocal world, democracy itself is a process of learning how to reconcile local communities and their inter-personal richness and variety of experience with the broader global challenges of ecological sustainability, democratic governance and ethical/political legitimacy (Corbett, 2007, 2008b; Kelly, 1997, 2009; hooks, 2003).

1.7. Conclusion: Assessing the Terrain

Today’s teachers are confronted with the disconnect of many reform initiatives, whether aimed at improving curriculum, instruction or school governance. All too often, the reform discourses, like the related discourse of teacher professionalism, have acted as a means to encourage conformity and compliance. Quite often, this is because teachers themselves have had little direct control over the nature and aims of educational discourse or the creation of the types of professional communities necessary for collective, as well as individual, growth.

The issue of silence is one where teachers are forced to confront their own identities as both human beings and professionals: what it means to be a caring teacher and how they can come to terms with the fact that their duties as employees sometimes appeared to conflict with this deeper obligation. It also, however, has an impact upon the identities of students who often hear about public incidents of censorship. In this way, as Martinson (2008) notes, it is important to remember that, "students fail to understand why it is important that they be engaged and committed citizens because they learn through the socialization process what is common to much of public education—the way to survive is not to raise questions but to go along" (p. 211).

Indeed, there are a number of competing, often overlapping, justifications for a right of teacher free speech. The question of why teachers should be allowed to have a relatively robust right to free expression can be rooted in: i) a discourse of liberal legal rights; ii) a democratic conception of schooling; iii) a discourse of teacher professionalism; iv) a pre-modern (often rural) community based model of human relationships; v) an aesthetic-imaginative conception of human expression and identity; and, vi) a conception of teaching and learning rooted in the personal and strong interpersonal relationships (both between teachers and teachers, teachers and students, and teachers and their "superiors" within the schooling system).

I contend that the communal and performative aspects of speech are often neglected, even though democracy relies on an appreciation for democratic values and a critical public for its continued existence (Martinson, 2008). Yet, if critical thinking is to have any meaning it must be able to break with the past, to conceptualize the world as it could be otherwise. This is as much an imaginative as it is a logical act (Simon, 1990; Eisner,

2002; Freire, 1970), since the imagination is one way of *recognizing* what Freire termed “untested feasibility” the possible which has not yet been realized (Shor, 1996). Thus, although we are prone to emphasize the importance of reasonable limitations in defining free speech, often neglected is the role of speech in self and community formation and the need to create a form of socialization which brings democratic values and ideals into new spaces and new institutions as required by ever changing demands of culture and ecology.

If democracy is to renew itself, civic education must be more than a means of inculcating values or socializing students to existing norms—it must be about training students to be future citizens by imparting and cultivating democratic skills, substantive knowledge and dispositions (Biesta, 2007, p. 746). Even beyond the question of pedagogy, democracy itself as a social practice provides a context in which the roles of teachers, administrators and community members can be seen as complementary rather than antagonistic.

How teachers conceive of speech and their role as professionals democratic educators is an empirical question – one which is often localized – yet, it also sheds light on the tension between reason and imagination, between socialization, freedom and the need to navigate these tensions in ways that are respectful of difference and the individual’s right to explore the meaning of the good life. Learning as a form of adaptation or personal redefinition and growth is contingent upon self-expression and communication in ways that are both imaginative and radically transformative. Free expression is one way in which information becomes knowledge in localized neighbourhoods by being explored, contested and applied by learners with strong cultural identities. Quite simply, if education is seen as the practice of freedom (hooks, 2003) then, we must ask freedom

from what, and for what end? Taking up such a question, the next chapter explores the relationship between this question and the democratic educational tradition as it is described within the relevant academic literature.

Chapter 2: Literature Review, Rethinking Democracy in Education

2.1 Summary & Overview

This chapter provides a summary of the importance of democratic education, and in particular, dialogue, from a number of inter-related disciplinary perspectives. These standpoints include the progressive pragmatic tradition, principally as it is represented in the work of John Dewey (1944, 1966, 2007), Michael Apple (1997, 2002, 2007) and Henry Giroux (1988, 2000, 2001, 2006) in critical pedagogy, and the work of Judith Butler (1990, 1992, 2005) in contemporary cultural studies, particularly as it deals with the notions of performativity and interpellation. These critical stances are contrasted with conventional liberal views of rights. Finally, the chapter addresses qualitative work in the area of democratic education and its implications for the present study, primarily with regard to the notion of dialogue, free speech and teacher perceptions of rights.

2. 2. The Participatory – Critical Tradition

2.2.1 Introduction: Why Democracy?

By and large, democracy is something that citizens and scholars alike have come to take for granted, both as a radical possibility and as a set of underlying structural, cultural and epistemological practices. What makes a form of social organization democratic, and what are its necessary conditions? How important are speech and pedagogy to ongoing democratic practice? Are schools secondary to the basic ability to cooperate and to problem solve through language and human interaction – a capacity which might be more properly described as educative? These questions are central to critical pedagogy which is

a radical form of democratic education centered on issues of equality, social justice and difference (Doyle, 1993; Kincheloe, 2008). Critical dialogue, and hence, freedom of expression, forms the centerpiece of critical approaches which take a communitarian stance towards issues of speech and civic justice.

Indeed, much has been written about the importance of democratic education. Prominent theorists who have written in this vein include Apple (1997, 2002, 2007), Beane (1995), Bloom (1998), Boler (2004), Dewey (1944, 1966, 2005), Illich (1970, 1978), Freire (1970, 1998, 2007), Fish (1992); Gore (1992), Giroux (1988, 2000, 2001, 2004, 2005, 2006), Gutman (1987), Hemmings (2000), hooks (1994, 2003), Kahne (1996), Kincheloe (2003, 2007), Macedo (2006); Matsuda, (1993), Miller (2005), Sedgwick (2003), Shor (1992, 1996), Simon (1992), Soder (1996) and Weiler (2001). Most theorists emphasize the importance of a process oriented educational model which empowers students by making them active agents of critical dialogue and *praxis*.

This process oriented approach emphasizes the need for a critical education which provides the skills necessary for effective citizenship (Laguardia, 2005, p. 12; Freire, 1970, 1988, 2007). Such participatory rights-based approaches recognize the importance of counteracting anti-democratic ideologies within the public sphere as, "one of the major ways dominant groups exercise leadership in society is through the generation of consent" (Apple, 1997, p. 419). These critical forms of democratic education, in the words of Carlson (1986), "prepare citizens for a democratic society not just by word but also by deed" (Bucci, 2005, p. 124). Very few academics or theorists view the matter as simply one of inculcating democratic values, although there are some "liberal" scholars

who do see this as a central function of schooling (Adler, 1982; Bloom, 1987; Hirsch, 1987; O'Neil, 1999; Green, 1998).

Rather than taking a narrowly partisan approach in examining the function and nature of speech within schools, this study integrates a variety of critical approaches. These include Deweyan democratic pragmatism, critical pedagogy, and performative speech theory as it is articulated in contemporary cultural studies. Each of these lends insight into different aspects of speech including its relationship to identity formation, its role in the maintenance of democratic institutions, its function in the formulation and utility of critical knowledge, the moral and ethical aims of particular communities, and, the relationship between civic education and democratic governance. Moreover, in light of the structural importance of speech within democratic societies, as a vehicle for, and product of, critical thought, the study attempts to examine several different aspects of speech and their respective relationships to the creation of critical educational forums:

- i) Performative conceptions of speech which relate speech to the construction of subjectivity and social action;

- ii) Classical liberal conceptions of speech which are important in terms of envisioning the structural role of speech in creating and maintaining a public sphere but which are distinctly proprietary and conservative in nature;

- iii) Critical pedagogy's notion of speech as arising out of, and maintaining, the teacher's role as a public intellectual in light of the pedagogical function of popular culture. This includes subaltern notions of speech which raise questions regarding the relationship between those who are silenced and the role of professional intellectuals as advocates of the oppressed.

Each of these approaches illustrates a unique aspect of critical dialogue and the dangers inherent in a particular conception of what speech is and what it should be. Together they reveal the importance of maintaining public spaces where dialogical education can occur and illustrate the risks involved in suppressing speech. In addition to the normative question of which types of speech should be facilitated by democratic pedagogies and their broader pedagogical importance, there is the empirical question of the types of speech currently practiced within schools (Nielsen, 2004).

2.2.2 Dialogue & Democracy —Creating Communities of Meaning

2.2.2.1 Dewey, Freire and Illich – Education for Empowerment Within Democratic Learning Communities

Critical pedagogy, in particular, has worked for change from the educational margins, drawing on a long and varied intellectual tradition in its endeavor to effect social justice and democratic transformation. This has included liberalism, Marxism (in particular, the Frankfurt School), cultural studies, post-structuralism and contemporary feminism. Within this broader praxis-orientated vision, dialogue plays a central role, because of its

constructivist underpinnings, and its search to create new social norms and forms of knowledge (Freire, 1970, 2007; Shor, 1992a, 1996). To speak the world in a different way, critical pedagogy maintains, is the first step in remaking or changing it.

But, this idea of speech is centered in the need to connect to others, many of whom are living on the margins of modern society. It is community-based rather than rooted in any traditional educational or political institutions. Although these institutions have an important function, critical pedagogy is concerned with the importance of discourse as a means of confronting injustice. In other words, because discourse is ubiquitous, and in some sense primary, it underlies all forms of social action, including perhaps our fundamental ontological vocation of becoming more fully human (Freire, 1970).

Understanding this notion of critical speech rooted in democratic learning communities requires that we consider the role of three prominent theorists. Although they are quite diverse, and, in some way, at odds with each other, all three recognize the importance of speech and the power of dialogue to solve problems and to create a more just democratic society. More importantly they are all, in some ways, concerned with the relationship between democracy, education and freedom. Their pedagogies all presuppose a form of education in which free speech is both an underlying condition and, often through dialogue, an instrument for personal growth and social transformation.

Perhaps the seminal modern theorist on the subject of democratic schooling is John Dewey (1944, 2007), an early proponent of community-based schooling and a child-centered curriculum. Dewey has been described as the founder of, "a scientific approach to ethics", and the, "philosophy of the open society" (Irving, 1960, p. 450). Dewey's educational philosophy emphasized a communitarian standpoint as it relates the

development of the individual as a citizen of broader society. Seeing education predominantly as, “a social function” (Dewey, 1944, p. 81), Dewey argued for a form of progressive education which promoted, “a mode of associated living” (Ahmad, 2005, p. 11). He centered the educational project upon the child and his or her struggle to come to terms with social reality through the vehicle of experience (Shor, 1992b, p. 137). As Maher (2001) notes, summarizing Dewey’s work, “throughout these texts the children and the curriculum are brought together and the school is made a microcosm of a democratic society” (p. 16).

Due to his pragmatic ethics, his communitarianism and constructivism, Dewey thought that citizenship education was a primary function of schooling which should aim at, “promoting mutual trust, good neighborliness and cooperation” (Ahmad, 2005, p. 11). This approach emphasized participatory education and democratic values. Dewey believed that democracy was more than, “a mode of political organization”, it was a way of life conducive to individuation and self – actualization whereby freedom took its meaning in relation to the society as a whole (Dewey, 1963, p. 64; Dewey, 1944). Thus, for Dewey, democracy’s value lay in its role as a form of governance whose primary aim is to promote the gradual evolution of practical, principled approaches to societal problems. As Biesta (2007) puts it: Dewey “holds that democracy is that form of social interaction which best facilitates and supports ‘the liberation of human capacities for their full development’”(p. 753). What this means then, is that a student would, “become a democratic person, that is a person with social intelligence, through our participation in democratic life—which shows how Dewey’s point of view exemplifies the idea of education *through* democracy” (Biesta, 2007, p. 753).

For Dewey, we might say, democracy *is* education. Prominent in Dewey's theory is the model of a "self organizing community", which uses, "rational procedures of problem solving" (Honneth, 1998, p. 765). In contrast, "[a]n undesirable society...is one which internally and externally sets up barriers to free intercourse and communication of experience" rather than "secur[ing] flexible readjustment of its institutions through interaction" (Dewey, 1944, p. 99). Thus, for Dewey, freedom takes its shape from the course and content of social existence; democracy, like all human relations is transactional in that the individual and society shape and define each other. Liberty is meaningless in the absence of some social context, which in turn implies rules of conduct and individual limitations.

Freedom of speech, then, is a tool which shapes and which must be shaped to the pragmatic exigencies of democratic communities. This is because, in Dewey's (2007) words, "Genuine freedom...is intellectual; it rests in the trained power of thought, in ability to turn things over, to look at matters deliberately, to judge whether the amount and kind of evidence requisite for decision is at hand, and if not, to tell where and how to seek such evidence" (p. 35). Free speech within a democratic community is essential to such an explorative, truth testing deliberative process. In contrast, Dewey maintains, "To cultivate unhindered, unreflective external activity is to foster enslavement, for it leaves the person at the mercy of appetite, sense and circumstance" (Dewey, 2007, p. 35).

Here, Dewey links the capacity for freedom to that for critical, deliberate action. This capacity is defined in relation to social rights and obligations, meaning that we cannot consider the individual in isolation from the social world. If we apply the pragmatic instrumentalism of Dewey we are forced to examine whether the curriculum meets the

needs of both school and society. Dewey, then, emphasizes the democratic nature of the society which schools are designed to serve, as well as the need to ground learning in everyday experience (Shor, 1992b).

Dewey firmly believed that democracy provided the best means of socializing individuals through cooperation and problem solving. From a Deweyan perspective, censorship detracts from the democratic socializing function of schools. A Deweyan pragmatist would likely express concerns about the possibility of engendering public discourse regarding general educational issues wherein teachers can interact with other community members and discuss the aims of public education as well as the means available to accomplish such ends. Dialogue, then, facilitates knowing, as attained by problem solving and reflection on experience, and that knowing is valuable insofar as it informs experience and leads to effective action (Vanderstraeten & Biesta, 1998).

Thus, a hierarchical schooling system and a one size fits all curriculum fails to take into consideration the situatedness of communities and citizens. As such, a standardized curriculum ignores the fact that teachers remain active problem solvers whose insights can benefit policy decisions. Educational solutions arising out of a dialogue among administrators, teachers and students would be different and more effective given the broad range of interests and experiences brought to bear on potential solutions.

Yet, despite its many strengths, Dewey's model does not focus upon many concerns which have become central to more contemporary critical approaches, such as the inter-relationship between ideology and power as well as inequalities of class, gender or race. While promoting tolerance as a broad democratic ideal, "the pedagogy explored in Dewey's writings....represented a carefully orchestrated effort to develop a specific kind

of democratic 'person' with a defined, though evolving, set of communal dispositions" (Schutz, 2001, p. 290). If one deems the status quo to be deeply inequitable or unjust, these omissions make it difficult to realistically accept the model of the self - organizing, rational and democratic community as a viable unit of social organization. Thus, Dewey's individualism is tempered by his collectivist vision of a cooperative democratic society wherein pragmatic socially defined aims allow for the individual and society to form a common bond and an overarching social consensus.

We might say that Dewey's democratic pragmatism, while progressive, is essentially incrementalist in nature. Although he emphasizes the importance of critical thought and constructivism, the school nonetheless provides the broader framework for the shaping of the child as a future participant in liberal society (Schutz, 2001). While emphasis is placed on community and progressive experimentation as a means of solving social problems, this methodology presupposes a certain type of community, one which is essentially rationalist and attuned to the interests and values of the status quo (Egan, 2002). Thus, although Dewey's model is helpful for understanding the aims, values and methods of progressive education, it does not attempt to assess its own ideological underpinnings. As Frances Maher (2001) points out: "[Dewey's] image of the facilitative teacher leaves the power relations in classrooms, those of gender and of race and class superiority, firmly in place" (p. 29). This implies that, "to make their classrooms places that deconstruct these hierarchies, teachers need a power analysis and need to see inequalities as matters of social constructions, rather than fixed identities that a consciously structured classroom and school atmosphere can challenge and change" (Maher, 2001, p. 29).

Maher's (2001) critique of Dewey's model of "teacher as facilitator" and its silence on issues of class, race and gender – calls into question the school's role in an inequitable society. Such ideological blind spots might cause us to look more closely at the socio-economic and cultural positioning of liberal education. That is, how do we approach pedagogy outside of the parameters of school and curriculum and how do we foster a critical capacity which is simultaneously reflexive and transformative? Despite Dewey's emphasis on experience and transactionalist theories of communicative interaction, the school for him remains a viable, integral institution. What, then, are some of the theoretical and ideological differences between radical and progressive teachers?

In this regard, the work of Brazilian educator and philosopher Paulo Freire (1970, 1998, 2007), articulates a vision of a dialogical revolutionary pedagogy (Morrow & Torres, 2002; Shor, 1992, 1996). Freire, through his experiences with literacy education among the working poor of his native Brazil, developed a critical model of literacy training through which teachers and students become co-investigators of a shared social reality (Macedo, 2006).

This investigation leads to a coding of the cultural experience in the search for what Freire termed "generative themes", or dialectical, thematic pairings, whose exploration is intended to subvert oppressive ideologies and provide the basis for critical awakening. With a Freirean pedagogy, although the needs of students are at the centre of the educational project, teachers share the task of investigating and transforming reality. Rather than the socialization of the child, Freire asks us to consider the role of education when the culture and institutions of dominant groups are fundamentally inequitable. Although the teacher remains an authority figure, Freire believed it is the function of

critical thought and dialogue to ensure the democratic and equitable nature of communities. For Freire, education cannot occur without reflexive dialogue (Freire, 1970; 2007).

Freire's method requires using critical awareness as a prelude to *praxis*, even in overtly oppressive political and cultural spaces (Macedo, 2006). Not surprisingly, democratic educators see Freire as the successor to Dewey as the seminal democratic theorist of the contemporary age (Maher, 2001, p. 13). For Freire, dialogue provides a means of exposing illusion and ideology, since critical dialogue enables the oppressed to decode his or her own culture and the place of oppression within it. Thus, speech becomes (potentially) a revolutionary instrument utilized in overcoming oppression as collective action is articulated and undertaken. Free speech, seen in this context, is central to the emancipatory function of education. In this regard perhaps, it is no coincidence that Freire's emancipatory pedagogy arose from his experiences with literacy training. For Freire, speaking and naming the world is a means of self as well as social transformation.

Yet, despite the revolutionary appeal of his methodology and his transformational pedagogy, Freire provides limited insight into the hegemonic role of modern schooling. Indeed, as Maher (2001) asks, "is progressive educational theory another 'regime of truth' whose practices silence some students and teachers in the name of including everyone under a universalized rhetoric of social and educational progress" (p. 14)? Have we, in our enthusiasm for emancipation in the abstract, forgotten to ponder the actual function of education in Western society? Are schools oppressive, emancipatory or, do they occupy a more complex and ambivalent position? Such questions are necessary to gauge the possibilities of successfully transposing Freire's radical pedagogy to the

cultural and socio-economic context of contemporary western culture. Indeed, in Western societies, formal education has a long and varied history which must be critically examined within the context of a set of ideological and class based struggles. In order to fully understand the operation of hegemony within educational institutions, we must consider the actual function of schools.

Addressing these questions, and perhaps even more radical than Freire, is the work of the late Austrian priest and philosopher, Ivan Illich, who explores the oppressive nature of modern society and schooling (Illich, 1970, 1978). While Illich poses a complex and quite comprehensive theory of society, a fundamental focus is the relationship between schooling, knowledge and individual self-sufficiency. Illich argues that the primary aim of schooling is the, "modernization of poverty": namely, the proliferation of needs together with a corresponding specialization of knowledge, which effectively disenfranchises the populace and renders them vulnerable to exploitation. Technocratic knowledge leads to a concentration of power in elite hands which obtain a monopoly on entry. Here we are reminded, perhaps, of Bauman's (2000) critique of "liquid modernity" or Habermas's (1981) views on the life-world and system (although Illich is more focused on individual relationships than Bauman and more suspicious than Habermas of Western democracy's foundational institutions).

Illich advocates an educational model that minimizes the role of formal schooling and moves towards more open, learner-directed methods of teaching and learning. Rather than the formalization of learning, Illich argues for the creation of learning webs and other informal—or convivial—forms of human relations which are open and fluid. From such a perspective, censorship becomes yet another example of the ways in which the

institutional structures of formal schooling restrict social *praxis* in favor of producing technical knowledge. For Illich speech and community are closely related given that the sharing of ideas and skills through open discussion within convivial learning networks is at the heart of authentic education. Illich draws a stark contrast between institutional cultures and their narrow preoccupation with certification which he opposes to more organic, egalitarian forms of social organization. Speech, Illich would argue, cannot be “free” unless it is taken out of the ambit of this economy of false values and stultifying regime of bureaucratic educational cultures. For Illich, the modern school’s primary function is essentially oppressive as it combines social stratification with an erosion of personal autonomy – particularly as it relates to traditional means of self sufficiency (Illich, 1970, p. 3; Illich, 1978, p. 8).

Thus, from Illich’s standpoint, speech within modern schooling institutions is inherently limited due to formal education’s deeply engrained, ideological, function. The free use of language and social interaction are the primary modalities of establishing the convivial relations vital to effective teaching and learning. In contrast, conventional institutions like schools promulgate a false economy of rights which can be contrasted with “convivial institutions” or “institutions distinguished by spontaneous use” (Illich, 1970, p. 54). Thus, the school plays a central ideological function since it teaches the need for certification and the consumption of knowledge –in short, the, “transfer of responsibility from self to institution” (Illich, 1970, p. 39). For Illich, the idea that the school can empower students or frees them is misguided since the very structure of the school is one that fosters dependency and subservience. In Illich’s words, “the claim that a liberal society can be founded on the modern school is paradoxical [since] [t]he

safeguards of individual freedom are all cancelled in the dealings of a teacher with his pupil" (1970, p. 31). This is because, Illich maintains "When the schoolteacher fuses in his person the function of judge, ideologue, and doctor, the fundamental style of society is perverted by the very process which should prepare for life" (Illich, 1970, p. 31). While this may surprise us, for Illich this acculturation to an economy of false rights and needs belies the libertarian claims of liberalism and modern democracies. As he put it "a teacher who combines these three powers contributes to the warping of the child much more than the laws which establish his legal or economic minority, or restrict his right to free assembly or abode" (1970, p. 31).

For Illich (1970, 1978), schooling, credentialization and professional education, collectively lead to a society where education is commodified and even the very possibility of independent thought and action is stifled. As he declares elsewhere, "the professional definition of rights can extinguish liberties and establish a tyranny that smothers people underneath their rights" (Illich, 1978, p. 79). In light of such views, freedom requires first the "deschooling" of society where compulsory education based on an economy of certification and consumption is replaced by a convivial society of organic publics, "skill exchanges" and learning networks (Illich 1970, pp. 85, 94). As a result, it is crucial to make a, "distinction between professionalism determined from *within* by a professional group itself, and professionalism imposed or mandated from *without*" (Servage, p. 165); or perhaps, even, to question whether professionalism itself is conducive to convivial learning.

In many ways, perhaps, Illich's critique of modern schooling is about the formalization of education, and learning becomes a disciplinary mechanism even as it

purports to empower the learner. But disciplinary power exists alongside other forms of power, including both sovereign power and governmentality (Golder & Fitzpatrick, 2009, p. 33). In Foucault's words, "we have a triangle: sovereignty, discipline, and governmental management, which has population as its main target and apparatuses of security as its essential mechanism" (Foucault in Golder & Fitzpatrick, 2009). Indeed, schooling is itself a form of Foucaultian governmentality, which makes its influence most acutely felt through the disciplinary concept of professionalism (Fournier, 1999, p. 282).

For Fournier (1999), as for others, new approaches in management science which emphasize autonomy and enhanced responsibility are examples of a disciplinary discourse and part of a necessary reorganization of labour in an era of "advanced capitalism". In the modern workplace, "in management writing and practices, the rhetoric of increased competition and new technology has been deployed to demonize bureaucratic principles and to call for more flexible forms of organization" (Fournier, 1999, p. 291). The result of such new forms of organization is the need to maintain a high degree of control with less administrative oversight. As a result Fournier (1999) claims, "new softwares of control potentially allow for the reconciliation of control and consent by moving away from bureaucratic methods placing an emphasis on productive behaviour towards 'info-normative' methods placing an emphasis on the total behaviour, attitudes and self-understanding of the individual employees" (pp. 291, 292).

The idea that there might be an economy of rights wherein worker autonomy provides a means of decentralizing, but simultaneously extending, administrative power is paradoxical. But Illich might say, such a state of affairs reflects the fact that the fundamental function of modern schooling is at once to reinforce and to obscure

capitalism's inequalities. By reinforcing the credentialization of learning, and facilitating the erosion of self sufficiency by effecting the monopolization of knowledge in "disabling professions", schooling leads to a fundamental, perhaps irrevocable, loss of autonomy (Illich, 1978).

Seen within a de-skilling context, education increasingly becomes involved in "the emotionalization and anesthetization of work [which] calls for a move away from direct techniques of control towards the appropriation of control by employees themselves (empowerment)" (Fournier, 1999, p. 292). Undoubtedly, while these claims are radical, the link Illich draws between schooling and mass culture helps us to understand how dialogical education is fundamentally political. However, which is the true pedagogical site and object of ideological struggle: schooling or culture itself?

While all three of these aforementioned thinkers focus on the relationship between the school and the need to create democratic, equitable societies, in many ways the possibilities offered by critical dialogue are undermined by the structure of schools themselves. The fact that teachers are socialized and work in specific organizational cultures – rather than being incidental to the types of pedagogy they embrace – is actually a determinative factor. In many respects as Evans, Avery and Pederson (2000) note, there is a danger that little has changed since the seminal work of Harmon Ziegler on controversial topics over four decades ago. Ziegler found that, "teachers' relatively high degree of fear of sanctions restricts the likelihood that they will generate classroom discussions of controversial issues or take a classroom stand on such issue" (Evans, Avery & Pederson, 2000, p. 298). The collective result of such influences, Ziegler

claimed, was to “produce docility and conformity” amongst members of the profession (Evans, Avery & Pederson, 2000, p. 298).

The comments above raise the issue of whether democratic norms can exist and be perpetuated in undemocratic settings? While Dewey assumes a society which is already democratic, Illich, without much faith in organized schooling, emphasizes the importance of convivial relationships in transforming society. Likewise, Freire sees the potential of a radical reorganization of society, precipitated largely by the oppressed. But what if there is no desire for change, or if the institutional bonds that work against change prove to be too ingrained and deep rooted?

Arguably none of these theorists conceptualized a schooling system or a society in which the lines between authoritarianism and freedom are not so easily drawn, or where the teachers themselves are ambivalent, or even knowingly complicit, about their role in existing power structures. We must ask ourselves, then, whether schools and institutions are more fragmented and contested than any of these educators would suggest? Is culture itself a site of pedagogy? Is schooling hegemonic in its function and ideological orientation? Answering these questions brings us towards a pedagogy which, “encourages students to move toward action and human agency by exercising agency through critical thinking, individual social action, and group social action” (Marri, 2005, pp. 1038, 1039).

2.2.2.2 Giroux and Apple: Contested Publics & Transformative Intellectuals

In contrast to managerial or positivistic discourses of educational reform, critical pedagogy is a social project which draws upon Marxism, liberalism, critical theory,

sociology, cultural studies and radical democratic theory as a means of using education to transform society and individual lives (Doyle, 1993; Doyle & Singh, 2006). In particular, the more recent work of Henry Giroux, a leading figure in critical pedagogy, addresses many of the themes articulated by Freire and Illich within the contemporary cultural context (Giroux, 2004, 2006, 2009).

A prolific author, Giroux has been a forceful critic of the authoritarian legacy of conservative, corporate influences in public education. More specifically he has integrated the insights of cultural studies and critical theory in developing a comprehensive theory of the pedagogical importance of culture (Doyle & Singh, 2006, pp. 1, 13, 34, 39). Giroux critiques the dominant ideologies of “neoconservatism” or what he terms the “new authoritarianism” which work against the transformative possibilities inherent in public education.

Like Freire, Giroux eschews the notion of theory as a mere, “afterthought of experience” (1988, p. 205). Instead, he argues, schooling is inherently political, and rooted in struggle. Thus, rather than attempting to outline a comprehensive pedagogical theory, Giroux insists that teachers be constantly mindful of the fact that, “critical theory in its first instance should be valued for its political project...and the nature of its criticism as part of a project of democratic possibility and hope” (1988, p. 205). Politics in this sense involves understanding the ways in which identities and democracy as a set of cultural practices give shape to the affective and pleasurable aspects of popular culture.

For Giroux, coming to terms with the contemporary right wing agenda means understanding the ways in which schooling reproduced the interests of corporatism and positivism through a curriculum structured around measurement and standardization

(2004, 2005, 2006). Schools are, in many ways, a starting point, as we come to terms with the cultural politics of mass consumerism and the growing influence of neoliberal ideologies within public education and the public sphere. Bringing popular culture, media, current events and personal experience into the classroom meant expanding the conscientization techniques of Freire and the insights of cultural studies into the digital age.

As transformative intellectuals, teachers have a proactive role to play in the reformulation of the educational system as they, “open the policies, discourses and practices of schooling to criticism and thus make them available to a greater number of people who otherwise are generally excluded from such a discourse” (Giroux, 1988, p. 208, 215). The illusion of an impartial, unbiased and neutral knowledge transmitted through the curriculum, Giroux insists, misrepresents the important inter-relationship between knowledge and power. Rather, he argues, democracy requires cultural struggle and an understanding of culture as a site of pedagogy and potential agency.

Giroux suggests that teachers must *claim* the right to engage in free dialogue since they are part of an educational project which seeks to, “move beyond the hollow space of Enlightenment rationality” (1988, p. 209). Accordingly, he combines a revolutionary optimism with a critical sensitivity to the way in which language, knowledge and power reinforce systemic inequalities. Thus, teachers have an affirmative duty to reject antiquated and unproductive notions of, “civility, professionalism, and tenure promotions” as they, “struggle collectively in order to transform schools into democratic public spheres” (1988, p. 214). As such, culture has a fundamentally public pedagogical function meaning that learning cannot be confined to schooling. For Giroux (2005),

education must re-orientate itself through a border crossing pedagogy: one which focuses on the need to formulate broad responsive interdisciplinary frameworks by incorporating a wide range of academic, political and popular interests into a collective expression of radical democratic possibility.

In Giroux's hands, Gramscian ideas – in particular, those regarding the public intellectual and hegemony – become important tools for analyzing the specific mechanisms by which the political right has out maneuvered the left in inaugurating a “new authoritarianism” (Giroux, 2006). By exploring what he terms the “politics of culture”, Giroux emphasizes Gramsci's belief that, “every relationship of hegemony is necessarily an educational relationship” (Gramsci in Giroux, 1999, p. 3). Thus the concept of ideological hegemony requires an educative response which emphasizes the inter-relationship between culture and power as a means of cultivating a critical, civic consciousness (Giroux, 2001, p. 197). As teachers, Giroux insists, we are dealing with a youth population which has been disenfranchised by the false promises and hopes of globalism accompanied by an unprecedented erosion of civic values.

Given such a reality, critical pedagogy must broaden the educational project to the public sphere in order to realize its true transformational potential (Giroux, 1999, p. 18). Such an emphasis is necessary since, “it legitimates the call for progressives to create their own intellectuals and counter-public spheres both within and outside of traditional sites of learning as part of a broader effort to expand the sources of resistance and the dynamics of democratic struggle” (Giroux, 1999, p. 18). Consequently, a focus on how ideology becomes commonsensical provides a means of decoding the historical, cultural and structural operations of power (Giroux, 2005, p. 163; Giroux, 2001, pp. 67, 151).

Giroux emphasizes the need to develop broad counter-hegemonic alliances as a means of fomenting a deep democratic reorganization of culture (Giroux, 2005, p. 163). In many ways, it could be said that we are involved in a dialogue with power as we encounter popular culture and the politics of commercialism within our daily lives. Youth or adolescence, rather than simply being a biological phase of development, is also a cultural space of possibility and a way of relating to the currents of desire and commercialism permeating our lives.

Not surprisingly, the aforementioned link between hegemonic power and popular culture, becomes a formative influence on Giroux's border crossing pedagogy (Giroux, 2005). Pedagogy is not simply a cognitive instrumentalist tool used to convey ideas, knowledge or concepts within the classroom. According to Giroux, "pedagogy is the outcome of struggles over both the relations of meaning and institutional relations of power..." (1999, p. 14). He notes the importance of inter-disciplinary, transformative intellectuals in the struggle to contest and reclaim popular culture. Giroux urges critical scholars to recognize that, "by connecting the role of the intellectual to the formation of democratic public cultures, educators can work to provide ethical and political referents for cultural workers who inhabit sites as diverse as the arts, religious institutions, schools, media, the workplace, and other spheres" (1998, p. 56).

Though Giroux does take up many libertarian themes, he is careful to note that while early progressive educators offered important insights regarding the importance of civic education, they did not anticipate the extent of mass culture's infiltration of everyday life. This becomes increasingly important, "as conservative policies move away from a politics of social investment to one of social containment [and] state services are

hollowed out and reduced to their more repressive functions” (Giroux, 1999, p. 3). As a result, critical educators must endorse a form of “cultural literacy” which tries to help students understand the complex iteration of knowledge and power within popular life (Doyle & Singh, 2006). Thus, a critical cultural literacy, “provides the capacities, knowledge, skills, and social relations through which individuals recognize themselves as social and political agents” (Giroux in Doyle & Singh, 2006, p. 13).

For Giroux, teaching is an inherently political—and public—practice. Thus, teacher professionalism is centered in the teacher’s role as a public intellectual striving to effect radical democratic change. The technology of knowledge production and mass education’s economic aims are secondary to this emancipatory function. Cultural literacy and critical thinking are key aspects of a modern democratic pedagogy which takes knowledge in its actual cultural and social context rather than treating it as compartmentalized and commodified.

Yet, despite his work’s appeal, Giroux has been criticized for his difficult language; the modernist aspects of his emancipatory project, and, his failure to integrate esoteric critique with real life teaching practice (Gore, 1993; Lather, 1998). As a result, despite Giroux’s invaluable contribution to a more sophisticated understanding of popular culture, we might begin to ponder the relationship of culture to specific—sometimes neglected—sites of schooling. How can transformative intellectuals contextualize their own participation in the knowledge and socially reproductive practices which occur within “pragmatic”, technically orientated educational institutions? What do such cultural approaches suggest about the functioning of power, ideology and class on the micro level as the educational system intersects distinct historical, political and socio-

economic contexts? Is there a value in developing a situated analysis of the mechanisms of power through specific curricular and knowledge building practices?

In part, the answer to such questions are part of the legacy of neo-Marxist scholar Michael Apple (1978, 1996, 1998, 2002), another prominent critical theorist who focuses on the practical and theoretical dimensions of the relationship between schooling, knowledge, power and ideology. Although he rejects a reductive or mechanistic Marxism which views the superstructure as a mere reflection of its underlying economic "base", Apple's work is concerned with the ways in which ideology and culture function to reproduce inequality through social institutions such as schools (Farahmandpur, 2004, p. 3). Revealing a more Marxist emphasis on economics and economic capital without falling into a reductive Marxism, Apple asks far ranging questions about the specific structural and ideological functions of teachers and public schools.

This function is determined both by the conditions of historical struggle and the demands of late capitalism. Writing out of the confluence of globalism, corporatism and neo-imperialism, Apple is critical of what he terms the "hegemonic alliance" of the "New Right" which has adopted definitions of, "freedom and equality [that] are no longer democratic, but commercial" and inherently oppressive (Apple in Farahmandpur, 2004, p. 4). For Apple, education has an ideological function which legitimizes and reproduces these inequitable power structures. According to Apple, ideology is a principal means of popular control as the dominant discourse inculcates a particular view of the "commonsensical" that is related to, "the basic categories of key words such as democracy, freedom and equality that are used by people to make sense of the social world" (Farahmandpur, 2004, p. 5).

Apple argues that 'progressive', counter – hegemonic, alliances are necessary to counteract the increasing influence of a resurgent conservative authoritarianism (Farahmandpur, 2004, p. 7). The teacher's role is to deconstruct the key categories of ideology and to promote the work of counter-hegemonic forces through effective and active social *praxis*. As a political project, Apple's critique is situational and pragmatic as it deploys critical knowledge within particular ideological frameworks and the teacher becomes an agent of liberational *praxis* within schooling's institutional structure . Rather than seeing the teacher as a loyal and diligent professional who provides students with the technical knowledge necessary for their successful entry into the marketplace, Apple, like Giroux, sees teaching as an inherently political occupation where critical teachers become proponents of transformative speech.

If Giroux's idea of culture as a pedagogical text provides a basis for border crossing, Apple's work emphasizes the ways in which cultural practices play out in specific historical, and socio-economic settings. Apple acknowledges the need to examine the structural dynamics of public spaces as he defines the tacit and formal limits of liberal ideals such as freedom and equality. The idea of hegemony plays a central role in his analysis: a concept which emphasizes the importance of political and economic factors without falling back into a reductive base-superstructure model. For Apple, examining an institution requires a sustained attentiveness to both the micro and macro levels as its local effects and broader socio-economic function are assessed. Apple maintains that Marxist critique requires careful critical analysis and "empirical" investigation alike given that the alliances and outcomes fostered by ideology and capital are often unexpected, and, on the surface, contradictory. Here, what Apple terms a relational

analysis is sensitive to cultural hegemony but recognizes that hegemonic relationships are embodied in specific economic and political practices (Apple, 1995, pp. 36, 37).

Through his emphasis on the political role of educational institutions, Apple's work provides a comprehensive account of formal and hidden curricula and their respective influence upon social reproduction. In doing so his writing draws a careful distinction between "substantive" knowledge, curricular practices and the state power which together serve to legitimize select cultural practices. Refining our understanding of the relationship between power and knowledge, Apple argues that the politics of official knowledge (that is, what knowledge is selected as worthwhile and how it is taught) are fraught with social implications as educational institutions mediate human capital through their productive and allocative functions (Apple, 1995, p. 39). What schools do, and what they purport to do are very different things.

Understanding official knowledge, then, involves a consideration of global capital and its relation to the state as a site of struggle that forms and expands through conflict (McLaren, 2005; Foucault, 1980, p. 125; Pozo, 2007). Thus, in the context of contemporary conservative modernization, a key role for the state is the, "socialization of costs and the privatization of profits" (Apple, 1995, p. 49). Calls to keep schooling focused on "practical" knowledge ignore the significant social investments made by the state in the very institutional structures which powerful interests seem intent upon depoliticizing. Insisting on the efficiency of markets ignores the complex ways in which state power has been used to promote conservative values. In light of such structural realities, then, dialogue in the absence of ideological critique can lead to hegemonic retrenchment. As Apple notes, "when people are (sometimes rightly) dissatisfied both

with the ways the state is organized and the roles it establishes for them, the manner in which they interpret their dissatisfaction is often based on the ideologies which circulate most powerfully in a society” (2003, p. 13).

On a systemic level, in addition to its ideological role, technical knowledge reflects the ways in which schooling functions to meet the demands of capital. As a result, schooling is indifferent to the distribution of technical knowledge provided that it is able to meet the demands of capital. However, this function must also be seen within the larger context of the relationship between capital, labour and a managerial class of technocrats and experts. This sometimes creates tension between competing ideological and economic functions since “the school does not only respond to the ‘needs of capital’, but must also preserve its own legitimacy to its other clientele” (Apple, 1995, p. 50). Understanding this tension requires assessing the “specific conjunctures of interests between the requirements of industry in the production of cultural capital and the interests of a large portion of the new petit bourgeoisie in their own mobility” (Apple, 1995, p. 50).

As a consequence, the stratification of knowledge into liberal and vocational streams ensures a concomitant hierarchical social ordering. And yet, because the educational system presents itself as meritocratic, schooling is seen as fair and impartial, even as students internalize the competitive values vital to exploitative capitalist cultures (Steinberg & Kincheloe, 1996, p. 81). Predominantly, the ideological aim of conservative modernization is dependent on a protracted political struggle aimed at, “redefining the borders between public and private.....[and] demonstrating how a

people's common sense can be shifted in conservative directions during a time of economic and ideological crisis" (Apple in Zipin, 2003, p. 114).

Given that the enacted curriculum reinforces the orthodox view that relations between capital and workers are premised on the principle of equality of opportunity, "official knowledge" tends not to value critical thought or ideas of social solidarity and struggle. Instead, within officially sanctioned "educative" environments, the teacher's role is cast as a transmitter of discrete technical knowledge. Rather than narrowly confining the role of educators to existing institutions, Apple argues that it is necessary to create allegiances between schools and communities, right and left, as a means of counteracting the powerful forces of neoliberal, neo conservatism, authoritarian populism, and their respective cadres of technical or managerial professionals (Zipin, 2003, pp. 112, 113).

In light of such ideological influences, Apple, like Giroux, maintains that even when portrayed as exclusively technical, neutral and pragmatic, knowledge remains inherently political. Schooling thus has an allocative function, but it also tends to reinforce existing class structures by, "helping maintain a distinction that lies at the heart of the social division of labor—that between mental and manual labour" (Apple, 1995, p. 46). The bifurcation of technical and administrative knowledge serves primarily to create, "experts of various sorts at all stages of the production process help to legitimize the subordination of labour to capital, by making it appear natural that workers are incapable of organizing production themselves" (Wright in Apple, 1995, p. 47). Rather than a history of struggle and inequity, schools often divert attention from class interests by promoting the ideology of liberalism and the role of scholastic achievement in promoting upward social mobility.

The production and dissemination of technical knowledge are closely related to the historical and economic forces of production as well as fractured hegemonic alliances (Zipin, 2003). Given this broader socio-economic reading of the function of schools, a key strategy of emancipatory pedagogy is to reveal the ways in which dominant cultural constructs emerge from and reinforce structural inequalities. Towards such an end, Apple follows Giroux in taking up the theme of the organic intellectual—which, as an organizing principle, has the potential to “open...up an entire terrain of questions concerning the ways in which struggles over social meanings are connected to the structures of inequality in society” (Apple, 2003, p. 6). Not surprisingly, Apple believes that critical pedagogy must renew its efforts to create concrete strategies of intervention (Apple, 2003; Zipin, 2003) through, “critical literacy...which enables the growth of genuine understandings and control of all the spheres of social life in which we participate” (Apple in Pinto, 2007, p. 206).

More recently, Apple has taken up the idea of the subaltern as the inspiration for his, “attempt to trace encounters between elite and subaltern groups in the field of education with the intent of making more visible possibilities for transformative action” (Apple, 2006, p. 6). A subaltern-based critique consists of analyzing the prevailing social *doxa* to discern the ideological roots of specific class interests as a means of occasioning collaborative action by organic intellectuals (Apple, 2006, p.5). Significantly, such critical forms of inquiry trouble prevalent assumptions regarding the validity of conventional representative discourses which determine the “complex questions about who speaks and how they speak, who remains silent or is silenced, and who speaks for whom” (Apple, 2006, p. 8).

For Apple, subaltern politics requires a reconsideration of our class and ideological investments given the ever-present temptation of ideological imposition. This requires re-examining the conventional hierarchical relationship between theoretical and practical knowledge. The contradictory ideological and socio-economic functions of educational institutions include, “accumulation by producing both agents for a hierarchical labour market and the cultural capital of technical/administrative knowledge” along with the need to, “legitimate ideologies of inequality and class mobility, and make themselves be seen positively by as many classes and class segments as possible” (Apple, 1998, pp. 52, 53).

Apple’s neo-Marxism requires us to consider the public importance of an expanded role for civic education in an era confronted with the economic realities of “extended adolescence” and “life long learning” (Jarvis, 2008, pp. 5, 6). In the words of Jarvis (2008), much of contemporary education reflects the naked truth that, “capitalism needs workers and consumers who can accept in an unquestioning manner its ideology and so it colonized the education and learning processes – both institutional and non institutional” (p. 5). Thus, it would seem appropriate that those most directly affected by such choices should be given the opportunity to examine the allocation of educational resources and the systemic influences which make such allocations appear to be in their collective interests.

Like Illich, Apple contends that the type of knowledge which is valued, and, more importantly, the process through which knowledge is mobilized, have a very important political function. Thus, what is not said in schools is just as important as what is said, since through the hidden curriculum and the ways in which school life is ordered and

structured, effective praxis is circumvented. The idea of conflict and dialogue as mechanisms to expose the functioning of power relations in official knowledge then is very important to critical education. The notion that public speech by teachers would be curtailed is consistent with the narrow frames of official knowledge which is positivistic and apolitical, but forecloses the possibility of placing the school within a broader public social context.

In Apple's writings, consequently, we see intellectual work being tied explicitly to the ways in which knowledge production and political representation impact the state and civil society. From a dialogical, pragmatic perspective, Apple's materialistic, historical analysis offers an instructive counterpoint to Giroux's uncanny understanding of seemingly innocuous, but politically charged, aspects of contemporary culture.

Speech, like education itself, is inherently and inevitably political. Both culture and ideology have a role to play in determining which types of speech and commonsensical forms of knowledge are valued within a given forum or society. While conventional forms of education would see this practice of cultural critique as properly belonging within the confines of elite educational institutions, Apple and Giroux alike emphasize the importance of cultivating a critical literacy exercised by public intellectuals. To truly realize the emancipatory potential of dialogue critical pedagogy we have to adopt a border crossing pedagogy which emphasizes a relational critique in order to situate particular institutions within contemporary cultural politics and specific forms of counter-hegemonic struggle. If schooling represents a terrain of struggle then, talk about schooling is an important means of highlighting social injustice and the ways in which democratic institutions fail to correspond with democratic values.

But how does the idea of the teacher as a radical or public intellectual fit in with the contemporary reality of schools? Power and the knowledge which it gives rise to condition the very questions that are possible. Discourse at work in the circuit of power and knowledge production gives rise to the set of signs and social practices that can broadly be described as culture. To ignore any of these factors is to ignore possibilities for social praxis, justice and creating freer, more fulfilled lives. Within such an educational reality, “coupling critical pedagogy with structural accounts of professionalism draws attention to the special role of the professional as a mediator between the state and the citizenry, and provides a foundation for constructing a professional teacher as an advocate for social justice within the school and beyond it” (Servage, 2009, p. 160).

In many ways, critical pedagogy has not emphasized the pedagogical dimensions of teaching and learning. Indeed, critical pedagogy’s emphasis on equality and radical change fails to underscore the importance of the deliberative aspects of civic education and the concrete civic skills which an active democratic pedagogy must seek to elicit. Drawing on Simon (2005), for example, DiCamillo and Pace (2010) emphasize that, “pedagogies are deliberative if they support students in grappling with public issues, examining different perspectives and evidence, formulating creative and consensual solutions, and reflection on the learning process” (p. 71). This pedagogy is characterized as one which is active, involved and based in putting civic concepts into real world practice.

Critical pedagogy, then, provides a means of reconciling the equality and democratic focus of contemporary democracy (Marri, 2005). Such a pedagogy, while discipline-

focused, is grounded in the lives of teachers and students as they involve themselves in building communities “through disciplinary content” which offers access to the, “codes of power that students need to thrive in schools, colleges and universities”, albeit in a critical deliberative fashion (Marri, 2005, p. 1040). This approach is both personal and public since, “for this to occur, the teacher must allow the life histories, and experiences of diverse socioeconomic and cultural groups, especially those who have been ‘shortchanged’ to play a critical role in the study of multicultural democracy” (Marri, 2005, p. 1038).

This process is about both personalizing the curriculum and gaining critical skills for thinking and social action. Significantly, teacher views on the nature of democracy have been found to be an important factor in determining the type of critical education promoted by the educators (Marri, 2005, p. 1046). No doubt this emphasis on the deliberative nature of critical civic education is warranted. Yet, despite the insights offered by such relational, inter-disciplinary perspectives, the question Illich addresses remains: if hegemony is based on a war of shifting alliances, and not everything inherent in the status quo is oppressive, how do we determine what exactly is worth keeping? Furthermore, if liberalism is the dominant ideology of contemporary modernism, what methods and standards can we use to assess liberal rationality and the institutions founded upon it? To answer these questions we must first consider what we mean by rational dialogue and further consider dialogue’s relevance to liberalism and contemporary critiques of liberal ideals.

2.2.2.3 Free Speech and Egalitarianism: Towards a Viable Critique of Progressive Liberal Schooling

While all of the aforementioned theories reflect the importance of speech to varying degrees, they all provide different underlying rationales. Each requires asking: speech for what aim and in what context? For progressive pragmatists like Dewey, speech in the form of dialogue allows for agents to reflect upon experience as a means of improving our means of constructing social solutions; and, although his epistemology is transactionalist, he still insists on some faith in rationality in one form or another. As he has written, “freedom of mind means [having a] mental power capable of independent exercise, emancipated from the leading strings of others, not mere unhindered external operation” (Dewey, 2007, p. 33). Thought, expression and political action – individual and collective – then, are intricately and inextricably connected with the progressive liberal tradition as exemplified by Dewey.

Critical pedagogy contains an implicit conception of critical literacy which is more universalist than its “postmodern” counterparts, but which continues to emphasize the importance of the inter-relationship between knowledge and power. That is, despite the fact that critical pedagogy recognizes the contingency of power and knowledge it refuses to acknowledge a corresponding moral or ethical relativism as it emphasizes the emancipatory values of the broader critical tradition (Giroux, 1988, 2001).

In this regard, for Freire (who was heavily influenced by Marxism) dialogue is a means of coding and decoding conceptions of a historical, socially constructed world. Despite his influence on the field of critical pedagogy, reading Freire we get a sense that dialogue in the service of emancipation will not (or cannot) give rise to an indefinite

number of outcomes, nor that any given outcome, including its rightness or wrongness will be contingent upon the beliefs and views of participants. Thus, for Freire (as for Marxists and neo Marxists like Apple and Illich) dialogue is a means of examining the ideological underpinnings of social relations and their connection to society's cultural, political and economic structure. In other words, dialogue alone is insufficient to ensure emancipation without some critical capacity (Burbules, 2000).

However, just what this critical capacity is, or how it functions is rarely explored. As we have seen, an exception is the work of Henry Giroux (2001) who argues that dialogue must be rooted in a "critical literacy" which takes the pedagogical function of popular culture as a primary focus (Giroux, 2001). Unlike hermeneutical or technical rationality, emancipatory rationality is concerned with the relationship of knowledge to power and the complex ways in which identities become shaped by culture, language and "commonsensical" conceptions of reality (Giroux, 2001). Although Giroux has written extensively about the dangers of positivism, he, like many critical scholars, is not prepared to discard some conception of critical reason, or even, of modernist emancipatory ideals, such as individual liberty, which, he argues, have an important political function. And this we suspect is true: ideas may have strategic utility or value independent of their historical complicity in oppressive social structures (Spivak, 1996).

While critical thinkers like Giroux emphasize the fundamentally political role of dialogue, if reason itself is ideological, "rational" limitations upon speech become equally problematic. Value judgments always play a role in the exercise of rationality, particularly as they relate to fundamental freedoms. As many have rightly noted, liberal freedoms and rights have often served an ideological function. A fundamental question,

therefore, is how do we determine what the reasonable limits of speech are; and, what capacity, critical or otherwise, do we use to discern the existence of such special cases? For educators, a primary concern is how do we—and *should* we—cultivate such a critical capacity in our students, either as a character based or a cognitive disposition?

Not surprisingly, there are many differing approaches to the age old question of how democracy should use education to ensure its continued existence. There is literature, for example, which adopts a content - values orientated or a character formation approach to democratic education (Black, 2005; Ryan 1996; Brooks & Goble, 1997). Much of this work, such as Tedford's (1975) survey of literature suitable for high school citizenship training (Tedford, 1975), focuses on the selection of curricular content appropriate for the transmission of democratic values. Generally this moral/ethical approach to civic education, while prominent throughout the early to mid twentieth century, began to lose sway during the 1960's and 1970's (Black, 2005, p. 35). At this time, according to Black (2005), it was replaced by pedagogical models which emphasized, "values clarification as a necessary adjunct to a curriculum characterized by moral relativism and situational ethics" (Black, 2005, p. 35).

In recent years, this model has enjoyed a resurgence as character-based outcomes have become a central focus of instructional outcomes (Black, 2005, p. 36). Such approaches purport to be founded on a belief in the importance of moral and political virtues in socializing the young to prepare them for their roles as future citizens. Elements of this approach may be seen in the neo - conservative reform movement which seeks to reintroduce "traditional" family values and a patriotic ethos into the classroom.

However, it is also rooted in cultural literacy approaches advocated by traditional “liberals”, such as Hirsch (1987), Adler (1982), and Bloom (1987).

In general, these approaches view the cultural heritage of western civilization as a transmissible body of knowledge essential to the preservation of Western democratic institutions (Bloom, 1987; Hirsch, 1987). Often, concerns with democratic process or individual rights are subordinate to these cultural traditions and the individual’s duty to the overarching values and ideals of western civilization. Although they often draw upon classical models, they fail to differentiate between the authoritarian and democratic aspects of such theories and the degree to which reflexivity is necessary for strong democracies to flourish. Although they emphasize the importance of character education, such theories often leave unanswered the degree to which the critical capacity should enable the populace to react to changing social conditions. Such values or character based approaches make few efforts to, “enhance students’ understanding of society rather than simply giving students a list of values they are to embrace and behaviours they are magically to adopt” (Westheimer and Kahne, 2004, p. 258). What, then, are the alternatives?

Perhaps the most articulate proponent of a resuscitated modernism is Jurgen Habermas (1981, 1989, 2003) whose universal pragmatism describes a communicative, situational conception of rationality rooted in the particular needs and interests of discursive participants. Within this schema rationality is communicative and situational. For Habermas (1981, 1989, 2003), the process of discourse mediates competing interests by the speaker’s ability to call upon epistemological, ethical and moral validity claims. Through discourse individual interests are mediated through socially acceptable reasons

which discursive participants use to assess the validity of opposing standpoints. These claims or “warrants” are valid for all speakers, but, through the discursive process, make possible the resolution of pragmatic conflicts between participants. Thus, dialogue in Habermasian terms is a form of truth testing which is both situated and universal (Habermas, 1981, 1989). Communicative rationality requires that discourse be a precondition to political legitimacy since “in the deliberative model, the government’s authority and power are legitimized by including the perspectives of all who are governed by public decisions” (Camicia, 2009, p. 137). This is because, “through the discursive process, those with different perspectives struggle to define what is best for all who are governed [and] the public interest is decided discursively by all who are subject to the outcome of public decisions (e.g. laws or public policies)” (Camicia, 2009, p. 137).

Habermas, then, rightly places emphasis on the importance of democratic participation as a means of social problem solving as well as ensuring the legitimacy and representativeness of socio-political authority. However, his theory not only makes empirical suppositions about the nature of speech, but, according to Nancy Fraser (1997), presumes a discursive equality which is in fact often absent in exchanges between gendered, raced and classed social subjects (p. 92). There is no ideal speech situation, rather, as Baker (1989) emphasizes, “liberalism contains contradictory oppressive and liberating impulses and human progress requires realization of the liberating impulses while transforming the social conditions that presently link the liberating and oppressive impulses” (p. 99).

This fundamental inequality within (post)modern (post) industrial societies has led critics to suggest that rather than a single bourgeois public sphere social theorists might

be better preoccupied with exploring the inter-relationship between strong and weak publics (Fraser, 1997, p. 92). For such critics, in examining issues such as speech, it is important to consider how, "the labeling of some issues and interests as 'private' limits the range of problems and of approaches to problems, that can be widely contested in contemporary societies" (Fraser, 1997, p. 93).

Indeed, in this respect, as we move towards the, "critique of actually existing democracy" (Fraser, 1997, p. 69), it is difficult to assess whether Habermas' theory of the public sphere is descriptive or prescriptive. Like many theorists he is telling a story about the history of western civilization, its virtues and the value of a particular brand of discursive reason. Although his analysis, is, in part, historical, his theory appears to presume a conception of speech grounded in bourgeois ideals. It is also unclear how his theory addresses the possibility for dialogue between oppressed and oppressor. Can we even say that speech itself can be colonized by power, and that emancipation is a process of continually reworking the preconditions of dialogue itself?

In the light of Habermas' insights and limitations, how do we move towards a theory of speech which recognizes the relevance of human experience while simultaneously acknowledging the limitations of the social frameworks offered by contemporary modernism? One which recognizes the complexities of a political culture in which "many actors appear to be moving away from a socialist political imaginary, in which the central problem of justice is redistribution, to a 'post socialist' political imaginary in which the central problem of justice is recognition" (Fraser, 1997, p. 2). How do inequality and identity impact one's right to pursue, attain and articulate competing conceptions of freedom?

Answering such a question is difficult but necessary if we are to explore the limitations of democratic schooling. Although Habermas' analysis of modernity holds promise, it is premised on the viability and integrity of liberalism, its legal and educational institutions, and the bourgeois public sphere. And yet, this vision of equality fails to recognize the often marked degree to which, "[w]ithin Western democracies, different voices pay different prices for the words they choose to utter" (Boler, 2004, p. 3). As Boler (2006) argues, "if all speech is not free, then in what sense can one claim that freedom of speech is a working constitutional right?" (Boler, 2004, p. 3). Are either discourse or rationality robust and comprehensive enough to meet the needs of real people in distinct socio-cultural settings?

Perhaps part of the issue is the type of questions which liberalism allows to be asked about itself. Indeed, for Stanley Fish (1994), liberalism has at its heart a glaring contradiction: namely that while it purports to be pluralistic, it favours a version of pluralism which is consistent with the essential tenets and values inherent in a liberal conception of rationality. As another writer has argued, "liberalism faces the ultimately impossible task of showing that the fundamental value of liberty and autonomy is consistent with a social structure that in reality controls and limits human choice" (Baker, 1989, p. 100). As a result, Fish (1994) maintains, it is meaningless to talk of "free speech", since all freedoms imply a freedom from something and this implies the existence of both normative values and a social context within which such freedoms exist. As Fish (1994) frames the problem: "the situation of constraint is the normative one and... the distinctions which are to be made are between differing situations of constraint; rather than a distinction between constraint on the one hand and a condition of

no constraint on the other” (Fish, 1994). Fish argues that this is because, “except in a seminar-like situation, when one speaks to another person, it is usually for an instrumental purpose: you are trying to get someone to do something, you are trying to urge an idea and down the road, a course of action” (Fish, 1994). In this view, there is no such thing as free speech, then, since all speech is limited by its social context, the particular relationship between speaker and listener, and its instrumentality—the purpose and function for which the speaker gave it utterance.

Within the framework of classical rights, both the freedom and its constraint, Fish (1994) reminds us, are emblematic of liberal values whose aims are essentially persuasive and representative of a certain set of social interests. Liberalism, then, takes on a posture of neutrality and objectivity in facilitating middle class values and capitalist interests. Of course, the function of expression can be simply aesthetic or cathartic, or, its purpose can be simply to explore the meaning or content of abstractions. That is, as some theorists have pointed out, speech can be an act in and of itself whose meaning and function exist independent of any other action. Fish’s (1994) theory of speech is useful in that it re-directs attention to the immediate societal contexts of speech and rephrases the predominant issue as the types of justification society will recognize for the curtailment of speech. Despite Fish’s (1994) critique of liberalism, generally this has been limited to “hate speech” or speech which, in accordance with Mill’s harm principle, has the capacity to subject others to harm or serious psychological injury – forms of speech which are generally prohibited by criminal sanction or civil redress.

Fish (1994) also provides a pointed reminder that what appear to be abstract issues are actually the result of categorization of real life struggles. Rights are rooted in conflict.

As a result, it is important to recognize the danger of speculating about possible harms when weighing competing interests at work in cases involving limitations on speech. While this is perhaps unavoidable, we must remain cognizant of the degree to which values and everyday experience color our interpretation of likely outcomes because it may sometimes be necessary to consider the outcome where our values differ, or our interests coincide with those on the margin. As Justice Brandeis once noted, “fear of serious injury cannot alone justify suppression of free speech....Men feared witches and burnt women” (Brandeis in MacKinnon, 1993, p. 103). A primary concern, then, in the definition of liberal rights is the nature and degree of any potential harm to others—most often to abstract liberal citizens (Dillabough & Arnot, 2004). How, then, can the law shape speech and the demands of equity in terms which are abstract, yet responsive to the particularities of the living world around us?

In light of the aforementioned concerns, the harm principle raises a number of related and possibly contentious issues including: the categories of speech deemed worthy of sanction, the types of sanction; the relationship of such sanctions to the classroom environment and the affirmative duties of teachers; and the principles which will govern the classification of speech and the proportionality of measures taken. More broadly democracy also requires us to consider the relationship between speech, equality, and the politics of identity. Can we rightly assert that “[w]hile 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’” (Boler, 2004, p. 3)?

Megan Boler (2004) sees the tension arising from the competing demands of speech and equality as a primary concern for democratic education. For Boler (2004), a Western legacy of fundamental historical inequality justifies, “an affirmative action pedagogy”, which, “ensures critical analysis...of any expression of racism, homophobia, anti-feminisms, or sexism...to ensure that we bear witness to marginalized voices in our classrooms, even at the minor cost of limiting dominant voices” (Boler, 2004, p. xv). History, or rather, particular histories, are an important part of any rights question which might be asked in a modern democracy. This process of bearing witness requires teachers to reject an essentialist conception of speech in favour of a “historicized ethics” which, “looks at the actual circumstances and effects of...principles in practice” (Boler, 2004, p. xv). Thus, rather than accepting freedom as an unqualified privilege, Boler (2004) supports a balanced approach to democratic education which takes into account the requirements of equality and diversity upon classroom practice.

For Boler (2004) silence is heterogeneous, and (as part of difference) inflects our conceptions of both speech and listening (p. xxiv). Thus, as democratic educators it is important that we attempt to read silence, to determine whether it is the result of choice, censorship or a more complex confluence of factors. What this means for teachers is that a primary aim of emancipatory education is to create a safe dialogical environment. In Boler’s words, “[w]hat is key here is that the right to speak does not entail the right to be heard, and so from an educational standpoint, further questions need to be asked: How do people learn to listen, learn to want to listen, to what others have to say” (Boler, 2004, p. xxv).

Boler (2004) reminds us that equality has much to do with voice and one's capacity to be heard. The fundamental tension between equality and freedom of expression arises within the educational environment because of the teacher's duty to care for the well being of each student and the fact that the school is a state structured and supervised forum (Boler, 2004, p. 7). Thus, "[w]hile it may be tempting to say that all laws and rules ultimately require that individuals control themselves for the good of the community, laws and rules also cover over the situation in which individuals act" (Mayo, 2004, p. 34).

Boler's (2004) position implies a conception of speech which is not only situational but also informed by complex histories of oppression. The precise relationship between free speech and equality, and how these competing values should be balanced, can only be ascertained in distinct settings where each becomes representative of powerful countervailing interests. Each represents a fundamental aspect of voice: speech in its most fundamental, human and transformative form. The citizen's responsibility to defend democratic principles becomes re-articulated as the duty of all citizens to fight against the historical legacy of institutionalized injustice. As others have argued, struggle is a key notion within contemporary citizenship training – one indelibly caught up with conceptions of speech and equality (Glass, 2004).

Teachers must remember that their own silence can signify our own moral and emotive indifference, and, perhaps our willingness to work against our own deepest democratic convictions. As Miller (2005) says, "[b]oth my students and I still are constricted by hierarchical structures of schooling and the legacy of a behaviourist-

orientated curriculum field that requires that we separate our responses to readings and classroom experiences from our everyday lives" (p. 61).

For Miller (2005) silence and the process of breaking silences is a fundamental pedagogical reality. Like Freire, Miller (2005) argues that we need to fundamentally reconceptualize the relationship between speech, learning and oppression. "As a teacher", she claims, "I still struggle to speak, still slog through residues of suppression, still am startled at times by a strident cadence that sometimes accompanies utterance" (Miller, 2005 p. 61). In classrooms, this issue often takes on a narrative and autobiographical form as teachers explore the way schooling intersects the existential aspects of their own, as well as students' lives. Speech acts take place within personal stories, institutional stories and the stories of communities within which we are situated. Thus, narrative and autobiography are part of the, "processes of what Bunch calls changing 'the structures that control our lives' ...the processes of challenging unnatural silences, of easing the fears that override the asking of crucial questions that may direct us into regions beyond the traditional realms of educational research, practice and curriculum development" (Miller, 2005, p. 68).

But, again, as Miller (2005) notes, institutions themselves actively fashion human identities. Building on the theme of unnatural silence, Miller (2005) draws attention to the manipulative aspects of institutional politics such as those at work in the convoluted, often divisive, world of school reform. In contrast to top-down neoliberal approaches, what Miller (2005) calls "situated school reform" tries to take into account, "the local, particular and contingent nature of human identities" (Miller, 2005, p. 165). If we see school reform as responsive to ever changing educational environments, dialogue

between teachers, students and communities becomes an essential part of ensuring the success of such initiatives. Within such a context, the idea of top-down schooling fails to reflect the organic, community-orientated focus of democratic schooling, and, by hindering open dialogue, perpetuates systemic problems.

Unfortunately, this process of hierarchical reform does not result in institutional solidarity. More distressingly, for Miller (2005), total school reform movements work, in large part, by setting “inside” against “outside” as the reform becomes part of a means of allocating systemic power within the material and status economies of education. To counteract such tendencies requires us to question the logic of a system in which the categories underpinning change are themselves inflexible and totalizing. Consequently, what Miller (2005) terms, “a notion of situated school reform and research” informs her attempts to create meaningful change by, “utilizing the ever present threat of the ‘outside’ to expose the founding presumptions of the inside, to rewrite the history and the very uses of those terms, and to expand the meanings of what and who counts in particular situations” (p. 176).

What Miller’s analysis suggests, then, is that the “founding presumptions” of a silenced teaching environment have much to say about “who and what counts” within our educational system. Her critique suggests much about the division of power within schools and the importance of bureaucratic and state sanctioned neoliberal discourses of accountability and standardization which often benefit at the expense of democratic principles and rights. More importantly, Miller (2005) reveals how the process of speaking within such authoritarian environments can be radically transgressive. Thus, narrating experience and moving away from teacher identities in the abstract, towards

situated, humanized relations between teachers, parents, students and community members, is a means of countering the foundations of institutional silence. Thus, what is lost through censorship is not simply abstract ideas but real life engagements which shape local cultures.

Censorship in this model then, causes harms which are not immediately obvious from a conventional liberal perspective. The teacher as insider, is constantly reminded of the complex ways in which the interests of powerful influences within the system mitigates against those of a public and students who are increasingly pushed outside of the schooling system. Unlike the abstract, often depersonalized discourse of liberal rights, speech is both political and personal, as it relates the terrain of identity to the vicissitudes of diverse organic publics. Rather than being universal and tied to the construct of the abstract citizen, speech is profoundly connected to historical issues of equality and cultural identity. Speech, which cannot be seen without being cast in the context of history and place, is about who we are as well as who we will become.

2.2.2.4 Performativity, Narration and the Speaking Subject

The work of critics such as Boler (2004) and Miller (2005) force us to ask: how do teachers, academics and students deal with an institutional structure in which practices, procedures and curricula are predominantly determined from above? Or, should we as critical educators not recognize the subtle ways in which, “[c]urrent feminist and curriculum theories...focus on ways to undermine the ‘certainties’ that contribute to the perpetuation of unnatural silences for women, indeed for all students, teachers and theorists hemmed in by ‘received heritages’” (Miller, 2005, p. 63). Arguably critical

pedagogy could do a much better job of highlighting concrete ways in which the educational system can be made more democratic: for example, by pointing out the types of interests and choices which require a high degree of stakeholder participation and exploring concrete strategies for realizing such aims (Ellsworth, 1992; Gore, 1993; Lather, 1998).

Yet, such issues draw our attention to the importance of individual agency and its relationship to interpellation: a form of hailing which calls for an individualized response and which carries with it reference to a social role. In this vein, for Judith Butler (1990, 1992, 1997), speech is citational and is a form of address which invites us to take up subject roles, since it is by staging identity that we attain cultural recognition. We are what we speak, since speech is one of the ways in which we perform the identity scripts which culture presents to us.

Butler (1990, 1992) argues that even the law cannot escape the citationality of discourse since in the act of punishing the speaker, the utterance is proliferated. In contrast to MacKinnon (1993) who argues that, "hate speech and pornography do the same thing: enact the abuse" (p. 104), or Boler (2001) who speaks of the need for an "affirmative action pedagogy", why not, asks Butler, see offensive speech as an opportunity to redefine and challenge such meanings at the outset?

The cost of having an official version of events is that counter narratives and the alternative perspectives they offer are lost. As a result, interests are misrepresented and local forms of knowledge disrupted, meaning that censorship is a culture point: a rupture in the formative process through which marginalized voices are refused access to the dominant culture.

Indeed, such alternative narratives represent desire for alternative conceptions of identity and storied histories on the part of the oppressed, and fear of the challenges inherent in transformative educational possibilities. To understand such issues and to explore the notion that censorship is a pedagogical moment, we turn to Butler's analysis of "excitable speech": a legal term for statements "made under duress, usually confessions that cannot be used in court because they do not reflect the balanced mental state of the utterer", as well as, to inflammatory, seditious or inciteful words which were regarded as being liable to prompt a violent reaction (Butler 1997b, p. 15).

As in many of her groundbreaking works, Butler's theory of performativity plays a prominent role in her explanation of why speech has both the power to wound and simultaneously to position the subject in a transformative space. As Butler (1997b) puts it "to be addressed is not merely to be recognized for what one already is, but to have the very term conferred by which the recognition of existence becomes possible. One comes to exist by virtue of this fundamental dependency on the address of the Other" (p. 5).

For Butler, to claim that hate speech always has a detrimental effect is to misunderstand the subject's capacity for agency. Such an assumption fails to recognize that, "[i]nterpellation is an address that regularly misses the mark, it requires the recognition of authority at the same time that it confers identity through successfully compelling that recognition" (Butler 1997b, p. 33). Ironically, one could say that Butler argues that the subject is simultaneously more vulnerable and resilient than either the protective moralizing censor or the libertarian ideologue can imagine.

Because Butler views language as constitutive, she argues against censorship, since "the critical and legal discourse on hate speech is itself a restaging of the performance of

hate speech” (Butler 1997b, p. 14). This restaging is contrasted with the law’s notion of the “sovereign subject” which creates relations of domination and control. In contrast, to this modernist legal view, for Butler, speech is both citational and a form of ideological address with distinct social and psychic effects. Predicting the effects of speech is a means of foreclosure, whereby the subject is denied the opportunity for authentic engagement and recognition. Since language is social there is no purely original utterance, that is, the personal is to be found in inflection, nuance—a pushing against the grain of culture. Thus, “The responsibility of the speaker does not consist of remaking language *ex nihilo*, but rather of negotiating the legacies of usage that constrain and enable that speaker’s speech (Butler 1997, p. 27).

Like Foucault (1975), Butler argues that power is formative because it poses the means for new forms of identity with greater capacity for cultural circulation. This productive and performative aspect of power is principally achieved through language since, “censorship seeks to produce subjects according to explicit and implicit norms, and ... the production of the subject has everything to do with the regulation of speech” (Butler 1997, p. 133). Thus, taking issue with the liberal standpoint which sees the law as guiding the citizen’s conduct, Butler argues that censorship functions, “to make certain kinds of citizens possible and others impossible” (Butler 1997, p. 132). It is, in a sense, to divert our attention to citizens and away from living breathing people (Dillabough & Arnot, 2004).

The theory of performativity raises serious questions about the law’s role as a regulator of speech. If, as Butler (1990) maintains, “[t]he rules that govern intelligible identity...operate through repetition” (p. 145) what are the social and cultural effects of

habitual deferral to the law? By failing to consider the constitutive role of culture, we foreclose the types of agency which such an awareness could open to us. Thus, the idea of a transcendent subject whose actions and the performative conditions of whose being are determined by the law prevents us from asking the fundamental question, namely: "what are the "effects and instruments of a social ritual that decide, often through exclusion and violence, the linguistic conditions of survivable subjects" (Butler 1997b, p. 5). The citationality of discourse, Butler argues, results in the preemption of certain types of agency from the outset in a process which is all too often unnoticed and invisible (Butler, 1990, p. 144).

In relation to the current investigation of speech, this question raises issues related to the law's construction of contested subjectivities. Does the legal modernist framework depoliticize speech since law determines the parameters of such rights as they are mediated through the law's conservative ideological prism (Bayer, 2000)? Does it preempt the recognition that the site of culture itself is the arbiter of the permissible bounds of speech and that the power of the law is largely contingent upon the willingness of subjects to abdicate this moral and political responsibility?

There are no easy answers to such questions. Speech and censorship are both performative stances which raise the fundamental question of responsibility for the other. Speech, because it is social and iterative always references the other who is also me (Butler, 2005). Since identity is a possibility inherent in social language, the question becomes one of the types of practice which allow for encountering the other without determining the possibilities for desire, for love, inherent within spaces for social action (Butler, 1990, 1992, 2005). Thus, in Butler's (1990) words, "to understand identity as a

practice, and a signifying practice, is to understand culturally intelligible subjects as the resulting effects of a rule-bound discourse that inserts itself in the pervasive and mundane signifying acts of linguistic life” (Butler, 1990, p. 145). It is, in part, to see “agency...[as] located within the possibility of variation in that repetition” (Butler, 1990, p. 145), or, more accurately, “a subversive repetition within signifying practices” (Butler, 1990, p. 146). In this sense, perhaps there is no pure freedom just a politics and a vernacular of desire which seeks to open spaces where more authentic human engagements can take place.

Reading Butler (1990, 1992, 2005), therefore, we are reminded of the dangers of imposing a single normative conception of democratic or civic education. In contrast to the classical liberal view which holds out a rational, transcendent subject, for Butler our very identities are sites of potential resistance. The issue is not simply what we know about the social world and its politics, it is also the implications and performative possibilities of what we *desire*. In such ways, then, Butler’s insights about performativity are central since, as Clark and Case (2008) argue, “[f]or many of us, decisions about what to teach in social studies will likely be informed, consciously or not, by our image of the type of person and world we hope to promote” (p. 25). In many ways, any theory of speech, like any theory of education must come to terms with the profoundly dark, often impenetrable depths of the human psyche. As Coetzee (1996) has hauntingly phrased it: “The self, as we understand the self today, is not the unity it was assumed to be by classical rationalism” (p. 37). Rather Coetzee says, “It is, to speak in figures, a zoo in which a multitude of beasts have residence, over which the anxious, overworked

zookeeper of rationality exercises a rather limited control. At night the zookeeper sleeps and the beasts roam about, doing their dream work" (Coetzee, 1996, p. 37).

Coetzee (1996) describes a self which is at once real and metaphorical, a self that can be known only through expression, even as it eludes representation. Identity and speech, as we have seen, are inextricably linked since broader ideological and political conflicts play out within the sphere of the personal as well as the ways in which specific identities are recognized. Thus, citizenship education should not simply be preoccupied with critical thinking or democratic values, but, with the notion of political struggle. As Glass (2004) emphasizes, "neither a critical knowledge of reality...nor language and speech that redefine that reality, are sufficient to change that reality without their being linked to the concrete struggle to transform the given situation" (p. 17).

Therefore, while we may not be able to control how we inherit institutional parameters, the interpellative call is itself a transformative moment. Thus, it is how speech relates to identities and their institutional confines that determines their true radical potential. Ironically, the very power that makes censorship possible constitutes speech as a radically transgressive act. To accept the conventional liberal humanist conception of power and agency, simply, "postpones the concrete and contemporary task of rethinking subversive possibilities for...identity within the terms of power itself" (Butler, 1990, p. 30). As such, the task becomes not one of simply looking for an "outside" of power, but of recognizing the role of power's constitutive nature in determining the possibilities for oppression and resistance alike (Foucault, 1978, 1979). Thus, it is necessary, not simply to passively inherit rights but to recognize a performative conception of social identity which facilitates, "constant discussion and

reevaluation of what the core ideals of democracy, justice, and freedom can or could mean in contemporary contexts” (Heilman, 2006, p. 207).

In her later work, Butler (2005) moves towards a consideration of the interconnection between psychology, ethics, language and performativity. Like Fromm, writing several decades before her, Butler sees freedom as something which is never fully present or as a transcendent possibility – power has a seductive aspect, in that it offers recognition but also, paradoxically, a loss of identity. Power, in a sense is not something external to the subject, it is intersubjective, and, even it could be said, a precondition of social existence itself. Such a recursive and situated civics requires us to ask: “[w]hat kind of subversive repetition might call into question the regulatory practice of identity?” (Butler, 1990, p. 32)

Posing this question is to recognize the power of the subject to performatively constitute more praxis-orientated subjectivities which see the non-unitary subject, rather than the law, as the site of emancipatory promise. Identity, Butler (1990, 1992) seems to say, is not all that we are, nor all that we are able to become. Ironically, it is this belief in an invisible set of rights and the authority of institutions as opposed to legitimizing democratic practices which threatens to undermine the emancipatory potential of critical pedagogy. Reading Butler, however, we might also begin to see the potentially detrimental consequences of an educational system which expels the word citizen from schools (despite its shortcomings) replacing this subject role with that of the informed, compliant consumer.

Although MacKinnon (1993) is right when she says, “those with the most power, buy the most speech” (102), this doesn’t mean that power can determine all forms of social

relations or that having the state act to remedy inequality will necessarily lead to greater empowerment. Both MacKinnon and Butler see speech as a form of action; Butler principally differs in her view on the dangers or pitfalls of entrusting the enactment of social equality to the state.

Although Butler does study the problem of free speech, her work is often categorized as being primarily concerned with the psychic aspects of power and identity. Seen as belonging to cultural studies or queer theory, Butler is not often taken up within mainstream democratic education which tends to reject the radical epistemology and ethics characteristic of more left-leaning cultural theories. Yet, arguably, it is these very issues which lie at the heart of the question of expression and its relationship to civic education. Indeed, this relationship between the personal and political aspects of democratic education is particularly evident within the social studies curriculum which serves both individual and social purposes by its emphasis upon "competing rationales" for social studies education over the past century: namely "social initiation, social reform, personal development and intellectual development" (Clark and Case, 2008, p. 27).

In addition, to the link between personhood and civic education which exists in the social studies tradition, this is a reflection of the instrumentalist progressive tradition. Notably, the latter emphasized the importance of social relations in shaping the characters and education of individuals and the corresponding dependence of social institutions on the critical capacities and collective social action of citizens.

It says very little, however, about culture, the politics of the personal or the way in which power conditions and opens transformative possibilities for the self. In this way, it also obscures a particular view of personhood, indeed some might say it normalizes a

particular conception of a rational liberal citizen without fully exploring what rationality or liberalism is all about. As one scholar emphasized “ever since the Enlightenment, there has been a strong tendency in educational theory and educational practice to think of education as the production of a subject with particular qualities, most notably the quality of rationality...[leading] to an approach that is both instrumentalistic and individualistic” (Biesta, 2007, p. 764). What this implies is that despite the lack of emphasis given to the critical citizen in contemporary public education, “the way in which we understand and practice democratic education has everything to do with our conception of the democratic person” (Biesta, 2007, p. 764).

Biesta (2007) contrasts what he terms the individualistic and social conceptions of democratic personhood with what he finds in the work of Hannah Arendt and which he terms a, “political conception of democratic subjectivity” (Biesta, 2007, p. 764). Such a critique asks us to consider whether there is a normalization at work under the surface of discursive deliberation that obscures its role in protecting a narrow set of vested interests? Interestingly, despite what he has said about the importance of rationality, Biesta’s (2007) formulation of this conception of democratic personhood shares much with Butler’s ideas about performative identity. Rather than being simply about the nation’s civic institutions or the formal legal requirements of democracy, such a form of democratic education “follows from...learning about the fragile conditions under which action and subjectivity are possible” (Biesta, 2007, p. 765).

Rather than looking at politics as the outcome of a transcendent rationality, cultural studies suggests the need for a politics which recognizes the trials, hopes and promises of an existence which is always at first, local and personal. As Joe Kincheloe and Shirley

Steinberg (2004) once pointed out, it is “through a respectful interaction with those different from ourselves, we come to new modes of consciousness....we gain a chance to see ourselves as the other sees us—indeed, our familiarity with ourselves is made strange” (Kincheloe & Steinberg, 2004, p. 2).

Coming to terms with familiarity, its pitfalls and dangers, requires us to encounter the everyday, through the shifting ways of seeing made possible through a dialogue with difference (Mackinnon, 1993). We might consider for example, that “citizen” is an important subject role, one which implies a whole set of social relations between individuals and the state. As the law of stateless persons, or of extradition, or even the inhumane treatment of enemy combatants makes clear, citizenship as an ideal and a set of legal rights is a concept worthy of protection. But it is also contested, and, as an overarching category, citizenship also removes individual identity (in its particular, personal and historicized forms) from the stage of law and political theory.

Butler, then, reminds us that there is a cultural politics at play in how we negotiate these roles. The state, Butler might argue, is itself a form of staging and performance. However, despite its ability to recognize and address the miseducative aspects of civic education and contemporary curricula (Kincheloe & Steinberg, 2004), there are serious unresolved questions which arise out of Butler’s theory. For instance, although Butler does describe the role of the state in disseminating productive forms of citationality and censorship, she does not define the state other than in negative terms – that is, as separate and distinct from the subject as a linguistic and performative entity. Moreover, she does not consider the problem of ideology or truth testing as they relate to citationality and resistance.

More simply, if postmodernism and postcapitalism have foreclosed the possibility of any ethical *a priori* starting point, where does that leave us in a search for a responsible pedagogy (Lather, 1991; Rorty, 1998, 2000; St. Pierre & Pillow, 2000)? A performative theory of speech, even when based upon a description of discursive practices within a given socio-economic or political context, still leaves unanswered the question of legitimation. Perhaps, as Rorty (1998) suggests, education is primarily a question of translation and justification of revealing "how the other side looks from our own point of view" (p. 365). Or, perhaps, in the realm of education a performative theory of identity inevitably gives rise to an encounter with the legitimacy of democratic principles as a form of communal ethics. From a Foucauldian standpoint this is because, "an important characteristic of the art of modern government is that [it] works positively through the making up of subjectivity, it operates at the intersection of techniques of domination and techniques of the self" (Fournier, 1999, p. 283).

What this means is that identity and expertise form means of articulating power through spaces which are ostensibly free and unregulated but which are situated within gaps in a liberal scaffolding of civic norms and the law. Unlike more overt forms of oppression, "liberalism involves a network of diverse techniques and practices through which the governed are constituted as autonomous subjects and are encouraged to exercise their freedom in appropriate ways" (Fournier, 1999, p. 283). In some ways perhaps, a rupture in liberal legalism is the first strategic step in creating a more effective, inclusive, powerful and *personalized* rights cultures.

Moving beyond liberalism means reimagining the fundamental ambivalence and melancholia caused by our positioning in relation to liberal attachments and modes of

social life. Central to such a project is rethinking the role of voice and the way we think about education, its relationship to truth, the personal and participation in social life. In this regard, performative theories provide insight into how educational practice has an effect on the formation, maintenance and interrogation of identities. Censorship, seen in this light, forecloses our opportunity to define ourselves creatively in response to the ubiquitous, albeit often hidden, scripts of power. Thus, Mill's argument that censorship prevents the discovery of the truth in its entirety becomes redefined as an inherent limitation upon the possibilities for the creation of alternative democratic identities, cultures and communities.

While Butler's performative cultural critique, then, is of fundamental importance for a study of censorship, what are the implications for the human capacities of desire and imagination, and their relationship to critical reason? Does it necessarily imply a role for personal narrative within dialogical education as a textual record of the struggle for identities at the personal level? Or, perhaps, can we even say that the process of imagining and of narrativizing experience is itself a part of the performative, oppositional formulation of identities within a democratic pedagogical context?

2.2.2.5 Imaginative Counter-Publics – The Language of Possibility & The Language of Critique⁶

Since in some sense we can only learn that which it is that we do not know, all education requires imagination, as the perception of that which is desired but has not yet been made consummate through experience (Doyle, 1993; Egan, 1986; Eisner, 2005; Simon, 1992, 2005). Even the role taking, or contemplating the counterfactual, required

⁶ "In short, the language of possibility must precede the language of critique" (Doyle, 1994, p. 9).

by social encounters requires imagination. In terms of speech, the imagination becomes a means of conceptualizing alternative social spaces in which the negotiation of identities and social constructs can occur.

Within these spaces, these imaginative counter publics, performative pedagogies have expanded the scope of emancipatory struggle by placing a marked emphasis upon desire, language and the importance of everyday practice (Fraser, 1997; Eisner, 2005; Freire, 1970, 2007; Egan 2002; Greene, 1978, 1995). If the rational capacity alone is insufficient to define the limits of expression, the imagination becomes one of the means by which we contemplate alternative forms of social organization and vicariously consider the subject positions of others. Thus, within the frameworks of writers such as Roger Simon (1992), Kieran Egan (1997), Maxine Greene (1972, 1995), and Paulo Freire (1970), the challenge becomes one of using critical reason to, “construct a pedagogy of possibility, one that works for the reconstruction of social imagination in the service of human freedom” (Simon, 1992, p. 4)

The creation of the modern public in the 18th century, which was made possible by changing economic conditions and the emergence of new political freedoms and the middle class, was just as much about a change in the way people thought about daily life, talk and leisure (Habermas, 1991; Wilson & Yachnin, 2010). At all stages, the creation of new economic and political modes of life, of new forms of leisure, talk and thinking and of new categories of thinking (for example, the idea of a public and of public space itself) required the imagination as well as the application of any formal logic.

Although what Delpit (1988) terms the “culture of power” operates behind the scenes to ensure conformity and compliance, imaginative pedagogies can facilitate the

construction of alternative ways of living since, “those with power are frequently least aware of—or least willing to acknowledge—its existence” (p. 282). Yet, in many ways, the intensification of teachers' work has reduced their ability to see beyond the four walls of the everyday. As one scholar emphasizes, “teachers' thinking tends to be local and immediate. The politics of education, as they are ‘duked out’ by governments and professional bodies, may be too abstract and removed to engage many teachers in ways that are meaningful to them” (Servage, 2009, p. 160).

As a cognitive capacity (Egan, 1997) and a mode of experience (Greene, 1972, 1995), the imagination provides a means of envisioning alternatives to deeply sedimented cultural practices (Simon, 1992). In large part, it provides a means of envisioning subaltern publics and fashioning a critical historical awareness since, “the understanding of history as possibility rather than determinism... would be unintelligible without dreams, just as a deterministic view feels incompatible with them and therefore, negates them” (P. Freire in A.M. Freire, 2007, p. vii). Fighting against such incursions, history—rather than being simply an inherited tradition—becomes a site of possibility determined by the agency of individuals and their struggle with the ideological, material and cultural conditions of oppression. Thus, as we story our lives, “it is in history as *possibility* that subjectivity, in a dialectic-contradictory relationship with objectivity, takes on the role of subject rather than simply object of world transformations” (Freire, 2007, p. 23).

While Freire's words are inspiring they ought not to cause us to underestimate the challenge of “teaching against the grain” of modern culture (Simon, 1992). Yet, ironically, the very hierarchical nature of the schooling system also means that acts of a transgressive nature—particularly those which offer the possibility of imagining the

world as it otherwise might be—resonate powerfully. In many ways, the very uniformity of schools have made words like love, hope and wonder, powerful resistance points to a positivistic and neoliberal curricular inheritance (Singh, 2009). As Evans *et al.* (2000) put it, “the disciplines have been dominated historically by an emphasis on objectivity and neutrality, an antiseptic de-emphasis on the emotional, a desensitization that occurs through school and culture to separate the mind from the heart under the guise of scientific neutrality” (p. 300).

Strangely, then, school is a place in which an extensive bureaucracy transmits a curriculum which is increasingly conservative in its orientation. This contradiction is compounded by the degree to which the school promotes personal development—through the acquisition of marketable, often technical skills—at the expense of a personally meaningful curriculum. As a result, it takes imagination to recreate the possibility of real educational encounters and to see the school as a place of passion, care and individual transformation. In contrast there is, “the reality of schools as massive and tenacious bureaucracies with written rules and codes of conduct that emphasize a hierarchical stability, blandness, and sameness” (Evans, Avery & Pederson, 2000, p. 300).

And yet the possibilities envisioned by the imagination, even as they are shaped by existing social conditions, must be viewed in light of the insights offered by critical thought. Within such spaces, critical thinkers such as Roger Simon (1992) examine the interdependence of human capacities and social forms in creating alternative cultural constellations of meaning. In Simon’s (1992) words: “possibility is defined in relation to the choices an individual can make from within a given opportunity structure” (p. 19). Possibility and freedom, while seemingly open-ended, imply certain ethical and social

norms and a range of individual dispositions. For Simon (1992) this is because his, “definition of possibility differs in that I see it as constituted within a structured field of normalized forms for the realization of communication and action” (p. 19).

As Simon (1992) intimates, the imagination as an ethical force, becomes linked to our capacity for responsibility. Within a pluralistic democracy, developing a facility with imaginative, caring forms of listening is a fundamental part of the educational project. This requires that teachers come to see, “education ...as a practice of cultural production whose effects influence not only the distribution of material goods and available opportunity structures but as well, the social imaginary through which people define both what [is] possible and desirable” (Simon, 1992, p. xv). Within such “critical” imaginative traditions, speech – more specifically, dialogue – is seen as instrumental to the process of revealing the illusions of ideology, organizing collective critical action and constructing new, more egalitarian forms of knowledge.

Democratic education requires imagination because democracy must be continually reinvented to meet the challenges of a new age (Rorty, 1989, 1998). Stories and popular culture are used by ordinary people to rewrite the myths deployed by the powerful to gain legitimacy to accomplish authoritarian goals. These narratives are neither simple nor without their psychological appeal – in many ways power and the powerful are adept at continually co-opting public goods in pursuit of elite interests (Kincheloe & Steinberg, 2004, p. 6).

All narratives, if they are convincing must be imaginative, that is they must offer a way of seeing the world which is new and exciting, which urges us to substitute this world view as one which is more vivid and connected to reality than our own. Given this

democratic emphasis, a unique aspect of critical pedagogy is that it emphasizes the importance of the notion of education as both a public good and a means of social transformation. In light of the inextricable relationship between knowledge and power, the intellectual is fundamentally an activist, within educational institutions that perform what are essentially political roles. In such an open-ended discursive context, the imagination is essential to human politics and is itself a formative part of the human experience. In Freire's (2007) words, "[as] beings programmed for learning and who need tomorrow as fish need water, men and women become robbed beings if they are denied their condition of participants in the production of tomorrow" (p. 25).

While it is tempting to see this emphasis on the metaphorical as superfluous, in many ways it is central to the ways in which power insinuates itself into everyday life. Indeed, something as horrific and as blunt an instrument of power and violence as the Third Reich depended on a complex imaginative mythology of terror. For Hannah Arendt, according to Benhabib (1990), the Nazi concentration camps performed precisely this ideological role. As "living laboratories", Benhabib (1990) argues, "the camps are the 'guiding social ideal of total domination in general' and that 'these camps are the true central institution of totalitarian organizational power'" (p. 174).

Of course, the opposite is also true: far from being irrelevant to the articulation of a pragmatic civic vision, imagination helps us to break open the educational life's subaltern aspects. Seen within this context, the fight against censorship becomes closely linked to struggles for political and moral legitimacy by teachers and communities. At times seeing censorship as a danger requires the imaginative ability to see alternative futures and modes of experience from the possibilities inherent in the present tense. In Coetzee's

(1996) words, “when certain kinds of writing and speech, even certain thoughts, become surreptitious activities, then the paranoia of the state is on its way to being reproduced in the psyche of the subject, and the state can look forward to a future in which the bureaucracies of supervision can be allowed to wither away, their function having been in effect privatized” (p. 35).

The confessional and intimate aspects of imaginative pedagogies ensure that the work of critical educators remains centered in the actual dynamics of real life educational interactions. In an age of corporatism and global terror, they bring us closer to what has been aptly termed a “cognition of empathy” (Kincheloe & Steinberg, 2004, p. 3). Critical education must remain open to using discourses of love and desire to explore the complexities of socially entrenched master scripts within living, embodied classrooms (Gore, 1992; hooks, 1994, 2003; Bloom, 1998). For the progressive educator, imagination and empathy become ways of developing a capacity for critical listening (Jones, 2004, p. 60).

Understanding silence requires understanding the complex and subtle ways in which local cultures influence the formation of transformative identities. Thus, what hooks calls, “education as the practice of freedom” creates schools where teachers and students and alike, “can grow, and are empowered by the process” (hooks, 1994, p. 21). It requires risk taking and personal disclosure by teachers and students seeking to deploy critical knowledge in the struggle against everyday oppression. Emancipation is not something which is inherited, but, rather, is unfinished and takes its form through communicative *praxis*. As Freire (2007) argues, “there is no tomorrow without a project, without a dream, without utopia, without hope, without creative work, and work toward the

development of possibilities, which can make the concretization of that tomorrow viable” (p. 26).

Within the classroom, history is embodied through students’ personal, sometimes painful, life stories. In this way, emancipatory narratives are caught up in master scripts and the role they play in setting the parameters of any cultural pedagogy (Bloom, 1998). An important part of liberatory education, therefore, is the narrativization of personal experience as a means of coming to terms with the dynamics of individual oppression (Bloom, 1998). Through such a means, emancipatory education becomes personalized and situated (Bloom, 1998; Freire, 1973). Thus, as part of such an imaginative pedagogy, in the words of William Pinar (2005) “this performance of autobiographical voice and professional identity reveals how working the past autobiographically enables one to ‘midwife’ the future and, in so doing, reconstruct the public space in which identity is reiterated” (Pinar in Miller, 2005, p. xii).

If the law, or the social sciences in general, rely on a form of reasoning which is analogical as well as deductive (Weinrib, 2005), if new knowledge can truly be formed out of experience and discourse, and if language use can truly be described as a type of game, the imagination is of central importance as the cognitive mode by which these processes construct alternatives which are synthesized with a critical capacity and given meaning. Freedom, then, is also a cultural site where speech is allowed to become part of a game with shifting rules, rules which allow for all possibilities but which must allow the game to be played to some possible completion, and where the stakes are always, irrevocably, high.

2.2.2.6. Summary – Critical Pedagogy, Speech & Empowerment

For critical teachers transformative speech is speech which emphasizes the dialogical nature of knowledge and the public, organic nature of intellectual work. The site of struggle, one which is predominantly ideological in nature, is culture and its socio-economic influences (Giroux, 1988, 2009). Given this constructivist worldview, critical approaches, when compared with conventional liberalism, often offer more egalitarian and expansive definitions of rights which address the plight of the historically marginalized. Critical pedagogy based approaches are characterized by a suspicion of conventional notions of rationality, and thus, contest the classical concern with rational limitations of the right. Moreover, a concern with equality and the historical legacy of discrimination has resulted in much discussion regarding the emancipatory potential of dialogue, as well as the dangers of ideological imposition.

Building upon the ways speech gets taken up by subjects in practice, performative theories of speech explore the relevance of speech to the construction of subjectivity (Butler, 1997a). Here, we see how speech is a formative influence upon institutional cultures as well as individuals and the state. The cultural and psychic mechanisms of power are described by theorists who note that we cannot understand the relationship between speech, politics and the self without exploring the role of desire (Kelly, 1997, 2009; Butler, 1990, 1997, 2005; Felman, 2002). As we have seen, this concern with the inter-relationship between social forms and possibility is explored by pedagogies in which the imagination is put into play as a critical force.

In general, critical approaches view all speech as caught up in the circuit of knowledge – power (Foucault, 1979, 2003, 2007). Rather than defining the parameters of

freedom, the focus on a universal rationalistic standard actually creates identities deeply influenced by a Eurocentric rationalistic worldview (Willinsky, 1998). Thus, critical educators argue, while it is true that rights must have limits, the emphasis on rationality at the expense of other human faculties unduly limits possibilities for more egalitarian, humane articulations of democracy (Rorty, 1989; Matsuda, 1993). Just how these theories relate to existing practice in terms of their real life interpretation and implementation is perhaps a task for intellectual work which is both critical and empirical as we study speech as a cultural, and social, as well as an individual, phenomenon (Breuing, 2011; Kaufmann, 2010).

2.3. Qualitative Studies: Assessing the Gap

2.3.1. Teachers Legal Knowledge and Democratic Education

Research helps us to see how rights and ideas work in real world settings (Breuing, 2011; Kaufmann, 2010), where they are lacking and what they might offer. To be effective, critical theories of teaching and learning must consider the actual nature of democratic pedagogical practice and their relationship to schools (Gore, 1993; Lather, 1998). In determining the focus of the present study, then, we first need to assess the existence of any gaps between critical educational practice and theory. This requires exploring free speech and dialogue as concepts which, while 'taken-as-shared' (Davis, Sumara & Luce-Kapler, 2007, p. 58) may mean remarkably different things to different people. Collectively, the studies I am about to explore, look at democratic education in practice and its relationship to schools, teachers and students.

A good starting point is literature on legal rights in education. Most legal literature on the topic of free speech within the educational context looks at the evolution of the

judicial treatment of teacher rights. Major areas of analysis in this regard include: academic freedom within the public schooling context; free speech of teachers in relation to their employment duties; life style issues; and, legal issues related to teachers' sexual orientation. Nearly always, issues are framed within an abstract conceptual legal framework with the actual voices of the teachers, students and community members at the heart of the dispute being secondary to the legal issues at hand.

Quite often, this literature treats rights as taken-as-shared, and the shared meaning as being synonymous with the legal meaning. Yet, despite the lack of an emphasis upon the social uptake of rights, many of these surveys do an excellent job of summarizing the development of legal rights or the common law in the realm of education. Within this category, we would include Lavine's (1980) American study of teachers' freedom of expression in relation to the issue of same sex rights (Lavine, 1980); within the Canadian context, we have a study by Clarke (1998), which provides a comprehensive overview of the topic; and, a similar article by Reyes (1995), which adopts a somewhat narrower focus as it analyzes freedom of expression in relation to the common law of employment. Other relevant studies include those by Meyerson (2002), Magasino (1994) and Gillin (2002).

Clarke's (1998) legal survey in particular is worth mentioning for its comprehensiveness and its direct focus on the issue of teacher free speech. Clarke (1998) provides a detailed, in-depth review of Canadian case law on the subject with a focus on the tension which exists between teachers' obligations of loyalty, obedience and good faith as an employee, and his or her rights as a citizen that enjoys fundamental constitutional freedoms (p. 341). Clarke (1998) emphasizes how the teacher's duties of an

employee have often become incorporated into a court's reasonable limitations analysis under s. 1 of the Charter. He acknowledges the ambiguity which exists in the existing law, particularly in light of the notion of the reasonable limitation (p. 248), but argues nonetheless for an expanded right in the teaching context due to teachers' intimate knowledge of the schooling context and the crucial role played by public school teachers in public education (p. 335). More generally Clarke (1998) summarizes the relevant employment law this way:

In the employment context, school boards may restrict: dishonest speech which undermines trust, uncooperative speech which interferes with effectiveness and efficiency or which is abusive, disloyal speech which unjustifiably harms school boards' legitimate business interests, and disobedient speech which defies employer's authority. In other circumstances, however, employment law recognizes and protects teacher expression in spite of teachers' employment duties. Thus, employers are not allowed to interdict: speech solely because it is idiosyncratic or unconventional, appropriate banter with students, teachers who criticize their employers for illegal and negligent behaviour, and direct and forthright speech in the collective bargaining *context*. (p. 4)

As Clarke (1998) notes, the schooling context is unique for a number of reasons (p. 351). Unlike a regular citizen, teachers have a unique employer-employee relationship with the state, that imposes additional duties and responsibilities which are often weighed in any assessment of the reasonable boundaries of an individual's right (p. 346). Yet, nonetheless, it is also true that teachers play a crucial role in the public school's democratic socialization function. Consequently, Clarke (1998) argues that certain types

of speech are more likely to receive protection from the courts, despite those tenets of employment law described above:

the *Charter* does have the potential to enhance protection of teachers' free speech rights in two particular areas. First, the Charter may change the analysis when teachers speak out on issues of public concern in a reasonable and controlled way. Second, the Charter may make a difference when teachers attempt to exercise some measure of academic freedom in a professionally responsible manner. In the first scenario, political speech is at stake. In the second scenario, the search for truth (and to a diminished degree political participation self-fulfillment/autonomy) is involved. In both cases, fundamental core Charter values are at issue. Hence, adjudicators may require employers to demonstrate a higher standard of justification, in these specific circumstances, before they accept arguments limiting teachers' freedom of expression. (p. 5)

Yet, while the legal tension between the teacher's role as an employee, a citizen, and an educator of citizens is readily evident, are these tensions recognized by teachers themselves? It is one thing to emphasize the duties and obligations owed to one's employer but it is also important to remember the power imbalance at play in this relationship, one which is doubly magnified in a situation where the employer is also a state agent. How is this power imbalance perceived by teachers in practice and what are its effects?

In addition to these academic studies, there are a large number of cases within both American and Canadian jurisdictions which have addressed issues of freedom of expression within the context of the protections afforded by the *Charter of Rights* and the

First Amendment. This jurisprudence reflects a legal conception of free speech which is conservative, pragmatic, and represents the essential ethical and ideological tenets of classical liberalism. In general, the case law affirms the importance of reasonable limitations under s. 1 of the *Charter* in accordance with the balancing test set out by the Supreme Court. Though somewhat contentious, the jurisprudence suggests the rights of employers and teachers as well as the public interest must be considered in determining the scope of permissible speech in any particular situation (Brown & Zuker, 2002; Brown, 2004). Recent decisions may suggest a more liberal application of s. 2(b) within the educational context given what the court saw as the important democratic function of schools.

Littleton (2008) in his abbreviated literature review of studies about the legal knowledge of American educators found that most of the studies were quantitative surveys which revealed that, "public school teachers possess an inadequate knowledge of education law" (p. 75). A large number of studies were doctoral dissertations (p. 75). The author emphasized that this lack of knowledge was most pronounced among younger educators (p. 76). The level of education among the subjects surveyed appeared not to have an effect, presumably since much post secondary teacher training does not include a legal education component (p. 74).

Studies cited by Littleton (2008) were state focused and no national studies about the issue existed (p. 72). The areas of law surveyed in which teachers were found to have deficient knowledge, included special education law, "tort law...teacher rights, student care and supervision...church-state issues and instruction" (p. 72). While freedom of expression was not directly mentioned, the issue typically is categorized under the

heading of teacher and student rights as mentioned above. As a means of counteracting the difficulties posed by this lack of knowledge in an increasingly legalized schooling context, Littleton (2008) suggests the need for an increased focus on legal education by professional organizations and in higher education (p. 75). Littleton's survey, then, highlights the relative lack of knowledge teachers have about legal rights and implies the need to explore just what meanings teachers do attribute to concepts such as free speech or civil rights.

If Littleton (2008) is correct, there is a distinct need for further studies on teachers' legal knowledge as a means of protecting teachers and students by informing them of their rights and duties. This is especially true in the Canadian context where I could not find any qualitative studies which directly addressed the issue of teacher perception of free speech. As Littleton's (2008) survey suggests, there is generally a lack of qualitative research on the practical application of democratic educational models. This, compounded with a more centralized curriculum and elitist, authoritarian discourses of educational management, leads to a clear incongruity between democratic theory and its practical implementation (Humes, 2000). In short, there does not seem to be an abundance of qualitative research which has examined the extent of this "systemic" gap between curriculum theory and schooling practice (Breuing, 2011).

2.3.2. Teacher Attitudinal Dispositions and Democratic Education

A number of qualitative studies focused on issues related to speech including: the organizational cultures of schools; the nature and effectiveness of broad based "democratic" decision making initiatives; and, the role of dialogue within the classroom

as well as within collaborative decision making structures (Friedman, 1999; Hess & Possetts, 2002; Pryor, 2005; Miretzky, 2004; Westheimer & Kahne, 2004; Camicia, 2009; Evans, Avery & Pederson, 2000; Camillo & Pace, 2010; Wells, 2002; Blasé, 1990; Glickman, 1993). While these qualitative studies tell us little about the existence of causal factors and provide little generalizable data, they do help us to understand how rights and a lack of knowledge about rights play out within particular educational settings. Case studies and ethnographies were the primary research methodologies used, with data collection being carried out through a range of surveys, questionnaires, interviews and focus groups.

In their survey of elementary preservice teachers' attitudes towards censorship, Naylor Dwyer & Bliss (1994) found that while most teachers appeared to value free speech, this belief did not fully inform their personal actions or their pedagogical stance in any deep and sustained manner. Naylor *et al.* (1994) surveyed 1347 randomly selected pre-service undergraduate teaching students from 14 higher learning institutions situated throughout the United States using a 34 item Likert scale. Although respondents, "demonstrated a propensity...in favor of permitting free flow of information while objecting to censorship" (p. 3), there were significant exceptions. As the researchers note, the responses of many respondents appeared to favour censorship to further conservative values, particularly nationalistic values, and those relating to "traditional values". Naylor *et al.* (1994) expressed concern with such findings given the gate-keeping function of teachers and the need to foster a more comprehensive, principled rationale for free speech within the public school system. Indeed, there was a general speech chill around subjects related to sexuality or sexually explicit material, offensive language, racism, gender

stereotypes, anti-patriotic acts (e.g. "flag burning" and "description of how to commit criminal acts") (p. 4).

Naylor *et al.* (1994) also found a general willingness for preservice teachers to censor in order to protect children, although they differed as to what was perceived to be harmful in this regard (p. 16). More disturbingly, the authors note that, "simple observation of the data indicates that few would be the least bit hesitant to restrict information personally offensive to them" (p. 19). This finding is disconcerting given the potential relationship between personal offense and dominant values as well as the fact that, as potential teachers, "many...will undoubtedly have many opportunities on a daily basis to, to restrict their own student's access to many forms and types of information" (p. 18). This study, consequently, raises the difficult issue of the bounds of justifiable censorship and its relationship to the socializing function of the democratic school. While informative and drawing on a relatively large participant population, the study is exploratory and provides relatively little insight into teacher views and their relevance to overt and tacit forms of censorship. Furthermore, Naylor *et al.*'s (1994) definition of censorship appears to draw heavily on the conventional liberal metaphor of the marketplace of ideas and the notion of "free information flow", and thus, risks neglecting many more subtle and yet far reaching forms of censorship. However, nonetheless, the study raises important questions regarding the role of teacher speech and its relation to classroom practice, particularly where majoritarian values and attitudes are concerned.

These findings are echoed by Milbrandt's (2002) more recent study of 153 Georgia public school art educators. Milbrandt's (2002) survey, which included both multiple choice and open-ended questions, explored teacher attitudes towards using art education

to teach social issues. While not underscoring the prevalence of any overt censorship, the teachers in this study relayed the need for practical training of pre-service teachers on teaching sensitive topics in art education. More importantly, they also noted a more general apprehension about parental and administrative reaction to art education involving social issues (p. 148). Once again educators emphasized the importance of being sensitive to the importance of context, including the particular values of the local school and community—these topics included racism and “cultural diversity” in particular (p. 152).

Much closer to the aims and circumstances of the present study Herzog (1995) undertook a qualitative study of public school censorship involving 13 public school teachers (two male and eleven female). She found that censorship was surprisingly common and had a distinct impact upon the pedagogical choices and self concepts of teachers. Herzog discovered a total of 55 “censorship” events in her open-ended interviews conducted with the teachers, which, “spanned an array of grade levels, subjects, topics, teaching methods, and materials” (p. 141).

While two episodes were quite public, Herzog (1995) found that many were private or “personal” in nature (p. 141). Most incidents involved objections by parents, who were often involved with community groups, regarding classroom instruction or choice of curricular materials (p. 141). Administrators were also involved in acts of censorship but were primarily seen by teachers as a problem in that they offered insufficient support for teachers involved in censorship related disputes (p. 143). However, when administrators were directly involved, teachers believed that they were, “motivated by two main forces:

politics and authoritarianism" (p. 144). Teachers who had been involved in a censorship related controversy often reported an increased incidence of self-censorship (p. 145).

Herzog (1995) interpreted her findings as implying an underlying conflict between school and community values. In her words it arose out of, "conflict between traditional Appalachian and modern world views in a social structure that does not encourage community discussion of differences" (p. 147). For her "traditional Appalachian" values were those centered around family, religion and characterized by a distrust of modern, secular, humanism (p. 142). Herzog (1995) emphasized the role of local culture and community values in shaping, not only censorship pressures, but also the way teachers and administrators responded to these issues (p. 138). Most salient in her mind were: i) the widespread nature of censorship; ii) its subtlety; and iii) its "rippling effect" or the degree to which seemingly minor incidences of censorship could have a chilling effect on teachers, their self identities as well as the school culture itself (p. 145).

2.3.3. Community Values and Speech

Herzog's (1995) study provides an instructive example of the way in which censorship insinuates itself into educational cultures to affect communities and their interactions with teachers. It also raises the question of how teachers themselves see censorship and its meaning as well as the relationship of the latter to notions of free speech, including the role of the law and democratic education in setting the boundaries of permissible speech. There is often a complex relationship between parents, communities and the curriculum: one which at times pits teachers against a parental desire for greater curricular control (Kincheloe, 1980).

These issues can not only be divisive but also challenge us to consider just what it means to say that schools are democratic and the implications of this in terms of promoting majoritarian or community values in light of the equally pressing need to secure diversity and tolerance of minority rights. While it can be both dangerous and misguided to simply valorize rural or community values in the wake of the complex tensions at work in a cosmopolitan democratic society, teachers are still obligated to attempt to reconcile these sometimes opposing tendencies (Kincheloe, 1980).

Indeed, as Torres, Collier and Tolson (2010) found in their quantitative analysis of Texas school board policies regarding student speech, there appeared to be less of a "tailoring" of speech policies in rural areas as opposed to more politicized large urban areas, implying that local school cultures and administrative values and dispositions are of greater concern in rural areas (p. 24). As the researchers emphasize, this means that while standardized policies are applied without modification to often complex rural settings, "administrators [often] become the final arbiters of law and policy" (p. 24). Yet, more generally the authors also found very little variation in policies as a whole and warned that, "over reliance on school board associations for policy development" (p. 2) may mean that, "school districts may not be independently engaging in conversation and dialogue about critical legal issues" (p. 23). Once again such studies bring to light the dangers of centralized decision making in addressing educational issues, particularly those that relate to democratic procedures, rights and values.

Likewise, Cummings, Briggs and Mercy (1977) undertook a series of open-ended interviews with a number of community activists from the small town of Mountain Gap, Virginia, who were involved in challenging textbook choices of the district school board

(p. 9). While no specific number of participants is given, the authors interviewed citizens, community leaders, religious authorities, teachers and administrators, as well as drawing on school and school board memos, minutes of meetings and other internal documents, newspaper accounts, editorials, and other media accounts of the controversy as it played out in Mountain Gap and in nearby counties (p. 9). The opposition to the texts, which were part of the high school English curriculum, was led by Protestant fundamentalist community preachers who objected to the profanity, "anti Americanism" and "anti-religious" values which they felt the books endorsed (p. 10). The researchers in large part interpreted this conflict as one opposing modernist secular values represented by the school against rural values—primarily those which were "conservative" and fundamentalist—or, in their words which pitted "preachers versus teachers" (p. 7). Cummings, Briggs and Mercy (1977) argue that, "the community as a whole was not upset about the texts" but rather saw the local clergy as animating much of the opposition in the town (p. 16).

Predominantly, the researchers maintain, this was because the, "schools in Mountain Gap [were] alien social institutions, staffed and controlled by individuals subscribing to cosmopolitan orientations and beliefs" (p. 16). As a result, the authors argue that the controversy was largely rooted in, "conflicting orientations held by cosmopolitan educators and local censors" (p. 17). These tensions, the researchers contend, were exacerbated by the accelerated pace of change in rural life as a result of the intrusion of "mass society" from the outside world, and as such, represent a reactionary defensive response to a loss of autonomy and threats to rural sustainability (p. 19). For Cummings *et al.* the school was the most visible and representative agent of such threats (p. 20).

However, the researchers maintain, the movement itself lacked deep, coherent support amongst parents (p. 20).

Cummings, Briggs and Mercy's (1977) study, then, offers some insight into the complex cultural and political factors which often underlie censorship controversies, many of which are grounded in the interests and perspectives of the parties involved. Their discussion of the influence of rural culture is also enlightening, including the relevance of the culture and institutions of modernity as a threat to rural ways of life. However, in some ways their discussion does not navigate this complex terrain with a view to the conflicting allegiances of teachers and other community members or come to a realization of the subtleties and challenges faced by rural communities as hybrid, continuously changing spaces in which the meaning of place and self are continually negotiated through speech and various forms of cultural representation.

In many ways books are often at the center of censorship related concerns. Also relevant to a study of censorship in schools is David Jenkinson's (1986) 2 year survey of public and school libraries in Manitoba. Jenkinson (1986) used a survey questionnaire to survey incidents in 644 school libraries and 73 public libraries. Jenkinson's (1986) study defined a challenge as, "any complaint about, or objection to, or request for the review, removal or restriction of any library material and may come from any source" (p. 8). Using this definition, Jenkinson (1986) found evidence of challenges being raised in approximately 25% of school libraries and 40% of public libraries (p. 8). Approximately, 50% of the school libraries and 65% of the public libraries reported having received more than one challenge during the survey period. Most of the challenges came from parents, teachers and principals (p. 8), with parents being the single largest group of complainants.

The most commonly cited reasons for challenges were sexually explicit material, age appropriateness, violence, and profanity (p. 10). Jenkinson (1986) noted that challenges resulted in restrictions in 12.5% of the cases in public libraries but approximately 50% of the cases in school libraries.

Significantly, Jenkinson (1986) emphasizes that challenges represent only a small proportion of censorship as teachers and administrators often "pre-censored" materials by screening out any potentially offensive content. What Jenkinson (1986) referred to as "quiet censorship" (p. 11) operated on the basis of tacit understandings, often between the administrators and the librarians or originated out of knowledge of community standards or sensitivities. Jenkinson (1986) also noted that although a significant number of challenges occurred, media attention was given only to a very small percentage of such cases. Some of Jenkinson's (1986) subjects believed that media coverage often served merely to deepen a free speech chill (p. 13). Public libraries received on average a large number of challenges than school libraries, but they also retained on average significantly more titles than their school based counterparts. Jenkinson's (1986) study, then, emphasizes the far reaching nature of a free speech chill and the influence of teachers and administrators in personally shaping the parameters of intellectual freedom in schools. His research suggests the prevalence of censorship related controversy in schools and the need to explore how self censorship and filtering of ideas arises from individual attitudes and perceptions.

Indeed, many of these findings were subsequently echoed by Schrader (1992) in his qualitative study of censorship in Canadian public libraries. Schrader (1992) surveyed 1000 library institutions using "a questionnaire requesting information for the years

1985-1987" (p. 31). The researcher describes his study as an attempt, in part, to assess the cultural notion that "Canada is a nation of quiet censors and quiet censorship" (p. 29), and to further explore the findings of earlier studies in library censorship in Alberta (Walker, 1984) and Manitoba (Jenkinson, 1985) which indicated that censorship was a significant issue (p. 30). Primarily, Schrader (1992) is concerned with examining the relationship between community attitudes, values and reports of censorship in Canadian public libraries. In this regard, he describes censorship as, "encompassing both intent (censorial pressures, challenges, complaints, objects, requests or demands for review or reconsideration) and outcome, both successful and unsuccessful efforts to deny or restrict access to materials" (p. 31).

Schrader (1992) had a response rate of 56% of the total Canadian public library population. He found that over 500 titles were the subject of challenges during the study period with the title being removed from the library in 16% of cases (p. 31). Furthermore, only 4% of challenges received any media attention (p. 31). Direct challenges were received by 21% of the public libraries annually (p. 33) where the latter was defined as "specific request communicated to staff library to remove or restrict access to certain titles or subjects" (p. 33). Approximately 21% of Canadian public libraries received a challenge during each year of the study period. Moreover, one third of the institutions received direct challenges during the full three years of the research project (p. 33). The hidden nature of censorship pressure was also underscored by the fact that "there were on average at least six suspected indirect or covert incidents every month during the study period" (p. 31). Schrader (1992) The author noted that a significant portion of the surveyed institutions lacked formal censorship policies (30%) which may help to

alleviate the effects of community censorship pressures. The largest single group of complainants were parents (p. 34). The most commonly raised forms of objections in descending order of frequency included: sexual content, "unsuitable for age group", "promotes negative moral values", profanity, "pornographic", "offensive to religion", "sexist", "promotes homosexuality" and "material was racist" (p. 35). Most of the complainants requested that the offending item be removed from the library collection (p. 35).

Schrader's (1992) study reinforces the need to play close attention to the influence of community values on institutions such as schools and libraries which are supposed to protect intellectual diversity and free thought. His research found a significant degree of censorship pressure was being brought to bear on Canadian public libraries. Given this fact and the fact that parents were the largest single group of complainants, it is a study of some relevance to a study of censorship in schools. Furthermore, also noteworthy is the subtle ways in which censorship occurs, often through informal verbal means and without any significant media or public attention. The fact that such a small number of cases received media attention is also cause for concern and suggests that some of the media attention given to the issue in this province may be indicative of a deeper underlying systemic problem.

More recently, Roberts (1996) conducted a survey of librarians in Saskatchewan to explore censorship in public and school libraries. From the 346 schools which responded (out of a total of 546) Roberts (1996) came to a number of conclusions regarding the relationship between censorship and a number of variables including school size, library staff training and level of education. Roberts (1996) examined the circumstances and

frequency of challenges to library texts, which she defined as, "any complaint about, or objection to any of the materials housed in the school library. It can also include a request for the review, removal, or restriction of any such resource" (p. 36).

Unfortunately, Roberts (1996) noted that all too often fear, in particular a fear of controversy drives many decisions to censor texts after a challenge has been made. She noted that smaller rural schools which were often not staffed by professional full-time librarians had the highest frequency of challenges (p. 93). Elementary schools experienced the highest number of challenges and fictional works were the most frequently challenged genre of text (p. 95). Challenges to resources are most often initiated by parents or guardians with the second largest group of challenges coming from members of the school staff. Much of school initiated censorship activity is spontaneous, occurring, "without any outside pressure having been exerted" (p. 96).

According to Robert's (1996) findings, "Censorship, both soft censorship and formal censorship, is prevalent in Saskatchewan public school libraries" (p. 98). Roberts (1996) recognized that restrictions on text selection and soft forms of censorship had serious implications for teachers' academic freedom and the intellectual freedom of students. Roberts (1996) argues against censorship, since as she maintains, "the only sure protection for students is to ensure they are taught the skills that allow them to become excellent evaluators and selectors of information able to critically and creatively analyze and utilize resources intended for their personal use" (p. 99). According to Roberts (1996), this intellectual independence can only develop if the educational system emphasizes individual decision making and critical thinking skills. Interestingly, Roberts (1996) links censorship to fear of employment-related repercussions from administrators

should a public controversy ensue (p. 96). Respondents did not believe (or were unsure whether) administrators would stand up for the principle of intellectual freedom (p. 96) and, as a result, often based their stances on considerations related to simple self preservation (p. 91).

Although it addresses the issue of censorship within the context of text censorship and the school library, Roberts (1996) study is important since it highlights the broad impact of a censorship chill and the subtle, often invisible ways in which censorship occurs. Notably we see how fear of controversy and of job-related recriminations play a key role in individual decisions about whether to accede to pressure to compromise fundamental principles such as intellectual freedom or freedom of speech. Moreover, her study also highlights the relatively significant scope of censorship, even though respondents seemed to indicate that such censorship was most often not the result of public controversy and often arose due to individual perceptions about possible harmful repercussions. Taken collectively, the aforementioned studies raise the importance of work cultures and institutional spaces which influence what teachers can and cannot do. In this way, issues of censorship involve much more than speech. They involve the ability of teachers to shape how they are called upon to enact certain broader cultural roles and expectations.

2.3.4. Work Autonomy, Pedagogy & The Organizational Context of Speech

In this vein we might also wish to consider some of the research related to the issue of teacher autonomy. For example, Friedman (1999) conducted a two part quantitative survey of Israeli primary and elementary teachers which used survey data and factorial analysis to assess teacher's perceptions of work autonomy. While teacher speech was not

a prominent part of the two studies, which surveyed over 800 teachers, some of the findings did relate to the relationship between teacher roles and school organization as they impacted teacher autonomy. In his survey of the literature around professional autonomy, Friedman (1999) provides some much needed context for the issue of teacher empowerment and democratic rights. As he argues based on the professional literature, "the teacher performs at school within two essential content areas: (a) the pedagogical and (b) the organizational" (p. 61). Although much academic attention is given to the former, Friedman (1999) reminds us that "it is important to remember that the organizational aspect of schooling activity is also school as a workplace and the teacher's involvement in decision making" (p. 61).

Friedman's (1999) work causes us to consider the importance of organizational discourse to democratic education. Can contemporary reforms which aim to "create within schools a highly autonomous ambience" (p. 60), really be said to be promoting teacher empowerment? For Friedman (1999), answering this question, "may require a different conceptualization and different scales for assessing teacher-professional autonomy" (p. 60). As he notes, discussion about educational reform in schools often does not lead to deep and lasting change. Often, reform is focused near exclusively on the pedagogical aspects of teachers' roles. In his research, he argues, furthers our ability to assess and garner evidence regarding the suitability of such reforms. According to Friedman (1999), when assessing teachers "sense of work autonomy" it is necessary to consider whether the decision is organizational, pedagogical, "principle" or routine (p. 72).

While it is difficult to assess the precise nature and impact of educational reform, studies like this one will help the research community reconceptualize educational reform within a more critical framework. Many teachers feel caught between a movement towards greater accountability and the enhancements of student supports for learning disabilities, particularly where the resources for such initiatives have been insufficient. This is a clear site of conflicting obligations wherein a clash between employment duties and free speech can be expected to arise since quite often speech is seen as being related to the employee's duty to refrain from insubordinate conduct, including public speech which is "disrespectful" of an employer.

As stated, a number of studies looked at the role of critical dialogue in the curriculum. For instance, Hess & Posselt's (2002) qualitative study looked at the discussion of controversial public issues among tenth grade social studies students. The authors surveyed teachers and students of a senior high social studies class in which controversial social issues were debated. Surveys, interviews of the subjects and observations of the classroom setting revealed that discussion contributed to learning outcomes and promoted critical skills as well as civic values. The researchers found an increase in student appreciation of discussion and democratic debate. Significantly, according to the authors, teachers in the study saw "democracy [as] being rooted firmly in free speech and participatory citizenship" (Hess & Posselt, 2002, p. 285). Clearly without free speech such decisions, whatever their pedagogical value, would not occur. Hess and Posselt's (2002) study also causes us to wonder the impact of rights focused education if they were aware of incidences of teacher censorship.

Similarly, a qualitative case study by Pryor (2005) examined the relationship between student teachers and their mentors in Arizona State University's Apprentice Teacher Program. Pryor (2005) used questionnaires and interviews to investigate "democratic practice" and attitudes within the internship program. Pryor's (2005) study raises questions about the ways institutional structures and their cultures interact and the importance of this relationship for understanding the ways identities are negotiated and constructed. Pryor (2005) found that as a means of promoting reflexive teaching practices, "openness, rather than structure was critical – for example, the free exchange of ideas, practices, philosophies, less structure at meetings" (p. 75). Pryor (2005) notes that mentor teachers viewed aspects of the organizational structure of schools, such as large impersonal structured meetings as being inimical to "freedom of thought" and collaboration (p. 76). Although not directly addressing the issue of censorship, Pryor's (2005) findings, like those of Hess & Possett (2002), have implications for the importance of unhindered teacher participation in collaborative schools as well as publics as a whole.

But democratic cultures also need to be cultivated within schools. Debra Miretzky's (2004) qualitative examination of the "communication requirements of democratic schools" explored the link between school cultures and democratic decision making. Miretzky (2004) used interviews and focus groups to survey parents and teachers regarding the democratic attitudes and practices which, they felt, were necessary to create democratic learning communities. She found that open communication and collaborative decision making structures at the local level were instrumental to educational success (p. 819). Yet, a clear obstacle to democratic integration was the fact that "[e]ducational

discourse often seems to exist on two different planes – one composed of academics, educational bureaucrats and politicians; the other of those on the front lines, including parents and teachers” (Miretzky, 2004, p. 843).

Miretzky (2004) urges teachers and administrators to, “put aside traditional notions of power, control and authority” as a necessary preliminary to constructing more egalitarian, inclusive decision making structures (p. 843). Although she does not specifically mention free speech, conventional common law rules and hierarchical authority structures can arguably be characterized as elements of “traditional” instruments of power and control.

Like Pryor (2005), then, Miretzky (2004) hints at the empirical reality of a kind of democratic doublespeak which may seriously limit the pragmatic impact of democratic schooling initiatives. Both studies suggest the need to read democratic rhetoric against the actual experience of students and teachers within schools. Indeed, speaking of American school governance reform initiatives John Bucci (2005) argues that “while shared decision making has been discussed among administrators at least since the sixties, there has been a sustained movement in the schools for only the past ten years to involve teachers, parents and community representatives in the decision-making process” (p. 123).

While Miretzky (2004) rightly points out the need to assess the deep democratic structures of schools, Westheimer and Kahne (2004) emphasize that citizenship is itself a contested term. They note that some conceptions of citizenship are deeply conservative and lack a fundamentally critical dimension. Looking at the scholarly literature, the authors described three models of citizenship underpinning democratic education

initiatives: “[i] personally responsible, [ii] participatory and [iii] justice orientated” (p. 238). In contrast to personally responsible citizenship training which emphasizes obedience to community norms and character education (p. 241), participatory citizenship training emphasizes the importance of civic involvement and leadership in organizations which are broader than local communities (p. 242). Social justice citizenship training, the authors argue, encourages civic involvement within the context of “opportunities to analyze and understand the interplay of social, economic and political forces” as a means of changing them for the better (p. 242).

Using this critical rubric, Westheimer and Kahne (2004) undertook a two year mixed methods study of two educational settings: one, located in a rural East Coast setting named, “Madison County Youth in Public Service” – a service learning curriculum” designed to provide students with “public service projects” (p. 248); and the second located in an “urban high school on the West Coast” named the Bayside Students For Justice which aimed, “to develop community activists”, and which, “advanced a justice orientated vision of citizenship” (p. 254). After examining the programs the authors summarized that, “the first [Madison]... aims to develop participatory citizens; the second [Bayside] aims to develop justice-orientated citizens” (p. 245). Westheimer and Kahne found that, though both types of citizenship education were effective, the resulting attitudinal dispositions and competencies were quite lacking in some respects. They found that the link between participatory curricula and increased civic activity was tenuous. Moreover, there was no necessary connection between programs that cultivated critical thinking and civic participation. The authors emphasized the need to heighten curricular emphasize upon both civic involvement and critical dispositions (p. 264).

Westheimer and Kahne (2004) show that the organizational context and culture of schooling, as well as the way in which the curriculum is enacted, are important features of democratic schools. Their work reveals the importance of encouraging active debate and political activity as a means of ensuring the transmission of democratic values, competencies and the development of a strong sense of social justice. Implicit in their study is also the more fundamental issue of whether teachers are viewed as citizens, and if so, just what kind? When it comes to democratic education, they remind us, pedagogical content plays only a small role in determining whether students will develop a strong appreciation for social justice and the need to protect fundamental human rights. A key consideration perhaps, is the degree to which democratic education is able to contextualize the dynamic at work within the classroom and the school itself as part of an object lesson in the workings of principle and power that is always at work regardless of whether or not it is acknowledged.

2.3.5. Curriculum, Activism and Speech

For all stakeholders, curriculum is important, especially in a teaching environment in which educational outcomes are carefully prescribed and standardized. Indeed, curriculum often serves as a marker for the types of dispositions and knowledge which are officially sanctioned as being the most worthwhile. In this vein, Steven Camicia (2009) comments on the role of free speech in relation to his content analysis of two “sets of instructional materials” for social studies education in American public schools. Camicia (2009) argues that the relative lack of choices and the reductive characterization of issues such as globalization and immigration are evidence of the “soft democratic education” endemic to contemporary social studies education (p. 136). In many ways, he

suggests, the curriculum provides the broad deliberative framework for student encounters with fundamental democratic issues. As he argues, “the universe of possible choices increases when freedom of expression is encouraged. In contrast, when only one choice of public action is offered (e.g. one policy, political party or candidate), the need for democracy becomes moot” (p. 136). Consequently, “decision making and voting are reduced to a soft legitimization of public policy; on the surface it appears that ‘the people have spoken’ when in reality the people have only spoken softly. This soft legitimization leads to soft democracy” (p. 136).

A content model of curriculum, then, gives little sense of the real world application of democratic rights, or their existence as concrete, accessible social practices. Camicia (2009) argues that the robustness of civic education depends on the opportunity as well as the ability of students to engage in critical deliberation. Similar principles apply to teachers within schools and the relative success of democratic governance initiatives. For Camicia (2009), curriculum can facilitate or curb critical dialogue by mitigating the possibilities for discussion and thought about controversial issues. Deliberative democracy, is important, he argues, as a, “practice that fosters the expression of difference and the construction of common goals” (p. 141). In contrast, “When choices of public issues are limited, the people do not speak loudly in deliberation—they speak softly. I have described this as soft democracy, and I have called an education for such a system soft democratic education” (p. 141).

Rather than seeing democratic issues as secondary, Camicia (2009) views them as central to the integrity of schooling and society as a whole. Although he is talking about students here, similar considerations arise out of the ability (or inability) of teachers to

participate in a broad, robust public discourse about educational issues. If we see democracy as being about the legitimacy of power based in public consensus, one which respects the rights of all participants to give deliberative reasons, then schools should be a reflection of such values in thought and action alike. Strong democracies require schools where the aims of schooling itself are related to democratic values, institutions and the process of critical deliberation. A primary aim of this process is to achieve an understanding of the discursive deliberative process of legitimizing authority and developing a conception of public goods (p. 137). Camicia (2009) also challenges us to differentiate between the quality and pragmatic effectiveness of democratic curricula as opposed to being satisfied with their mere inclusion. Just as not all speech is treated as being equal within real world settings, so too, curriculum is ascribed value by the emphasis given it by instructional time, the structuring of standardized testing and outcomes, and the number and quality of course offerings.

More often speech comes to the fore in relation to questions of conflicting interests and values. Evans, Avery and Pederson's (2000) study of social studies teachers' treatment of controversial classroom topics also provides some interesting commentary on free speech issues. The authors performed a qualitative study of thirty two pre-service teachers and their perceptions of taboo topics and their relationship to social studies education. Again then, we see a dynamic where organizational power, abstract principles and self-interest are potentially at play. The authors found not only that a conception of taboo topics existed but that it did play a role in pedagogical selection and instruction (p. 301). Taking an anthropological standpoint, the authors conclude that the silence arising out of taboos is a cultural phenomenon. They found that: "The greater the distance in

space and time from the individual lives of students the greater the focus in the curriculum and the less chance of emotional involvement or controversy” (p. 300). Equally important, the authors considered that, “areas of conflicting belief often reflect contested terrain supported by deeply embedded cultural values” (p. 300).

Significantly, the authors emphasized the important role of teachers in permitting the transmissions of taboos or of circumventing the discussion of controversial topics. They emphasized the importance of a standardized curriculum and a highly centralized, controlled educational bureaucracy, along with teachers’ fears as central factors which limited the inclusion of controversial topics in classroom discussions (p. 301). The most controversial subject areas were seen by teachers in the study as those involving, “abortion, pornography, open discussion of personal/family problems, obscene language, religious beliefs, sexual orientation and criticism of school administration” (p. 301).

Thus, rather than seeing speech as a mode of problem solving or of mediating conflicting social values, we see how, quite often, dialogue becomes a *pro forma* pedagogical exercise. Controversy challenges schooling’s propensity to relate all pedagogical outcomes to content rather than placing value on personal deliberation, values exploration, and action. It threatens us with the prospect of culture’s radically unfinished nature—one which requires imagination and thought, but which undeniably frustrates the tendency of power to determine outcomes and to control increasing aspects of human life and culture.

Very often, democratic education fails to emphasize the importance of political activism as a prerequisite for strong parliamentary democracy. DiCamillo and Pace’s (2010) case study of a high school history class investigates the relationship between

multicultural citizenship education and “powerful pedagogical practice” (p. 69). Through detailed observations, semi structured interviews and the collection of curricular materials, the researchers followed a high school teacher identified as exceptional (p. 71). The authors used Marri’s (2005, 2009) Classroom Based Multicultural Democratic Education model which “consists of three elements: building of community through disciplinary content, and critical pedagogy” (p. 70). The study noted the effectiveness of Marri’s (2005, 2009) CMDE model (p. 81) as well as the importance of personal motivation and organizational context in pedagogical efficacy. While the researchers did find some challenges with meeting the full ranges of ability and interest in the classroom they also emphasized the importance of the surrounding school culture as an important factor in facilitating students’ learning and pedagogical excellence. In their words a key concern was whether, “school administrators regarded teachers as professionals with authority and autonomy” or teachers “had the diverse community needed to bring transformative knowledge alive” (p. 81). More generally successful democratic education required, “synergy between the teacher’s ideals and the school community [to] support...the bridge between principles studied in his teacher education program and his classroom practices” (p. 81).

DiCamillo & Pace (2010) underscore the importance of supportive school environments and teacher autonomy in creating effective pedagogical spaces. If the curriculum is enacted, the content it embodies is always taken up by particular individuals in real organizational settings. Enacted knowledge has a cultural dimension and a history since it is inextricably connected with real life teachers and students. In contrast to the trend towards curricular compartmentalization, we see the importance of

free deliberative classrooms where students and teachers feel empowered in the exploration of culture and society. Activism, in many ways, gives life to abstract democracy by revitalizing local democratic cultures and, through them, public life.

In contrast to activism, which rarely finds a place in schools, corporate power and interests find increasing emphasis in modern curricula, often at the expense of a self-determining public. Not surprisingly, there is also a growing body of literature which has dealt with the increase of corporate influence as a potential threat to democratic civic education, particularly in the wake of the "patriotic fervor" engendered by the events of September 11th 2001 (Apple, 2002). Some of the literature in this field also looks at such curricular changes within the broader context of administrative reforms (Glickman, 1993). Curriculum, these authorities suggest, cannot be considered in isolation from the cultural and socio-economic setting in which it is taken up and enacted (Blasé, 1990; Glickman, 1993; Wells, 2002).

We see the influence of such authoritarian neoliberal discourses in Well's (2002) study of American Charter schools which looked at how the notion of democratic schooling has shifted towards a paradigm preoccupied with notions of "educational consumption" and freedom of educational choice (p. 337). Wells (2002) found that the, "neoliberal ideology of charter school reform" reflects changing conceptions of democracy and is generally consistent with a more conservative administrative ethos (p. 337). Wells (2002) also found that it was consonant with an entrepreneurial desire to attract more state and private funding to districts, and the efforts of district administrators to, "use charter schools as a way to further their entrepreneurial agenda in education" (p. 338).

According to Wells (2002), administrators of new schools frequently found themselves in conflict due to the competing interests of teachers, school boards and the charters governing council, particularly with respect to issues related to tenure and collective bargaining (p. 339). The overall picture presented is of a fragmented, disjointed structure which fails to implement the collaborative values it espouses. Once again we see the influence of economic factors upon individuals and the way a bare-bones economic approach can undermine the development of strong democratic educational communities.

Mirroring Wells' (2002) administrative focus, Blase's (1990) qualitative study within the American public schooling context deals with the dynamic existing administrative relations with teachers based upon an intensive examination of, "intra-organizational politics within schools" (p. 728). Specifically, Blase (1990) found that controlling tactics used by principals had significant negative effects upon teacher morale, classroom effectiveness and school involvement as well as teacher free speech which Blase sees as a "human rights" concern (pp. 746, 747). Blase (1990) notes that the "sociocultural mechanisms" of this "ideology" of control are related to the contemporary accountability movement and associated administrative reforms (p. 749).

As such, his study is of interest primarily due to the links between school involvement and teacher affect, as well as his finding that free speech can be suppressed by covert as well as overt organizational means. Like the aforementioned researchers, Blase's study (1990) suggests the difficulties inherent in studying a phenomenon which is, by its nature, subtle and which arises out of an array of cultural factors. Once again we see the importance of culture and the local dynamics found within particular schools.

Democratic education, this study suggests, is a holistic, situated and varied endeavor which can only be as compelling or effective as it is allowed to be by particular communities and schools. The influence of situational politics, as well as neoliberalism within a conservative discourse of accountability, standardization and market reforms, has a distinct organizational and cultural impact on the way we conceptualize democratic education within schools (Helfenbein & Shudak, 2009).

The aforementioned relationship between pedagogy and identity was examined in Sykes' (2004) life history study of lesbian, gay and bisexual educator responses to homophobic speech in Canada and the United States. Sykes (2004) uses opened-ended interviews to explore physical education teachers' experiences of student homophobic speech in an attempt to understand how their perceptions of such harms structured their responses. Why, Sykes (2004) asks, do some teachers respond to homophobic speech with censorship while others use such encounters as a basis for learning about the harms of discrimination? Sykes (2004) found that the ways teachers responded to such encounters often had little to do with any formal training (p. 78) and was more closely related to the teachers own view of education and his or her identity construct. While some teachers used censorship to deal with these harms, others used the encounters to show how bigoted speech can deeply harm another person. Teachers also emphasized the need for some degree of censorship in order to create safe, respectful learning environments (p. 81). This was necessary, some informants maintained in the absence of a concerted institutional campaign against homophobia. However, according to Sykes (2004) most of the participants emphasized that censorship was an incomplete response

to this problem since it was both an inefficient means of preventing such speech and it failed to demonstrate why and how such speech is harmful.

Many of the teachers interviewed by Sykes (2004) spoke of self censorship in the presence of anti-homophobic speech. For some of these, reflecting on these experiences was a means of coming to terms with how they signified this sexuality to others. For others it reaffirmed their commitment to anti-homophobia education (p. 86). Sykes (2004) calls this learning from harm, a pedagogy of injury: a form of teaching and learning which is based in a form of critical self reflection and a willingness to take risks in order to teach others and to change cultures. In this way, Sykes (2004) study reveals an engagement with speech, identity and social issues which goes well beyond the content of the curriculum or the content of utterances. For Sykes' (2004) subjects, "the site of wounding, rather than pleasure, [is used] as a site for change" (p. 91). Sykes (2004) asks whether this pedagogy of injury may be related to an unconscious masochistic impulse which is also related to the professional's inability to direct his or her aggression upon students (p. 93).

Sykes' (2004) research, then, is relevant to the present study due to its Canadian focus, its concern with how teacher perception structures social action, and for providing an example of how the issue of speech is related to pedagogy. Furthermore, Sykes (2004) emphasizes that harmful speech often has effects which are invisible because it occurs on a psychological and a cultural level (p. 84). Interestingly, many of the interactions described by the participants occurred within schools but outside of classrooms—in spaces which were only partially structured and which are sometimes overlooked as sites of learning. Likewise, in the present study, while we see that some

degree of censorship may be necessary to maintain the school structure, a general chill on speech can likewise have effects which are also unseen, but far ranging. In short it raises the complexity of the, "links between words, wounds and pedagogy" a connection which emphatically highlights the need to examine the effect of language use within institutions and their complex effects on professional identities. Sykes' (2004) work, consequently, asks us to consider the existence of a paradox: institutional censorship can harm the teacher who cannot fully engage in the process of self formation, yet speaking out against censorship is both a form of personal affirmation and a form of, "pedagogy [that] frequently requires teachers to experience some form of wounding" (p. 85).

2.4. Summary

While research did not reveal any Canadian empirical studies related to teacher perception of free speech, there were studies related to library censorship, legal surveys of the issue of teacher free speech and a study of the relationship between teacher sexuality and teacher responses to homophobic student speech. Indeed, as we have seen, issues related to democratic education, are often presented or studied in other guises. In part perhaps, this stems from the value of "the ability to look at the world anew and ask completely different questions about it—questions that expose what's going on at diverse levels of reality and the way these events influence the lived world" (Kincheloe, 2008, p. 16). The recent study of teacher stress conducted by Youngusband (2003) for example, was of considerable importance in bringing attention to issues related to teacher job satisfaction and teachers' willingness or ability to speak publicly. Primarily this was

because it highlighted many problems which teachers felt existed within the educational system but which they could not directly address.

When addressed critically, quite often the lack of democratic practice is seen as symptomatic of increasing corporate social influence and related cost cutting measures designed to effect a delegation of administrative responsibility without a corresponding devolution of power (Humes, 2000). Critical pedagogy offers a way of seeing education as a socially transformative exercise rather than socializing obedient, compliant workers and consumer-citizens (Apple, 2003, 2004 2007; Giroux, 2006, 2009). For critical educational approaches, the vitality, curiosity and imaginativeness of youth are key aspects of maintaining vital, responsive cultures. Freedom of speech is part and parcel of the process of narrating human experience and of coming to terms with the radically open, unfinished nature of human identity. Without speech which is free to explore the institutional, cultural and social aspects of schooling and the world around it, there would be no possibility of an education which is both personally meaningful and socially transformational.

It is also necessary to examine the aims, means and interests at work in powerful neoliberal discourses (Singh, 2009). This requires an understanding of how the cultural and institutional aspects of schools undermine the possibility of critical dialogue. At times, democratic schooling, along with educational reforms which ostensibly are aimed at giving teachers and community members a greater role to play in schools, are chiefly to blame for the relative lack of rights education in today's classrooms. The false sense of security, and perhaps the ambivalence which such initiatives create, are obstacles to

real change whereby students come to recognize their capacity to change the world, its history and its political structure to create a more fulfilling, and just social order.

Doing this however, requires moving towards a notion of knowledge which is cultural and associated with the social function of language and power. It means we must learn to see institutions such as schools, government departments and professional associations, not as neutral, but as often contested sites of political culture (Giroux, 2005, 2009). Of course, contextualizing schools in this way requires the freedom to speak in ways which push the boundaries of the possible in the hope of surmounting old regimented, sometimes reactionary, ways of thinking.

Research, then, has a role to play as part of a broader educational conversation about the types of schools we hope to create for our children. In this regard much of the research in the area of democratic education has failed to recognize how the dichotomy of legal rights and normative discourses is taken up and reflected in teacher perception. Part of the contested nature of democracy requires that we come to understand democracy as an educational process in which publics are made and citizens try to come to terms with their civic rights, responsibilities, and values. Seeing teachers as mere conduits of knowledge fails to consider the need to contextualize knowledge with societies which are becoming increasingly less democratic and, more disturbingly, increasingly unaware of the importance of rights in maintaining strong, vibrant democracies.

In light of these challenges, this study presents the opportunity to combine critical theoretical insights with the legal framework which often operates independent of any philosophical concerns. It aims to give voice to teachers in an educational system where often only the voices of the powerful ring through as the interests and values of teachers

are effaced by a deafening silence which is rooted in the demands of official power. Towards such an end, I attempt to build on work which has underscored the importance of interactionist and constructivist insights on the contested and inter-subjective nature of rights (Matsuda, 1993; Butler, 1997b; Kennedy, 2002). Consequently, the present study is premised on the understanding that silence born out of censorship is itself a type of representation, a form of speech if you will.

The Appalachian context, particularly the insightful work of Herzog (1995), earlier work surrounding the textbook controversies in Southern Virginia in the early 1970's (Cummings, Briggs and Mercy, 1977; Kincheloe, 1980), and more recent work on the Southern American rural context (Goldwasser, 1997; Torres, Collier and Tolson 2010; Milbrandt's 2002; Naylor Dwyer and Bliss, 1994) raises crucial questions about the importance of schoolings relationship to mass culture and modernity and its relevance to issues of censorship. While Herzog (1995) does note the importance of teacher perceptions of censorship this is not an extensive part of her analysis, nor is it one that explores how notions of professionalism and reasonable limitations relate to teacher action and self concept. Herzog's (1995) work also raises questions about the similarity of the Newfoundland context and the degree to which a critical standpoint can explore the culture of schools and its role in identity formation. It also forces the researcher to consider the relative strengths and weaknesses of a viewpoint based on a rigid dichotomy between schools and the outside world as opposed to seeing the school as an evolving patchwork of relationships and performed cultural identities.

The current study seeks to expand qualitative research into democratic education in the Newfoundland and Labrador context while simultaneously pushing critical pedagogy

towards a dialectical encounter with radical democracy as it is constructed in academia and taken up within actual classroom practice. It uses a conception of rights and free speech in particular which is focused on the performative, cultural nature of such speech acts while emphasizing the relative strengths and weaknesses of liberal rights discourse—primarily for their strategic value. Unlike the other studies surveyed, the present study: deals primarily with rights and the ambivalence of rights based discourse; examines the cultural uptake of critical libertarian discourses; and, explores the need for critical pedagogy to recognize and to seek to remedy gaps between pedagogical practice and theory through qualitative study and by using the power of rights. A key premise of the study, then, is that given the performative and contested nature of discourse, it is entirely possible that there is a disconnect between academic and classroom practices regarding democratic education. This disconnect might arise not simply because of ignorance or any lack of an intention to incorporate these rights into schooling practice, but because of the fact that such rights may be perceived quite differently within competing discursive spaces and this perception may inform in unanticipated ways the performative identities which students and teachers take up within schools.

Rather than simply telling teachers about democratic education, it is necessary for critical educators to examine teacher perceptions of rights very closely in order to create an enduring, meaningful dialogue between teachers, academics and researchers in ways which are potentially transformative. This also requires considering the relative strategic advantages posed by discourses such as liberalism and the law as democratic educators strive to effectively incorporate these discourses within responsive meaningful, self-evolving frameworks. Such a collaborative critical project also requires strategic

knowledge of the practical reality of censorship and the fact that, “the public consciousness is shaped just as much by what is not perceived as it is by what is” (Kincheloe, 2008, p. 6). For this reason, free speech is instrumental for any transformative educational project, as one of its key means and ends—one which is, to our collective detriment, too often ignored or misunderstood.

Chapter 3: Research Method, Using Constructivist Grounded Theory to Frame Teacher Insights

3.1. Summary & Overview

In this chapter I provide an overview of constructivist grounded theory and the ethical issues surrounding its present application. I examine the nature of research as a, "power-inscribed activity" and its relationship with critical forms of teaching and critical scholarship (Kincheloe, 2005, p. 5). Particular attention is paid to the constructivist strain of grounded theory as a method useful for blending narrative and conceptual aspects of research participants' experiences. Coding procedures are described and problems with subject recruitment are discussed. Ethical issues regarding anonymity are also considered, especially given the sensitivity of the subject matter and the difficulties posed by the small research setting.

3.2. Introduction

"The project of liberatory pedagogy", says Lather (1991), "requires a subject who is an object of our emancipatory desires. Who is this subject" (p. 141)? In many ways, this is the question which has driven and informed my research. This study explores teachers' experiences of censorship and how these experiences are informed by tacit as well as expressed understandings of free speech. Given these research aims, I wanted a method which enabled me to capture the spontaneous insights teachers brought to classroom discussions in the university courses I taught as a sessional instructor. The conversations I heard as a young teaching intern, as a substitute, and as a classroom teacher, in staffrooms, in corridors and over lunches seemed to be frustratingly difficult to capture.

Indeed, relating teachers' narratives raised concerns with confidentiality given the relatively small size of the province's teaching community and the public nature of some of the incidents. Although I sought to recreate this environment through focus groups, such was the sensitivity of the free speech issue in this province that the university ethics committee had expressed concern that such an approach offered participants insufficient anonymity. Time and time again, narratives told by friends, students, other researchers and professors were instructive as they shed light not only on the actual experiences of teachers, but also, their reluctance to speak.

My own standpoint in relation to the subject matter is replete with ambivalence. As a son of a former educational administrator I understand the difficulties inherent in such a position and cannot find myself sympathetic to teachers who breach confidentiality, who are unduly disrespectful or use public forums to personally attack administrators who are trying to implement difficult, often unpopular, decisions. As a former high school teacher I also sympathize with teachers who feel that their voices go unheard. This silencing seems unnecessary and is often amplified in rural areas where declining student populations and school closures give added motivations to teachers who wish to speak out. And, apart from such public and professional concerns, as a parent I am angered at the idea that many teachers feel that they cannot speak about issues which concern their own children.

In addition, this ambivalence also grew out of my own positioning as a young PhD student and a former teacher who wished to remain in a small province where the government is a major employer. While I had no concrete reason to believe that I would face any recrimination for my research, the fear, however remote, lingered given the

trepidation felt by some of my research subjects. Even though they were anonymous, teachers seemed afraid of the possibility their identities would become known. And while I felt strongly that this was an issue that should be publicly discussed, I was wary of the biases inherent in positioning myself as the lone voice speaking against power. Working from the margins of academic research, I was conscious of these issues while simultaneously determined to place the narrative experience of teachers at the “center” of my inquiry as I endeavored to explore what Lather & Smithies (1997), termed “the limits of what can be said and known about the lives of others” (p. xiii).

However, even when teachers were willing to talk, I felt the formal markers of research, while in some ways preserving their testimony, in other ways, stood between us. In light of this, I wanted a method which did not overpower the natural ebb and flow of everyday speech but which enabled me to see how teachers acted and saw the complex world of the contemporary educational system in Newfoundland and Labrador. Given these concerns, I used grounded theory to make sense of the key themes surrounding the issue of free speech in the teachers’ narratives. This methodology was seen as conducive to examining the construction of meaning and the importance of interpretation to action (Glaser & Strauss, 1967; Harry, Sturges & Klingner, 2005; Strauss & Corbin, 1998). It was also one which did not position the researcher as being privy to a knowledge which was somehow objectively more valid or legitimate than the participants’ accounts (Denzin, 2010; Charmaz, 1990). For all these reasons, in this case, grounded theory, in its constructivist form, provided a useful means of examining the interaction between individual accounts, interpretivist standpoints and cultural settings. Yet, as I will

discuss, in many ways this method was also partial and a rough tool for the purpose at hand—an epistemological compromise of sorts.

3.3. Method: Grounded Theory

The choice of method is related to the researcher's purpose. Given this tenet, it is important to note that this study has a two-pronged focus: i) to understand teacher perception of freedom of expression and censorship; and ii) to consider how teacher perceptions of censorship and freedom of expression influenced their actions. Such a focus is conceptual, as well as experiential, involving as it does, qualitative data and narratives of teacher experience. The study's qualitative emphasis on incidents of censorship is part of a broader effort to, "collect descriptive data relevant to understanding meanings from the teacher's perspective" (Blase, 1990, p. 731).

As scholars have noted, constructivist grounded theory provided a method that allows for the exploration of a concept from participant descriptions (Charmaz, 1990; Denzin, 2010; Glaser and Strauss, 1967; Maykut & Morehouse, 1994). Since it focuses on participant's descriptions of phenomena or concepts, it also provides for a reasonable degree of anonymity and allows for the inclusion of participant narrative to provide context for such conceptual descriptions when needed (Denzin, 2010; Maykut & Morehouse, 1994). Consequently, it allows the researcher to explore the complex ways in which legal concepts are taken up by citizens and in particular cultures and reconstructed.

Given these diverse but related objectives, the study used constructivist grounded theory as part of an emergent, critical design (Maykut & Morehouse, 1994, pp. 44, 174). This is an approach which modifies the original work of Glaser and Strauss (1967) to

allow for constructivist insights on how knowledge is created within social frameworks (Peine, 2003; Mills, Bonner & Francis, 2006). Recognizing the reductive tendencies of positivism and empiricism, grounded theory is wary of the pitfalls of an over reliance of one interpretative or theoretical framework whereby the researcher imposes preconceived ideologies on participants. It recognizes that method must be responsive to difference, not as an aberration to be mitigated or explained away, but, as a rich source of interpretative possibility (Bailey, White & Pain, 1999). Soulliere, Brit & Maines (2001) provide the following brief overview of the methodology along with a description of its most salient characteristics:

According to Anselm Strauss and Juliet Corbin (1994, p. 273), grounded theory is 'a general methodology for developing theory that is grounded in data systematically gathered and analyzed'...Grounded theory methodology is designed to guide research in producing theory that is conceptually dense. Thus, although grounded theory represents a set of data analytic procedures, it is essentially aimed at theory generation. Moreover, the goal of conceptual density implies that theory should be rich in conceptual development and relationships and that it should satisfy four requisite properties: (1) a close fit with the substantive area in which it will be used, (2) readily understandable by lay persons, (3) is sufficiently general to be applicable to diverse daily situations, and (4) allows at least partial control by researchers over the structure and process of daily situations. (p. 254)

While its origins lie in the work of Glaser & Strauss (1967), reformulated and refined by Denzin (1994), Strauss & Corbin (1997, 1998), Lincoln & Guba (1985) and others (Thomas & James, 2006, p. 787), grounded theory has also been influenced by feminist, pragmatic, post-positivist, indigenous frameworks – moving, in the process, towards a position less influenced by empiricism or positivism, and increasingly motivated by a search for critical knowledge and social justice (Denzin, 2010, p. 295). While each of these approaches places different emphasis on the methodological and interpretative aspects of grounded theory, they share an emphasis on the knowledge of participants and the relevance of perception to social action (Charmaz, 1990, p. 1161). Grounded theory thus, becomes a methodology which combines flexibility with an awareness of the interpretative and relational basis of human knowledge (Denzin, 2010, p. 296).

Without rejecting method entirely, the grounded theorist recognizes its importance as a means of attending carefully and thoroughly to a given research setting. Method becomes not a means of generating facts, but of attending to participants' voices as a way of coming to terms with the meanings and interpretative possibilities raised by their stories. In many respects, the contextualized nature of meaning brings to mind the importance of situating understandings within particular narratives and the conceptual and cultural frameworks of a given place. Grounded theory is an attempt to explore the possibilities for knowing and action that understanding the standpoints of others brings. In essence, rather than using data to test a preconceived hypothesis, the grounded theorist uses a methodology which is inductive, critical and reiterative to build a theory from the findings of the research process. As Charmaz (1990) has described it, in grounded theory, "(1) researchers attend closely to the data (which amounts to 'discoveries' for

them when they study new topics or arenas), (2) their theoretical analyses build directly on their interpretations of processes within those data, and (3) they must ultimately compare their analyses with the extant literature and theory” (Charmaz, 1990, p. 1165).

The data here is selectively coded through descriptive and then conceptual categories before the researcher begins the process of comparatively defining and assessing the validity of these codes and developing theoretical categories which link these codes. Ultimately a theory is created which attempts to explain the phenomenon being investigated by drawing on the socially constructed meanings and knowledges of the participants and the researchers alike.

As Clarke (1998) succinctly describes it, in its basest form, grounded theory is a qualitative research approach wherein “data are coded, codes are densified and ultimately integrated into an analysis” (Clarke in Thomas & James, 2006, p. 787). Such an approach underscores the need to encounter method as part of a bricolage of tools, which, provided they are reflexive enough, help us to come to more coherent and situated forms of understanding (Kincheloe, 2003; 2008). Constructivist grounded theorists see method as a history of practices which assists us in attending to the voices of participants, and, in accordance with a set of scholarly discursive practices. Above all, such theorists need to be wary of an attitude of, “arrogant perception” which is “characterized by an absence of identification” and arises, “when we feel too easy among ourselves” (Salvio, 1998, p. 51).

Within this framework we recognize that students and teachers construct knowledge through their daily lives, and, that criticality provides a means of re-encountering the taken-for-granted as old meanings are interrogated, ruptures are created, and new forms of meaning emerge (Freire 1970, 2007; Kincheloe and Steinberg 1996). Constructivist

grounded theory represents a more detailed and conventionalized form of this process, one which, although imperfect, provides us with a means to contextualize narratives within disparate conceptual and cultural terrains and the particular life histories of agents-in-context. As a methodology it is, “more interested in the views, values, beliefs, feelings, assumptions, and ideologies of individuals than in gathering facts and describing acts” (Creswell, 2008, p. 439).

For all these reasons, when we examine methodology, we must also consider the issue of vulnerability within the research process. In many ways vulnerability is about using method, not to build a foundation of certainty, but—as what Sumara, Davis and Luce-Kapler (2008) have called an “enabling constraint”. This vulnerability also recognizes that method itself is often fragmented, existing neither apart from theory nor from the life practices and narratives of either the researchers or participants. Method becomes a point of departure and an articulation of knowing as a form of vulnerability-in-process. Seen in such a context, grounded theory becomes more than formulaic empiricism, it becomes a way of using convention to move beyond the taken-for-granted into spaces opened up by attending to the richness of the world-at-hand.

3.4. Data Collection: The Semi-Structured Interview

While constructivist grounded theory provided the study’s interpretative and methodological framework, the open-ended, semi-structured interview was the primary data collection method. Using the interview, the study aimed to utilize a sample of teachers which provides the depth of analysis necessary to, “illustrate the complexity of cultural events” (Stephens, 1995, p. 483). Among the themes the interviews addressed

were the relationship between free speech and pedagogical efficacy, the impact of censorship on relationships between teachers and students, as well as administrators, parents and community members.

The in depth, semi structured interview – as a subjective and inter subjective process of meaning making— provides a means of entwining disparate, but sometimes complementary methodological strands. The semi-structured interview provides a useful means of balancing the need for exploration and gathering specific data through a single research instrument. As Cohen (2000) points out, the interview, as a qualitative research technique is uniquely suited to more equitable power arrangements between researcher and participant since it, “marks a move away from seeing human subjects as simply manipulable and data as somehow external to individuals, and towards regarding knowledge as generated between humans, often through conversations” (p. 267).

The interview allows researchers and readers to recognize, “features of making sense in ordinary ways” thereby rendering, “visible how people arrive at particular meanings” (Campbell, 2003, p. 7). In the case of teacher censorship, such a data collection method allows us to understand not only how teacher censorship is perceived as a concept at work in the lives of ordinary teachers, but also the real life consequences of such acts. Without ignoring the importance of theory or experience, the interview permits researchers to, “recognize the importance of grounding narratives in the contexts and specificities of people’s lives, communities and cultures” (Giroux, 2005, p. 60).

Given the importance of contextualization, as a preliminary measure, basic background data was gathered (Sutherland, 2006). The initial “focus of inquiry” was placed upon critical incidents involving censorship or in which teachers felt a conflict

between their right to free expression, and, their obligations as employees, or, their fiduciary obligations to students (Maykut & Morehouse, 1994, p. 84). Additional questions often arose out of subsequent discussions with participants or theoretical insights. Interviews were audio taped, transcribed and supplemented by my notes.

The selection of the initial study subjects was purposive although an attempt was made to ensure a broad representative sample. Opportunistic sampling was used to broaden the scope of the initial sample as tentative hypotheses or themes unfolded with sample size being determined by the saturation principle (Whitt, 1991, p. 410; Miretzky, 2004, p. 826; Maykut & Morehouse, 1994, p. 57). A recruitment ad was posted in the Telegram, a daily newspaper with province wide circulation. The text of this advertisement was also emailed to the membership of the provincial teachers association. Subjects were also recruited from Memorial's Faculty of Education Graduate Studies program and the faculty's email directory for current graduate students (many of whom are practicing teachers).

After the Telegram advertisement and the NLTA email solicitation yielded only a single response, I began to approach teachers directly to ask them if they were interested in participating in a study on teacher perceptions of free speech. Participants were most often obtained through word of mouth, that is, either by learning of the study through friends, or by a participant telling me of other prospective participants during the interview process. On occasion participants also approached me and asked to participate in the study. However, experiencing censorship was not a criterion for selection as the primary emphasis at the commencement of the study was upon teacher perception of free speech. Indeed, the only two criteria for selection was that an individual was a public

school teacher and was willing to talk about free speech. Interviews took place at a location chosen by the participant.

In the end, 22 teachers were interviewed. They ranged in age from their mid-twenties to their mid-seventies. One administrator and one former administrator were interviewed. The rest were teachers who taught in high school and primary/elementary settings. Geographically, the majority of the teachers were from the Avalon Peninsula (Eastern School district). Four teachers were from the Nova Central School district. While most teachers had graduate-level degrees in education, one teacher had a baccalaureate degree in education. Interviews took place at the Faculty of Education of Memorial University or at the teachers' residences. Interviews ranged from approximately 45 minutes to 1 ½ hours with the average interview taking approximately 1 hour.

After the interviews were completed, the data was collected, collated, typed and transcribed (Maykut and Morehouse, 1994, p 126). Data analysis and collection followed the constant comparative method developed by Glaser and Strauss (1967), described by Maykut & Morehouse (1994) and modified by Charmaz (1990, 2006, 2007). This is an inductive approach rather than one which organizes data according to preconceived categories (Maykut & Morehouse, 1994, p. 127). I completed the process of sorting the data into primary categories before reviewing findings as part of the, "discovery phase of analysis" in order to generate central themes (Maykut & Morehouse, 1994, p. 133). These initial thematic categories were then "refined" through a process of "inductive category coding" in which the initial categories are compared and revised and new categories generated (Maykut & Morehouse, 1994, p. 139). Additional interview data was collected to address any contradictions or to "flesh out" any emergent themes or hypotheses, and to

create theoretical codes, until no new themes or data were being discovered (Maykut & Morehouse, 1994, p 144). Findings were reviewed and assessed in terms of credibility, usefulness, and centrality as alternative hypotheses were formulated and considered. Finally, explanations were compared for coherence and a substantive theory was constructed which attempted to explain the phenomena of speech and censorship as described by teachers' narratives.

3.5. Research Questions

As Cohen (2000) points out, the semi-structured interview involves a need to attend to both contextuality and particularity – in his words, “the great tension...is between maintaining a sense of the holism of the interview and for analysis to atomize and fragment the data” (Cohen, 2000, p. 282). While “categories of inquiry” were “inductively derived”, preliminary research questions were used to frame the study’s initial focus (Maykut & Morehouse, 1994, pp. 46, 85). These questions aimed to explore the degree to which teacher agency and school culture are affected by subjective interpretations of the legal content of the right.

While it is hoped that the interviews were in depth and responsive enough to address these, as well as unanticipated but related issues, the following are some of the broader areas of interest which were used to guide questioning (further detail regarding specific interview questions has been provided in Appendix A):

1. What particular discourses inform the individual construction of the concept of free speech within educational settings?

2. How do teacher conceptions of free speech affect participation in collaborative administrative structures and/or teacher's pedagogical practice?
3. How do professional and/or schooling cultures promote or restrict the exercise of free speech?
4. How do teachers view the role of free speech within the public education system?

As is evident from the above questions, a key supposition is that, as democratic institutions, schools play an important role in the cultural and social aspects of community life. Thus, the function of free speech within the educational system is of interest, not only to policy makers and administrators, but to the public as a whole.

The study sought to examine the role of teacher speech in contemporary public schooling. Similarly, with an aim to enhancing organizational effectiveness and collaboration, while many recent education reforms advocate greater community involvement and more democratic and accountable governing structures, censorship will likely have an adverse effect on teacher participation in these bodies and their effectiveness. Recognizing the importance of culture as a significant determinant of institutional identity, the study seeks to identify ways in which institutional cultures affect individual perception. It also aims to determine the effect of culture upon individual propensity to exercise free speech through the legal system or by explicitly invoking a legal right.

3.6. Significance

Despite its limited generalizability, the study provides insight into teacher perceptions regarding free speech, its relationship to teacher efficacy and the teachers' conceptions of

their professional roles in schools and communities. By providing findings regarding the perceptions which guide the exercise of the right of speech and its relationship to institutional roles the project will also identify potential areas of future research. In particular, it is hoped that the study will shed some light on the extent and nature of any divergence between teacher perception of the nature of free speech and legal definitions of the right.

The study findings and thesis will be made available online through the researcher's personal website and deposited in the university library. The results will also be presented to faculty members, the Canadian Society for the Study of Education (CSSE), and, (it is hoped) published in scholarly journals.

3.7. Ethical Issues:

Ethical issues are of paramount importance since they, "reflect shared fundamental values that are expressed in the duties, rights and norms of those involved in research" (Tri-Council Policy Statement, 2005, p. i.2). They also imply, "duties of honest and thoughtful inquiry, rigorous analysis and accountability for the use of professional standards" (Tri-Council Policy Statement, 2005, p. i. 8), and, "respect for human dignity" (Memorial University Policy of Research Ethics, 2006, p. 2). The present study raises issues of confidentiality, anonymity, and bias.

Ethical concerns are of special interest here due to the recent negative publicity afforded issues related to freedom of expression and the possibility that teachers may face recrimination for their participation. Initially recruitment of study subjects was difficult.

Not only was it challenging to recruit tenured teachers, but untenured teachers and or substitutes expressed little or no interest in participating in the study.

In addition to difficulties involving recruitment and issues regarding confidentiality, reflection revealed a tension at work within the research methodology. Some of the narratives recounted during the course of the study involved distinctive events or settings and relatively high profile or publicly visible personalities. Alternatively, they may have involved events which were known only to a select few individuals. This meant that often while the qualitative content of the interviews (i.e. the words of the participants as they described free speech or censorship) could be used, the narratives which contextualize this information could not.

Given these confidentiality concerns, as a precautionary measure, any “[d]ata which is released or otherwise available to the public...should not contain names, initials or other identifying information” (Tri-Council Policy Statement, 2005, p. 3.3). Other potential identifiers, such as school, district, and place of residence, were replaced by pseudonyms (Tri-Council Policy Statement, 2005, p. 3.2) and the omission from the final report of any identifying features of the school setting or the individuals involved. While preserving and communicating the individual voices of participants was important, confidentiality issues often mitigated against the detailed contextualization needed for a purely narrative study. Creswell (2008) suggests that this tension is not an unfamiliar one and is often a reason why researchers choose to use grounded theory (Creswell, 2008, pp. 448, 449).

As an additional precaution, all study data will be kept physically and electronically secure with access being permitted only to the researcher (MUN Research Proposal

Guidelines, 2006, p. 4; MUN Policy of Research Ethics, p. 11). In this case, research material will be kept in a locked cabinet accessible only to the researcher until one year after the study's completion. Participants will be informed of the difficulties of maintaining anonymity, particularly in rural and/ or public settings (Memorial Proposal Guidelines, 2006, p. 5). Potential participants will also be reminded that complete confidentiality can never be assured (MUN Research Proposal Guidelines, 2006, p.5).

In conventional research, bias is an issue that is of central concern. The study's author is a proponent of democratic education and is of the view that a right to freedom of expression should exist among teachers as well as among members of the general public. While this is a topic addressed in the subsequent section, to mitigate the existence of any potential bias, peer debriefing and an independent audit were used (Whitt, 1991, p. 413). Given that discourses which aim to eliminate bias implicitly assume that knowledge can be separated from the context in which it is produced, I have taken pains to be forthright about my belief in the importance of democratic values and rights. This does not mean that I have not welcomed or considered dissenting views but merely that I believe that effective qualitative research requires that researchers are aware of the situated, political nature of all human knowledge.

The full informed consent of study participants was obtained to ensure that, "anyone who is a subject of research should participate in the research voluntarily and with full information about what the research involves" (MUN Research Proposal Guidelines, 2006, p. 2). Accordingly, the intended purpose and methodology of the study was clearly explained to participants (Sutherland, 2006; MUN Research Proposal Guidelines, 2006, p. 3). In addition, the voluntary nature of participation was stressed along with the right

of the subjects to withdraw from the study at any time (Sutherland, 2006; Tri Council Policy Statement, 2005, p. 2.6).

Other pertinent information communicated to participants included, "a comprehensive statement of the research purpose, the identity of the researcher, the expected duration and nature of the participation, and a description of research procedures", as well as, "a comprehensive description of reasonably foreseeable harms and benefits that may arise from research participation" (Tri Council Policy Statement, 2005, p. 2.5). Similarly, study participants were provided with a comprehensive description of the, "anticipated use and storage of primary and secondary data along with any personally identifiable information" (Tri Council Policy Statement, 2005, p. 3.2). The degree of anonymity which can be provided was also explained in order that subjects can reasonably assess the risk associated with their participation (MUN Research Proposal Guidelines, 2006, p. 4).

In summary, the study appears to be one of relatively low risk given the safeguards used, and one which offers the opportunity for both the public and the research community to gain insight into the views of teachers regarding a topic which is of material significance to the integrity of the educational system. It is believed that this research will benefit educational practitioners and policy makers by providing insight into teacher perceptions regarding the nature of free speech and the role of teacher advocacy in relation to the effectiveness of community schools. Such research can play an important role by accessing information which may be unavailable to the public and which teachers, themselves, are, reluctant to put forth. In some respects, therefore, the

study may provide an outlet for teachers to voice concerns which otherwise would remain unheard.

3.7. Teacher Narratives & The Semi-Structured Interview

Grounded theory requires narrative to contextualize the data as well as the research process itself. While not a frequently utilized approach (i.e. combining narrative inquiry and grounded theory), it is consistent with an emergent design and the method's inherent flexibility, its responsiveness to culture, context, and place. Rather than having individual stories or the words of participants embedded in a privileged researcher's account in a work about censorship, it is important to, "explore how researchers can 'be accountable to people's struggles for self-representation and self-determination'" (Lather & Smithies, 1997, pp. 126, 127). First and foremost, this requires a recognition that the interpretative act is not one which can be distinctly isolated from the practice of inquiry (Visweswaran, 1988). As such, we come to recognize the value of a pragmatic concern for lessening strict methodological categories in deference to the pragmatic utility of issue driven educational research.

Yet, finding a method that is at home with tension and ambivalence, requires reflexivity and multiplicity, to challenge the assumption that method precedes text, or that the experience of the researcher somehow contains or consolidates the narratives found within the researcher's "authoritative account". Method, in a sense, becomes a vehicle by which researchers, "risk the necessary invasions and misuses of telling other people's stories in order to bear witness" (Lather & Smithies, 1997, p. xiv).

What method often doesn't portray is the tension between theory and the experience which it draws on and represents. Quite simply, qualitative methodology necessitates a sensitivity to, "what it means to tell the lives of others"..."[b]oth within and against conventional notions of social science research" (Lather & Smithies, 1997, pp. 126, 127). Seen as the after effect of experience, theory, much like method, is actually involved in a much more heuristic relationship with the intersecting life worlds of researcher and participants (Lather, 1991; Kincheloe, 2003).

The non unitary nature of the narrative text is an apt response to the need to, "provide a laboratory in which to explore the textual possibilities for telling stories that situate [researchers]...not so much as experts...but rather as witnesses giving testimony" (Lather & Smithies, 1997, pp. 126, 127). In this context, constructivist grounded theory is explorative, discursive and centered on a concern with the participant's narrative and a sense of voice. As Creswell (2008) emphasizes, "In applying this approach, a grounded theorist explains the feelings of individuals as they experience a phenomenon or process. The constructivist study mentions the beliefs and values of the researcher and eschews predetermined categories" (p. 439). In contrast, he maintains, "The narrative is written to be more explanatory, more discursive, and more probing of the assumptions and meanings for individuals in the study" (Creswell, 2008, p. 439). Yet, while the narrative is often not described in the context of grounded theory, they share many similarities: each prioritizes experience and the ability to construct meaning from everyday life; each methodology is not only qualitative but requires the researcher to provide a narrative of entry and meaning-making to contextualize the research text; and, although each emphasizes the importance of language as a means of making sense of the world,

narrative inquiry, like grounded theory, often relies heavily upon the coding of themes as a means to allow the researcher to construct an interpretation of the participants' experience (Creswell, 2008, p. 521).

However, there are also key differences. In narrative the notion of voice is closely related to the idea of authenticity; that is, the individuality of the research informant is important in and of itself and not simply as an entry point into the content knowledge which he or she offers. While both emphasize the importance of experience, narrative inquiry emphasizes form and context over accuracy and content; whereas unity in the case of one is provided by the narrative form itself, in grounded theory the unity is achieved through the resultant theory; and, finally, whereas narrative is ordered from within grounded theory seeks to build a conceptual coherence as an end product of the research process itself. While these are quite different methodologies, both move us toward an understanding of the abstract as it is grounded in practitioners' everyday experience. Therefore, I have attempted to use the attentiveness of voice and individual experience characteristic of narrative inquiry while utilizing the content of individual accounts to build a general sense of how speakers conceptualized key themes within their life worlds. Indeed, the concepts circulated by the participants often arrive and are written in narrative form such that narrative can be considered a key part of their form, function and meaning. This does not mean that grounded theory is fundamentally flawed. It does suggest, however, that narrative might have a greater role to play in the description and contextualization of concepts and their unfolding within the theory and indeed, within the researcher's own narrative account.

It means, not that narrative is in need of theory to supplement or to justify it, or to lend it meaning, but simply that both narrative and theory are historical, inter-personal and culturally contingent. Narrative, then, is worthy of consideration in relation to the often unexamined assumptions of grounded theory – namely that, “it adheres to the notion of ‘ground’ (the idea there is something beyond and underpinning) and the notion of theory, that one can perform some supervening process which will interpret interpretation” (Thomas & James, 2006, p. 790). What underpins grounded theory is nothing other than the researcher’s own search for meaning amid the framing of all knowledge within language and the narrative form. Thomas & James (2006) see grounded theory as a search for scientific legitimacy and a means of taking refuge in the machinery of methodology from the contestability of knowledge. For them, grounded theory is little different from the process of induction and analysis which accompany any qualitative research where insights come with hard work and thinking about the “data”. There is also a danger, they suggest, that voices will be obscured through the process of coding, and, more than that, that these voices will be utilized to add authority and legitimacy to the researcher’s own account.

Whether such concerns are warranted, perhaps, depends on the degree to which the researcher proves willing or able—in the case of certain research subject matter—to provide the details of their own narrative and to allow the narratives of participants to seep through the final research account. After all, *any* research account involves redacting, editing, editorializing or explaining participants’ narratives. If we believe that theory has some use then it also makes sense to draw theory from the insights and understandings of the world of social experience. The researcher is continuously trying to

balance the need for fidelity to the participants' accounts against the recognition that all accounts are partial, incomplete and contested.

For Thomas and James (2006), grounded theory mucks about in narrative, and gets it wrong—mainly by obscuring the narrative voice under the pretense of positivism and empiricism but without offering any better claim to “any better prediction or explanation than any of us would make on the basis of many years of experience of being human” (Thomas and James, 2006, p. 778). The result being that we have what is essentially narrative knowledge masquerading as something entirely different. As they note, “the point is not to be apologetic about narrative in social analysis. Narrative can be argued to offer more in the way of enlightenment than putative theory, while forsaking its epistemic pretensions” (Thomas and James, 2006, p. 778).

Of course, Thomas and James (2006) here are telling a story about the evolution of grounded theory and its proper place in the broader narrative of contemporary educational research; much as this narrative is intertwined with theoretical objections to the suppositions of grounded theory, and much as their own narratives are curiously absent from their own—all be it perspicacious—account. Both personal narrative and formal qualitative methods are vital and instrumental to the process whereby the researcher comes to tell his or her own knowledge story—an account which intertwines insight, critical rationality and human understanding. Method, in many respects can be seen as a way of parsing the story of our shared experience – a way of deriving signposts as we try and bring language to bear on memory in an attempt to bear witness to our partial, situated truths (Connelly & Clandinin, 1990).

Combining narrative and grounded theory requires flexibility and a responsiveness to the voices and identities the researcher encounters. Soulliere, Britt & Maines (2001) for instance combine ethnographic observation, and conceptual modeling with grounded theory in their qualitative study of a rural hair salon (p. 258); Charmaz (1999) in her narrative study of chronic illness, uses memoing to frame her analysis of stories about self and suffering (Charmaz, 1999); while Ivor Goodson and Pik Lin Choi's (2008) qualitative study uses life history and collective memory as a methodology to study teacher's conceptions of professionalism (p. 5).

Goodson and Choi (2008) argue that such a method reflects the in-depth meaning and contextualization provided by narrative and still allows for broader generalization about social and cultural settings to be made. The particular advantage of this process, according to the authors, is that as, "typologies....emerge through translation, the rich description of collective life stories in collective contexts still allows vivid portrayal of individual life histories in a holistic context" (Goodson & Choi, 2008, p. 26).

Simply put, telling one's story is both an affirmation of the individual voice and a point of entry into knowledge which the story teller may not have realized that he or she possessed. Through the life stories told by teachers as individuals, and the researcher's interpretation and translation of them as collective memories, it is possible to tap into both the subjectivity of individual informants role negotiation and the connection to the inter-subjectivity of the teachers role negotiations. The storyteller speaks from a standpoint informed by idiosyncratic and normalized ways of looking at the world, much as the researcher listens from a perspective informed by personal life experiences,

academic texts, his or her own personal experience—"stories create pattern, coherence" (Charmaz, 1999, p. 371).

On a simpler level, the narrative aspects of life history often come together in simple researcher – participant interactions. Appropriate for studying a phenomenon which is often unseen and unheard, in its search for contextualized, specific meaning, narrative inquiry utilizes innovative, often unexpected, forms of "interrogating taken for granted practice of knowing" (Campbell, 2003). More often than not, this requires negotiating the complex space situated between pragmatic "finding out" and the need to engage the broader overarching "rules" governing the powerful discourse of research, which, "have a tendency to become hegemonic devices of inclusion or exclusion that are often uncritiqued" (Wallin, 2009, p. 796).

Not only does narrative provides a subtle unity to the messiness of everyday experience (Fonow & Cook, 1991), but as a form of *attending*, it involves a willingness to "leave behind, temporarily, the organizing principles of the researcher and take on the organizing principles of those being studied" (Quantz in Casey, 1995, p. 234). Such sensitivity to the researcher's power and the interplay of theory and method, through more democratic, inclusive research practices (Lyons & LaBoskey, 2002, p. 19). Its inclusivity is demonstrated by its suspicion of "the outward gaze" and the "objectification" characteristic of conventional research and classical sociology (DeVault, 1999, pp. 46, 47). This is in marked contrast to conventional research's propensity to, "construct the subjects of study as 'others'" (Sprague, 2005, p. 125). As such, it rejects a critique which appropriates stories of the marginalized in order to,

“package their realities of data and bring those data back to a location where knowledge is mobilized in projects of administration and ruling” (DeVault, 1999, p. 48).

We must be wary, then, of the possibility that certain epistemic methods have built in ideological presumptions that tend to be reproduced in the knowledge constructed by a researcher (Smith, 1992, p. 96; Campbell, 2003, p. 4). Here, a key aim is to remain cognizant of the distorting propensities of the researcher’s power without being bound by a narrow insider/outsider dichotomy (St. Pierre, 2000). In this regard, researchers describe a method which is “more tentative and less concerned with the old struggles of establishing authority as a way of research”, but, instead, “is more concerned with the archeology of construction, the sedimentary grounds of ethnographic authority” (Britzman, 2000, p. 29).

While such approaches may seem quite different from the methods described above, the researcher’s role in interpreting, classifying and synthesizing life histories is very similar to that of a meta-ethnographer (Goodson & Choi, 2008, p. 11). By this I mean that immersion in a particular contextualized cultural setting is approximated by the convergence of perspectives and the insights provided by intersecting narratives and the broad process of interpretation made accessible by qualitative research. It involves recognition that, “knowledge is relational, experienced and expressed in sensuous terms, in stories, and critical personal narratives that locate the person in moral relations with others” (Denzin, 2010, p. 300).

In contrast to conventional research, such emergent methodologies allow critical researchers to challenge, “the authority of empiricism, the authority of language and the authority of reading or understanding” (Britzman, 2000, p. 28). New articulations of

research methodology require sophistication and creativity on the part of researchers if they are to experiment with form, voice or representational practices in order to convey the richness of everyday experience. Critical qualitative research visualizes a poststructuralist space where the boundaries between narrative, ethnography and writing, become increasingly intertwined. As researchers, these scholars attempt to, "write against the discourses...[including] the [researcher's] voice that promises to narrate experience as it unfolds, the hesitant voices of participants [that] kept refashioning their identities and investments as they were lived and rearranged in language, and post structural voices that challenge a unitary and coherent narrative about experience" (Britzman, 2000, p. 31). As Davis (1974) has noted, in the end, the researcher must become a writer—a storyteller—someone who gives an account, not fictional, but not without interpretation, or drawing on his or her own peculiar standpoint and forms of experience (Davis in LaRossa, 2005, p. 850).

Collectively, such emotive, creative and critical forms of research become a form of "empathetic inquiry": a process intended to facilitate, not only the broadening of literacy practices to include cultural practices, but also, sensitivity to alterity (Salvio, 1998). Intended to be emotive and involved rather than objective and dispassionate, it evokes the quality of empathetic identification which Salvio (1998), "define[s] as the capacity for attending to how another person feels rather than merely imagining ourselves in his/her position" (Salvio, 1998, p. 44).

But is such an acknowledgment a repudiation of the possibility for coherence or continuity? Undoubtedly, the cultural researcher deals with "stories caught half way though: the middle of things; discontinuities", indeed is him/her/self such a discontinuity

(Steedman, 2002, p. 45). While “culture ‘speaks itself’ through an individual’s story” (Reissman in Sprague, 1995, p. 141) research itself is conditioned by culture (Visweswaran, 1997; Butler, 1990).

Although often critiqued for their “subjective nature”, such an approach tends to politicize the personal in ways which embody praxis of human connectivity within an often fragmented postmodern culture. Thus, “[c]entral to this call for a language of possibility are the ways in which critical research has taken up the issue of power, that are attentive to the ways in which power inscribes itself through the force of reason, and constructs itself at the levels of intimate and local associations” (Giroux, 2005, p. 59). This “willingness to theorize oppositionally” (Silverman in Kelly, 1997) is emblematic of a public pedagogy (Giroux, 2005) which does not eliminate the need for dialogue or lead to the marginalization of individual voices – a difficult, often elusive, balance. An emotive, embodied relational analysis provides a means of coming to terms with complex, sometimes ambivalent, institutional realities (Apple, 1999, 2004; Luke, 1992, p. 7).

Given all these concerns, listening to participants’ stories becomes a means of experiencing subjectivity as a site of competing discourses and, “revision of the [research] projectbeyond the structuring regulations of the true and the false, the objective and the subjective, and the valid and the invalid” (Britzman, 2000, p. 38). This sensitivity to narrative was used to contextualized grounded theory and its constructivist insights as I attempted to understand the significance of the cultural practice of free speech. Without doing violence to the participants’ narratives or voices, this methodology utilized a series of coding, memoing and theory building procedures which was

reiterative and comparative and which sought to provide a substantive and situated account of the phenomena of censorship and speech. These techniques were taken not as a kind of cursive shorthand for voice but were seen as cues and signposts which allowed me to map the process of making my own meaning from the stories I had encountered in—their deep and varied richness.

3.8. Data Analysis:

i) Initial Coding

In describing the process of coding and generating thematic categories I am following the methodology described by Charmaz (1990, 2006, 2007) in her constructivist version of grounded theory. Charmaz (1990, 2006, 2007) provides a multi-level coding practice which recognizes the fluidity and inter-dependence of themes as well as the importance of being open to the provisional, contextual nature of knowledge. While I have described this in more general terms above, here I outline each stage of this process, with emphasis on coding and its relationship to the generation of an overarching theory story. These coding phases include: i) initial coding; ii) focused coding; and iii) theoretical coding (Charmaz, 2006).

Indeed, unlike narrative, coding is widely acknowledged to be an integral part of grounded theory (Moghaddam, 2006; LaRossa, 2005). We might think of coding as simply a very systematic and deliberate way of focusing attention. It is partial, but generative, descriptive and explorative. According to Charmaz (2006), “careful word-by-word, line-by-line, incident-by-incident coding moves you toward fulfilling two criteria for completing a grounded theory analysis fit and relevance” (p. 54). These criteria are

that the study, “fits the empirical world when you have constructed codes and developed them into categories that crystallize participant’s experience [and that it] has relevance when you offer an incisive analytic framework that interprets what is happening and makes relationships between implicit processes and structures visible” (Charmaz, 2006, p. 54).

Interviews were transcribed and analyzed both separately and comparatively in order to induce a number of recurrent, salient themes. This involved examining key words and participant descriptions in order to determine constellations of themes surrounding the issues of speech, free speech and censorship. I explored what the participants saw as being entailed by the right of free speech and how this understanding played out in their daily practice. In addition to participant descriptions it was also necessary to compare these explicit understandings with more tacit and hidden forms of understanding. It required examining the types of meanings and associations which exist on the margins of the participants’ accounts, and how the participants’ behavior compared with their actions.

Attention was also paid to the type of question asked (open ended or directed). I also examined the transcripts and recordings in order to draw inferences about the types of inter-textual associations and understandings which remained constant across accounts. An emphasis was placed on participant descriptions of interpersonal relationships, discourse and the importance of culture to the process of interpretation. More importantly, I sought to determine whether inconsistencies or unexplained phenomena existed and, in the event that contradictions arose, whether they could be understood by further implicit or undiscovered meanings or forms of knowing.

These themes were derived as broad schematic groupings intended to make data management more efficient. These are outlined below and included rudimentary “organizing constructs” (Peine, 2003, p. 191). A simple way of deriving these codes was to use memo writing and marginalia to describe participant actions, emotions, thoughts, feelings and ideas. Following Charmaz (1990, 2006, 2007) these codes were descriptive, rudimentary and sought to “stick closely to the data” (Charmaz, 2006, p. 47). Predominantly they were incident codes and to a much lesser extent, line by line codes. They included phrases such as, “afraid to speak out on Facebook”, “feels nudity is a delicate topic”, “frustrated because she cannot level with parents”, or feels “self conscious at staff meetings”. They sometimes contained simple words or key phrases such as ‘having one’s say”, “afraid to speak”, “feels silenced”, or “feels empowered”, “sees school board restraints as reasonable”, and “political interference”. These categories were too numerous to specifically recount but they were largely descriptive, open ended, short, and they were generated intuitively and quickly.

This process is circular and reiterative, and, while steps bleed over into each other, this stage of the process might be thought of as the beginning of an inter-text which creates new ruptures and associations from the interstices of the familiar. Through description the researcher begins to synthesize participants’ narratives and insights by using his or her own understanding, in a merging of interpretative and semantic horizons – a fluid, transitive space from which theory begins to grow. The table below provides an example of the categories generated in this initial coding phase.

Initial Coding

Afraid of not being promoted	Would not call an open line office	Teachers told not to speak with the media about mould issue	Teachers lack in depth knowledge about potentially violent students
Says that the staff has a good relationship with the administrator	Worries about school board hearing criticisms from parents	Says students lack any notion of responsibility	Cannot be frank with parents about problems with french immersion
Sees the power of cliques in her school	Leaks information to parents	Outspoken teachers branded as troublemakers	Feels the profession is no longer rewarding
Wonders if teacher denied tenure for outspokenness	Incident brought fear	Audity in artwork an issue	Voices frustration

II) Focused Coding

Focused coding is a form of selective attention where discovery and sorting of the data occurs through a constant comparative process. Here the researcher searches for broad commonalities among the building blocks of a shared theory-story, or, he or she searches for pieces of the puzzle which are hidden or absent but which should be told. This level of coding requires, “using the most significant and/or frequent earlier codes to sift through large amounts of data” (Charmaz, 2006, p. 57). This requires making comparisons across notes and memos as well as drawing conclusions or making intuitive leaps which can be checked against the findings. In short, it involves looking at the initial codes to construct codes which unify these earlier codes under more specific conceptual

categories. As Charmaz (2006) describes it: "Focused coding is the second major phase in coding. These codes are more directed, selective, and conceptual than word-by-word, line-by-line, and incident-by-incident coding" (p. 57).

Like the earlier stage it is also an exercise which reminds us of the messiness of truth-in-process. Behind the formal charts and diagrams, there lie countless notes and scribbles, on pieces of scrap paper, or discarded drafts. As such, it is as much a process of invention as it is redescription, albeit one which tries to keep the original words and conversations with participants as an informal guide, a source of inspired difference and a generative check. As she notes, "After you have established some strong analytic directions through your initial line by line coding, you can begin focused coding to synthesize and explain larger segments of data" (Charmaz, 2006, p. 57).

These codes began to resemble the themes which would later form the conceptual basis of the grounded theory. As such they represented a more nuanced understanding of the data based on further exploration of the primary categories. In some respects, they arose from an attempt to flesh out some of the divergences between original themes, the existence of counterintuitive conceptions or notions and the linkages to other core cultural themes (such as "the troublemaker teacher", "unwritten code", "staffroom talk", or even, "teacher professionalism"). Here teacher narratives became a rich source of insight into teacher motives and, emotions and a way of contextualizing and situating abstract themes. In short, it becomes a way of perspective taking in which theory is viewed within the framework of real world experience and action.

Below is an example of focused coding in its often tentative, re-iterative form:

Second Order Themes



III) Theoretical Coding

This stage of the methodology requires looking at the focused codes for similarities, differences and gaps as a means of constructing theoretical themes or categories. Although Strauss and Corbin (1987) described a process called axial coding which asks questions related to causes, agency and context, and attempts to arrange them in a spectrum or on a linear integrative axis of meanings, Charmaz (2006) questions whether axial coding can be too positivistic and reductive (p. 62). Instead, Charmaz (2006) recommends a more flexible and integrative way of finding coherence in categories—including making use of theoretical coding:

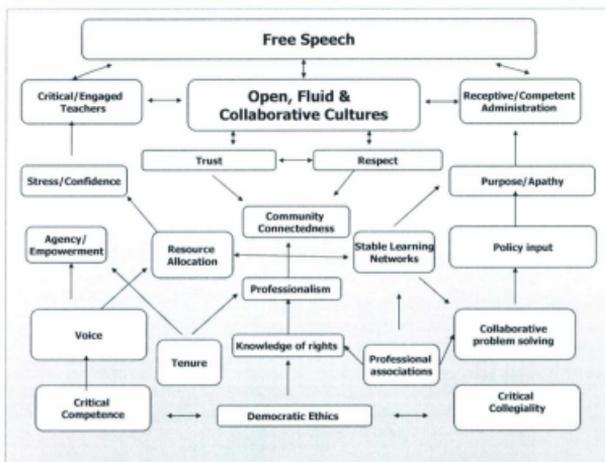
Theoretical coding is a sophisticated level of coding that follows the codes you have selected during focused coding. Glaser (1992) introduced theoretical codes as conceptualizing, “how the substantive codes may relate to each other as hypotheses to be integrated into a theory”. In short, theoretical codes specify possible relationships between categories you have developed in your focused coding. Glaser (1992) argues that these codes preclude a need for axial coding because they “weave the fractured story back together” (Glaser, 1978: 72). Theoretical codes are integrative; they lend form to the focused codes you have collected. These codes may help you tell an analytic story that has coherence. Hence, these codes not only conceptualize how your substantive codes are related, but also move your analytic story in a theoretical direction. (p. 63)

What Charmaz and Glaser refer to as “coding families” (Charmaz, 2006, p. 66) are not mutually exclusive, exhaustive or entirely encompassive of the meanings evoked by the participants’ words and narratives. Hopefully they provide a means of analyzing and a point of departure for theoretical memoing whereby the writer begins to develop some “higher order” descriptions and explanations of the studied phenomenon.

A similar stage of inquiry is characterized by Harry, Sturges and Klinger (2005) in their study of minorities in special education programs. While differing in the amount of emphasis on relationships and its tendency to generate elements of a final theory, both stages demonstrate a concern with themes which will ultimately play an integral role in the development of a final theory (Harry, Sturges & Klinger, 2005, p. 5). Theoretical memoing and sorting represents a key stage in the formulation of an explanatory

organizing theory. The writer uses memos to develop themes which explain relationships between codes in an attempt to compare and understand any deviation between first and second level themes as well as an overt attempt to formulate categories which embody participant conceptual models. In short, they are an attempt to develop a theory in process of the core research themes in accordance with more well developed rationales or explanations of the phenomenon under study. These themes attempt to draw on, encompass and represent the researcher's understanding of context, place, and culture in light of the insights offered by the previous two levels of coding (Peine, 2003). Here, once again, narrative provides a way of seeing deeper connections between surface themes, and of examining the interplay between experience, culture and individual standpoints. It revealed, for example, how tacit forms of censorship and intimidation could come into play through regular schooling and experiences and a broader narrative of conflict or between colleagues and with administrators.

While more fully discussed in the findings section of the thesis, the diagram below represents the types of relationships elicited in the formulation of these theoretical categories, which are central to the construction of an emergent theory. It is a tentative conceptual map which helps the researcher come to terms with the complexity and richness of the data. It is neither final nor definitive but simply represents another way of writing an emergent space where a situated account of teacher speech can begin to grow and take form.



3.9. Comparing Explanations and Writing the Theory

Theory is difficult to define. We might, like Strauss and Corbin (1994) argue that, “theory consists of plausible relationships among concepts or sets of concepts” (Strauss and Corbin in Soullier, Britt & Maines, 2001, p. 263). For me, theory is a story, a way of understanding the relationships between agents, contexts, language and cultures to provide coherence and allow the reader to engage in further acts of sense making by extending and exploring the theory text. A theory is a way of understanding the world which is partial and, at the same time, explorative and discursive. A theory is useful because it posits a way of relating to language-and-the-world, thereby opening up new ways of becoming and of experiencing cultural reality.

However we see theory, Charmaz (2006) emphasizes the importance of writing and reflection to this stage of the process. Like all stages of grounded theory it is constant comparative and requires the researcher to revisit data, as well as to draw upon earlier

drafts, notes and memos to try and come to terms with the hard questions which are often posed by the grounded theory process. Charmaz (2006) also emphasizes the importance of conversation, reading, and writing, of testing and revising ideas until they begin to grow and take on a life of their own in a sense which is both critical and emergent. Generating theoretical insights also requires that the researcher constantly assess the validity of his or her findings by inquiring into their “credibility, originality and usefulness” (p. 182, 183). As she points out, “When you theorize, you reach down to fundamentals, up to abstractions, and probe into experience. The content of theorizing cuts to the core of studied life and poses new questions about it” (Charmaz, 2006, p. 135).

The aforementioned work of Harry, Sturges & Klinger (2005) describes a five-stage process for grounded theory: deriving open codes, categories, and themes before “testing the themes”, “inter-relating the explanations”, and, deriving a theory (Harry, Sturges & Klinger, 2005, p. 6). While I have found Charmaz’s work to be more useful in the initial phases of analysis, the latter stages of Harry, Sturges & Klinger’s (2005) framework proved useful, as it describes the process of generating a theory and comparing derivative explanations with the data on an ongoing basis. According to Harry, Sturges & Klinger (2005), the cumulative stage of interpretation consists in examining the coherence and consistency of “inter-relating explanations” and generating a final substantive theory (p. 10). It involves examining inconsistencies or anomalies in the findings and attempting to ascertain whether these reveal any weakness in the explanations developed. In some respects the aim is not to develop a final overarching theory but to synthesize the most comprehensive explanation of the findings possible – one which is nuanced, inclusive

and contextual. This stage of the interpretation is set out in the finding sections of the thesis.

As Soullier, Britt & Maines (2001) have noted, “issues of theory construction and modeling are generic to all social scientific inquiry” (p. 267). Regardless of how we define modeling, we would likely agree that quite often the researcher finds it necessary to rely on some form of methodological shorthand to assist him or her in the ongoing task to “ask appropriate questions and to organize tentative answers throughout the research process” (Soullier, Britt & Maines, 2001, p. 267). In many ways, modeling is the graphic equivalent of what in human experience we think of as a story – a way of narrating human experiences which entails the possibility of shared meanings, empathy through perspective taking, and a novel set of claims about the way the world tends to be. For LaRossa (2005), “theoretical stories are GTM’s forte. Idiographic, confessional, and theoretical stories, which can be combined in a single GTM-inspired narrative, essentially are second-order stories that frame the first-order stories signified in the interview-observational/historical materials being analyzed.” (p. 850). As LaRossa (2005) goes on to argue, “through various channels of direct and indirect expression research subjects tell stories to frame their lives, and researchers, in turn, tell stories about their subjects’ stories” (p. 851).

As I have related previously, this study is a way of exploring my own deep investments in education and the law, of the need to ascertain whether the values and principles of democratic society truly have deep importance and contemporary relevance. Here, LaRossa (2005) shows how the generation of grounded theory is very much an intuitive and a cyclical, rather than simply a linear, logical process of induction. While

grounded theory does emphasize the importance of the explicative in the form of an overarching theory, and it does rely on coding to help the researcher construct meaning, in the end it cannot—and should not—distance itself from the fluid, interpretative nature of the exercise which also depends greatly upon the narrative and discursive aspects of human experience.

At this stage, despite convention, I feel it is important for the researcher to revisit the participants' narratives to ensure concepts have not been too de-contextualized from their lived meanings. This reminds us that coding is a means of managing large amounts of 'data' and should not become a mechanism of distancing or removing the participant from the final research story. This, I would suggest, is a difficult, but necessary, and productive, balance. Despite the need to try and reflect upon and to synthesize the "data", quite often narratives can have many meanings and they are not necessarily to be subjugated to the researcher's own abstract theory-story or summation of teacher accounts. Often narratives are a source of richness and complexity for the reader to delve into as a heuristic device to consider the difficult moral choices which confront teachers in their everyday working lives. This empathetic choosing, I contend, is a form of (incipient) knowledge.

3.10. Conclusion: Finding Interpretative & Narrative Realities Through Theory

Grounded theory is a scholarly convention which attempts to bridge the gap between post-positivist, symbolic interactionist and constructivist ways of understanding. It accomplishes this by emphasizing the importance of language, but also, the value of the research process as a means of finding out about "real life" social phenomena. Although

it is difficult to merge social science with language and cultural based forms of analysis, grounded theory presents a pragmatic compromise – one which must be navigated carefully, and like any method, with a critical eye to its relative strengths and weaknesses. As a tool, grounded theory is useful as a systematic and relatively transparent way of approaching research “data” and the narratives of participants. While there is a distinct tension between the power and integrity of the participants’ voices, this can be mitigated to a degree by careful emphasis and description of these stories throughout the process of coding, interpretation and theorizing.

This project has sought to use grounded theory not as a means of providing certainty or an artificial rigor to the research process, but, rather, as a means of, “writing the world in this historical moment where the personal and the political intersect, in this space which is already deeply moral, critical, and interpretative” (Denzin, 2010, p. 302). As it seeks to come to terms with teacher perceptions of free speech within the contemporary Newfoundland and Labrador context, this research project has encountered method as an “enabling constraint” (Sumara, Davis and Luce-Kepler, 2009): a knowledge practice that provides a framework which allows us to simplify meaning, in order to expand the scope for interpretative possibilities. The insights provided by the consciousness building practices of Freire (1970, 2007) have lent an impetus to the need to combine narrative and grounded theory in ways that are particularly attentive to cultural contexts as they shape and are shaped by individual lives.

Taking its cues from the accounts of teachers centered around their conceptions of, and experiences with, censorship and free speech, this study seeks to understand the importance of interpretation to formal rights and the possibilities they open for action.

Seeing, “data collection, analysis and theory [as] standing in reciprocal relationship with each other”, (Strauss & Corbin in Peine, 2003, p. 185) grounded theory provides a means of examining these perceptions in a way which is both systematic and generative. Rather than rejecting method outright as embodying a reductive empiricism it is premised on the idea that method is writing about doing and it is a form of action which tends to forget itself, to pose as inaction. Because it is all of these things, it lends itself to the extrapolative, the speculative and the theoretical. And because it is all these things, it needs to be grounded in a humility which recognizes the vulnerability at the heart of research practice.

Quite often, this vulnerability could be found in the descriptions embodied in narratives about speech and speech practices in the context of schools and their communities. While grounded theory is central to the study we cannot forget the importance of narrative as a way of situating talk and action in interpretivist standpoints. Narrative is privy to culture and history in ways that theory cannot be. Like method, narratives are rich and partial, and like method, the very partiality and situatedness of narratives makes them, at once, potentially powerful and dangerous. If we decontextualize and reify them, any method, including the narrative form becomes a substitute for the recursive movement between the personal and the interpersonal which critical forms of knowledge production see as vital to deriving knowledge from difference.

It is important to recognize that methods are never innocent, they are always implicated in the disciplines which gave rise to them, as well as the individuals who use them. But it is equally so that they are not always “bad” or complicit. They, like

narratives, are starting points in the construction of new forms of insight which are at best a prelude to transformative action. Behind every method, and giving form to every story is a consciousness-in the world seeking to find meaning in a tumultuous and sometimes troubled existence. Taking their meaning from their status as testimony (Behar, 1996, p. 27) they both have a stake in navigating inherited notions of truth, power and the subversive power of words and actions undertaken with sincerity. Grounded theory is very much an art as well as a method: one which, "includes theoretical sensitivity to emerging data, which guides decisions about further data collection and ways to test emerging theory; interpersonal skill in the creation of a balance between rapport and appropriate distance with research participants; and self awareness that allows for a critical view of one's own role in the research" (Harry, Sturges & Klingner, 2005, p. 12).

In my own case, as a former high school teacher, I had a great deal of sympathy for teachers. I was intensely conscious of their fear of speaking out, of being blacklisted and not being able to find work in a province which they wished to reside in. Yet, I also needed to be reassured that the educational system, particularly in higher education, and the critical democratic ideals it represented were not lost in their translation to public schools and the provinces educators. Such strong personal feelings were a challenge which required me to test my preconceptions of teachers. Were they doing enough? Were the demands of administrators and the system actually legitimate? Were the fears of teachers grounded in reality or did they represent a distortion based on a small number of isolated incidents? These were central research questions which required me to continually reassess my own positioning in relation to my research and my conception of the study participants.

For all of these reasons, grounded theory became a midway point, a pragmatic compromise between critical concerns with empiricism and the need for a fidelity to the particularity of participants. This method, while imperfect, offers a way of creating a sense, however partial or in process, of how teachers in this province come to terms with the complex realities of speech, and its inter-relationship with the power which simultaneously enables and constrains its transformative potential. Taking all these methodological issues into consideration, along with the theoretical questions discussed in Chapter 2, the next chapter begins to explore the findings and issues raised by encountering participants' notions of free speech and censorship.

Chapter 4: The Meaning of Free Speech

4.1. Summary and Overview

In this chapter I examine the notion of free speech by exploring how teachers define the concept and what pragmatic issues research participants saw as being integrally associated with free expression. In doing so, I consider the relationship between education and democracy, what Shor (1992b) calls: “a respectful relationship between people and authority in school, work and society where the constituents assert the balance of power, not the bureaucracy” (p. 168). I also assess censorship’s relation to issues such as substantive curricular content, confidentiality, teacher professionalism, trust and belonging, and “controversial” topics such as race, sexuality, and religion (Kincheloe, 1980).

Findings suggest that free speech was perceived to be a broad organizing concept which takes its meaning from the social relations associated with particular educational settings (Miller, 2005; Butler, 1997b; Ellsworth, 1997). It was also seen as a form of personal relation, a mode of address (Ellsworth, 1997), known as much by its absence as its presence. Free speech is both a form of agency and a practical skill that must be learned through experience in complex institutional cultures. It is both a socio-cultural norm and a type of norming—a way of creating social expectations, often disciplinary, about the way teachers act and speak.

4.2. Introduction

The idea that there is a public good inherent in thinking conscientious citizens who speak their minds is waning. In the Newfoundland and Labrador experience this is a

particularly salient reality, reflected in the increasing number of teachers who feel reluctant to engage in critical educational debate through newspaper editorials, open line discussions, feedback lines and other forms of public argumentation. This tendency is evident in stories of teachers who are afraid to speak to parents about school policies banning skipping rope during lunch hour or to respond to newspaper editorials criticizing teachers for not scheduling in service training on snow days, who have been spoken to by administrators for comments made at hockey rinks or in their car pool, who dare not let their children speak to reporters about a temporary school shutdown, and who feel unable to speak publicly about school issues involving their children. We risk having, not simply a chilling effect, but a chilling norm—one where the employer's rights trump any semblance of a protected democratic right of dissent. This trend is indicative of a need to fundamentally rethink the nature and function of the contemporary public educational system and its relationship to democracy.

In light of such challenges, democratic educators must consider how speech is inextricably linked to the ways in which thought and affect form part and parcel of personal identity (Petrovic, 2003; Shor, 2006). Democratic teachers must take seriously the notion that, “a ‘right’ is not merely a claim of ownership; it is a claim about justice, legitimacy, and power (or resistance to power)” (Nielsen, 2004, p. 63). As such, speech becomes a way of giving form to self and society, much in the same way that oppression and violence come to have a fundamentally semiological dimension which finds its culmination in the speaking scandal of the body politic (Felman, 2002). I am referring not only to what Lawrence (1993) has termed “assaultive speech”, or, as he puts it, “words that are used as weapons to ambush, terrorize, wound, humiliate and degrade”, but of the

silencing of the give-and-take of ordinary human discourse in response to the demands of power (Matsuda *et al.*, 1993, p. 1).

Although schools purport to espouse democratic values, in many respects they fail to reflect the orientating premise that democracy is critical, participatory and implies a right, indeed a civic duty, to dissent (Kincheloe & Steinberg, 2004, p. 16). This link between speech and action, allows us to re-conceptualize the cultural and psychic role of expression (Butler, 1997a; Brown, 2002; Ellsworth, 1997; Miller, 2005). Here, I would include the kind of marginal positionings where teachers are alienated from their work and their inner most selves. Seen in this light, the fight against censorship becomes “a fight [against] forms of violence to the person that deny one’s full humanity” (Matsuda *et al.*, 1993, p. 16).

Speech is integrally related to the ways in which identities are narrated and performed (Butler, 1997a, 2005; Bloom, 1998; Egan, 1986; Ellsworth, 1997; Miller, 2005). Censorship interferes with the process of identity formation, and, thereby with the most private, vital and intimate of human interests (Butler, 2005; Kincheloe, 1980). However, the issue of free speech invokes a number of inter-related legal, cultural and inter-personal contexts. Indeed, the boundaries between the law and broader society are not always clear since, “legal and popular culture, as images of each other, help explicate and illuminate their respective contents” (Friedman, 1989, p. 1579).

Towards such an end, this study was conducted as a means of exploring the contemporary state of democratic education in Newfoundland and Labrador’s schools, following great structural change through the end of denominational education, rural decline and depopulation, school consolidation, the advent of standardized testing and an

increasingly standardized, consolidated curriculum (Kelly, 2009; Sider, 2003).

Participants—all of whom were teachers or former teachers—discussed a wide range of themes in relation to the issue of individual freedom of expression. While these themes were broad, a number of overarching conceptual constellations can be described. These categories were salient themes of the interviews and they resurfaced across various research settings and with teachers of varying degrees of education and experience. They are as follows:

The Meaning of Free Speech

- overt and tacit limitations
- free speech and public knowledge
- speech and curriculum

The Internal Censor

- chilling effect of censorship speech
- confidentiality & compartmentalization
- self-censorship: tenure & controversy

Speech and professionalism

- professionalism: rights & duties in conflict
- trust & belonging
- inclusion & exceptionalities
- insularity & self-interestedness
- the gentle infringement

A number of satellite themes also arose, including: motivations for speech, workplace stress, management styles, principled leadership and dialogue, which were used to contextualize the relationship between speech, democracy and the role of public schooling. In many respects, these themes address the need for teachers to navigate the circuitry of speech and power in a drive to reclaim some degree of authenticity, to personalize rather than over professionalize the working lives of teachers, schools and the curriculum (Tite, 2008).

4.3. Teachers and the Meaning of Free Speech: Overt & Tacit Limitations

In the words of Grayling (2009), “free speech is the fundamental civil liberty” since, “[w]ithout it none of the others are possible, for none of the others can even be claimed or defended without it” (p. 63). The right is defined by s. 2(b) of the Canadian *Charter of Rights and Freedoms* which states that “everyone” has the right to, “freedom of thought, belief, opinion and expression, including of the press and other media of communication.” The primary rationale for the protection afforded this right is linked to, “its role as an instrument of democratic government” (Hogg, 2007, p. 831). From the dominant legal - juridical perspective, rationales for the protection of this fundamental right include its function in furthering personal growth and the dissemination of truth (Hogg, 2007, p. 833). For such reasons, the violence and injury inherent in deprivations of liberty are more than metaphorical, rather, “Liberty is individuality made normative. A violation of liberty tears something: a man recognizes me, recognizes me as a person like him, but then contradicts that recognition by using against me and for himself the very things that make him and me persons” (Fried, 2007, pp. 23).

The teachers in the present study tended to define speech instrumentally in relation to some direct goal, as a conditional, rather than an absolute right constituted in terms of other rights and obligations. Quite often this meant that freedom of speech was viewed simply as the absence of any positive expressive limitation (Berlin, 1958). As a participant named Ruth phrased it: “Freedom [of expression is the freedom] to say whatever is on your mind without any kind of worry....to say whatever you want.”

Not surprisingly, teachers frequently equated censorship with being told not to say something. In this regard, it was related to whether or not teachers were truly free to

provide input, to change organizational policies and structures and to disagree in a way which is truly meaningful. A mid-career teacher named Pauline describes the dilemma of censorship in and its organizational implications this way:

Censorship, I guess explicitly speaking would be blatantly being told that you are not to speak or you are not to say anything here. But I think it's much more far reaching and deeper than that. It's a sense you have. It's there, that you don't say anything. You don't speak. It's not just that you're told not to. You just have your own internal guide for that. So it exists, whether it's out there [explicitly] or not. It exists. It doesn't have to be written. It doesn't have to be spoken. It just exists.

And freedom of speech? It is exactly what it is: its freedom of speech. It's what you want to hear. It's also what you don't want to hear. It's not always going to be the positive. It has to include the negative as well.....And I know that's what we tell the students.....I think it is that feeling that we can't express the negative that freedom of speech has to include.

A frequent theme was the notion of censorship being about covering over or concealing something such that, "you're not allowed to give your true opinion". Yet, the latter also encompassed a situation where opinions are given but thoughts withheld—a reality much more complex than a simple choice between speech and silence. The irony is, of course, that, "the regulatory dimension of identity-based right emerges to the extent that rights are never deployed 'freely', but always within a discursive, hence normative context,

precisely the context in which... identity categor[ies]... are iterated and reiterated” (Brown, 2002, p. 422). Since speech was linked to both identity and the discursive setting, there were often shades of grey, an essential ambivalence about representation and what it did, or did not, reveal:

Stephen: Censorship would be at any point in time, where someone limits what somebody else can say or do. The art world is full and the public school system is full, of censorship. Nudity and vulgarity...it is censored. Whenever you limit whatever someone else is going to do freely....

Interviewer: What about freedom of expression?

Stephen: Freedom of expression is when people, should they choose, and I think that is very important, to express themselves, then they can do so without fear of reprisal, without fear.

Interestingly, Stephen defines speech in relation to the concept of obscenity in art which he sees as being related to cultural convention (Barthes, 1977; Hirsch, 1987; Sontag, 2003). His words “should they choose” highlights the importance of teacher autonomy, since teachers may not always feel the need for public criticism of the educational system or decide to articulate it. Thus, the teacher is positioned somewhere between two poles: “leading publics capable of setting the terms of political debate.....[and] enslaved publics [which] must oscillate between marginalization and co-optation?” (Fraser, 1989, p. 301). An important point since, as another scholar noted, teachers, “affect the lives of students not just in what we teach them by way of subject matter but in how we relate to them as persons” (Noddings, 2003, p. 249).

Teachers like Stephen, consequently, characterized actual speech as being limited, or, as one informant put it, teachers were free to say what they wanted, “as long as it is in the favour of the people being spoken about” [Amanda]. This is unfortunate since, “interactions between the setting narrative and the personal stories of individuals contribute to the shaping and reshaping of a school’s image” (Murray Nettles, 2005, p. 31) and does little to maintain a critical public sphere (Habermas, 1981; Grayling, 2009; Fraser, 1997; Giroux, 2005).

More generally, the teachers described a moral universe characterized by strong duties, weak publics, and few overarching individual rights (Giroux, 2005, 2009). As David, a young science teacher, noted, concerns about character, and professionalism were also seen as important when determining the scope of any free speech right. For David, free speech: “enables us to openly share everybody’s opinion on issues, educational issues.but I think any reasonable person must see that it comes with responsibility.” While David is quick to point out the problematic nature of speech, many teachers did not readily differentiate between interpersonal conflict and argumentative deliberation. Often speech was framed in relation to the need to simply stay out of trouble, meaning that speech was both internalized and cordoned off from curious—albeit legitimately interested—publics (Giroux, 2005).

Similarly, Linda, an experienced primary-elementary teacher spoke of censorship as relating to, “views, or thoughts or words or ideas that are not allowed to be shared or that are hidden in ways because certain people or certain authorities do not agree with their train of thought”. Linda further defined this hidden knowledge as, “something which ...[is] always there if you want to look for it, but whether it’s allowed to be shared [is

decided] by people in authority where...they want it to become known.” As Linda reminds us, freedom requires interdependence between thinking, feeling, conscientious persons who recognize the value of social justice and the often unrecognized contributions of the most downtrodden among us (Freire, 1998; hooks, 1994). It often involves an implicit recognition that, “[g]etting to know oneself or one’s world is less a matter of finding out what is ‘in the head’ or what is ‘out there’ than it is a gathering of expressions and practices” (Conle, 2005, p. 204). Both freedom and censorship, then, require individual interpretation of words and their perceived impact—they are a consequence of individual interpretative acts (Mead, 2008).

4.4. Free Speech & Public Knowledge

The notion of an insider’s discourse was one the teachers recognized as having undermined the educational system’s effectiveness (Miller, 2005). For example, a number of teachers expressed the view that the public did not have an accurate conception of the existing schooling system. Ruth believed that censorship has a detrimental effect on the quality of students’ education, since, “the public should know what we have and what we’re lacking.” While she did speak of the public at large and its interest in receiving candid, accurate and timely information about the educational system, she also saw the public as short-sighted. For instance, Ruth also asserted her belief that members of the public do not have a good idea of what is going on in schools. As she put it: “I think they see teachers as babysitters. As long as the kids are doing half-decent in schools and staying out of trouble then they’re happy with that”. As Ruth’s comments illustrate, participants tended to emphasize the existence of institutional

barriers to the dissemination of information, often exacerbated by the insular mindset of some educational stakeholders.

The teachers also felt that they spoke from a position of vulnerability, and thus, were wary of speech likely to precipitate conflict. Returning to Linda again, we see that censorship can also be related to the need to protect young children in particular since, as she put it, “[t]here’s lots of things their little minds can’t understand.” Linda further defined this sensitive subject matter as including potentially harmful or age inappropriate material involving sexuality, war, death or religion. In her eyes, decisions regarding the appropriate time at which to expose a child to such knowledge, was properly within the purview of the parents. Echoing the observations of McLeod (2010) in relation to sex education (p. 11), she said, “I feel like the only time I censor myself if I’m unsure how to proceed talking about a sensitive subject with little kids because I don’t know how their parents might want them to know about the subject.” As Wollman-Bonilla (1998) suggests, this notion of age-appropriateness was a common reason for text selection censorship, although it is important to note children could react in unanticipated ways to controversial texts. Thus, speech can be problematic because it creates social interaction which can have unpredictable or unwanted outcomes (Bloom, 1998; Boler, 2001; Butler, 1990; Ellsworth, 1997).

Conflict avoidance was also an important theme. Many teachers described a lack of autonomy which they believed undermined their ability to work collaboratively. As Linda put it, “when I think of censorship I think of something...being maskedI don’t really feel free to express myself because it might cause an argument that I don’t want to be a part of.” Similarly, when asked whether he thought, “teachers are provided with adequate

information on the issue of freedom of expression”, David replied, “not really. I think we are being told what we can say and what we can’t say [instead of being] informed...”

Such comments highlight the problematic issue of how new teachers are socialized—both formally and informally (Delpit, 1988; Gratch, 2000; Noll, 1994, p. 60). If critical discussion occurs only in private it means that not only will public spaces be deprived of the best information available, but, the result will likely be a public sphere that is both fractured and ineffectual (Habermas, 1981, 1989; Giroux, 2009). For democratic educators this reality bears little resemblance to the pragmatic social problem solving skills youths need to come to terms with a challenging future (Giroux, 2009). As Greene (1988) notes, it is also related to the way the current schooling system teaches young people to encounter the world around them such that, “rather than being challenged to attend to the actualities of their lived lives, students are urged to attend to what is ‘given’ in the outside world”, or, “that nothing really matters in the long run, risk or no risk, except the play of spontaneous energies and the fulfillment (perhaps momentary) of desires” (p. 7).

In order to understand such a cultural setting, the aims and values of critical pedagogy must be contrasted with the legal, economic and historical factors which condition the direction of contemporary public schooling. But within this broader terrain what can be said about this cultural space called ‘free speech’? More generally, speech can be described as the act of an individual in response to ever changing dimensions of language and culture (Ellsworth, 1997; Bloom, 1998; Freire, 1970, 1998, 2007; Shor, 1992b, 1996; Macedo, 2006). As we shall see, most teachers vocalized a belief that neither complete freedom of speech nor complete censorship occurred, but rather a tension between these

two poles existed, one which was often difficult to perceive—but, however difficult—not impossible to navigate. In some ways this is at once a response to pragmatic demands of teaching life, and its tendency towards acquiescence and silence (MacDonald & Shirley, 2009; Apple, 2003, 2004). It constitutes a form of hidden institutional curricula used to socialize teachers into existing institutional norms.

4.5. Speech and Curriculum

Free speech is a fluid concept that involves the negotiation of cultural boundary lines which organize the flow and uptake of teacher narratives (Bloom, 1998). Just how free speech is, or how limited, is complex, given the indeterminacy and radical openness of language (Ellsworth, 1997; Butler, 1990, 1997; Boler, 2001). Indeed, teacher speech intersected with publics in many ways, including through the flow of information between publics and schools, and via the curriculum (Apple, 2000, 2003, 2004).

Curriculum also involved speech issues in how it was taken up and inflected, often in ways that precipitated mindfulness toward speech (MacDonald & Shirley, 2009). As Fickel (2000) put it, “one way to understand curriculum is the compendium of teacher thinking and doing” (p. 360). Participants also noted that, at times, curriculum can include students and teachers’ background awareness of censorship itself. Building on these themes, here an experienced high school teacher, Stephen, talks about censorship in relation to the curriculum:

Interviewer: Is censorship related to the ...quality of students’ education?

Stephen: ...[T]here are things that I feel that are censored in our curriculum that would benefit students at the high school level...

Interviewer: Can you give me some examples?

Stephen: Lucian Freud, great grandson of Sigmund Freud received...the highest recorded price for a painting by a living modern artist [for his work] called *Reclining Benefits Supervisor*. And I shouldn't show that to my school students ...it shouldn't be part of my curriculum because it involves nudity....It's frowned upon....It has been told to me. But now it's changed a little bit. And remember I also taught in a Jesuit system. So if you want to talk about censorship you should talk to me when I was in the Jesuit system....It was a lot more censored....Very often. It was told me point blank. And I display student work so a lot of times hopefully what you teach ends up in their work. So it ends up 'Well you can't have that. There are other ways to explore'.

Interviewer: So students can sketch nudes?

Stephen: Not in a public system.

Interviewer: O.k. And you cannot show them any nude art?

Stephen: I can but it's frowned upon.

Interviewer: Is there any nude art in the curriculum?

Stephen: It is in our textbooks.

Interviewer: So do you black it out?

Stephen: No it doesn't get blacked out. But see the thing about it is that it's very very minimal. So that's why I say notice the Department of Education doesn't say you cannot have nudes. You can't have a nude model, but you can have pictures of nudes...They don't say that, but it is frowned upon. I do it as a way of

comparison....*Reclining Benefits Supervisor* by Lucian Freud....I'm a real rebel.

[laughs]

Interviewer: What do students think about that? Do you tell them?

....Stephen: Oh yeah. They love it. They absolutely love it. You're not supposed to do it. The teacher is a rebel. The picture itself of a rather large somewhat grotesque elderly woman asleep on a couch. And I use it as a historical comparison to illustrate two things: changing public sensibilities and how art history actually repeats itself. The whole idea of the nude in the reclining position. And I've got other examples that go back through history. The only difference here is the style and the subject. So this is why we look at it.

Stephen here echoes Ellsworth's (1997) discussion of analytic dialogue. As she argues, "there are never just participants in a dialogue. There is always a third participant—namely, those constraints within the culture as a whole and arising from the splitness of my own psyche" (Ellsworth, 1997, p. 124). Likewise, Stephen's lesson breaks down the boundaries between the local and public, the academic and political. His story reveals how education cannot escape touching on what Fraser (1989) describes as the "social": in her words, "a switch point for the meeting of heterogeneous contestants associated with a wide range of different discourse publics" (Fraser, 1989, p. 301).

By what seems like a passive act, viewing the painting [*Benefits Supervisor Sleeping* (1995)], the viewer is being led to the figure of the nude, by the teacher and by the network of cultural conventions and significations (Barthes, 1977; Hirsch, 1997) through an intimate and evocative plane of reference. Much in the same way perhaps that institutional contexts and curriculum construct the teacher in a set of relations which he

or she has to personalize to become meaningful (hooks, 1994, 2003; Shor, 1992b; Freire, 1970, 1998, 2007).

Thus, the teacher comes already implicated in a set of powerful inter-related texts, meaning that the challenge to differentiate one's self is an integral part of the struggle to achieve a personalized teaching practice (Doyle, 1993; Kelly, 1997; hooks, 2003). Teachers, consequently, "affect the lives of students not just in what we teach them by way of subject matter but in how we relate to them as persons" (Noddings, 2003, p. 249). The implicit lesson here for students involves the relationship between learning and authority, thereby providing an object lesson in the need to think critically about the ways institutional knowledge is created and presented (Giroux, 2005; Macedo, 2006; Freire, 1970, 1988, 2007).

Here we see how cultural politics give meaning, not only to particular symbols, but also to the ways in which particular speech idioms are taken up. In a gesture which acknowledges the political value of the art object, Stephen provides a civics lesson in the politicized nature of education (Greene, 1973, 1995; Milbrandt, 2002). Within the school a space is created where expression is ostensibly encouraged, but only, in certain forms, much in the same way perhaps as the individual artist uses artistic convention of the reclining nude as both the source of a novel aesthetic (Barthes, 1977). The prohibited subject provides a lesson in the paradoxical nature of individual expression which, in the teaching context, is neither free nor solely the product of a single self (Butler, 1990, 1997, 2005). Even in a consolidated curriculum, as Schutz (2001) notes, "artists do not communicate messages but instead create experiences that are seen differently by all who participate in them" (p. 285).

Stephen's lesson is also important because by dealing with the body, its signification, and its situatedness, it reminds us that speech is raced, it is gendered, and it is classed (Applebaum, 2003; Boler, 2001; MacKinnon, 1993). Despite the seemingly abstract nature of knowledge, it, like speech itself, to take hold must become a bodily act—and thereby, a socio-cultural practice (Felman, 2002). As Alison Reyes (1995) puts it, "the values of the educational system, as defined by the curriculum, statute and code of ethics, effectively constrain speech and conduct which is detrimental to the reputation and public confidence, and to the effective and efficient functioning of the educational system" (p. 70). But, of course, this determination is never complete; it has holes and ruptures which allow one to claim personalized space for teaching praxis (Macedo, 2006).

Stephen: For me, freedom of expression...is more a privilege than it is a right. I like to have educated responses about things before I just blurt things out. Over the years students have taught me this. I've tried to look a little bit deeper than the surface....Now having said that, it is impossible think out...everything you're going to say. There's an old cliché: you know, 'there's three sides to every story'. There's your side, the other side and the right side. And I think freedom of speech really should try and search out what the right side is. How do you decide what the right side is? As you mentioned it earlier it's about perception and what you perceive to be right. And how do you perceive that? Well one of the ways you perceive that is what your environment and your heredity bring to you. Your perceptions are based on your cultural influences where you establish your morals. Doing a course [on media literacy] with Professor Gray, for example,

really opens your eyes to that: to what is influencing our freedom of speech, [and] how we are channeled into thinking a certain way.

I saw a piece and I think [for] every university student...it should be required viewing.... Edward Bernays...an American [who] used Sigmund Freud's clinical psychology to manipulate what people wanted and how they started to perceive the world. So, he, in my mind, he was sort of the beginning of popular culture—consumerism. Telling people. Geesh, I have to have this. Because previous to this we were sort of needs and wants: you know you get what you need and your wants are luxuries. And then in the 20th Century when Freud and then Bernays came along the industry figured it out..... I think that was a pivotal moment in terms of psychology and culture.

This teacher points to the importance of critical stances which take commercial culture as a means of reflexively encountering the learner's *desire*. In part, this involves the need to use speech to unlearn habitual responses to the world around us. This is a subject which is also central to the aesthetic of the painting and to education itself, since, "the desire to learn must involve a desire to unlearn, a desire to return to what has already been learned, not to repeat or relearn it, but to unlearn it, to understand it in a different way, and to work through the resulting crisis" (Kushamiro, 2000, p. 27).

Similarly, for Stephen the limits of expression are more directly tied to the curriculum and to actual classroom practice as they inform both what is taught and how it is presented. It even has an impact upon the way in which his students perceive him and his willingness to transgress institutional expectations. Like Linda, Stephen talks about

personal encounters when discussing the limits of expression. He mentions, for example, that his students have taught him to dig deeper than the surface. Stephen also makes explicit links to psychology and to perception—to the way social agents understand their environment, a factor which determines how they think and act.

Despite the seeming abstractness of the issue, the immediate speech frame is always the here, the me, and the now—it is a communicative desire which animates both speech and silence. But, how we assign value to expression is also rooted in personal experience. Indeed, many participants emphasized personal dispositions as well as those administrators when determining whether or not to exercise speech. For Linda, for example, school culture and the character of the local administrator were important determinants of the degree of freedom enjoyed by teachers.

Who determines the limits? Sometimes the principals do. I know Robin [a colleague] had an experience where they didn't want her to teach the way she wanted to...Down at my school I was just there ...doing my own thing—I just went for it. And I know if my principal came in and saw all the kids all over the floor working on all these obscure problems then she would think I'm amazing.Robin was up against the wall. So for her it was the administration. I don't know my limits. Maybe it's me....the way I was brought up.

Interestingly, Linda also believed that teachers should be allowed to publicly speak out about issues which they viewed as being important to themselves and their students. As she said: "I think you should be able to go on and voice your opinions...If the teacher is brave enough or doesn't mind sharing their opinion." Like Stephen, Linda recognizes that ultimately free expression is a deeply personal affirmation centered in the reality of

the particular speaker (hooks, 1994). Speech here is a mode of absence-as-address—an unexplained possibility which is the site of sometimes profound melancholia and ambivalence. As Ellsworth (1997) has said, “what is guarded against by the rules that structure communicative dialogue is the breaking of a continuously conscious discourse....the interruption of the unconscious, the unmeant, the unknowable, the excessive, the irrational, the unspeakable, the unhearable, the forgotten, the ignored, the despised” (p. 95).

We see, then, how free speech is the result of a sort of mindfulness about the limits of expression. Linda here begins to realize that the limits of her speech are potentially related to her own upbringing, a realization which arises as she reflects on her identity in a relational sense—in comparison to her colleague and to the administrator who exercises authority over her. For her, the ability to work in an open environment, is directly related to one’s ability to explore new pedagogical and critical approaches. As further interview excerpts make clear, this was a common sentiment for participants which requires attentiveness to the degree to which desire resonates with the institutional cultures as well as the principles with which one has chosen to work and live

4.6. The Chilling Effect of Censorship

Uncertainty as well as fear and desire play a role in how teachers assess the institutional value of speech (Kelly, 1997, 2009; Butler, 2005). At times, participants appeared to be considering the implications of their own lack of knowledge about free speech, meaning potentially, that the phenomenon of censorship is related to a lack of reflection on the actual limits of speech (Kelly, 1997; Shor, 2006). Linda above realizes

that there is a broad range of possible tactics available only by becoming mindful of her own identity and experience. Such uncertainties are compounded by a propensity for teachers to associate “freedom of expression” with unduly combative or conflict orientated forms of speech. Collectively, a chilling effect can be seen as arising from a lack of knowledge about speech; a lack of reflection on the actual institutional limits on speech; and, a magnification or distortion of actual publicized acts of censorship. Indeed, there often appeared to be a marked divide between abstract conceptions of the right and a much bleaker day to day educational reality:

Interviewer: Do teachers have a legal right to freedom of expression?

Ruth: At one point I would probably have said yes, but I’m going to say no now. Because in the past we have been told to watch what we are saying. Ever since [the Avalon East incident], I would say no we don’t have a legal right to freedom of expression.... It was common knowledge at the time...that they watched what you were saying. And that’s definitely why I wouldn’t go on [the] news....it’s understood that you can’t go against your employer....You can’t speak ill of them.

Interviewer: But you could say good things? As much as you want?

Ruth: Yes. For sure. But I wouldn’t do that, so I just stayed away.

Determining just what is “understood”, to use Ruth’s words, and why, is far from a simple matter. In Ruth’s account there are hints of an educational, “setting in which teachers and students are treated as non-thinking objects to be manipulated and ‘managed’” (Delpit, 2003, p. 14). Although the disciplinary measures taken against the Avalon East teachers were ultimately rescinded, and despite the fact that their comments

did bring some much needed attention to educational issues, this teacher interprets the incident as a reason for silence. While it is true that teachers did often equate the existence of a legal right with its availability, Ruth bases her view on a single, albeit very public incident, which, in her mind, has played a significant role in perpetuating a general reluctance for teachers to speak out. But *why* does she do this?

For Foucault, legal discourse enacts power in ways which are often indirect and discursive (Golder & Fitzpatrick, 2009, p. 34). Here legal and administrative tactics frame the full ambit of institutional possibility. Notably, Ruth emphasizes the need to respect one's employer, a reference to the legal doctrine of insubordination (Brown & Zuker, 2002; Brown, 2004). Yet, the political reality of schools often offers a far more constraining reality than the one suggested by the concrete protections afforded by the law, suggesting the need to differentiate between the legal right and the politics surrounding its exercise (Boler, 2001; Matsuda, 1993; Kennedy, 2002; Brown, 2002). Here Ruth talks about her fears regarding speaking to the media about a mold problem at their school:

Just recently [the school] had a mold problem and I was dropping my son off to [day care] on that day. And who would be there but [a reporter].... So [the reporter] wanted to interview me regarding the school and the first thing I said was 'No I can't [speak] because I'm a board member'.....And my husband is on the school council...She wanted my son to go on [television]. And I said, 'no, no I don't want him to go on there because my husband is there and people know that so anything he might say would reflect on the school.' And [the reporter] really

wanted me to speak as a parent but I told her I couldn't speak as a parent because I felt for me to go on television...could land me in hot water.

Interviewer: What was her reaction?

Ruth: She thought it was ridiculous. She sort of thought you could speak as a parent. But I didn't think I could...because my views as a parent also reflect my views as a teacher....She did not take any pictures of me but she asked my son, very cutely, his views about having his school closed. So, my son did end up being on TV but [my son] was like, 'well I don't mind school being closed' so then I didn't think that was a reflection of anything he may have heard at my house, because I can't let him hear my views...I don't want him having or forming any of my opinions to bring to school....I think being a teacher we're always concerned about being too vocal at school, not contacting teachers too many times because it's the whole teacher thing....

Encounters of the sort described by Ruth, force us to come to terms with our own ambivalence about speech and our own institutional identities (Britzman, 2000). Here we have effects which are primarily inter-personal and discursive: ironically, a media representative interested in getting a story and a teacher wary of drawing any undue attention to herself. Yet, despite this, the line between public and private forms of censorship is not always easily drawn. As Alan Haworth (1998) phrased it, "power relationships have changed, [t]hey are more subtle and insidious, and the story of the 'state versus the individual'—the one standing in an attitude of permanent confrontation towards the other – cannot capture them in all their complexity" (p. 223). In fact, teachers in the study made few references to overt acts of censorship, but frequently stated that

they changed their behaviour and their speech based on subtle “cues” from others. In either case, this silence was reinforced by a, “form of institutional and social coercion that traps people into acting in ways which they consider ...counter to the work they feel they must do to help their students” (Kohl in Delpit, 2003, p. 14).

At times, institutional shortcomings directly conditioned what teachers felt they could say but in often counterintuitive ways. Stephen, a senior high school teacher with over 25 years of experience, stated that from his perspective: “teacher censorship is alive and well. We are definitely censored.” He went on to say that, “I’ve been approached on several occasions by the media to react to personal job situations that I was subject to and I guess out of fear...I just said ‘this is a school matter and I really don’t feel comfortable talking to you or anybody else about it.’” For Stephen, professionalism implied that teachers were themselves able to monitor their own speech as part of their ethical responsibility to students:

Stephen: [The Avalon East Incident] frustrated me because from my own personal point of view I really guard what I put out into the public domain....[the meeting] was open to the public, it was a public forum. The teachers were not saying anything that was derogatory towards one individual. It was sort of a blanket statement that was, in my view, very accurate. Everyone was feeling the same thing....I feel I will dutifully look after not divulging things that people should not know....I’m not going to go to editor’s column or anonymously write a blog on the internet that our school has a high percentage of learning disabled kids because of a flaw in our feeder school. That’s my responsibility. That’s entrusted to me and I’m going to look after that. So when I do speak I would expect that

the powers that be understand that because I'm looking after the best interests I should be heard and heard freely on matters that should be readily talked about in the public forum.

Interviewer: What's the basis for this duty? I'm just wondering, you said shouldn't divulge information. Why?

Stephen: Because it's sort of a patient-doctor confidentiality kind of thing. Where students will confide in me personal information...There's a lot of trust there that I'm going to go to the people I need to know to go to, as opposed to running to the media, or a newspaper, or blogging...Now having said that there's a lot of information that I'm not entrusted to which I would like to be privy to. That I am frustrated about [such as] information regarding students who are in my care...about people who are offenders, who have violent mood swings and I don't know anything about it. I think I need to know that...

Stephen is discussing legal issues within a particular cultural setting. While these are disparate elements of what is ostensibly a single problem, they reflect a larger truth about freedom of expression: namely, that for teachers its scope is very much contingent upon the types of harms likely to be incurred by others (Weissman, 1996). It is, however, a far cry from a type of democratic education which might be best described as, "a mode of associated living, of conjoint communicated experience" (Dewey in Shor, 1992b, p. 136).

But here we also see the importance of the role of the teacher's professional judgment in determining when and where to speak. In the Avalon East case, Stephen seems to think there is considerable benefit to be gained because the habitual lack of resources is a deep-rooted problem, little was being done about it, and disclosure did not

harm any specific individual. Yet, in the case of the media interest in achievement levels at his school he feels that this is confidential information which brings into consideration the privacy rights of children. Stephen appears to feel that in each case it lies within the teacher's purview to make reasoned judgments on whether or not to publicly disclose information. In the feeder school case, his reluctance to speak appears to be motivated by his belief that the media had little more than a prurient interest in producing sensationalist coverage. While the teacher describes these issues in primarily interpersonal terms, from a systemic vantage point they are reduced to issues of rights and duties.

More specifically, the formalization of human relations is accomplished through organizational procedures, rules and regulations which in many respects are congruent with an economy of liberal rights (Leonard, 1995). Yet, the expectations of teachers and the type of environments they work and live in, also play a role in the type of communities which they create (Ellsworth, 1997; hooks, 1994, 2003; Shor, 1992b, 2006; MacDonald & Shirley, 2009). When David, a young untenured teacher, was asked to reflect on the types of considerations which influenced his perception regarding the limits of free expression, he replied: "I know that a lot of first time teachers would be saying that if I say something then I'm going to lose my job and where else am I going to find a job. What is more important to me my students or my job?" As he went on to say, "It's a moral judgment with me. I think and usually something says 'no you shouldn't say that'." David's concerns about student safety, in his mind had to be weighed against the vulnerability of his position as a young, untenured teacher.

Nevertheless, David also admitted to being somewhat anxious about the potential consequences of speaking publicly since, he talked about balancing his own career

opportunities against the health and safety of his students. Such comments are typical, in that they emphasize student health and safety as being among the preeminent concerns in determining whether they would break rank and speak publicly. They also illustrate the importance of job security, particularly for untenured teachers and the fear of possible job related recriminations. Given the delicate balancing of interests described by many educators, it is possible that navigating these tensions is a practical skill which more experienced teachers acquire through an intimate knowledge of institutions, curriculum and the propensities of individual administrators. Developing this disposition involves a process of acculturation as well as a type of expressive practice which can be best described as speech norming: a process whereby teachers, particularly new teachers, learned the nature of acceptable speech by playing close attention to subtle cues and codes within their daily interactions.

These three teachers all draw different conclusions about what can and cannot be said within the schooling system: we have Ruth who is afraid to comment on a school closure due to mould contamination to a reporter at her school, and who talks about being so cautious about speech that she will not let her son hear anything about school; we have David who talks about the need to weighing his career interests against the safety concerns of students; and Stephen, who takes exception at the treatment of his colleagues in the Avalon East incident, and who feels that teachers are professional enough to be able to differentiate between speech which should remain confidential and speech that should be make public. Each participant regards public discussion of educational issues as a serious matter, one which they regard as being associated with potential disciplinary action. While it is difficult to say the exact extent to which this is related to the Avalon

East incident, two speakers explicitly make this connection, and David explicitly links public speech with the possibility of losing a teaching position. Collectively, these accounts, raise serious questions about the existence of a chilling effect within contemporary Newfoundland and Labrador schools and its role in preempting public discussion by teachers regarding serious educational issues.

4.7. Confidentiality, Compartmentalization & Speech

Although democratic education requires a type of situated literacy which recognizes the influence of culture and power (Ellsworth, 1997, p. 126), many teachers expressed the feeling that they were isolated and compartmentalized. Indeed, schools were often described as anxiety ridden places wherein educators confronted problems often seemingly beyond their control. At times this anxiety was related to seemingly intractable systemic problems such as behavioral problems, and, at times, the threat of violence. Here Stephen is asked whether he thought violence was a problem within the province's schools.

Stephen: I've been teaching for a long time, and I've seen an escalation in the "safety issue" in schools....we are very isolated. I know that things can be a lot more escalated on the mainland. But we've been experiencing things like procedures for lockdown. Lockdown procedures for classroom. Holy God where the hell did that come from? Lock down your classroom: red tag on the outside of the door means there's a problem inside. Cover your window. Get your kids into a corner. That scares the snot out of people....We are dealing with post-Columbine post, Virginia Tech.

"Teaching in fearful times" (Shor, 2006). Stephen describes a challenging environment which the teacher often faces alone. Although, the reality of violence in contemporary classrooms is complex (Tite, 2008), this broader context of endemic social violence has a distinct influence on the learning environment. Not surprisingly, despite the existence of procedures and official guidelines, very often teachers rely upon past experience and their personal knowledge of students' lives (hooks, 1994; 2003).

Stephen: [T]here's a lot of subtle judgments that go on in education...Do I react to this now or do I see what will develop? ...[I]f it's a rumor ...so-and-so pulled a knife on a student in his previous school and I heard that....just sitting at the table one day in the staffroom. So Iwent to the guidance counselor and asked her straight up... 'this is what I heard, what's on the go?' And the only thing she was able to say is that, 'yes there were issues at her last school but we can't comment on that, because her mom doesn't want anyone to know about it'.

Now here she is, she left one schooland came into this school with the same group of students...And somehow mom figures this is going to disappear and students are going to forget about it? Oh yeah. But there is also the non-verbal language isn't there?....Sometimes we get our information through non information. 'There was an incident'...That's code and that's code everywhere....Okay, there you go. I have enough information to be on guard. Because when there's an outbreak from a student you have to make an evaluation. Is this something - does this person have to go now? Or do I go over and say: 'come on this is not like you today.' 'Oh Sir I've got company - all last week.

I've got no place to sleep. I've been sleeping in a chair all week.' 'When are they going?' 'Tonight.' 'Well you'll be all right Monday'. So information helps.

Stephen's story underscores the deeper personal dimensions of speech and its relationship to teaching (hooks 1994, 2003; Freire, 1970, 1998, 2007; Shor, 1996) since the whole person is invested in any transformational teaching practice (hooks, 2003; MacDonald & Shirley, 2009; Shor, 1988, 1992b). While the teacher and the guidance counselor's speech are limited by the duty of confidentiality, the exact scope of this duty is not clear. It is in this space of uncertainty that their communicative encounter occurs. Although it is never quite clear what the guidance counselor intended to communicate, Stephen takes her comments to mean that she is conveying a warning. It is also a lesson in how teachers gain the practical skill of using 'coded' forms of expression to overcome sometimes ineffective institutional safeguards which often function as constraints. As Stephen puts it, "Sometimes we get our information through non information. 'There was an incident'...That's code and that's code everywhere".

Self censorship was the most prevalent, far-reaching form of censorship (Martinson, 2008). While teachers could not always point to specific examples, many strongly felt that colleagues had suffered recriminations for their outspokenness. As Nielsen (2004) writes, "when rights are conferred on individuals in organizations, the organizational context serves as a filter to reinterpret, render subordinate to managerial prerogative (and perhaps render meaningless) legal rights enjoyed by individuals" (p. 75). A young primary teacher, Deborah, for example, explains that even though she was confident she would receive tenure she guarded her speech very carefully. In her words:

You don't want to express exactly who you –not who you are—but you're not comfortable expressing [yourself] because you are afraid they would hold it against you when you are out to get your tenure. I know there was one teacher there who obviously had no problems speaking her mind and she is not tenured even though she has been there for a long time.

Deborah's comments, like those of David, illustrate how new teachers are often particularly sensitive to how they represent themselves as they consider what types of speech might cause one to be seen as "different" in the eyes of colleagues or administrators. As a result, it is of crucial importance to examine how new teachers are socialized to accept notions of professionalism and administrative authority (Sumara & Luce-Kapler, 1996, p. 65). For Deborah this was an instructive example which, "makes you wonder if that is why she is not tenured or doesn't have a good position...because she is so liberal?" Deborah's belief that it is expedient not to be too outspoken seems to be somehow related to being prone to conflict or controversy—a far cry from what hooks (1994) has termed, "education as the practice of freedom". Although she frames the issue with humour, Deborah's comments suggests a troubling underlying reality: one in which teachers perceptions of speech are colored by fear and uncertainty. Deborah goes on to contrast this liberal teacher's demeanor with a senior tenured teacher:

Deborah: "[w]hen I taught in [another community] there was a....colleague—who was very open-minded...and it did cause a lot of animosity on the staff and some trouble for him. I know that there were things said behind his back...[N]ot that he is not a nice person but he didn't have any issues speaking his mind and

sometimes I think it was a little too much....[He would speak about] the way the administration approached the everyday running of the school. Anything. He had to put his two cents in all the time. It could be a staff social and it might have been he didn't like the location...Or it could be about the way the administrator disciplined some students or if he didn't think she was doing the best job possible

Deborah believes that tenure was being used by a "troublemaker" teacher for nuisance speech, while it was withheld unjustly from the liberal teacher who spoke about "genuinely" important issues. But the forum also mattered (Miller, 2005), since for Deborah, staff meetings provided a worthwhile outlet to express her views on classroom-related problems while she was much more fearful about speech in public venues such as sporting events, for example. Although these issues were restricted to instructional and logistical concerns, in many ways, interpersonal relationships played a key role in determining what could and could not be said. As Deborah said, "staff are kind of cliques and some teachers were heard more than others... If you are very outspoken...and you weren't very well liked by the administration then your interests weren't heard".

For teachers like Deborah, then, feeling as if one belonged to a group, and that one's voice would be heard helped teachers determine how and when to express their concerns. While it is sometimes dangerous to stand alone, it was not as precarious to test institutional boundaries with group support. Many teachers reported a general chill around certain controversial topics. Primarily, as Deborah attests, these were issues related to race, sexuality and religion. Participants suggested that even a "neutral" or

“objective” incorporation of these topics in the curriculum involved risk since participants worried about unwanted administrative scrutiny.

Deborah: I found it [i.e. religion] was a little taboo because you didn't want to step on anyone's toes and you don't want to make any one religion was better than another....It was something I felt. But even when we went to district it was something that always came up....other teachers would be saying 'what do you do? How do you approach something if there is a child of a different faith in your class?'....That was always an issue...You don't want to make anyone's beliefs any different than any other....You just don't want to get in trouble. [laughs]...to step on anyone's toes and sound like a bad person.

Here, a fear of giving offence is held up as a primary justification for silence (Boler, 2005). The self censor undermines the public interest in transparent deliberative decision-making (Martinson, 2008). As part of a democratic education that is both critical and inclusive, “bottom-up literacies [are] actually a collective endeavor...aimed at reclaiming, first of all, the right of children, parents, teachers and school administrators to participate on an equal footing in the decision making process concerning the goals of education, curriculum, content, pedagogy, and evaluation methods and instruments” (Torres, 2010, p. 194). Such a stance is difficult (to say the least) in an environment where teachers are afraid to engage the surrounding community for fear of divulging confidential information like Stephen or Ruth, or for provoking controversy as Deborah recounts above.

Incidences of censorship also shed light on the way the educational system values liberty in relation to, other competing interests such as very narrow political or personal

interests that have little to do with the public good. This tells us much about our collective failure to see the possibilities for, “government on an educative model” such that, “education and openness become not inconsistent but rather mutually supportive” (Schauer, 1982, p. 156). What teachers saw as overt acts of censorship, like the Avalon East incident, deepened systemic mistrust and conflict, revealing the importance of exploring how democratic values and critical thinking are manifested within particular school settings (Freire, 1998). This complexity was evident in the way teachers guarded sensitive student information.

Stephen: We are entrusted with a lot of information that is confidential. You know that should not by law, or even ethically, be divulged into the public system. Because it belongs to people, it belongs to individuals [and] a lot of these individuals are young and are protected under the law...it belongs to somebody else.....You don't have their permission...

Interviewer: Can you give an example of confidential information?

Stephen: For example, if I was contacted by a TV show that says ‘Mr Jones we understand that your school deals with the highest percentage of students in the [District] with learning disabilities. What can you attribute that to?’ That’s none of their business. Because each and every one of those learning disabilities is linked to an individual. An individual who has a learning disability and is protected by law, and also—I feel anyways—common sense. We are entrusted with that information. But, in my own head I might be thinking. ‘Well I know the reason. The reason is because the feeder schools that they’re coming from are inadequate. They don't have the ability, they don't have the programming.’ Now,

that's what the media is probably looking for. For me to say this other school is not doing their job so we [i.e. the media] need you to say that. But it's not my place to say that. It's more my place to deal with what happens, the fallout of it. You deal with the education part of it. Now, I don't have the power to change how the school operates. I can't do it. Unless I actively get involved at the administrative level. And say we [go under external review] and it has happened. It's rare...they start looking at the big picture to see what sorts of problems there are. And are my suspicions of why there are such a high percentage of learning disability students coming from this school actually validated, you know?

Rather than associating the media with the liberal notion of the free public sphere, Stephen emphasizes that speech is conditioned by the interests of the parties involved. By raising the theme of trust, Stephen also infuses the legal question of speech with a personal as well as a moral dimension. Thus, the, "politics of need interpretation" (292) serves as a reminder that despite the formal institutional machinery surrounding rights, they are closely connected to perception and interpretative politics (Applebaum, 2003; Boler, 2001). As one scholar has noted, "it is only when new groups claim that they belong within the circles....of a right from which they have been excluded...that we come to understand the fundamental limitedness of every rights claim within a constitutional tradition as well as its context-transcending validity" (Benhabib, 2006, p. 60).

This paradoxical nature of the right (Ellsworth, 1997), its "fundamental limitedness" as well as its "context-transcending validity", is evident here. The respondents have suggested that self-censorship often occurs for self interested reasons, including loss of

advancement opportunities as well as fear of reprisals and being exposed to certain cultural norms. To an extent, censorship is the product of a self-regulating economy of conflict: teachers who are too adversarial or unnecessarily confrontational, are seen as troublemakers who risk upsetting the delicate balance between obedience and autonomy. In between these extremes we also find room to consider as the need to balance competing interests carefully and with regard to democratic values. Controversy, then, is both a tactic and a consequence of speech, one which is to be employed only with careful consideration. Those who court controversy heedlessly or carelessly, can, in a sense, be a liability for those teachers aware of the need for a delicate game of tactics and stratagems (de Certeau, 1988, 1997; Corbett, 2007) punctuated by a general norm of peaceful co-existence.

4.8. Rights and Duties in Conflict

As During (1993) argues, it is important to note that, “abstract words like ‘liberty’ and ‘rationality’ refer neither simply to ideas nor to practices – but to sets of complex exchanges between the two” (p. 161). Unfortunately, the teachers appeared to know much more about their legal duties regarding, for example, confidentiality, than any personal rights such as freedom of expression. Yet, they believed that their direct practical experience justified the need for strong teacher voices, meaning that professionalism was often referenced in relation to the right to be consulted regarding important educational policies and practices. Most notably these included issues surrounding teaching resources and curricula, since in the words of one informant (David), “[w]e are in the classroom and we should judge the effectiveness of the

curriculum not someone up in the Department of Education who...hasn't taught in twenty years."

As the foregoing comments suggest, the teachers rarely articulated a conception of speech that implied the existence of an authority responsive to the needs of schools and the democratic principles they are built upon (Freire, 1998). For David, reasonable restrictions on expression were integral to creating orderly, efficient schools. As he put it, "[f]ree speech, if you interpret it as though you could say anything, it could make a more chaotic environment." Thus, for this young teacher, the idea of decorum included a need to be circumspect and keep things in their proper place. Another teacher, Amanda, put it this way: "you don't go out in the community and bad mouth your school and your colleagues. However, if there is something extreme then... you have a right to have an opinion as long as you support what you say and you are staying within [the limits of] professionalism... You stay within."

Despite the need for, "a community-based, democratic model of professionalism", more realistically it would seem that, "the job of professionals is to maintain the hierarchy of society, fitting each generation into the unequal status quo, into gender, race and class positions already laid out" (Shor, 2006, p. 32). Amanda's notion of "staying within", forces us to consider the types of authority students and teachers are socialized to accept. While respect for colleagues and superiors is an admirable disposition, so are courage and discernment (Freire, 1970, 2007). However, the example provided by the actions of teachers often provided a very different lesson. When asked whether teachers have a right to freedom of expression, Amanda replied, "I would think we do but I would say there are limits in terms of the professional issues ... You're not going to criticize.

You're in a profession so there are limitations but where is the line drawn? I don't think we know."

For Amanda issues of autonomy and responsibility are at the heart of the curriculum question. As she said: "we assume we should be talking about curriculum...But the curriculum is given to you by your boss [even though] teachers develop curriculum" Amanda's conflicting views over her professional status is evident here in the way she contrasts the professional ideal and actual practice. As she puts it, "if you're a professional you have rules. You have qualifications. A *Code of Ethics*. You have education. These things make you a professional". Yet, Amanda describes a reality where, in the words of one scholar teachers, "referred to roles associated with a context of a limited and narrow discipline rather than with an extensive social context" (Labrana, 2007, p. 22).

For Deborah a professional was someone whose high moral character was demonstrated by their integrity and devotion to students. When asked to describe a professional teacher, Deborah replied, "somebody who respects their role and their job. ...if there are confidential aspects—then they should be kept confidential." Indeed, tact and the ability to keep confidences was a central part of this overarching concept of professionalism. Deborah provided an example of unprofessional conduct which she said: "would be going to the staff room and talking about little Johnny and the issues that he has. I just feel you set that child up for failure for next year because already they have this stigma. It's not fair for that child". This particular teacher then, seemed to believe that "the purposes of education are to do with bringing out the best in each child" (Cullingford, 1986, p. 41).

The teachers quoted above articulated a conception of free speech premised upon sharp boundaries between publics and school governance. Discussions which addressed deep rooted issues are meant to stay within the educational system to be heard by those “within the know” through forums such as staffrooms, or board meetings with specific administrators and board personnel. Professionalism, defined in this manner, implies a limited role for free speech (Shor, 2006) since it is subject to a broader duty of obedience. Yet, these participants also emphasized the hierarchical structure of the system they worked in and the importance of compliance to authority. They reveal a complex series of overlapping, and often conflicting rights at duties in play. Indeed, sometimes the demands of professionalism and the best interests of children were congruent and both argued for restrictions on speech. For example, there is the case of Deborah who believed it to be both unprofessional and harmful for the child to talk negatively about students in the staffroom. Likewise, we have Stephen who wanted to discuss problems about school resources and problems with his feeder school, and Amanda who is reluctant to criticize colleagues but wants to publicly talk about curriculum.

It is important to remember that it is by speaking that teachers share their knowledge of the teaching craft. Free speech in this sense is essential to develop, “teachers’ thinking and the underlying personal beliefs and theories that form the framework for their classroom decision-making [and which] have wide ranging implications for educational equity and student achievement” (Fickel, 2000, p. 360). Free speech talk often revolves around the type of teacher one wants to become (Applebaum, 2003; Boler, 2001; Butler, 1997a; Matsuda, 1993; MacKinnon, 1993; Brown, 2002; Kennedy, 2002; Petrovic,

2003). To illustrate, in my conversation with Deborah, she emphasized the teacher's obligation to keep the best interests of children at heart since, "you should treat your children with respect, and integrity...[to] be there for the social and educational growth of your students." For this primary teacher, there is a close, almost parental relationship with her students: as she said, "I see my students as like my kids. I look out for them."

For some teachers, the shadow side of collaborative environments is always present. Linda describes a difficult time at her school, when her staff felt marginalized by what they say as an overly pro-parent standpoint taken by her principal. As Linda put it: "on one side we have this cool staff...[but] there is a dark side we try to work on." Linda expands on this general statement by providing insight into her own experiences: "I've gone to see our principal myself to express [my problems]...And she was like, 'I feel your pain but you can't say that to that parent, she is our client.' Linda also describes how, in her view, the drive to create community based schools came at the expense of teacher autonomy since in her words: "our principal gets walked over a bit by our school community...So sometimes things go on that [are not] fair for teachers."

Linda describes how the staff at her school came together to assert their autonomy in the face of administrative policies which the staff felt placed the needs of parents over those of teachers. In her words "we sort of came to a boiling point". As she describes it: "we elected one of our staff who could go and [talk]. I guess they had been working together on staff so long [and had] a personal relationship....And, maybe, she was a good one to bring our problems forward." For Linda and her staff this was a stressful experience, and though the staff and administration managed to remain respectful it challenged the working relationships in their school. Such stories are an important part of

the way in which the identities of individual teachers and schools are formed, particularly with regard to the way crisis events are taken up and become part of an enduring communal narrative. They are what scholar have described as “personal theories” Finkel, 2000, p. 363), or, “knowledge which is imbued with all the experiences that make up a person’s being. It’s meaning is derived from, and understood in terms of, a person’s experiential history both professional and personal” (Clandinin in Finkel, 2000, p. 363).

Unfortunately, however, little was said about, “democratic citizenship [that] should be aimed at reclaiming and reconstructing the public sphere on the basis of radical participatory democracy” (Torres, 2010, p. 196). This is despite the fact that structural strategies which are not built around a caring, cooperative culture are unlikely to succeed. For Jada, a mid-career primary elementary teacher who expressed concerns about an overbearing administrator, collaborative decision making structures entail a respect for teachers and their right to disagree. These things are unlikely to exist in a schooling system wherein which teachers are simply not *valued*:

But you know things are missing. ... But it's just, you need to feel valued. And I think students need to feel valued. The teachers need to feel valued. And when people feel valued you get a whole lot more I think....Your classroom is that little micro part of that. And when they feel like they're valued and have a say, it feels good and the staff needs to feel that way. Unfortunately, in my experience, I don't think that we really have that.

We get a glimpse here of alienated teaching, “a kind of teaching that teachers perform when they feel they must comply with external conditions that they have not chosen and from which they inwardly dissent because they feel that new reforms do not serve their

children well” (Macdonald & Shirley, 2009, p. 2). In many respects this alienation points to the important relationship between free speech and mutual respect. Like Jada, Judith puts the issue well by emphasizing the need to not only recognize when speech can foster a more open relationship and more realistic expectations of the challenges faced by those within the school system.

I don't think as a teacher I have a right to an opinion about things about what I would consider one of the isms like racism...anything like that. To be hurtful to people. But in terms of things that happen to me in my classroom on a day-to-day basis, things that might impede my job or my effectiveness as a teacher or my morale as a human being. I think it would be nice that you could talk about those things and have those understood in the public.

In contrast to the ideal of mutually supportive, learning communities these participants paint a picture of a profession characterized by anxiety and frustration. For Jada this was related to a feeling of simply not being listened to by one's administrators; for Linda it was centered in the feeling that the needs of teachers did not even factor into administrative decisions but were helpful in that teachers were able to choose a staff member the principal trusted and respected; while for Deborah trust and belonging are at the center of the teacher-student relationship and all it represents. Simply put, most of the teachers surveyed did not believe that there could be open and frank speech without a work environment characterized by strong feelings of trust and belonging.

4.9. Insularity, Self Interestedness and the Gentle Infringement

As Shariff (2006) notes, "regrettably research suggests that many school administrators and teachers remain ill-equipped to achieve [democratic school environments]; and that the written intent of seemingly sensible policies that reflect democratic ideals is less successfully implemented in practice" (p. 477). Autonomy, consequently, comes only with strong teachers who recognize their institutional responsibility and the importance of their professional status. For Stephen, a senior high school teacher, teachers themselves are capable of exercising discretion about what they should and should not say. As Stephen expressed it, "I'm proud of the educational community now because there always has seemed to be that professionalism where we don't very often stand up on a soap box and say anything that's derogatory towards other people." In contrast to a view of teaching and learning that focuses on an employee's duty of obedience and loyalty then, Stephen is articulating an ethic of professionalism defined by a "community" of responsible educators.

However, like many other participants Stephen was also disheartened with the way teachers were treated by administrators. At times, Stephen, emphasized teachers could also feel powerless to ferment real change as the educational system undermined their professionalism and their desire to forge strong educational communities based on a professional ethic. As Giroux (2009) notes, this fractured educational system was a reality which stemmed from an individualistic, results-orientated culture which lacked strong communal attachments (Giroux, 2009). Stephen put the dilemma this way: "because of censorship the public doesn't always get the true story". When asked if he

thought the public has a good idea of the reality of public education today, he replied, "No I don't. They have no idea. None".

Why don't they have any idea? Because I see a lot of very insular education meaning...I see a lot of parents concerned with one thing and one thing only and that's their child....And they only will say I want my child to get an A in this course. I don't care how he gets it and I don't care what it does to the rest of the class....So they are very wrapped up with their own little islands.

Such an educational culture stands in marked contrast to the social reality envisioned by Fraser (1989) who argues for the need for public space which serves as, "a switch point for the meeting of heterogeneous contestants associated with a wide range of different discourse publics" (p. 301). Teacher dialogue is an important means of furthering a more reflective, autonomous teaching practice since "reflection requires a public testing of private assumptions, which happens through a dialogue of words or actions with other participants in the teaching-learning context..." (Corcoran & Leahy, 2003, p. 32). Insularity then, can be seen on the part of the parents, but also on the part of teachers who are concerned with keeping their jobs and not "rocking the boat" as we have seen from the testimony of David and Deborah. In some respects, Stephen suggests, the negative effects of this insularity is compounded by the public's lack of respect for teachers. Stephen went on to describe the impact of the erosion of the profession's conventional status and the public's willingness to question received knowledge.

Stephen: The other part of the equation is that the public are experts. Everyone out there has gone to school which makes them an expert. Doesn't it? But that's why doctors and nurses don't have the problems because there aren't as many

doctors and nurses out there. But we've all been students. And, our society is more educated. So they are more apt to hard questions. And you know what? Some of these questions are legitimate. Why are you doing this?

Stephen describes the inability of parents to experience their child's education in terms of an integrated, community experience. Indeed, in many ways, communication problems were closely linked to the fragmentation of educational culture (Shor, 1988; Giroux, 2009; Doyle, 1993). Self-centeredness and isolation have pedagogical and systemic effects because they undermine any possibility of creating vibrant, resilient school communities through, "an unholy trinity of conservatism, individualism, and presentism" (MacDonald and Shirley, 2009, p. 6)

Unfortunately, here much of the trepidation surrounding speech arises from a general speech chill within the educational system. As we have seen from the comments of teachers like Deborah, David, Amanda, Jada and Stephen, the most common restrictions on teacher speech included teachers' belief that they could not publicly criticize a superior, that they were expected not to betray confidences and required to act with a certain degree of propriety or public decorum. Such tendencies might also be exacerbated by what many saw as the general reticence of teachers, since, as Amanda described it, "teachers...just sit back and do what they're asked to do". Rather than seeing herself as having an active voice in public discussion around curriculum, Amanda believes that as a teacher, "[y]ou have to be able to take what it is and use what you have". For Amanda, even though she thought teachers had important contributions to make as experts in the areas of instruction and curriculum, she still felt any public comment on curricular issues would be frowned upon by administrators. She emphasizes what she feels as the official

view that a teacher is expected to make the best of a given situation and “soldier on”. Yet, she also bluntly spells out her perceptions of the possible implications of any public criticism in a system where teachers are simply free to agree.

More vital to maintaining critical educators in public schools than whether protocol be observed, is whether teachers feel free from fear of reprisals when they exercise the most basic of individual freedoms. While overt restraints are rare, teachers did speak of being cautioned about speaking to the media, and in some cases had been told to refer media inquires to media relations personnel. Infringements, consequently, appeared to have an effect which was magnified by an educational culture which devalued public speech and magnified the associated risks. The stories of the teachers above remind us that free speech can only be effective if someone makes a conscious decision to listen, and for this reason its effectiveness is closely related to community based, forms of teaching and learning (Ellsworth, 1997). Given that rights are not privileges to be rationed out by bureaucrats (Helfenbein & Shudak, 2009), there is an ongoing need to remember that freedom of speech is a personal right which serves both interpersonal and communal interests. To recall Stephen’s comments on parents, insularity mitigates against creating such a broad community based schooling culture just like a profession which is full of passive, docile teachers.

In part, this passivity could be seen in relation to a “gentle infringement”, imposed in the name of some greater good which fostered, “a sense of personal enlistment into a cause one does not share” (Fried, 2007, p. 32). By this I mean an infringement which seems innocuous or trivial in comparison to some greater good which it is intended or purports to foster. As we will see, this may include administrative scrutiny of Facebook

postings, controlling when and how information is disseminated to the public and simple reluctance to engage in public discussion for fear of provoking negative public reactions. However well-meaning, such constraints make teachers inward-looking and hesitant, disrupting the possibility of realizing what Kincheloe and Steinberg (2004) have termed, "a cognition of empathy" (p. 4). In some ways it also represents an educational system which delegates increasing amounts of responsibility to teachers without the autonomy demanded by their expertise (Forster, 1997, p. 84).

Censorship in some ways stems from just such a lack of a genuine leadership role and is simply a way to avoid the messiness that speech sometimes entails. Given the chilling effect such measures can precipitate, these are questions which must be addressed before we can say that a broad, *prima facie* restraint on public speech is warranted in the name of a vague and contentious category like professionalism. Although, rights are vital instruments of liberty, "no matter how important the struggle for civil liberties may have been, the freedom with which we are centrally concerned is the freedom personally achieved when individuals make decisions they believe to be fully their own" (Greene, 1988, p. 101). For many teachers the desire to maintain a positive public professional image is an important dimension of the speech question. Here Deborah describes an incident which would be seen as relatively trivial if it were not for what it said about teachers and their fear of public speech.

There [have] been times when I felt I wanted to [speak publicly about an educational issue]....there was a parent who wrote to the local newspaper and her issue was around professional development and how during storm days that's when teachers should be getting their PD time in. [pauses].... it's frustrating

because you just wanted to say, 'are you stupid? We call experts in to give us educational sessions and you just can't call them in on a whim'.

While frustrated, Deborah is reluctant to even write an editorial defending professional development practices. Once again non-participation is related to a fear of becoming entangled in conflict or controversy, suggesting that very often teachers feel pressured to sugar coat over what they see as the real truth about public education. The existence of this chill means that public speech is viewed as quite simply not being worth the effort in a profession where silence is seen as the safest, most expedient course of action (Boler, 2001; Miller, 2005). Deborah goes on to describe her frustration:

And you felt like you wanted to say something, but, at the time, I was substituting and you don't want to come across as an outspoken teacher because you want a job [pauses] and you don't want parents having this negative perception of you. That was the only time I was aggravated enough that if I was going to say something I would have.

In contrast to, "activist communication [which] is about making a point that needs to be made even if it is rude, disruptive, and impolite" (Burbles, 2006, p. 109), censorship relies on the teachers' desire to remain non-threatening. Deborah's account is also suggests a very low comfort level with public speech, one which undermines many of the goals of democratic education. We can see the tension in Doyle's (1993) comment that although, "a teacher has little chance of remedying a situation that is often related to complex issues of social class, cultural background, and the institutional biases of schooling...all teachers must be critical aware of these complex issues and realize how teachers fit into the total process" (pp. 3, 4).

Interestingly these issues have also migrated into the digital realm, a radically open space which stands in stark contrast to the cultures and workplaces found in the education system. Deborah goes on to describe an incident, involving a popular social networking site: "and again, this whole Facebook thing. You're friends with some of the parents and it would be a snow day and some of the parents would be writing: 'oh another snow day teachers have the life, they're off again today and I'm stuck home with the kids'. And I just wanted to say: 'we are only looking out for your child's safety, we're not putting them on the highway.'" Deborah explains that she remained silent because in her words, "I wouldn't want to be gossiped about...I worry about other people's perception of me."

Compounding such problems, many of the teachers surveyed were unsure of the law surrounding speech and their obligations to superiors and colleagues. This was true even though, as Justice Berger has pointed out in the American context, that, "prior restraints on speech or publication are the most serious and least tolerable infringement" of expression rights (Berger in Lewis, 2007, p. 158). Ironically, such rules, ostensibly designed to protect the standing of the profession, may inflict needless harm since limitations on teacher speech can hide mistakes from public scrutiny, thereby hindering the adaptability of the public educational system. Situating speech within, "a literacy of power" (Kincheloe & Steinberg, 2004, p. 22) requires looking realistically at the contemporary state of speech in schools.

As Deborah pointed out, during the digital age, the scope of public spaces in which teachers interact with students, parents and community members has grown exponentially (Burbles, 2006). Yet, for Deborah this has also meant increased scrutiny of teachers' personal lives. As Deborah noted, her vice principal, "said...teachers going to lose their

job over this Facebook businesses". When pressed for more information Deborah provided an example of bus drivers disclosing school closures on Facebook before official announcements could be made. Here again there is the disciplinary power of the professional norm against which teachers are valued, typifying the educational system's inherent distrust of public speech as well as the fear of undermining administrative power by circumventing "official channels".

In this regard, Deborah's comments highlight two contradictory and often conflicting movements within contemporary society: the tendency towards greater centralization and control over workplaces and the tendency towards immediate, interactive mass interconnectivity through the exponential expansion of information technology. The result is a public space where economic autonomy and freedom often conflict, where the right of employees and government actors comes up against the right of a fluid and highly mobile public and their need to know. The immediate danger is that public accountability is sacrificed in the name of greater systemic efficiency. For Deborah, public expectations appear to play a key role in informing her own conceptions of acceptable speech. Yet, it also leads to teacher alienation or, "a kind of teaching that teachers perform when they feel that they must comply with external conditions that they have not chosen and from which they inwardly dissent because they feel that [schools] do not serve their children well" (MacDonald & Shirley, 2009, p. 2). Leaving aside the practical problems of surveillance and knowledge inherent in such a "right" or duty—however, imperfect—such a notion of consideration mirrors more conventional notions of bias or prejudgment of an issue in cases where a *pro forma* right is said to be exercised. Teachers like Deborah who articulate concerns about community scrutiny and

who show us how this affects how she behaves or even, of the type of teacher she appears to be reminds us of the close link between free speech and self-concept. Once again, then, we are led back to a notion of free speech that emphasizes the importance of perception and *identity in context*.

4.10. Conclusion: Freedom & Community

When asked what they thought free speech was, the teachers defined the right in terms of being able to talk when, and where, they wanted, about what they perceived to be the most pressing educational issues. As Jada, an experienced primary elementary teacher stated, “freedom of expression...is being able to express yourself without fear of judgment”. Teachers also felt speech was strongly connected to respectful working relationships, which in turn were linked to factors such as tenure, the local school culture and the personality and leadership style of local school administrators. Unfortunately, all too often, as the same teacher stated, “teachers are free...as long as it suits what is considered the norm, the status quo in education, but [not] to challenge”. Collectively, then, free speech has been seen as: a feeling of being able to speak without fear of recrimination or overt sanctions for the content of one’s speech; a type of editing of the content, context or opportunities of expression; and, the pragmatic result of navigating a complex, collection of systemic inducements and disincentives.

Echoing the literature, the teachers spoke of a tendency to self censor in relationship to controversial topics such as race, sexuality and religion (Naylor, 1994; McLeod, 2010; Kincheloe, 1980; Wollman-Bonilla, 1998) inclusion, school violence and curriculum. They also spoke of gentle infringements within school cultures—a tendency to steer away

from topics which might provoke personal animosity or interpersonal conflict. Learning this very situation specific code was a sort of acculturation process whereby teachers tailored their speech to meet “professional” expectations: a top down service orientated conception of their employment role which left very little room for personal creativity, criticality or autonomy. This hierarchical orientation was complicated by modern mass communication networks, and, as well, by informal cues and codes which teachers used to circumvent confidentiality requirements or other employment related restrictions on speech.

Stories, or what might be termed a fear lore of speech also played an important role in socializing professionals in the limits of expression. Speaking of the Avalon East incident, for example, Pauline, an experienced teacher who taught in an urban setting, stated that “we all feel like we don’t have a voice and that it was the wrong thing to do”. In some ways, the Avalon East incident is remarkable for the fact that it was interpreted as a defeat rather than a victory, in part perhaps because it appeared emblematic of the lack of respect teachers receive and the failure of the school system to include teachers’ voices. The amount of latitude enjoyed with regard to freedom of expression appeared to be contingent upon the vulnerability of the party being threatened, the power held by the authority figure, and any history of conflict which could color any express or insinuated threat.

In “talking law to power” (Abel in Scheingold, 2004, p. 531), it must be remembered we bring more than ourselves to rights. Rights spring from the intersection of intimate and public spaces, and are never settled or fully defined (Dershowitz, 2004; Butler, 1997b; Kennedy, 2002). Speech here was represented in highly contextualized terms and

was contingent on the audience, the purpose of the speech, the setting (private, public or quasi public) and the interests at stake. Expression was often conditioned by the effects of prior censorship (or the prospect of censorship) rather than any outright prohibition. This meant not only that a chilling effect existed, but also, that teachers found complex ways of navigating the boundaries of censorship and achieving workable compromises based on their own interests, those of students, and the demands of the schooling system. Finally, simple confusion about the nature of rights only serves to compound the chilling effect of censorship.

Whether we see rights as genuinely pre-political or as merely reflective of a more general sentiment that, as Raymond Frey puts it, "there ought to be a law" protecting these important interests, there is an important, real, and persistent connection between laws, interests and rights (Feinberg, 2003, p. 56). Democratic forms of social organization allow for the expression of difference within the broad frameworks of solidarity structured around individually defined goods (Rorty, 1989). That is, choice, liberty, and, the right to responsible self determination, while imperfect, offer the best means of reconciling the competing interests, rights, and duties of the one and the many. The language of rights allows the individual to claim "not simply something that would be good to have but something that they had coming to them as their due", and thus, as Feinberg (2003) puts it, "this is an idea that the language of rights with its tone of urgency and righteousness is uniquely suited to convey" (p. 85).

The everyday workings of speech in schooling and the public imagination is the place where we define and re-define truth, desire, and, the speaking self (Simon, 1992; Eisner, 2005; Kincheloe, 2003, 2008). Unfortunately, when we talk about what is owed to whom

in relation to teacher's rights, most often it is the teacher who is said to owe her employer a duty of loyalty over and above any individual right. Indeed, the latter is often defined as a duty owed to an educational bureaucracy as opposed to democratic principles or the democratic state. Liberal rights, while imperfect, offer an important workable compromise (Brown, 2002; Kennedy, 2002; Nussbaum, 2004), wherein we can forge some form of agreement on the need for some form of political solidarity formulated in relation to principles of freedom and respect for persons.

As one scholar has astutely noted, "What history has given us is speech—linguistic space—as a playing ground on which we struggle over power and ascendancy." (Matsuda, 1996, p. 96). As Toni described the problem all too often teachers are, "always afraid of being reprimanded and you have a fear of looking like a complainer and being kept down in your school in terms of promotion". This is important, since, as one scholar noted, "Our contests over speech, over what is permissible in the communities we make—our workplaces, our schools, our scholarly meetings—both reflect and make the harm that is possible to human beings" (Matsuda, 1996, p. 96). In the present instance, many teachers defined the issue in normative terms, that is, they described what they thought they should be able to do or say as professionals. This sometimes created a state of inner tension or conflict as we see from the case of David who stated he would have to weigh the moral aspects of the issue against the well being of children. We also see this with Deborah who felt strongly about the need to publicly rebut criticism of teacher inservicing but feared public criticism, or, with Stephen who wanted to criticize the quality of education provided at the feeder school but who was afraid of unfairly criticizing children with learning disabilities.

Quite often participants contrasted the rights provided by the law with what they saw as the practical realities of a particular educational setting. In Daniel's words, "as a part of your Canadian citizenship you have freedom of speech. But I think that's overshadowed by the fact that your position keeps you from expressing what you really want to say sometimes." These practical considerations completed with other countervailing values and interests including: the importance of teacher voice; the need for teachers to speak the truth and the truth to be heard (or to further core values); the idea of teacher professionalism; and finally—though perhaps least frequently mentioned—the importance of free speech in an open democracy. Indeed, despite calls for more collaborative and inclusive schools, teachers describe a schooling system where many of the hard questions are asked only "inside" people's heads. In an atmosphere where censorship is the norm there is the real danger that many of the moderate voices will have withdrawn from the conversation since, in Putnam's (2000) words, "[w]hen most people skip the meeting, those who are left tend to be more extreme, because they care most about the outcome" (p. 342).

Freedom of expression is not a barterable right, it is an integral part of our collective and individual identities (Bloom, 1998; Butler, 1997b; Ellsworth, 1997). Publics are lived as the communal expression of individuals seeking connection and growth through the possibilities engendered by rights (Fraser, 1997). They are made up of communities, not populations of individuals with separate, discrete interests protected from each other by laws and rights. In an era of borderless capital the individual is becoming less and less the subject of meaningful human interactions within definable and changeable publics (Bauman, 2000; Corbett, 2007; Giroux, 2009). We have witnessed an explosion of

information instantaneously created and transmitted throughout the world but without any means of garnering the wisdom or discernment to place this information in critical, meaningful contexts. Such choices have costs.

Internal censorship involves rational deliberation in the mind of the individual. It involves something like choosing and evaluating among competing public goods, but this differs from the normal exercise of critical rationality or the weighing of causes and their probable social effects. Principally the internal censor typically errs in the weight given to important public goods such as liberty, or represents the failure of individual judgment as it is overcome by fear of some improbable outcome, some irrelevant consideration, the force of habit or a disposition which, in some way, interferes with the realization of a public good.

Despite collaborative administrative initiatives, we see "an alignment of individual's self regulating and self developing capacity with corporate values and objectives by delineating the space within which individuals are to exercise their development and autonomy" (Fournier, 1999, p. 299). Julie, a young female teacher, when asked how she determined the limits of her own freedom of expression she replied: "I guess it depends on the situation and the people that are around you". Julie's words bring to mind the danger that rather than having a school system which values critical thought, we have created a system within which self interestedness and local politics all too often stifles the forthright discussion needed for effective democratic education to take place. Here and throughout the schools mentioned, the association of professionalism with the notion of obedience hints at its role as a disciplinary norm in part because, contrary to the

contemporary reform rhetoric, teachers are simply not taught or socialized to see themselves as leaders (Forrester, 1999, p. 86).

This idea of professional circumspection is very different from the type of values and dispositions emphasized by democratic theories of teaching and learning wherein free speech has a clear role as a means of fostering moral and political consensus while simultaneously allowing dissent (Rorty, 1989; Grayling, 2009; Feinberg, 1986; Habermas, 1981; Fraser, 1997). While conventionally public school teachers have not been afforded any degree of academic freedom, we must consider the potential harm arising from a norm of silence in public schools which are entrusted with an important role in a deliberative democracy. Autonomy is related to the teachers' ability to order and prioritize his or her responsibilities as a central part of an effective, empowered teaching practice. But, ironically, this is a process which occurs in a space which fails to reflect the orientating premise for school and society alike namely that, "a society is democratic to the degree that it allows for self criticism" (Kincheloe & Steinberg, 2004, p. 16).

Chapter 5: The Role of Community & Culture in Free Speech

5.1. Summary & Overview

In this chapter, I explore the relevance of community and culture as part of the underlying context for teacher speech (Dewey, 2005; Kincheloe, 1980). I examine the role of culture in teaching and learning and its relationship to teacher expression. This includes an exploration of the ways in which communities and schools come together to create spaces which reflect local realities teachers must come to terms with through dialogue and strategic action (Freire, 1970, 1998, 2007; hooks, 1994, 2003; Shor, 1992b, 1996). I assess censorship's disruptive influence on educational cultures which have strong ties with local communities (Goldwasser, 1997; Cummings, Briggs & Mercy, 1977).

5.2. Introduction: Starting With Culture

Despite the importance often assigned to black letter law⁷, "history, law and culture contribute to the process of defining what the Constitution demands" (Lewis, 2007, p. 3). Perhaps the most ubiquitous of these, culture, is one of the most unacknowledged influences upon human thought and action, one which has garnered increasing attention within educational studies (Daiktere, 2009; Hall, 1996; Kugelmass, 2006; McLaughlin, Kershaw, Roberts, 2007). In light of such critical attention, it is important to remember that culture itself is a creation of language and social experience (Delpit, 1988; Egan, 2002; Giroux, 1988, 2000). Cultures are not only variable but they are also, interconnected: just where the staffroom culture leaves off and that of the community

⁷ The substantive law, or, the "law on the books."

begins is not very clear (Gronn, 1983). Consequently, critiques which present a monolithic picture of the workings of power risk underestimating the influence of culture, and, more troublingly, the agency of teachers themselves. As Gratch (2000) explains: “[t]he inequitable power structure described in critical education research leaves little room for the evolving nature of school culture and the active role of both teachers and students in the continuous construction and reconstruction of this culture” (p. 43).

In important ways, the law serves to balance the rights of competing interests, and, as such, becomes not simply a regrettable source of authoritarian obligations, but a reflexive instrument which ensures that key democratic values are respected. As Lewis (2007) maintains, “transient political majorities cannot be expected to articulate the fundamental values of a constitution, least of all when the majority’s immediate interest conflicts with those values—as, from time to time, it will” (p. 37). While Lewis (2007) looks to the judiciary as a source of these values, in a sense all democratic institutions – including public schools (Giroux, 2009) – serve a similar function. Since, “telling a story is a way of establishing meaning” (Egan, 1986, p. 37) it is important to assess the way in which communities resolve this inter-relationship with these deep rooted institutional values. Exploring the culture of specific school communities is one way of learning, “to bridge the gap between the private self-talk of teachers and the public self-talk of the institution, without losing the multiple and differing voices within the teaching staff” (McDermott & Richardson, 2005, p. 38).

5.3. Culture, Talk & Educational Change

Rather than seeing culture as a peripheral concern, most teachers in my study recognized it as a fundamental mechanism of change. According to Kuglemass (2006),

culture is a tri-partite phenomenon which includes: "1) The visible-technical level that can be observed by insiders and outsiders 2) The private level shared by insiders, revealed to trusted outsiders, and seen in patterns of interactions within the school [and] 3) The underlying, implicit level that links and defines patterns of interconnections between and among each dimension" (p. 282). In learning to navigate the visible technical, private and implicit dimensions of culture, the teachers spoke of the importance of becoming attuned to the expectations of administrators, peers and the influence of community values. Often this affected teachers' personal as well as professional lives, especially for educators living and working in smaller communities where this feeling of visibility was intensified.

Beyond educational settings, the teachers also emphasized the importance of a given administration's leadership style as one of the most important determinants of how open and collaborative a particular school culture could be (Torres, Collier & Tolson, 2010). They recognized that, while formal rules and regulations shaped school life, a positive school culture could function as both a source of empowerment and a vehicle for change. An interview with Sean, a 75 year old former teacher, administrator and senior school board employee, highlighted the great changes which had taken place in the Newfoundland educational system over the past thirty years—in particular, the end of the denominational educational system—which, he believed, had its roots in a gradual cultural awakening:

Sean: This is a thing that evolves. It's not just the educated people, or sorry, the people in schools or education. There must have been, there had to be, a growing, a mushrooming. Why wasn't it that you didn't even question? Because that's just

the way it was when I started. That was the system. I've nothing against it, that's what it was. But it seems to me there was this kind of discussion even then...And I think there was a segment in universities, and wherever, in institutions there was a discussion going on. Maybe two Profs in their office or two teachers in the school. Or a teacher from one school and one from another school—this kind of thing. And I think there was a small number of parents who said, 'what's all this foolishness about anyway? You can teach math a lot better than the guy I've got over there. I've got a kid in grade 11 and the teacher doesn't know anything about math'. They realize that is impractical...I think people began to realize 'now what is this all about anyways?' Yes, you go to the Anglican, you to the United and you go to the Salvation Army. But we all haul up a boat together...There were some thinking parents... Initially there might be only the odd parent, because they have accepted it for years, but they wondered if there couldn't be something better. And it mushroomed, until gradually ...eventually ...the final disappearance of the denominational system. Now...I don't think now you would get a very large percentage of the parents in any community who would want to go back to the [denominational system]...You know, they realize I guess. I think this is generally about the level of education, communications, all they're hearing about tolerance. And we're becoming more and more tolerant in Newfoundland about different races. I think there's more of an evolution over time.

Sean's comments illustrate that, "education is a fundamentally political enterprise and one which requires investigation of the relationship between the teacher and what is

taught, and between the society and the school” (Corbett, 2007, p. 143). In many ways, in traditional Newfoundland and Labrador society this context includes conventional notions of neighborliness or kinship. But Sean also highlights the complexity of community politics, since religion is both a barrier to community solidarity and an outgrowth of small, interrelated networks of kinship and community, networks which ultimately are sacrificed in the name of competitiveness and efficiency.

Sean: It didn't surprise me [i.e. the end of the denominational system]. Because I thought it was really artificial. The kids played together. One of things that really touched me and turned me off against it. I was in favor of total integration....I could never see the rationale for it, when kids played together as you know. One incident that sticks in my memory in the little street where I lived in Rocky Cove. It was early September morning, and there goes two little kids who played together in the same little street, probably in the house across the road. And I got in my car, I was going to Dog Harbour, to my office. And here's two the kids. I knew them. Starting school, with their arms around one another and crying because they were together all the time. But here now one had to go to School A and the other to School B and I said, what a shame.

For Sean, such deep rooted cultural and socio-economical forces precipitated changes in individual understanding, and thereby, society. Within the Newfoundland and Labrador context, the demise of the denominational system disrupted deep rooted networks of kinship and identity in the beginning of a new prototypical form of relocation arising as local networks of social capital were consolidated and the power of more modern forms of governmentality made their presence felt.

This is important since, “achieving effective reform requires a comprehensive and in-depth understanding of the social and historical contexts” (McLaughlin, Kershaw, Roberts, 2007); and, perhaps, asking just what types of outcomes are desired by communities themselves? Despite our standardized curricula and criterion referenced testing, perhaps the most salient aspect of schooling experience is that it involves situated individuals engaging in, “an endless negotiation for space and place” (Corbett, 2008b, p. 228). Indeed, in many ways, the end of the denominational system was to coincide with the modernization of the schooling system and the reorganization of local communities in response to the need for more mobile forms of labour within global capital networks. This can be contrasted with the older networks of community and socio-economic production described by Sider (2003):

The major effect of ...constrained development, for the purposes of understanding the historical dynamics of the village based fishery, was that the fisher families and the fishing villages of Newfoundland constantly and continually had to push a substantial portion of their grown children, and at times even adults with families, out of the community...The production of locality—of a proliferation of small localities—is in good part the outcome of the constrained development embedded in the organization of merchant capital control over the inshore village fishery. The production of localities is the other, more deeply etched face of the same small coin that produced widespread, locally specific forms of poverty and hardship. The continual production of similar localities was one of the primary manifestations of differentiation in ‘traditional’ rural Newfoundland. (p. 28)

Not surprisingly, the erosion of communal relationships is accompanied by the breakdown of traditional forms of employment which were strongly linked to place (Corbett, 2007; Kincheloe, 1980). Similarly, a new language of individual rights and institutionalized social relations came to be seen throughout the intersecting spheres of public and private life. The production of knowledge about rights and formalized working relationships coincided with these deeper socio-economic changes, being reflected in both the types of knowledge which are produced by powerful institutions and the tactics of resistance fashioned by the marginalized. Local counter-narratives, then, form a means of navigating, "what Weiler (1988) described as the 'dialectical relationship between structural forces and consciousness or agency' needed to maintain autonomy within a bureaucratic system" (Kugelmass, 2006, p. 288).

5.4. School Culture: Leadership & Staffroom Talk

Particular school cultures are the products of a complex confluence of individual personalities, community and parental relations, the history of a particular region or school, and the personalities and educational background of teachers and administrators. Participants described the varying degrees of assurance, confidence and trust afforded by different organizational settings. Not surprisingly, the existence of a strong personal and professional relationship with school administration was seen as a major factor in determining whether teachers felt "free" to express their opinions. Moreover, the likelihood that the expression of an opinion would lead to change or would be listened to was another important consideration in determining whether teachers could express their views. Interestingly, many teachers expressed disdain for colleagues whom they saw as

“troublemakers”. These colleagues engaged in frequent disputes with administrators or colleagues, a propensity which was seen as disruptive and counterproductive. Here a senior high school teacher named Amanda describes what happened to a teacher who attempted to assert himself by exercising his rights:

Amanda: I'm not an aggressive person....[but] we do ...we have a staff member who felt that he wasn't teaching what he felt he should have been teaching and he threatened to go to the board. But he's kind of blacklisted – he would be somebody they want to get rid of....because he didn't adhere to the policies of the administration. [They would] encourage him to apply for other jobs or give him things he doesn't want to be teaching.

But teachers could also be resistant to simply going along with what their administrators wanted, in part because they themselves use talk as part of an ongoing power game. Teachers learnt about the explicit and tacit limitations regarding speech from senior colleagues and administrators. As Dewey (2005) said, “[i]n the first place, the school must itself be a community life in all which that implies. Social perceptions and interests can be developed only in a genuinely social medium—one where there is give and take in the building up of a common experience” (p. 208). It is also true however, that teachers are increasingly given enhanced administrative functions in schools which characterize themselves as...community based schools supportive of collaborative learning environments.

The teachers revealed that the entire culture and history of a given workplace came to play in teacher assessments about how much of a voice they would be afforded. Yet, the type of relationship they had with their administration was a central consideration. They

noted such things as whether administrators supported teachers in disciplinary issues; disputes with students and parents; whether appropriate protocol was observed; and whether they could approach administrators on an informal, frequent basis. In general, the approachability of administrators, their receptivity to teacher suggestions and their willingness to help teachers come up with constructive solutions were seen as key determinants of collaborative work environments. David, a young science teacher, for example, reflected on his experiences as a teacher intern. When asked if he felt there were things he could not say to the administrators at his school, he replied: “[A]fter a few weeks I sort of became friends with my cooperating teacher. But the principal was older. More formal. I only saw him in the school setting. When it came to him I tried to be really formal. I tried to be careful in what I discussed.”

When asked if the conversation would change when the principal walked into the staffroom David replied: “most definitely. Sometimes it seemed like they knew what we were talking about. But he was a nice guy. He just didn’t want to hear it. Inside school it was strictly professional all of the time.” The professional administrator keeps feeling and social comments in their proper place. David goes on to describe his memory of a staff meeting early in his teaching experience in which he was warned about offending people with speech. In his words:

Our first day we had an orientation meeting. They told us to be very very careful about what we say in the staffroom because there are people within the classroom that have issues who may be connected to whatever you’re talking about or blathering out. Stop and think before you say something.

When asked to describe what he meant by offensive, David replied, "things that infringe on the rights of others or [that] anger another person because they don't want the knowledge you are presenting to be made public. Privacy issues. Some sort of embarrassment...some sort of issue they want to be a private issue and not known in the public." As David points out, speech is couched in the context of what not to say, of the importance of learning to constrain or constantly monitor one's own speech. Indeed, whatever we may make of the type of implicit lessons offered here, one thing is certain quite often, "the teacher, whether elementary or secondary, must learn on his or her own, usually by reflecting on how things went" (Eisner, 2005, p. 138).

David's comments reflect the views of most of the teachers that the public sphere signified a site of potential controversy: a place where breaches of confidentiality, or privacy, or insubordinate, libelous speech occurred. Notably he mentions the orientation meeting in which teachers are cautioned about the potentially negative consequences of speech. As David's story illustrates, it is responsibility for speech, as opposed to any liberty interest, that is typically emphasized by school officials. Understandably, the vague nature of such warnings often makes it difficult for teachers to assess their conduct, often resulting in a pervasive speech chill. While such cautions are not unfounded, the cumulative effect of emphasizing obligations without underscoring the importance of rights or the salutary benefit of public speech may create a very tightlipped, fearful profession.

Staffroom talk, then, was seen as an important indicator of teacher sentiment as many teachers expressed concern with the need to maintain a degree of professional decorum by refraining from denigrating students, breaching standards of confidentiality, or being

overly negative about the school or their employment conditions. Teachers also frequently emphasized the importance of staffroom discussion as a means of garnering information, facilitating consensus or conducting collegial consultation when deciding whether to bring an issue to the attention of administration. Sometimes this was a means of testing the waters before a controversial issue was broached in a staff meeting or a closed door session. Indeed, the latter could be an unsettling experience and many teachers underscored the informal ways in which administrators could subtly exercise power to rein in “trouble makers”. For Ruth, a high school teacher, there were many ways in which administrators could discipline teachers through informal means.

Interviewer: “[I]s freedom of expression an issue at your school?”

Ruth: I think it would be for everyone. Because generally the principal feels everyone gets along well she has an open door policy but I think there are lots of people who don’t agree with things she does but who would never say it.

Interviewer: Even to her in private?

Ruth: No...because you’re always frightened of what’s going to happen in the future..... because you can end up getting a shitty class... Or being stiffed on the proper duties.....Or you’re just not in the loop. Right?I think we are sort of expected to conform. If we conform then things go well and of course everybody wants things to go well. And you don’t want to be seen as the troublemaker because if you are the troublemaker then you are excluded. If you’re the loudmouth you’re not in the know.

Such findings echo Goodson and Choi’s (2008) qualitative study of teacher professionalism which highlighted the “difficult” teacher identity and what they termed

the, “professionalism of the suffering” (Goodson and Choi, 2008, p. 15). What Goodson and Choi (2008) term the “service ideal” can lead to frustration as well as feelings of isolation and despair, or they can motivate teachers to search for a more “strategic”, realistic forms of teaching practice. Ruth, in this regard represents a service ethic which is tinged with a nascent cynicism: a pragmatic strategic sensibility necessary for survival. Teachers and administrators are involved in an ongoing game of talk with each other as they try to navigate ever changing, complex school environments. Talk which questions the boundaries of the game, or which is out of turn so to speak, risks upsetting the sometimes delicate balance which exists between teachers and administrators—a balance which is often learnt within the school culture, and which is essential for newcomers to understand.

Indeed, Ruth’s story reflects the stress and tension which she felt as well as the uncertainty of life in a school system within which teachers feel they have little say in defining their working conditions. This lack of control also affects teachers’ ability to act as autonomous professionals who are not afraid to share the collective insight garnered from years of classroom experience. In particular, nearly all the participants recognized the vulnerability of untenured teachers. For most informants this vulnerability meant any opportunity they had to participate in meaningful educational dialogue was limited. For Amanda, an experienced tenured teacher, this was an issue about which she had particularly strong feelings. When asked whether teachers will stand up for each other she replied:

Amanda: If they’re allowed to, if they’re brought into the situation, if they’re aware of what’s going on. But, for example, if there was an altercation in the

hallway and there was a student who misbehaved and then anyone who could be in the hallway would be—to be a witness—because you work so closely together.

Amanda differentiates between ideals and the practical realities confronting teachers. She strips away the naïve assumption that speech is unrelated to professional politics or job security. Although immediately preceding these comments she describes her indignation at the way substitute teachers are treated, she gives an example of a particular substitute teacher who afforded no resistance to repeatedly being given extra lunchtime duty, presumably since this would endanger her future employment prospects. Interestingly, the example Amanda gives of teacher solidarity relates to a hypothetical incident involving a student, rather than workplace conditions, school resources or teacher rights. While such concerns may seem to be idiosyncratic, in many respects they are cultural and as such exert a tremendous influence on how teachers frame the types of organizational and pedagogical opportunities available to them.

As many scholars have pointed out, the fragmentation of teachers' work duties and their social lives has some very real institutional and structural effects (Apple 2003, 2004, 2007; Giroux, 1988, 2001, 2005; Eisner, 2005; Egan, 1986, 2002). The state of affairs described by the participants above, is far different from the type of mindful teaching advocated by critical scholars (Macdonald & Shirley, 2009, p. 4). Apple & Jungck (2000), for example, describe the powerful impact of hierarchical socio-economic forces on the labor of teaching and the "degradation" of teaching work through the rationalization and fragmentation of working tasks and the intensification of what might be called rote teaching. They describe this degradation as the product of two main strategies of power: "the separation of conception from execution", and "deskilling" (p.

116). For the authors, these tendencies erodes professional skills and autonomy leading to a loss of voice.

Apple and Jungck (2000) remind us that speech is always conditioned by the existing power relations and the types of administrative and knowledge producing structures found within schools. Teachers described what might be characterized as a process of internalizing group norms as they imagine themselves being judged and scrutinized by both peers and superiors. More specifically, Deborah, a primary elementary teacher, expressed the view that the unique cultures of particular school districts are worthy of careful scrutiny since failure to understand their norms could, in some cases be costly.

Deborah : I think the school district is a very tight-knit district. And if you were to say the wrong thing and it got back to the people then it would probably bite you in the back. You would have to watch what you say. Like I said, it's small and people talk. I feel there are a lot of teachers in this school district who have a lot more experience than I do but they don't have a permanent position and it because they are very outspoken and liberal in what they say and that's why they don't have a job. I think it would be an issue...from my own personal perspective there are things I wouldn't say. If I have an issue with a member of the school district then I not the type of person who would approach them because I worry about a job or what not...[They could] just not hire you back—find some reason not to.

Talk, as Deborah points out, is serious business (Butler, 2005; Kincheloe, 1980). It can be part of a sounding out process which can be used to filter out vocal teachers. Yet, when it worked effectively, "the public relating of teaching narratives, and the reflective

conversation to which they gave rise, constituted a public and collective form of enquiry into teaching and learning” (McDermott & Richardson, 2005, p. 38). Deborah paints a picture of a workplace in which teachers are worried that what they say will have very serious, possibly even hidden, ramifications as the slightest misstep can have significant, sometimes unforeseen, consequences. Her comments portray a “tight-knit” hierarchy which takes pains to ensure outspoken teachers are “weeded out” before they gain tenure.

5. 5. Inclusion, Behavioural Problems & Parental Pressure

As Macedo (2006) argues, while we often focus on the shortcomings and deficiencies of students we must also recognize that our own, “school culture is subject to crippling learning disabilities” which represent unfulfilled human potential (p. 152). Indeed, many of the teachers expressed concern with existing inclusion policies which they saw as inflexible and compromising the educational needs of many students. The teachers felt that inclusion policies needed to reflect the existing reality of limited educational resources. They were also wary, however, of the social stigma associated with learning disabilities since they were conscious of the way in which, “sorting and classifying students fit appropriately within the consumer-capitalist model of our society which afford worth to those who produce the most in the least costly fashion” (Denith, 1999, p. 418).

In many ways these concerns paralleled the participants’ criticisms of current policies regarding students with severe behavioural problems. In some cases, teachers maintained that ineffectual policies placed school safety at risk. Comments by a senior high school teacher, Amanda, illustrates some of the challenges surrounding issues such as

behavioural “problems”, teacher stress and class sizes. Despite her attempt to remain optimistic, she said, “It’s getting worse I think”, referring at one point a particular student whom she thought might be potentially violent and who, in her view, “shouldn’t be in school but it seemed like everybody’s hands were tied”. Another teacher mentioned an incident in which live ammunition was placed in a toaster, although fortunately no students or teachers were harmed. The incident also never came to the media attention, in part perhaps because teachers were instructed by the administration to keep the incident quiet.

Some teachers also commented on the pathologization of what once was seen as “normal” disciplinary or achievement problems. Such views revealed a tension between the construct of the “average” student and the way in which, “our society views disability as ‘other’—an un-normal, undesirable, deficit” (Denith, 1999, p. 420). Some participants spoke of policies that undermined the possibility of maintaining high educational standards for all students. They also felt that an over-reliance upon alternative instructional and evaluation measures created a student culture divorced from any conception of consequence.

For some of the teachers, schooling reform is warped from the outset by neoliberal ideologies, antiquated teaching methodologies and an ongoing failure to listen to the informed opinions of parents, teachers and other educational stakeholders. These teachers also were critical of the proliferation of educational streams which, they believed, fragmented the educational experience, undermined accountability, and, depleted already scarce resources. While teachers were eager to open lines of communication with parents they also felt that this sometimes promoted a sense of entitlement which was seen as

detrimental to parent-teacher relationships. For Linda, for instance, openness necessarily entails mutual respect and a willingness to listen. Here she describes a confrontation with a parent who interrupted her class and provoked a confrontation in the hall. Although she dealt with the issue and kept her composure the event still caused her a significant deal of anger and personal stress. She relates this confrontation to the schools open door policy and what she sees as a lack of boundaries or a lack of respect for teachers as professionals. As she said, "most of us have had an experience with parents because we have an open door policy. We were really upset about it as a staff. This happened to me and I wanted to bawl my eyes out. People don't yell at me in my life."

Linda describes feeling caught between the immediate demands of her classroom and her desire to be a good, conscientious teacher. Unable to balance these interests in a system which is sometimes out of kilter, she felt disconcerted and powerless. Linda describes how such unexpected, sometimes charged encounters affect her teaching life. In her words, "You don't know how to respond. [Was it] censorship? Did I say what I really wanted to that lady? No. It can be too open. [Even though I] loved to see them [i.e. parents] come in through the door. But we had a few who stepped over the line."

Linda goes on to contrast the teaching profession with the expectations placed on doctors and the respect they are afforded. She articulates the frequently mentioned lack of status or respect felt by many teachers: "[m]aybe there are some people who think 'I'm more educated than that teacher in there so I have a right to tell them how to do their job'. But others are more extreme. We had this family come in and put the place up." Linda describes a volatile but somewhat comical scene, when asked if the whole family came to the school she responded "well, the parents. And the little fella is there waving his tennis

racket...The school is very open and you say what you want but then you have these open relationships [with] a lot of people who felt like they couldn't say what they wanted."

When asked if the structural changes resulted in a system where parents could say what they wanted but teachers couldn't Linda simply stated: "that's exactly what happened."

In many ways such stories illustrate how, "teacher thinking embodies not only cognitive knowledge, but also knowledge derived from practice, rules of practices, practical principles, and images of teaching" (Fickel, 2000, p. 363). But the role censorship plays in determining what types of "images of teaching" are known primarily to insiders and are kept out of public circulation. As Ruth added in discussing public speech, "it seems like if you say it openly then everyone hears it at once. But if you just tell a few [or] if you have parents who come in and see what you don't have it's more hushed. They don't take it anywhere". For Ruth, the key test as to whether public speech would be permitted related to whether, "it makes the board look bad". This teacher's comments reminds us of the importance of the need to, "consider both policy and decision making as means not ends" as well as, to "consider all constituents as ends...as individuals who have their own dreams, fears, hopes, anxieties, and not as ends to a particular policy or as *collateral damage* to a broader social or community goal" (Donlevy, 2004, p. 321).

Often such changes are the result of active resistance which over time shapes cultures of resistance (Macedo, 2006; Shor, 1992b). Ruth, for example, believed that while in a closed system the information may trickle down gradually to the community members, this is an ineffective, dysfunctional, way of dealing with problems. For this teacher who had spent a considerable amount of time teaching in an inner city school in another

province these problems were exacerbated by what she perceived as the relative reticence of Newfoundland teachers. Ruth notes the vocal resistance put forth by teachers in that province in response to teacher testing initiatives: in her words, “they had to do it”. But I don’t think anyone was afraid to say anything”. Although teacher opposition failed to have the desired result and teachers were ultimately unsuccessful, what stood out for this teacher, in contrast to the Newfoundland and Labrador context was that “they were pretty vocal about it but I don’t think anyone was reprimanded”. Her experience in another province allowed her to gain insight into what she saw as the passivity of local teachers—a passivity which was related to culture, community and the schooling system as a whole.

What Ruth reminds us, then, is that, “in order to transform schools into democratic sites, we must analyze and understand the structural and causal realities that produced undemocratic and unequal schools in the first place” (Macedo, 2006, p. 171). According to Ruth, an atmosphere of censorship in this province has been created because, “they want to hide things. They want everything to look pretty. They don’t want the truth out there”. Ruth is describing a system in which bottom up creativity and initiative have essentially been excluded by administrative fiat. She also expressed the view that public and community support for teachers was not as strong in Newfoundland and Labrador and that this undermined the possibility of effective teacher resistance against unpopular administrative policies. From her perspective, the political culture among Newfoundland teachers was much less active and more tempered than in the province where she had previously taught.

As one scholar has argued, “for critical teaching to compete...it has to assert affective and cognitive intensity, some emotional and intellectual daring, something at

stake in the problem posing” (Shor, 2006, p. 31). This intensity, this value, this daring, is situated—it takes place within a cultural community which conditions the values and expectations of teachers and community members. At times these concerns are expressed in the idiom of school crisis: of things that frustrate this desire or foreclose it altogether. In this case, Ruth expressed her concern with the relative lack of discipline and parental support which she saw in the Newfoundland system. As she described it, “here in Newfoundland, it’s almost like there are no consequences [for student misbehavior].”

In addition, Ruth also found fault with administrators, who, she felt, buckled under parental pressure: “it’s almost like in this system they are afraid of the parents. It’s like parents run this place. There is no support for the teachers here. Well, next to none.” Yet, it is unclear as to whether this distance is the result of a failure of administrators to develop a more efficient and effective disciplinary policy or whether it arises from a deeper disconnect between schooling and society, or perhaps, between teachers and administrators. Without dismissing the need for an anti-method pedagogy to work upon local educational cultures (Macedo, 2006), it was sufficient for Ruth to say that her experience in the rural Newfoundland context was one where: “the teacher is the enemy.”

Ruth’s anger is palpable. For her the present educational system is one where the voices and knowledge of teachers is all too often ignored in preference to political expedience and parental demands. In some respects, open door policies of schools served as a sharp contrast with teachers’ anxiety and reticence. For Ruth, this was due to the fact that “being a teacher we’re always concerned about not being too vocal at school, not contacting teachers too many times”. However, this stigma extends to parents and members of the community who are excessively vocal or aggressive in expressing their

opinions. Ruth mentions one particular parent who was very vocal about a mold problem in her children's school. This teacher saw the parents conduct as somewhat excessive and believes that part of her motivation was because of a previous conflict with the school principal, who she described as being on something of a "power trip". However, because this parent was frequently in the media, the end result was that more administrative action was taken.

In this case, Ruth appeared to see meaningful free speech as speech which confronted the most deep rooted assumptions of the educational system. It was speech which resulted from or precipitated genuine agency: speech premised on the fundamental idea that, "[e]ducational policymaking is not an *us-them* exercise, but an *us together* experience" (Donlevy, 2004, p. 322). Teachers like Ruth were especially troubled by blanket solutions which they believed imposed unrealistic expectations or demands upon them. In general, these examples suggest that the more politicized or controversial the issue, the less scope remained for teachers to exercise their rights.

5.6. School Culture & Community Norms

Communities could be a source of strength and support, or conflict and condemnation. While the rationale for extending stakeholder status to communities is based on democratic principles, at times communities espoused values at odds with individual rights. While it is true that a, "critical examination of culture and related experiences is fundamental to cultural competence and for appropriate alignment of instruction and student learning", it is by no means a risk free undertaking (Barclay-

McLaughlin *et al.*, 2007, p. 223). To return to Deborah, she also emphasized how community norms and values can be the source of unwanted controversy:

Deborah: I know this year in Cod Harbour...There was a student who approached one of the new teachers, he wasn't tenured, he was just new.... And he was asked [about his religious beliefs]. [His response created controversy]. And that was a big issue for the school. I know the principal had called the board on him [pauses]...not because [of his religious beliefs], but, just to know how to deal with it. How to deal with parents....Parents were calling and asking him what was this teacher doing talking to our kids. There was a big uproar.....[The principal] said no and everybody is entitled to their beliefs—at least I think so. But the parents didn't feel so and the community didn't feel so. He was probably put under a microscope with the board.

Deborah's reference to being, "put under a microscope" is suggestive of an environment where teachers are being held accountable for the slightest slip or shortcoming, one governed by an arbitrary, highly politicized, form of authority. While here the principal appears to be supportive, the narrative of a young teacher becoming the object of community outrage over a casual conversation is suggestive of the risks which associated with public speech. Indeed, as the literature suggests, religion is often regarded by teachers as a controversial theme (Kincheloe, 1980; Noll, 1994, p. 61). In many respects Deborah's descriptions of events are consistent with the observations made by Evans, Avery and Pederson (2000) regarding the dangers of, "educational nativism in which.... in-school sanctioning agents, the textbook marketing and adoption process, the

general lack of academic freedom, fear of losing one's job, ostracism and self censorship all play major roles" (p. 300).

While religious values are not inherently objectionable, it is important to note that democratic principles necessitate the protection of minority rights as well as majoritarian interests. In many ways, schools are caught in the awkward position of having to facilitate community involvement without becoming subject to the coercive force of community opinion. Underscoring this point, here Deborah states that, "society itself [determines the limits of what a teacher can say] or the community itself does. They have a certain perception of what a teacher is and what their role is."

Deborah's focus on the role of the community or broader society in relation to speech is perceptive, since the fact that free speech is available as a right to all citizens simply by virtue of their status is a fundamental aspect of this liberal right. As one scholar argues, "a defense of free speech must treat the right to free speech as a public right—public in the sense that it can be exercised by any non-assignable member of the community—and not as exclusive to a subgroup or elite" (Haworth, 1998, p. 15). On a more practical level, teachers' visibility in the community can be both a means of developing a rapport with community members and a source of unwanted scrutiny. It also highlights the need for a coherent set of professional principles which guide schools and teachers in determining what sorts of influence are acceptable and what types must be resisted. As Deborah goes on to say, "you are always worried about what they [i.e. the community] are going to say and their perception of you. The education system is made up of all these small people and the small people make the whole."

How in such a system, then, can, “teacher members...expand their scope of thinking so that they view the school as a whole rather than from the perspective of their individual classrooms” (Bucci, 2005, p. 129)? These concerns fundamentally affect the culture of schooling and have far reaching educational implications. As another scholar argues, “whatever is the substratum of human nature is less accessible and less useful to the educator than understanding the cultural-cognitive tools that shape and mediate our learning, development, and everything else to do with the conscious world of educational activity” (Egan, 2002, p. 185).

This teacher, then, is aware of curricular politics as a very real influence on what gets taught and said within schools. For Deborah, a teacher’s role is defined by public perception, community expectations, societal values and those of the board and the Department of Education. Her experience was that: “You are told this is the curriculum and this is what you teach. I don’t know how far outside those guidelines you could go before you got reprimanded.” Such experiences have taught her that, “I stick to the guidelines: I stick to the curriculum; it’s not an issue for me but if someone went outside the curriculum guide and it was a personal belief I don’t know how that would go over.

Ironically, little is said about the agency of teachers themselves. Deborah’s language is filled with references to fear of potential discipline: for her the curriculum is composed of “guidelines”, and if one deviates from those guidelines one risks being “reprimanded”. Despite attempts to enhance community involvement in schools, it is also important to emphasize the complexity of community-school relationships and to underscore the dangers of an educational philosophy which takes the view that, “the customer is always

right". She appears to be describing an educational system where expedience and efficiency take precedence over conviction and principle.

But, ironically, the teachers in the study spoke of problems which often arose from a system which tried to treat schools and students as if they were placeless: without any awareness of the social challenges unique to the particular communities in which education as a form of social engagement was being practiced. That is to say, that there are salient differences which exist and which impact learning other than those that have conventionally been termed "academic" or "cognitive" in nature. This placed-based amnesia was compounded by a wide ranging systemic insensitivity to the needs of teachers on the ground.

Regardless of the position of the teacher interviewed, most informants spoke of being confined by unreasonable institutional obligations. Yet, another important, albeit ironic, insight, is the fact that very often school board personnel are faced by the same problems which confront teachers. Sean maintained that lack of resources are a perennial problem for board members as well as classroom teachers. Furthermore, he emphasized that public pressure and airing those problems in the media, while perhaps frowned upon, may also help school boards by pressuring government to increase resource allocations. Reflecting back on his time in the system he noted that:

Of course, there was never [laughs], never enough equipment, never enough chalk, never enough paper. I [remember] where there was almost no use for paper at all or anything like that. And this little duplicator – gelatin – where you take off a dozen copies and they're beginning to fade and so on. There was always that thing, resources....and always grumbling. But I suppose today people are more

media orientated. But I guess you try to be as rational as possible about it. No we don't have [enough resources]...but we've got as much as you got in your school. But I don't see it as a bad thing because the publicity can influence government to assign more monetary resources to the districts and to the schools. I guess it's the same thing as kids, the expectation that they'd say nothing. But now you expect them to say 'Sir that's not right'. And what do I say? Thank you if I got the right attitude. This is evolution as I see it.

Sean's account gives us a glimpse of a type of education that, "is a play between present and past, between presence and absence, and then, by that strange return that [can be] describe[d] as deferred: it is registered and revised by remembering, repeating, and working through" (Britzman, 2003, p. 1). Working through, however, requires a willingness to open oneself up to the transformative power of optimism in the collective search for better solutions. It also requires acknowledging that there is a real tension between the pragmatic constraints administrators find themselves faced with and the need to call into practice principles of openness and collaborative governance.

5.7. Power & Community Speech

Sean emphasizes the cultural changes brought about by an increasingly critical public who expect authorities to have principled as well as practical justifications for their decisions. Making systemic problems public, he argues, is one way of exerting political pressure to ensure that deep rooted educational issues are addressed. Indeed, often there is very little congruence between the "public" face of the educational system and the way these interests are internally perceived. This is because talk is also a tool for teaching and

learning, an informal means of facilitating our understanding of the social boundaries of a particular educational setting since, “the matter in question can often appear quite differently as a result of talking it through” (Barnes, 2010, p. 7).

Of course, not everyone shares Barnes’ (2010) view that, “[e]xploratory talk is important in learning because it provides a ready tool for trying out different ways of thinking and understanding” (Barnes, 2010, p. 7). At times powerful interests do not want certain issues brought to public attention, meaning that limits on expression are made clear in abrupt, forceful fashion. Likewise, individual teachers may become aware of power relations in ways which were not understood before as the power of culture as a political medium becomes concretely apparent. In a story told by a mid-career teacher named Daniel, we see political influence being exercised to influence the staging of a satirical school play.

Interviewer: Have you ever experienced censorship yourself, directly or indirectly?

Daniel: Yes, I will answer that. I won’t be specific with schools but it was here in Newfoundland. Ah, I was a music teacher actually at the time and I had written a play. And I was untenured with [my] board at time....I was gung ho for music and I loved the drama and the arts part of it. So I had taken [a play] and rewritten it because the school couldn’t afford the copyright fees.....And anyway, and all the different local leaders that were in that area at the time, I involved them just because I knew the names.....[A local politician] was in there. I thought it was very funny and everyone thought it was hilarious. We performed it in school and people came from different areas to have a look, they loved it, they absolutely

loved it. Actually [an arts group] actually expressed interest in getting it. And so my [school administrator] suggested that we invite the political leaders to actually come see this. So I did. And I actually got some responses. [A former Cabinet member's] office actually sent me a request to have a look at the play itself. He was really going to try and make it. The day after I sent them the script I got called into an important meeting and was told that I had to cancel the play and tell the public that I had made a mistake and I needed to withdraw [the play]...The [political party] was in power at the time with [a former Premier].

Interviewer: Who was at the meeting? People from the board? Really important people?

Daniel: The Director of Education. [A former Cabinet member]. They were on a teleconference. The superintendent of my board at the time was in there with them and then two representatives came to our school and met with me and the principal and we had a teleconference...I thought it was a big joke at first. I was severely intimidated and I was actually told that this was not good and they didn't know how it was going to turn out...I was untenured; this was my first year with the board in Newfoundland. So I was petrified. We [had a young family].... So I was terrified. And anyway, I never heard from them for a couple days after that so I didn't know what to do because I was untenured so I didn't have much in the way of a leg to stand on. So I decided to contact the union because I felt it could be going into a bad area. A friend of mine who's working at the board at the time said if this hits the media then it's not going to be good. So I called the union and they said to me too bad you're untenured because we could have a real field day

with this. And they said but you're untenured and it could result in you not working. They told me that directly. If you make an issue of it you probably won't get a job. So I didn't make an issue out of it. But at the time the representative decided to call the board just to find that the status of the situation and just because I was concerned and worried....so he said he called just on behalf of my wellbeing..... Then my [school administrator] received a call from the board wondering why I had gotten the union involved because they were still handling it. And anyways a couple days later I received a card from [a former Cabinet member] with a letter of apology. So I never was told I could ever go ahead with the concert, but I wouldn't at that point anyway, I was too nervous at that point. I was just glad to be clear of the situation..... That was my first year on the island.....

Interviewer: So that was a play that the [arts group] put on?

Daniel: They were interested in it though I was told not to release it by a friend of mine at the Board. No you don't want to let that get in the media. You don't want that kind of attention. But anyway, it made it to [a local theater company] – they put off a similar play [some time later]. Not my play but the same story line. So yeah. But I was pretty scared I must say.

Interviewer: So that must have changed your outlook. This was before the Holy Heart thing. Right?

Daniel: Oh yes... Well, generally after I was tenured and I moved schools and everything like that I showed people then. The political leadership had changed and a lot of the people involved had retired or moved on. But I included a lot of

stuff that were just issues in the news at time and again it was nothing political. One of the funny parts in the play was when [a character] was throwing money out of the window. [Another character] was telling him not to throw away the money and I said "don't worry it's from [a public works project]".

Because....government was always putting off [this particular public works project]. So that was just an issue that I knew about that was talked about so often. But little did I know that was a very very sensitive topic within government at the time...So I guess I probably hit a few nerves there. But anyway.

Interviewer: What did your colleagues think of all this?

Daniel: They just thought it was really funny. You know. But a lot of them after we had the chuckle and everything they said 'geesh you're lucky you didn't lose your job you know. You're lucky you didn't finish the year off and end up [moving off the island] again or worse.'....

Interviewer: So did that sort discourage you as a music teacher from doing anything like that [in the future]?

Daniel: Well, I mean, part of this Province's culture is being able to make fun of ourselves. And I mean we are built on that and built on being known as people that can laugh at ourselves knowing at the end of the day that it's just for a laugh. And again I think that situation that I had, realistically showed the political at play in the schools, because even though it's built on total humor, ah at the end of day it was politics deciding that I could not show a play because of certain people who were in political positions.

Interviewer: Well, [a former Cabinet member].

Daniel: Yeah. And again, he was in hot water at the time and I didn't realize.....

Again, when I was in the office and they were telling me that this one was on the phone and that one was on the phone I was thinking "yeah right" because my [administrator] was a real character. And then these guys showed up with the trench coats and, you know, the intimidation clothes on and briefcases and all this stuff and I said "holy crap I'm screwed". I sat there after that and I recognized the [former Cabinet member's] voice on the phone saying that I was using my position to sway the political views of the community—he told me that. He said I was using my views as a teacher to sway the young political minds of the community. So..

We are witnessing what Lather (1998) calls, "a praxis of stuck places", without even the possibility of becoming aware that we are stuck—an awareness that is foreclosed through a forced silence. What seems to be an act of a creative, independent teacher is soon recast as transgressive as this small space of teacher autonomy runs up against the powerful political forces which police the educational system. While scholars have emphasized the pedagogical value of oral narrative and cultural autobiography (McLaughlin *et al*, 2007), it is important to consider just when and how these types of narratives become dangerous. The educational culture described by Daniel is far different from an inclusive problem solving culture in which, "teachers.....create a public space in which the individual teacher might air his/her insights (and questions) on teaching and learning in ways that expand the school's public discourse on education and make it capable of supporting the multiple voices that constitute it" (McDermott & Richardson, 2005, p. 37).

While Daniel believes he is working within the community space defined by rural conviviality—one which exists outside of the tightly controlled standards and norms of the formal education system—he is soon quickly brought to task when his speech becomes political, unpredictable and *critical*. In Daniel's story the openness and good humor of community culture is placed at odds with the more restrained norms of the educational system. Ironically, a public play forms the stage for this conflict which occurs very much behind the proverbial scenes—where concern about public opinion remains at the center of the conflict. It is public support for the play which motivates the teacher to invite the politicians and it is the threat of public disclosure which causes the threatened sanctions to be withdrawn.

This incident which has a sense of mis-speaking—or speaking without realizing the ramifications of speech—can be seen as reflective of longstanding attitudes towards authority in Newfoundland culture. In many ways it represents a return to an oral storytelling tradition reframed within a modern schooling context. In this way perhaps this is a form of speech rooted in social relationships characterized by a high degree of familiarity and relative proximity in stark contrast to the alienating nature of professional power structures. But in his attempt to return to this storytelling tradition, the young teacher is provided with a serious lesson in power politics. In some respects it is a lesson which modernization, downsizing and bureaucratic power structures have forced upon rural communities. As Sider (2003) argues, “the crucial differentiation in rural Newfoundland, always there but dramatically intensified since the cod moratorium, is a temporal differentiation: people must live across, and often simultaneously against, the

ruptures between their present situation and their past values, their past social relations, their own culture” (Sider, 2003, p. 57).

While there might be a tendency to see culture as a “soft” or even marginal influence on organizations and individuals, “understanding human development is increasingly a matter of studying how culture influences and constitutes the mind” (Egan, 2002, p. 183). This type of development in which the cognitive and the social are mutually constitutive is shaped and shapes the types of pedagogical encounters about which Daniel speaks above. From the point of view of teachers and members of the school community these core cultural encounters are *developmental* in nature. I call this speech, deep speech—or ruptured speech—it is speech which becomes a flashpoint for a constellation of tensions resident within an institutional, public or communal setting, which threatens to prove costly for those who utter it and to change, perhaps irrevocably, those who hear it. It is speech which has stakes and which, once uttered, seems to take on a life of its own.

Such speech transforms speaker and listener and the relations between them, in particular it often results in a differentiation, such that the speaker is either initiated into an insider culture, expelled or able to negotiate a more politically conscious compromised reality in which he or she has come to see a new more strategic form of inter-personal relations. As Butler (2005) emphasized, “the scene of address, what we might call the rhetorical condition for responsibility, means that while I am engaging in a reflexive activity thinking about and reconstructing myself, I am also speaking to you and thus elaborating a relation to another in language as I go” (Butler, 2005, p. 50).

Rather than becoming part of a community Daniel is faced with the prospect of interpellating himself as cut off and *disposable* (Giroux, 2009). He is shocked by a

rhetoric of power masquerading as responsibility—one characterized by, “a kind of thoughtlessness—a social amnesia of sorts—that makes it possible for people to look away as an increasing number of individuals and groups are disposable, relegated to new zones of exclusion” (Giroux, 2009, p. 179). Ironically, rather than an attentiveness to the local and community, it is looking away and a type of forgetfulness that “saves” him in a sense. This speech often deals in the currency of misrecognition, it causes people to see that they are not who they thought they were, or that they want to be someone else but they cannot cross the seemingly intractable social boundaries revealed by speech. This transmutation of values and the ensuing loss often results in feelings of guilt, or frustration because of the speaker’s desire and his or her initiation into a more public politics of attachment. Indeed, Sider (2003) sees cultural practices such as cuffering, mummering and storytelling as being reflective of some of the contradictions inherent in Newfoundland culture and, in particular, the responses of fishers to the demands and complexities of social subsistence under a regime of merchant capital. In his words, “The experiences of Newfoundland outport families both united by people, within and between families, creating a mixture of intimacy and antagonism that has been expressed and reshaped in a wide range of outport customs” (Sider, 2003, p. 296).

Reading these contradictions and giving them expression is a delicate process. In many ways the privilege afforded mummering, storytelling, cuffers and songs in traditional culture have no clear modern counterpart—particular within education’s closed professional world. Thus, Sider (2003) maintains, “Within this partly separate world of the outport, two major themes of interaction emerged: 1. The first was a focus on family and self.....2. Connected to, but different from, this complex and contradictory

individuality, was...the very strong sense of dignity that emerges from the actions of fisherfolk, particularly in their dealings with power, which, however, merges uneasily with an incapacity to effectively resist the impositions of power" (Sider, 2003, p. 296). In the modern world, new political possibilities come associated with new vulnerabilities and forms of offence. Collectively such rituals build trust and intimacy within communities, forming the informal bonds which strengthen social relationships by making local cultures reflective of inter-personal desires, hopes and attachments. Such forms of sociality build, "trust [which] provides a sensation of collegiality that rebels from the bland acceptance of the ideas and values of the 'public' and challenges each student and teacher to formulate, discover and test, through dialogue, their personally transforming relationships to knowledge, self and the other" (Curzon-Hobson in Corrigan & Chapman, 2008, p. 1).

As is so often the case, a subtle mix of codes, cues and unspoken cultural norms, provides the backdrop for teacher speech. The contrast with the ideal of the teacher as a public intellectual can hardly be more evident. Daniel has revealed a process of internalizing, despite any objective rights he might have in the situation, what some have termed the "codes of power". As Marri (2005) tells us, "codes of power serve as rules for participating in power....these [are] the actions, interactions, symbols, and beliefs necessary to produce, reproduce, sustain, and transform a given 'form of life' or discourse. Thus, success in these institutions—such as school and the workplace—requires the acquisition of these norms of power" (p. 1044). Learning what Delpit (1988) calls "veiled commands" is a crucial part of the socialization of a new teacher since as Daniel discovered they are, "commands nonetheless, representing true power, and with

true consequences for disobedience” (p. 289). Ironically, we see that these codes traverse the institutional boundaries of the school as they originate from power centers outside of the school within the surrounding culture. In this case its real pragmatic impact was to highlight the powerful nature of these interests and the vulnerability of the individual teacher. It is a question, consequently, which raises not only the ethical responsibility of teachers but of society as a whole since: “A society in which individuals are not able or not allowed to act, cannot expect from its schools to produce its democratic citizens for it” (Biesta, 2007, p. 765).

What happened to Daniel underscores the importance of teachers’ organizational interactions and forces teacher educators to recognize that, “in addition to our conscious choices as teachers, the influences of the hidden curriculum subtly but pervasively impose a tacit vision of citizenship on us” (Clark & Case, 2008, p. 33). Deep speech, when suppressed or censored after a particularly intense encounter, often becomes part of the fear lore of speech—a funny tale about the effrontery of power and the temerity of the young who would naively challenge its claims.

5.8. Conclusion: Coordinating Schooling & Community Values

Communities play an important role in the educational system (Dewey, 1963, 2007; Kelly, 1997, 2009; Corbett, 2007; hooks 1994, 2003). However, this complex relationship is, at times, troubled by the conflict between local norms and school values. As Deborah’s story about the controversy caused by a teacher’s religious views shows, communities sometimes exhibit intolerance, paralleling the educational system’s insensitivity to the value of local or traditional forms of knowledge. As a result, teachers

may find themselves caught in the middle of conflict between a hierarchical administrative structure and teachers' ties with local cultures. This tension can be evident, for example, with respect to programming cuts, school closures, conflict over curriculum, or issues pertaining to teachers off duty conduct. As is evident from Daniel's story, at times the result can be a highly politicized context where speech can have far reaching, sometimes unintended consequences. While educational thinkers and policy reformers remain preoccupied with curriculum and pedagogical methods (Eisner, 2005, p. 138), equally important is the way schools and teachers interact with local communities. As Eisner (2005) has cautioned "policymakers cannot install new norms in schools any more than they can install new teaching methods. Both need careful cultivation and nurture" (p. 138).

Amanda's story about a teacher who she believes was blacklisted, along with Daniel's very real encounter with censorship, highlights teachers' perception of the dangers of asserting rights. Censorship, it is important to remember, forecloses the, "development of a habit of critical listening, where the listener was open to what was being said, but was also prepared to ask questions that opened up the topic of teaching and learning in ways that were potentially revelatory, in ways that kept the conversation going" (McDermott & Richardson, 2005, p. 37). Understanding the broader cultural currency of rights requires that educators explore rights as representative of deeper values essential to maintaining democratic institutions (Schutz, 2001). Given the importance of youth to the vibrancy of democracy societies (Giroux, 2009), schools are entrusted with the task of ensuring future citizens have active, discerning, social dispositions (Dewey, 1963, 2007).

In contrast to David's story about an orientation meeting in which he was warned to be circumspect about his speech, or Amanda, Deborah and Ruth's concerns about suffering job related recriminations for their expression, a culture which demonstrates tolerance and respect for public discussion will likely be more receptive to democratic principles (Dewey, 1963, 2007). The key point is that organizational professions of allegiance to democratic principles means little if there is no democratic culture underpinning the institutions meant to give voice to individual rights (Apple, 2003, 2004; Giroux, 2005, 2009). Modern societies require schools to distribute, not only technical knowledge, but also, critical thinking and democratic values (Apple, 2003, 2004). Towards such an end, teachers and students must come to see themselves not as consumers of knowledge and training but as transformative intellectuals with a stake in contested public spaces (Apple, 2003, 2004; Giroux, 2005, 2009).

Given such realities, the modernization of isolated, regional cultures, necessitates new forms of institutions dedicated to creating a more efficient, yet democratic, schooling system. Speech is important because, "talk is the resource that school personnel use to get others to act" (Gronn, 1983, p. 2). Unlike communities in which, as Ruth says, "teachers are the enemy", free speech is a way of opening communication and ensuring that public schools are responsive to the needs and values of local communities. Teachers cannot be an active effective presence in communities if they are not permitted to say what they think might be problematic about the way the school system interfaces with local cultures and norms (Kincheloe, 1980). The stories in this chapter remind us that cultures serve as a type of institutional memory within which past practices and values, influence those which succeed them. For this reason, acts of censorship linger on long after their

immediate effects since they carry the potential to fundamentally reshape the cultural context within which communication and action occur. As a result, free speech must mean more than simply being able to speak when it does not offend or carry any risk of loss—it implies the right to dissent when the outcome really matters.

What is at stake in this dialogue is more than individual interests. It also reflects the cultural norms of communities that, at times, may be engaged in struggles for legitimacy. Quite simply, free speech in such a form means something like being able to use speech to reshape the cultural context in which speech and socio-cultural recognition occur (Simon, 1992). It is speech which arises out of culture and returns to shape its own cultural context, thereby providing communities and individuals alike with new ways of thinking, seeing and learning (Kelly, 2009). Free speech is a necessary form of cultural education if centralized schooling institutions are to maintain learning environments which are creative, responsive and collegial—a mode of democratic life that is at once caring, critical and capable of confronting compelling social realities in an equitable, effective manner (Dewey, 1963, 2007; Egan, 2002). In many ways, free speech is the search, not for answers, but for the better question, an abiding conviction in the transformative power of an empathetic curiosity which is a key strand in the developing fabric of critical thought.

Chapter 6: The Reasonable Limitation and Teacher Speech

6.1. Summary & Overview

This chapter will explore the notion of reasonableness and its relationship to norms of professional responsibility, particularly as they are linked to ongoing teacher attempts to redefine disciplinary and regulatory ideals. To illustrate such principles I begin by exploring the relationship of disciplinary power to managerial educational discourses. I argue that such discourses often interfere with schools' democratic function as well as with teachers' obligations to facilitate students' self-fulfillment (Delpit, 1988; Dewey, 2005; Giroux, 2009; Helfenbein & Shudak, 2009; Shor, 1992; Westheimer & Kahne, 2004). Disciplinary norms, when internalized, constitute a powerful means of self-regulation (Foucault, 1979, 1993, 2003, 2007) and serve to order behavior to conform with the needs of powerful interests by creating forms of identity which internalize dominant regulating norms (Foucault, 1979).

As one such norm, the legal concept of reasonableness allows consideration of public policy and utility to intrude into rights discourses. Reasonableness rarely permits the consideration of self-fulfillment, imagination, desire or the importance of a conception of rights which sees a right as, in Dworkin's (1986) words, a "trump" over other policy interests. Notably, participants revealed states of inner tension when conflicting duties competed for their consideration. Such moments of crisis demonstrate teachers' struggles to consider, weigh and define competing notions of their duties as caring professionals and obedient employees. Paradoxically, given the legal emphasis upon 'reason', at times this tension was precipitated by strong feelings of care. For some teachers it also helped create a deeper sense of professional identity and a more personalized professional ethic.

6.2. Disciplinary Power & Professionalism

“In a world full of wrongs, rights have never been so important”, says Alan Dershowitz (2004, p. 1). The problem of course, lies in construing just what we mean by rights and how we take them to be properly limited. Indeed, public schools in a democracy are charged with the task of disseminating democratic values, as well as the substantive knowledge and skills necessary for the continued existence of democratic institutions (Dewey, 2005; Giroux, 2009; Helfenbein & Shudak, 2009; Shor, 1992; Westheimer & Kahne, 2004). Yet, schools are also hierarchical organizations entrusted with the completion of a broad array of technical administrative tasks (Apple, 1978, 2004, 2007).

As noted by Fennell (1999), there is a distinct thread of scholarly work within the educational literature which views power from a structural functionalist perspective, primarily within hierarchical contexts (Fennell, 1999, p. 23). In this view, in the schooling context, power does indeed circulate within a system of rules, through laws, hierarchies and standardized curricula. Yet, it is also true that it is a system shaped by culture, community and personal relationships. Fennell (1999) rightly criticizes this classical paradigm of power as “mechanistic” and confined by a restrictive “linear causality” which dictates that there must be clear winners and losers in social interactions structured or governed by power (p. 25). This perspective defines power within the hierarchical context of dominance arising out of the individual’s formal role within social organizations (Fennell, 1999, p. 25).

Against this structuralist discourse of power we can place a critical libertarian view, which describes power - knowledge as interdependent and contingent upon a particular

socio – economic context. This approach is represented by academics who acknowledge the political and value-laden nature of leadership discourses; an acknowledgment viewed as a necessary prerequisite to establishing more equitable power relations (Allix, 2000; Anderson, 1998; Ball, 1990; and Humes 2000). While sometimes complicit as they act to safeguard their own interests, teachers navigate a complex array of systemic and local factors which are often not easily categorized (Myers, 2008; Kaplan, 2003).

However, both structuralist and critical libertarian theories fail to adequately consider the ways in which language influences self perception and thereby the agency rooted in the entire field of local and systemic relationships. Since being free is never an all-or-nothing condition, any theory of power in the educational context must provide an opportunity for, “analyzing how ideologies are actually taken up in the contradictory voices and lived experiences of students [and teachers] as they give meaning to the dreams, desires, and subject positions that they inhabit” (Giroux, 2005, p. 24). This requires considering schooling’s central functions, including its role in the production of capital, culture and ideology or, in Apple’s terminology: “capital accumulation”, “legitimization” of “social ideologies” and cultural “production” (Apple, 1999, pp. 57—59).

Teachers are, in many ways, disciplinary subjects—at once free and constrained in the possibilities open to them through their speech and actions (Foucault, 1979). As a result, the progress of modern disciplinary power can be marked by an increasing emphasis on an interiority, which, along with the systematization and itemization of everyday life, is used to discipline and control bodies (Sharpe, 2010, p. 48). More importantly, as one scholar noted, “discipline ... signifies two interrelated mechanisms.

On the one side are the discourses of normalization, and on the other are the proper effects of such discourses: the practices, techniques and procedures made possible by the construction of a norm" (Leonard, 1995, p. 141).

In the case of teachers, disciplinary power often has relevance to an individual's professional self concept and the ways in which schooling promotes accountability discourses through concrete surveillance mechanisms. Thus, disciplinary power can affect rights discourse not only through surveillance of the use of rights, but also, by constructing perceptions about the "types" of teachers who exercise rights and by attempting to instill countervailing values. As an indicia of normativity, disciplinary discourse ensures that "being a professional is not merely about absorbing a body of scientific knowledge but is also about conducting and constituting oneself in an appropriate manner" (Fournier, 1999, p. 287).

This productive aspect of power (Eichner, 2001, p. 11; Hunt & Wickham, 1994, p. 16) is evident in the way managerial discourse has shaped ideas related to teacher professionalism. But despite this, there are, nonetheless, distinct discursive tendencies which are often affiliated and which seek to legitimize certain distinct sets of interests. According to Servage (2009), "the increasingly blurred line between professionals and managers legitimizes a form of professionalism that pragmatically accepts policies and takes their efficient implementation as its fundamental purpose" (p. 162). Seeing power as discursive means that power is implicated in language and in the contradictory "truths" which perpetuate dominant interests. It also presupposes the existence of tactics of resistance (de Certeau, 2002; Corbett, 2007; Giroux, 2009) which work within established forms of professional practice.

Within this setting, then, “the power of law must be grasped not merely as power-instrumentality, but simultaneously as a system of knowledge or a truth machine” (Leonard, 1995, p. 141). As one of the most useful frames used to dialectically encounter the study data, disciplinary power, provided a means of understanding the ways in which administrative bureaucracies seemed, at times, to undermine teacher attempts to exercise a rights-based autonomy. It also focused on the importance of language and discourse in forming teacher identities and proved useful in offering an understanding of the recurrent theme of the reasonable limitation as it was used to prescribe a limited role for teacher speech. In the present case, this notion of reasonableness was not simply applied by independent autonomous subjects but reflected a certain type of identity—indeed perhaps it was situated within the spaces formed by a number of competing identities which were themselves used to negotiate power’s complex and sometimes conflicting demands.

6. 3. Power and Subject Positions

Disciplinary power is responsible for the privileged position afforded the individual in modern society much as the law, “is neither the truth of power nor its alibi. It is an instrument of power which is at once complex and partial” (Foucault in Leonard, 1995, p. 139). The subject, rather than being somehow outside of the power-knowledge framework, is a part of the historical and epistemological terrain formed by the “epistemes” of a given era (Hunt & Wickham, 1994, p. 9). However, mapping the intersection of these subject roles and forms of power is a difficult, often convoluted, process.

In the present case, very often, reasonableness involves considering how teachers fulfill a professional ideal of service within a hierarchical schooling system where questions of power, recognition and authority often come into play (Petrovic, 2003, p. 163). At times, the teachers appeared to be quite conscious of the compromises they undertook as part of the complex stances formed in relation to the variety of demands confronting them. In some ways, the idea of reasonableness was a synonym for navigating these conflicting demands in ways which balanced competing interests. Reasonableness in such a context means something like being able to give and act upon social principles and concepts attenuated to meet the practical demands of society and its institutions. What the teachers could say was determined by a confluence of political factors at the professional, local and systemic levels. Mark, a high school teacher with over twenty years of teaching experience, expresses a need for tempered speech in response to being asked whether he believed teachers had a legal right to freedom of expression:

Mark: Yes [teachers] would have a legal right. But they also have to realize that they have a public responsibility. Of being an employee and all that. And with that, no matter what type of job [you have] there comes certain responsibilities. If you go on to the construction site without your work boots then you're not getting on the job. If you go out and start shitting on the Department of Education about some issue well, then, they have a right to dismiss you. I think there is enough—there can be enough—checks and balances within the system to get your point across. Again, you do realize that you are not going to change the world. But if you get a point across then maybe [the system] changes further down the road.

But I think they should have the legal right to express things. Again [it] comes back down to that responsibility. You shouldn't be going out and shitting on your school board member...just because you have a grudge against them.

Mark, a teacher with extensive experience in his teachers' association describes the ways in which the system provides internal forums for teacher speech. For him, this system of checks and balances implies a sort of implicit contract between teachers and their superiors. Yet, he also felt that there might be reason to be vocal where much is at stake and the concerns of experienced teachers are not being heard. Mark, it should be noted, also thought that teachers were legally free to express their views on educational issues in public provided they were comments of a general nature without criticizing specific individuals or specific policies:

Mark: One of the things that I've always thought as a teacher is that you [have] to be there for the students. If you ever see something that you don't think is in the best interests of the students or the best way of delivering the curriculum, and there are a bunch of barriers and things like that, then in the closed sessions and when you can speak directly to these people you express your opinions. Not in a harsh manner, not swearing and cursing but saying: 'listen yeah, I understand why you're doing it this way. However, when you do this this and this, then this is what's happening.' I think any person that's professional that has gotten so many years of education should be speaking their mind—especially classroom teachers. But I've heard it loads of times. 'I'm not opening my mouth because I'm going to be blacklisted.' Or I'm not going to say anything because the position I want to get [in another community] ...they're never going to give it to me. There is that

bit about it. So when the board talks about professionalism, I think they should be listening more to the teachers of what's going on. And not acting like: 'I know everything: follow my way or else.'

Interestingly, Mark also recounted a story where he felt that his outspokenness as a teacher within internal forums had been held against him when he applied for an administrative position. He believed that the position had been given to a less qualified candidate, in part due to his criticism of board policies. In his view, this was a, "defining moment in his career" which made him view teaching as being, "just another job". It also left him disillusioned with the prospect of an administrative career. Indeed, Mark also recounted incidents where teachers had been called unprofessional for questioning school board policies during closed forums—in principals' meetings, school board meetings and in closed door sessions with board personnel—using tactics which he characterized as examples of "intimidation" or "chastisement". In one such session, according to Mark, a friend was told that if they were not happy with existing board policy then they should simply leave their position.

Mark's disillusionment brings to mind Hardt and Negri's admonition to, "discover the means and forces of the production of social reality along with the subjectivities that animate it" (Hardt & Negri in Helfenbein & Shudak, 2009, p. 13). He describes a process of reflecting on experience in order to explore what it means to be a professional educator—a site of complex, often conflicting attachments, feelings and forms of logic. As John Willinsky (1998) has said, "we are not anything so much as what we have learned to call ourselves. Learning to read ourselves within and against how we have been written, too seems part of the educational project" (p. 264). How teachers see

themselves and their most fundamental rights and duties is the subject of continual revision, conflict and change. It is contingent upon both the subjectivity of the individual and the educational setting in which the educator is both at once an object of power and an agent of change.

As Mark's story points out, the integrity of the system's internal checks and balances can break down within insular—and often rather authoritarian—administrative cultures. This is problematic for a number of reasons: it could lead to an educational system which ignores the best information available to it from the many knowledgeable professionals who work in it each day; it denies the professional a degree of autonomy requisite to his or her knowledge, skill and experience; and, finally, it is paternalistic and as such is susceptible to the same shortcomings Mill identified with respect to paternalism in government, and in particular, its use as a justification for censoring speech. As Dworkin (1986) states, "It is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way." (p. 263)

To elaborate on this point, Dworkin (1986) argues that legislative paternalism is justifiable only when the interference with the liberty interest is minimal, by which he means that it is a), "heavy and clear burden of proof placed on the authorities to demonstrate the exact nature of the harmful effects (or beneficial consequences) to be avoided (or achieved) and the probability of their occurrence" and b) it is the "least restrictive alternative", available to accomplishing the desired objective (Dworkin, 1986, p. 267). While Dworkin is speaking about the legislative context, his rights based theory offers us a way of bridging legal talk with contemporary cultural conceptions of rights with the practical realities of the schooling system. Censorship can be justified by a

narrow-minded instrumental approach to policy implementation and as such it stands at odds with a conception of education where, “it is the teacher’s job to identify for and with the students their context, their lifeworlds, and to help them make the necessary connections with democracy” (Helfenbein & Shudak, 2009, p. 17).

What we see, then, is an organizational division within schools between: a managerial culture which represents, in many ways, a source of disciplinary power; a caring ethic which works at all levels to personalize and humanize this broader disciplinary economy of power; and, an interpersonal economy of rights and social relations arising from individual attempts to strategically come to terms with the rigid protocols found within such a system. While the aims of administrators and teachers are often congruent, at times there is a conflict between organizational demands (e.g. for the implementation of curriculum, the disciplining of students, the allocation of resources) and the interests of students.

Despite their shortcomings, rights do offer a framework – institutional, cultural and conceptual – which allows teachers to define a social order of interests. The personal, then, is not only political (hooks, 2003), but is a mechanism for the survival of a rights-based culture as a possibility immanent within often divisive organizational settings. Here a tenured teacher, Jane, with approximately a decade of teaching experience discusses her views regarding classroom teaching and teacher speech in general, particularly as they were impacted by the Avalon East Incident:

Jane: I think I’m very open-minded and I take different views. I like to accept and show kids that it’s good to take in everyone’s views on certain things—especially in junior high. Sometimes you get kids who are pretty stuck in their ways. But I

think that personality plays a big role in how it's presented [and how kids are] shown that there are lots of ways to think of things. I think that helps students. And probably cuts down on any controversy in terms of kids going home and saying that my teacher is saying this and I don't think it's right. I haven't had any of that actually....I like to keep it open and let the kids make up their minds at the end of the day. I think that helps.

Interviewer: Have you ever heard your colleagues talk about censorship at all or have you heard it discussed in the media?

Jane: Yes, a few years ago when a couple of teachers did voice opinions on work load and that type of thing. There was chat in the staffroom about it—for sure. People were kind of upset about it because you think—I know it's come up a lot recently—are we professionals or not? ...And a lot feel that you can say what you think in a very constructive, proper way without getting people up in arms. You can just present things. I know in the staffroom we've got a fair bit of education behind us, we've been interviewed and hired and all to get where we are and we're tenured. So our voice needs to be heard as well. People were upset that you can't be honest about how things are because the people who presented....People agreed with them. I know I did for the most part....I remember [one issue] was teacher workload. It was the main thing I think at that time. That was in my mind, because that year I had taken a really big workloadAnd I think it felt bad that people were treated the way they were treated.

As one scholar notes, "the commitment of school districts to empowering teachers to participate in decision making might be measured by examining what kinds of decisions

really have an impact on schools” (Bucci, 2005, p. 125). Here we see the contradiction between Jane’s own teaching style and the public incident she mentioned which calls into question the value of discursive deliberation. Such fears must also be considered in light of the complex ways in which classrooms are rooted in school cultures since, “on the route from pupil to citizen, young people (initially inhabiting the ‘empty space’ of citizenship) pass through and occupy places within the official school, the informal school and the physical school” (Dillabough & Arnot, 2004, p. 171).

Like Mark, Jane’s contemplation of a concrete example of censorship causes her to question her own identity as a teacher within a system which, at times, does not appear to value the knowledge of educators. It also underscores an incongruity where what teachers are “in practice” is deeply at odds with what they think they are and what they want to become. Speech and narrative, it is important to remember, are one way of addressing such identity conflicts (Bloom, 1998; Egan, 1986; Butler, 1997b). Seeing such psychic avenues foreclosed, reminds us that, “misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being” (Taylor in Petrovic, 2003, p. 163). In this regard, Jane’s belief in tolerance, like Mark’s belief in checks and balances comes up against a political reality that seems to deny the principles of mutual respect and administrative accountability. Here she was asked how she thought administrators view teachers speaking in public:

Jane: I think that they wouldn't be too impressed by it. I think [they might approve] if they were in support of what you're saying. I wouldn't come back reflecting on something they may or may not have done in appropriate timing.

Then it might be looked at in a very negative fashion. But I guess it could be in a

positive light depending on what you're looking at. Whether they've been working their butts off to get something done and are thankful for any support. I think it can go that way. I know at our school there has been a lot of renovations that have taken a long time. And I'm thinking from that perspective if teachers got together and said this is enough, let's get moving on this. They [i.e.

administrators] might even support it. So I think it depends a lot on the situation.

Surprisingly, although Jane claimed that she did not think censorship was a big problem in her own teaching life, she did know teachers whom she felt had suffered professionally as a result of being vocal. She also emphasized the impact of the Avalon East incident on her own perception of free speech. Framing speech more generally as being related to the issue of appropriateness, Jane thought that speech policy was largely influenced by administrators and officials at the board level. She also stated that she did not believe that teachers possessed a legal right to speak publicly about educational issues or that they had enough information regarding the issue. Indeed, for Jane, free speech was primarily a pedagogical issue since some restrictions on free speech were seen as necessary to protect children, particularly those in primary or elementary grades from lessons which were not age appropriate or which were disturbing. Finally, like many of the participants, she did express concerns about the relevance of the issue of free speech to her own ability to speak as an advocate for her own children.

As Dickerson (1996) notes, "we turn to metaphor because language is often impotent when asked to create logical, rational and empirical descriptions of complex and abstract mental structures" (p. 374). Indeed, appropriateness and a need to be responsible were code words for a similar constellation of concepts centering around a context specific and

negative conception of speech. These terms were associated with a felt need to look at the possible consequences of speech in terms of: disciplinary sanctions or other repercussions from one's employer or even one's colleagues; harm to others; and, duty to others, including duties to one's profession and one's students. It rarely, if ever, was used to justify the existence of a right for teachers, though instances did exist (for example, teachers appeared to infer that civil rights should exist for teachers given that teachers are citizens). At times, the notion of reasonableness did bolster teachers' claims to rights, most often by supporting the idea that teachers need some autonomy (or free speech rights) to advocate for students when internal channels are failing and students face significant detrimental consequences.

More generally, the term reasonableness was a means of stressing the importance of organizational efficiency: as a justification for everyone performing their proper role to make the system run more smoothly. Rarely was it used to promote the democratic function of schooling or the fiduciary obligation of teachers to give priority to the interests of students. It was also not used to invoke or even suggest limits—ethical or practical—on the authority of administrators in order to promote countervailing values such as professional autonomy or the importance of collaborative decision making. For Mark it was related to the integrity and smooth functioning of the educational system as a whole, a system to which duties were owed but which was also bound to respect by certain principles—namely to respect its own internal guidelines and to listen to the knowledge and experience of the teachers which serve it. For Jane, speech is related to the deeper question of, “whether we are professionals or not”? Jane's comments underscore a deep incongruity between administrative practices and her own pedagogical

stance since she values the pedagogical principles of tolerance and openness that she believes are both ethical and a way of cultivating her students own capacity for critical discernment. Such forms of teaching practice require that teachers and students are capable of speaking and thinking in an open critical manner, in stark contrast to the two teachers in the Avalon East incident who were disciplined for publicly expressing their views.

6.4. Self Censorship & Speech: Proprietary & Integrity

As discussed, respondents saw reasonableness as a general term defined by a number of factors including: the need for the individual exercising speech so as to be responsible for the consequences of their expression; the need to uphold important principles and interests (such as the wellbeing and safety of children); and, more pragmatic considerations such as career mobility, job security and the fear of employment related reprisals. While respondents commonly stated that limitations on speech should be reasonable, few could define—or even attempted to define—reasonableness. Participants were often uncertain of exactly how these duties related to their own constitutional rights and even when they did acknowledge the existence of a right, frequently emphasized practical or political reasons why they would not exercise it.

Many participants interviewed simply did not recognize that, outside of any normative conceptions of what rights teachers should have, or, the administrative positions stance, there is a legal system which defines and enforces these rights (although some teachers did recognize that the Constitution was a fundamental law which applied to all Canadians). No teacher made express reference to s. 2(b) of the *Charter*, or any

other constitutional provision. Moreover, in general, few explained the democratic rationale for the right. In this regard, the probity of one particular teacher, Sean, was rare. Here he argues that teachers, as citizens had a right to the protections guaranteed by the Constitution:

Sean: I guess you have to come to your Constitution. If the Constitution says, and if you're in the country [then you have the right]. There's the *Charter* of rights...If you honestly feel that there is something wrong with something, do your job in the school don't lay it on the kids or anything like that. Do your job and discuss things that the kids want to discuss...If you've exhausted all avenues and you still want to speak out then I think you should have access to litigation and so on. That's the proper way to address it in the courts because there's your Charter.

Sean here appears to infer that since teachers are citizens they are afforded Constitutional rights, including free speech. In contrast to Sean, the majority of teachers who believed in such a right began with the notion of a reasonable limitation rather than with the right itself. For some, the idea of the "responsible" exercise of the right combined notions of reasonableness, respect for social morals and the "harm" principle. Several teachers also articulated the idea that reasonableness included the need to obey orders given in the regular course of employment. Few emphasized the notion that even if the school board was entitled to discipline its employees for critical speech they did not always need to do so, if such speech shed light upon a long standing educational problem. Nor did they appear to realize that, as Martinson (1988), speaking in the American context, puts it: "those wishing to exercise their First Amendment rights are not required

to prove they have a right to do so”, since “the censor, normally the government, has the heavy burden to prove such restraint is absolutely required” (p. 214).

Rather than starting with the presumption of having a right, most, if not all, teachers appeared to focus primarily on the need for “responsible” or “appropriate” behaviour commensurate with their employment duties. For many, this consisted of avoiding speech on controversial subjects such as those surrounding same sex issues, politics, or challenging mainstream religious beliefs. David, a mathematics teacher, described free speech as necessarily implying limitations related to the need to maintain the ordered, well structured nature of schools. As he said,

David: Teachers have (and students have) freedom of speech but there are limitations. You have to be reasonable in what you say. You can say as much as you want until it starts infringing on the rights of other. Putting down someone else’s character. Defamation. That sort of thing..[T]he school is...a more formal setting...If the Charter guarantees that we have freedom of speech then why wouldn’t it guarantee that a student could address a teacher by his or her first name? There is a formality to guarantee the whole structure and function of the school.

David reminds us, in the words of Justices Iacobucci and Bastarache that, “teachers are a medium for the transmission for values” (Van Brummelen & Sawatsky, 2002, p. 216). He points out that the school system by its very nature requires constraints on speech to function and to ensure orderly respectful behavior. He also suggests that the reasonableness of any free speech limitation may have something to do with the “disciplinary logic” of a profession or an institution such as the school, “the network of

accountability within which the professions have to inscribe their practice and expertise in order to establish and maintain their place in liberal government” (Fournier, 1999, p. 288). As such, it is a form of what one scholar has termed, “peer or social censorship”, or, “a subtle self censorship, resulting from a narrow and restrictive mindset in which [teachers] do not recognize areas of potential concern or controversy that should be addressed” (Martinson, 2008, p. 212).

Professionalism, then, emphasizes teachers’ duties and subordinates their rights. Moreover, “[t]his disciplinary logic operates through forging connections between various actors (e.g. the state, the client, the sovereign customer), criteria of legitimacy (e.g. truth, efficiency, public good), professional competence and personal conduct” (Fournier, 1999, p. 288). This is a professional stance which is based on obedience, respect for authority and an ideal of service, where activist speech takes a backseat to discursive speech which raises—internally—merely polite objections. Building on this theme, similar points were made by Sean, who worked at the school board level as a curriculum specialist and as an administrator. Here he presents an argument for a slightly stronger articulation of the right—namely that, “generally the remedy for bad free speech is better free speech in response” (Grayling, 2009, p. 71):

Sean: Freedom of expression is different from a license to do or say anything you want. Freedom of expression is great, if you use it with reason and with regard for the human experience. I suppose you could argue it’s freedom of expression [to say] I’ve got the right, because you’re of a different color or race to call you anything I want to call you and we can all go back to some of the terrible experiences in concentration camps. Freedom of expression is like any freedom

you have, it has to be used responsibly. That doesn't give me the right as a teacher to call you down because you are of another religion or of another race or color. Express your ideas, but, let's respect...[R]respect the other person's point of view and his color and race and creed and give your opinion. It's fine for me to get up and say no, I disagree with the denominational system, and give my reasons, but I don't think I have the right to go up and say 'you're all bloody wrong' and this sort of thing. In a responsible way give your reasons....

Like many, Sean regards the teacher's professional status as implying moral standards of propriety which are to be embodied in the teachers conduct both inside and outside of the classroom. He emphasizes the values of pluralism and tolerance by balancing individual rights against collective interests. He seems to be envisioning an educational system based on the ideal of discursive deliberation: a process of rational argumentation which relies on reasons and evidence to demonstrate the force of the better argument (Habermas, 1981). In contrast, what constitutes unduly offensive speech can be determined by examining factors such as, "the extent, duration and social value of the speech, the ease with which it can be avoided, the motives of the speaker, the number of people offended, the intensity of the offense, and the general interest of the community at large" (Feinberg in Gereluk, 2006, p. 110).

As we have seen, the need for respect for persons was a common theme, one which was regarded as a necessary part of the process of discourse, and vital to the schooling process. For many participants, problems such as disciplinary issues and growing youth violence were also related to the issue of responsibility, self-control and respect for legitimate authority. Ironically, while teachers noted that students in today's classrooms

often appeared to have a great deal of freedom, they stated that they themselves were conscious of a relative lack of autonomy. Indeed, Mark, a seasoned classroom teacher, suggested that because of the increasingly thoughtless and uncivil nature of contemporary society, schools should promote a notion of responsible speech. Of course, measuring offence or determining what types of offense matter and to what degree remain thorny issues (Sturges, 2006, p. 185).

Mark: I think they should change freedom of expression to responsible expression. Because freedom of speech, you don't have freedom of speech. You cannot go out in a crowded room and yell fire. You cannot go down the street and say you [racial epithet]. Right? You don't have freedom of speech. It's responsible speech, responsible and respectful speech. And that's what I think we should be instilling into kids. The old adage 'well it's my opinion'. And I say 'an opinion doesn't mean anything, it's what you support your opinions with, [that] is what means something and that's what's going to change [the other person's view]. And that's why you're responsible to know what you're saying and to be able to back it up.

...And I say 'you have to be responsible, you have to know why you're saying it.' So you have to instill in kids that they are responsible for what they say. So [consider] a lot of this verbal bullying and things like the cyber bullying that's going on. Freedom of expression [is important] but that [cyber bullying] is hurting other people, degrading other people and even though you had to freedom to say it, you don't have responsibility and you're not showing respect. So I think freedom of expression should be responsible expression of speech.

While Mark is not speaking about limitations often invoked to curtail contemporary rights such as those relating to, "national security, territorial integrity and public safety" (Sturges, 2006, p. 184), he does make an important point regarding the relationship between tolerance and expression. While offense to others has been highlighted even in liberal rights theories as an important consideration (Sturges, 2006, p. 185), Mark drives home the relevance of rights to, "ongoing societal moral dialogues.....couched in legal terms, regarding the proper place to draw the line between the societal set of values and the particular ones, those of the community of communities and those of the constituting communities" (Etzioni in Donlevy, 2004, p. 314).

Even the desire for speech can hide ulterior motives based on a desire to dominate, or absolve cultural feelings of guilt for complicity with unequal and oppressive power structures. As Burbules (2006) notes, "the danger of dialogue.....is.....that precisely because the surface level of the engagement is so apparently reasonable, inclusive, well intentioned, what gets left out, or who gets left out, remains not only hidden but is subtly denigrated" (p. 108). Indeed, the insights expressed by Mark regarding restraint were echoed by many teachers who saw appropriate speech as speech which avoided criticism of administrators, school board officials, or administrative policies. Few teachers recognized that protest speech, for example, may simply aim to disrupt or to challenge even if it has to be disruptive and "unreasonable" to achieve such an end (Burbules, 2006, p. 109). Few teachers appeared to consider the existence of any ethical or professional obligation to provide democratic principles over and above any moral or legal duty owed to one's employer. Such findings reinforce the need for critical approaches to rights education as opposed to those which see the need for the simple transmission of

knowledge. Is this the result of a collaborative engagement of teachers being treated as partners and stakeholders in the larger education enterprise or simply another example of, “power using knowledge to advance itself” (Said, 1995, p. 4)?

The teachers, then, define speech closely in relation to a professional ethic which values reason and responsibility. Even while Sean emphasizes the importance of the Charter, at the same time he emphasizes the importance of discussion between affected parties and notes that litigation should come, “if you’ve exhausted all avenues and you still want to speak out”. For Sean this notion of reasonableness is tempered by a more abstract principle of respect for persons. As he put it, “express your ideas, but let’s respect”. For Sean this is the meaning of his view of speech which is meant to be “used with reason and with regard for the human experience”. Likewise, for David, free speech exists but teachers, “have to be reasonable in what they say”. For him this reasonableness is defined in relation to the degree to which speech, “infringes on the rights of others” and to the degree to which speech does not transgress the, “formality [necessary] to guarantee the whole structure and functions of the school”. This view echoes those of Mark who argues for, “responsible and respectful speech”. For Mark, freedom of speech has no meaning without considering the consequences of such a freedom and without having regard for its social effects. As did Sean and David, Mark links this notion to that of harm to others and to the need to be able to provide deliberative “reasons”—in his words, “an opinion doesn’t mean anything, it’s what you support your reasons with”. In doing so he suggests that there exist more general social principles to which discursive actors must appeal if they are to make arguments which are intelligible, responsible and persuasive. Thus, a key item of interest in this regard is the tension between

professionalism and the real world pressures of schools. How does the ideal of expression become transmuted into a pragmatic notion sensitive to the complex cultural and political realities of today's schools?

6.5 Pragmatic Speech: Politics & Context

Not only are balance and compromise difficult to achieve when individuals are afraid to fully convey their concerns, but such a state of affairs raises the possibility that the system will lose touch with itself, lacking timely and forthright feedback, thereby undermining the very efficiency which it sought to zealously safeguard by limiting speech. As we have seen, the matter of balancing public goods is a complex process which recognizes that "law is essentially political", and does not deny principle, but is emblematic of, "jurisprudence recognizing, struggling within, and utilizing contradiction, dualism and ambiguity" (Matsuda, 1993, p. 19). Recognizing such ambiguity, "pragmatic" speech mediates the principle of freedom within the convoluted everyday realities in which social relationships are played out. While a tight rein on employee speech is often justified as necessary to promote workplace order and efficiency, schools are models of democratic authority, rooted in principles of self determination, social justice and tolerance. Speech and the agency it creates are crucial to empowering students and teachers, for as Freire (1998) puts it, "no one is first autonomous and then makes a decision. Autonomy is the result of a process involving various and innumerable decisions" (p. 98).

But mediating principles and interests also implies a need to discuss the relative value of public goods, or to use discourse to find a relative mean of competing social goods

(Schollmeier, 2006). Indeed, even where agreement is not possible or is impractical, allowing those affected by policies and decisions to voice their views helps ensure an organizational culture where consensus is a rough proxy for decisions that are often made under fast paced, demanding conditions. Thus, what constitutes a reasonable limitation depends on the cultural values used to assess the relative worth of social goods and it is difficult for those outside of the discursive frame to fully assess the proper medium of interests and values (Habermas, 1981).

Notably, the teachers also saw "common sense" as a central principle used to guide their speech, one seen as determined by politics, culture and the expectations of colleagues, administrators, and the public. This is significant, since, "commonsense duties predate black-letter duties" and formal rights cannot be effective unless they are entrenched in "micro-level [social] practices" (Moghaddam, 2000, p. 297). Even something as subtle as whether a culture tends to focus more on rights or duties, can have a substantial impact on social relations since the latter tends to emphasize the collective interests of society whereas the former emphasize individual interests (Moghaddam, 2000; Moghaddam *et. al.*, 2000).

Participants often expressed concern about were staff or administrative politics. Indeed, with regard to the former, teachers described schools wherein staffs had split into competing cliques which played an instrumental role in power-brokering. Ruth responded this way when asked how she determined the limits of her own right of freedom of expression. From her standpoint: "well I guess you just know what is socially appropriate and [what isn't]. You know the person you're speaking with." Ruth went on to say that,

"[what you can say] is kind of based on who you're with, almost like a context type of thing. Who you're with and their comfort level." As she explained,

...if you go in as a substitute you don't say anything politically incorrect.

....You're watching everything you're saying..... I taught at a junior high here.

And freedom of expression? No, it was definitely taboo....It was like family, a lot of little groups and if you were not married into the group then you would never be able to break into that group. If you said something that wasn't politically correct about one of those [groups] then you would definitely be on the outside, you would be ostracized. And that's here in the city. It was disgusting and not a good atmosphere to work in at all. There was a very high turnover.

This participant, like many teachers interviewed, weighed the need to pass oneself off, to forego the stigma of a "spoiled identity" (Goffman, 1963). Here there is a real sense that teachers who are in the know act as gate keepers to a closed circuit of information. As this example illustrates, the flip side of "insider" politics is the excluded teacher who feels increasingly isolated as a result of a cloistered, antagonistic working environment. Teachers like Ruth also expressed the view that larger school boards meant less interpersonal contact and hence, less opportunity for frank forthright discussion. But it is also important to acknowledge that autonomy can mean not simply independence, but, rather, a debilitating form of loneliness (Graham, 2000). What we see as teacher autonomy, can be very limited, at times becoming merely the autonomy of the closed classroom door or the fleeting security offered by the backbiting clique. For Graham (2000), "autonomy in the form of isolation which results from structural looseness, school structure, the 'sink or swim' phenomenon, and accountability pressures directly

affects the potential for collegiality of teachers and their ability to organize in opposition to administrative practices.” (p. 47).

Becoming aware of this tension is to feel alone, since it underscores the fact that one is not part of the culture of power and the, “codes or rules for participating in power” that cultures set out (Delpit, 1988, p. 282). Tension and inner conflict are ways that contradictions in cultures of power are brought home to us and that we mature as intellectuals and human beings since, “it is by making decisions that we learn to decide” (Freire, 1998, p. 97). Ruth, an experienced high school teacher, for example, described an abrupt announcement of a delay in the school opening because of mold contamination. She describes feeling caught between the public’s right to know and her obligations as an employee. According to Ruth, this was a common feeling.

They discovered mold a week before school was supposed to open. Parents found out [just a few days] before. They were outraged. So a lot of parents believed that because I was a board member, [and] because I worked for the [same] District that I had inside information. So even at birthday parties and such I don’t talk about any board issues. But if they ask me about things like, ‘do you think this homework is fair?’ Then yes, I’ll give my opinion on that, as a parent.....I don’t want people to go to the principal and say well I heard from Ms. Walker that the school was going to open on this particular date. I don’t want them thinking I have any type of inside information.

The degree to which silence is seen as reasonable, often depends on whether the teacher fears sanctions from her employer enough to put self-preservation above the public interest. Ruth here describes a tension between public and private worlds which

also extended to educational issues involving her own children and even to birthday parties for her children's friends. As Delpit (1988) puts it, "the codes or rules [of the culture of power] relate to linguistic forms, communicative strategies, and presentation of self; that is, ways of talking, ways of writing, ways of dressing, and ways of interacting" (p. 283). Politics here appear to make silence—or circumspection at least—reasonable. But this also brings into question the larger question of desire, for as Blacker (2003) points out: "reason may generate well-formed and universally applicable propositions about moral principles, but what it can never do is by itself motivate an actual human being either to *care* about those principles or the other human beings toward whom those principles are directed" (p. 398). Although Ruth emphasizes her desire to speak on an issue of private concern, it is important to remember that, in doing so she may also be commenting on systemic issues such as ineffective curriculum, lack of resources or inadequate in-service training for teachers.

In a sense, "political power constitutes a deployment of forces speaking a language of reason logic, and fairness, not a language of open combat" (Leonard, 1995, p. 137). For Amanda, a rural teacher, the feeling of being censored was also felt most acutely in relation to her own role as a parent of a school age child: "when you're somewhere where your child goes to that school and you're sitting down having a conversation... You have to be careful about what you say. [You] can't have any opinions about anything that went on in the school." Most of all, Amanda says, "you wouldn't say anything about another teacher... That comes from the board and from the administration." Like Ruth, then, Amanda speaks about the notion that teachers are always teachers first, and thus, are never without professional responsibilities.

Amanda's comments personalize the absence or failure of abstract rights. Yet, nonetheless, it is simply not true that teachers do not have a right to a private personal life. Speech outside of school is only cause for discipline in extreme circumstances (Brown & Zuker, 2002; Brown, 2004). Moreover, a blanket prior restraint on teachers speaking publicly about issues relating to their own children's education seems both overly broad and disproportionate. Being a role model does not mean that one loses one's right to a personal life or the right to advocate for the rights and interests of family members. As former Supreme Court Justice La Forest noted, "teachers, like other citizens, enjoy rights of privacy, and to considerable extent their off-duty activities should not be subject to external scrutiny" (LaForest in Oliverio & Manley-Casimir, 2005, p. 412).

At the risk of over generalizing, it would seem that cases are very much dependent on factors such as the audience, venue and the roles of the speakers involved (Oliverio & Manley-Casimir, 2005, 406). However, this is a far cry from a complete or blanket prohibition on any public criticism of one's colleagues or employer. Quite often, it seems, censorship under the guise of an employer's prerogative prohibits speech which is far from a threat to either the soundness of that relationship or the integrity of the school environment as a whole:

Amanda: In general the biggest thing is that I've been in a school my child also attends and I've been told I'm a teacher first and not a parent. I can't have any opinion. That's the message that's been sent down. Unofficially. We've been told by our administration that you're a teacher first and not a parent. I'm someone whose been involved with the community and I've been called into the office

about things I've said in the community, well which were supposed to have been said but weren't....I got called into the office about making comments about the school [in the carpool on the way to school]. For example...discipline issues..... Within the school we often say that our staff room has ears...You vent your frustrations [but]....you know who you can say and can't say things around. It often gets misinterpreted.....

Interviewer: What happened to the people who transgressed – I'll use that word?

Amanda: They just were spoken to in the office. Like a child would be.

What is notable in Amanda's description is the complete lack of any, "background assumption of a right to free speech" (Braddon-Mitchell & West, 2004, p. 437). As Weissman (1996) argues "contextualizing speech...considering its conditions and effects is.....decisive for appraising it" (p. 339). Amanda portrays the scope of permissible speech as being very much contingent upon the attitudes of a school's particular administrator, reflecting the considerable power they exercise over teachers' lives. She does not respect seeing her administrator pull rank rather than discuss the merits of the issue.

On a broader level, conflicts which are often framed as being about speech involve not so much a difference of principle but the need for flexibility in the day to day negotiation of rights and duties (Weissman, 1996). As one commentator has aptly stated, "it is clearly not the recognition of limitations that is the main issue, but the precise application of limitations" (Sturges, 2006, p. 185). In many ways, the administrator's paternalism reflects a private law conception of employee speech which fails to make any distinction between the school and any other private employment setting, despite the

state's integral role in public schooling. Censorship here is a way to exercise discipline over employees rather than using discourse to talk about the issues surrounding the public context of expression.

The examples in this section are instructive because of the contrast between teacher beliefs about constraints on speech and their beliefs about the right itself. As Gutman (1999) describes it, "worthwhile ...liberty.....depends not merely upon the existence of options but their number, accessibility, whether and to what extent deliberate human acts have blocked options, and the value of the accessible options, to both the agent and other members of society" (Gutman in Donlevy, 2004, p. 318). The teachers strongly felt that they could not speak publicly about issues regarding their children and that they had to be wary of criticizing colleagues about their children's instruction and education. This stands in glaring contrast to the emphasis placed on parental involvement in schooling and the need to be both transparent and accessible to concerns parents who are not teachers might have. This was a clear prior restraint on speech, since, in Amanda's words, the injunction about talking about another teacher in relation to your child's education, "comes from the board and the administration". Teachers like Amanda also spoke of the importance of context in deciding when and where a teacher could speak. In her words, "you have to know who you can say and can't say things around". For Ruth similar fears come into play with respect to staffroom politics and her reluctance to say much of anything about what goes on in her school—a situation which makes her feel conflicted, caught between her duties of confidentiality and the public's desire to know if a mold problem might place their children at risk.

6.6. Reasonableness, Tolerance & Care

Students will draw their own conclusions about the nature of schools from their knowledge of public accounts of teacher censorship. As Davies and Hogarth (2004) point out, “a compound of knowledge, skills, and procedural values is needed [along with the curriculum] to include such areas as respect for the truth and reasoning and toleration as opposed to substantive values which could mean that pupils would be told what to think about particular issues” (p. 182). In school cultures where teachers are spoken down to and micro-managed is it really surprising that in their classrooms they may not implement, “student-centered programs, [where] academic expertise is structured into student experience, not set ahead of experience or separate from it” (Shor, 1992b, p. 145)?

This is a far cry from Dewey’s notion of a democratic school, “engaged in constant negotiation, while at the same time seeking to understand what might constitute ‘fair’ negotiation at a particular place at a particular time” (Schutz, 2001, p. 296). Teachers describe a vocation undermined by a broader bureaucratic structure which erodes teacher autonomy, and, “the notable influence on education exercised by the media, politicians and the government” (Labrana, 2007, p. 21). This reflects a neoliberal model of employment relations in which employees are seen as property or simply as an extension of the employer’s will (Singh, 2009). According to Barry (2007), “we view our lives at work—the relationship between employer and worker—through a lens of property rights and contracts” (Barry, 2007, p. 7). This becomes an all or nothing, essentially dehumanizing view of workplace relations, which requires that, “[e]mployees in the strict

market view, either accept a given employer's condition of work or move on in the market place" (Barry, 2007, p. 7).

What this means is that the employer's demands for obedience can sometimes mitigate the value of tolerance as the scrutiny teachers are being placed under creates an undue sensitivity to speech and controversy (Applebaum, 2003; Macedo, 2006). This sense of scrutiny was also articulated in relation to the classroom setting where participants spoke of an ever-present possibility of parents or administrators taking issue with controversial discussions or lessons. This highlights some of the many difficulties of dialogical education since, "dialogue is neither a good nor a bad thing, in itself, and the decision about whether to teach with dialogue, when and with whom—or, on the other side, the decision to participate in it, or not (whether, when, and with whom)—needs to be made within a broader political analysis of identity, interest and purpose" (Burbules, 2006, p. 112). Not surprisingly, some teachers saw controversial topics as being entirely off limits. David, a young teacher, had been socialized, early in his career to believe that: "you have to really watch what you are saying in case what you say gets back to the wrong person. If you are going to say something controversial and you think the administration shouldn't hear it you should keep it to yourself and to people you trust."

Rather than emphasizing the pedagogical value of dialogue or value clarification, for David, "bringing controversial issues into the classroom can be a really really bad idea". If we can agree that "the ultimate test of political literacy lies in creating a proclivity to action not in achieving more theoretical analysis", we can safely say that such a position represents an utter failure of the democratic model of schooling (Crick and Lister in Davies & Hogarth, 2004, p. 182). But this is not simply a matter of transmitting

information since, “just to know words, in an analytical sense, does not necessarily mean we understand them experientially, aesthetically or affective” (Yeoman, 1996, p. 603). Words like tolerance, free speech or democracy are no exceptions, since, unlike the idealized model of the critical public intellectual, this young teacher is being socialized to think that:

David: We were told to avoid certain things during my internship... We were told to kind of ignore the ethnic origins of the other students and just blend them in and not single them out. Or [not to] make silly comments in the staffroom... We were told to avoid doing that and if the students were we were told to find some way of getting off topic.

David's story reveals how censorship can even preempt discussion of serious issues which directly affect students (Wollman-Bonilla's, 1998). The example raises complex issues but it is important to emphasize that this is both a workplace related and a pedagogical issue (Applebaum, 2003; Boler, 2001; McLeod, 2010). Such a reality is deeply removed from the type of open environment needed to promote tolerance and diversity articulated by the Supreme Court in *Ross* when they said that, “it is obvious that the pluralistic nature of society and the extent of diversity in Canada are important elements that must be understood by future teachers because they are the fabric of the society within which teachers operate and the reason why there is a need to respect and promote minority rights” (Van Brummelen & Sawatsky, 2002, p. 216).

More disturbingly, this dynamic also raises the possibility that the teachers who choose to stay in such a system will learn to avoid controversial speech, thereby creating a deeper democratic deficit. Most liberal conceptions of the right of expression describes

a social norm in which there is a presumption in favor of expression as opposed to one which begins from the premise that public speech is inherently problematic or “bad” (Grayling, 2009). Yet, developing “literacies of power” in anxiety ridden schooling cultures is not an easy task, especially in those that are, “controlled mostly by a conservative discourse that celebrates a language of management, competition, testing, choice and free enterprise” (Macedo, 2006, p. 137). Free speech, it ought to be remembered, is concerned not simply with individual rights but with the collective interest in the public goods the right procures (Fiss, 1996, p. 2). Arguably, such a benefit is reason enough for schools to take a proactive role in promoting strong speech cultures (Applebaum, 2003; Boler, 2001).

Despite the fact that David was very concerned with the well being of students he was told to avoid the topic of racial difference given its sensitivity. This in some respects can be explored in relation to his statement that, “you really have to watch what you are saying in case it gets back to the wrong person”—in this case he suggests, this would be the school administration. Speech on provocative topics, like race, then, should be, “kept to yourself and to people you trust”. This attitude and this desire to avoid controversy even spills over into the classroom, since, according to David, “we were told to kind of ignore the ethnic origins of the other students and just blend them in”. Rather than addressing the root causes of the racism, the administrative solution is to keep things quiet, and to maintain appearances even if the underlying problems persist. In accordance with the underlying logic of paternalism which we have encountered time and time again, this is also rationalized as being a means of looking out for marginalized students—it is, supposedly, censorship in the service of care.

David's story causes us to question the nature of appropriate authority and its relationship to norms of tolerance and inclusiveness. "The great challenge for the democratically-minded educator," says Friere (1998), "is how to transmit a sense of limit that can be ethically integrated by freedom itself" (p. 96). In this sense, dialogue is one of the ways in which tolerance's rational limits are explored and related to a whole range of cosmopolitan norms (Benhabib, 1990). An idiom of transparency and openness can hide assimilationist pedagogical practices since, "on the one hand, personal values are opened up for inspection, and on the other, pupils and teachers are encouraged to clarify these values in quite circumscribed ways" (McLeod, 2010, p. 34).

Likewise, it is difficult to see how the educational system can promote democratic pluralism if teachers have no right to publicly discuss the prevalence of controversial problems such as racism and the system fails to address such concerns effectively (Lewis, 2007, p. 102). In this sense, tolerance requires a willingness to question the boundary lines of one's own cultural identity and community, what Foucault (2007) has termed, "an ethics of discomfort" (p. 127). Foucault's admonition to trouble our most fundamental preconceptions of self and society can also be coupled with the need to, "move away from an idealized conception of dialogue to a cultural politics of dialogue" (Burbules, 2006, p. 112). For all these reasons, individual rights matter, not only to the individual who holds them but to the public they safeguard (Helfenbein & Shudak, 2009, p. 8). While many theorists focus on the importance of rational reflection, very often informants spoke of the relevance and importance of emotions and personal relationships to free speech. For Deborah, a primary teacher, the reasonableness of a limitation was

very much premised on cultural considerations, although she did express a willingness to place her own interests at risk if necessary to protect the well being of students:

I guess I set my own limits based on what I feel is appropriate for the age group or the subject area that I'm teaching. I'm just not an outspoken person. I'm not saying I'd never get caught saying something I shouldn't but I'm always thinking about what I'm saying before I say it in the classroom....In the staff room you might say something one day and then you go home and think: 'that didn't go over very well'. You'd set your own boundaries [based] on other peoples' [reaction to] what you said....if the other teachers didn't seem to agree with it then you wouldn't bring it up again. You wouldn't say something similar again. I think I would be smart enough [not to] constantly make those comments.

....

I'm passionate about my job and I know this year with one of the students in my class [there were] some significant issues in terms of his educational growth and I was an advocate on his part. I came home and there were nights I would cry worrying about this child because I felt I wasn't being heard. [This was mainly] because the board won't look at developmental issues until they are in grade three. My thoughts are early intervention is key. I remember going to the administration and the guidance counselor [as] an advocate for this child and asking guidance and social services their opinion and saying, 'what can we do'? [At times like that] I have no problem speaking out. If I know there is someone in danger or if there is some severe problem associated with the situation then I don't have any

problems speaking out about it.I was heard and the child was tested and will be put in a special program next year which is great.

Deborah, as a young teacher also appears quite careful due to the way she tailors her own speech in response to the expectations of colleagues, administrators and parents. Her words suggest that it is important to ask ourselves whether publics are entirely spaces for rational discourse or are they “realized” and their effects felt in ways which are often—even primarily perhaps—personal? Rights, then, cordon off spaces of recognition where individuals can encounter others as particularized selves. As Davis (2008), speaking of the relevance of the philosophy of Levinas to democratic education, points out, “it is in the context of our singular responsibility for the Other, which calls our freedom into question, that each of us is asked to notice the specific pain or ‘tears’ of particular others, a pain which societal institutions, by their very demand for generalizing norms and regulations, cannot notice” (p. 259). The reasonableness of any limitation, consequently, must take into consideration the need for strong teachers’ voices in light of the vocation’s often trying conditions.

This disconnect is exacerbated by desire: the desire to have things be otherwise, made manifest in a face-to-face encounter, neither characterized as wholly personal nor professional (Kelly, 1997). To return to Levinas, it is an encounter based on the recognition that, “my freedom and my rights, before manifesting themselves in my opposition to the freedom and rights of the other person, will manifest themselves precisely in the form of responsibility, in human fraternity” (Levinas in Davis, 2008, p. 259). But this experience of “fraternity” is made manifest within the conflicted, ambivalent reality created by modern ideals about rights and individual freedom. As

Friedman (1999) points out, "the legal individual, like the individual of today's popular culture, is not to be confused with the pale economic actor of the 19th century, that humorless, God-fearing, hard-working, eager profit maximizer....[but is] an individual whose 'rationality' so to speak, goes far beyond 19th century 'rationality', and whose needs and demands as expressed in life and law and greater and more complex" (p. 185).

Indeed, these needs and demands are complex because they represent the influence of cultural, linguistic and psychic dimensions. Yet, despite Deborah's inner conflict, we should also remember that real agency results here, which somehow mediates the seemingly contradictory dictates of personal desire and institutional demands. Thus, rather than a simple black and white conception of the relationship of the individual to power, "a primary advantage provided by the move from dominance conceptions of power to discourse theory [is] the opportunity to develop better accounts of the development of agency and identity" (Eichner, 2001, p. 8). While speech was seen as a way of mitigating misunderstandings, at times Deborah felt unable to provide members of the public with a candid account of how to remedy the educational system's most seemingly intractable problems.

Interviewer: Do you think teachers have a voice? Can I put it as simply as that?

Deborah: They do, but [pauses] it's so funny, how many people you've talked to who unless they know a teacher they don't know understand what the whole job entails...I think the public are not educated enough on what teachers do and what their role is. Do teachers have a voice?...They don't appreciate what we do and therefore they don't respect what we have to say sometimes. They don't get a lot of the issues associated with teaching....I have to tell you there are many days

when I came home and I've thought that this isn't the right career path. It's a job that haunts you all the time. You are off all summer but I personally don't enjoy my summer vacation because I'm thinking about it all the time. I'm in [my school] the first week of August trying to get the classroom ready....and I don't think some parents appreciate that. It's a lot of work....

..... I don't know if we're heard as much we think we are. I wish we were heard and people understood but I don't think they ever will get it. That's just the nature of the game. It's going towards parents having more say than teachers have now. What their kids do in school and how they participate. It's unfortunate that the job has come to that and we are not treated as professional and our opinions as professionals aren't valued..... It's frustrating.If my financial situation allowed me to go back to school and do something else I probably would. I don't like the pressure that is put on you by the parents and by society. And school is more structured now but kids need to play and have fun, and school is not fun anymore. There are all these curriculum outcomes. So what if they don't know all the parts of the fish by the time they leave grade 6, who cares? What does that have to do with their social life? It's not what it used to be.

For Deborah there is a great divide between public perception and the day to day reality of schools—a disconnect which she feels sometimes frustrates any educational efforts aimed at ensuring the child's needs are met. Deborah here describes something quite different from “expressive individualism” (Friedman, 1989, p. 1585); instead she exhibits what might be called *troubled agency*: in a system where strategies of power

require unthinking obedience, to act in accordance with conscience is to marginalize oneself, it is to speak, but from the margins. It is to act but, in a way, action becomes a pushing against the grain of culture—to inhabit spaces where the subject is forced to forge new tactics of resistance or to be forced from the system altogether.

As we have seen, this is a space which some teachers visit once only to withdraw into the security and familiarity of ingrained habits of thinking and doing, while others, at the risk of professional ostracization and burn out, return again and again, sometimes forging new headway sometimes failing, but, inexorably, over time, etching out a way of teaching and learning and which has, at its core, a form of *empathetic striving*. Power, presents the subject with a double bind: accept the limited parameters of agency and forgo conflict, or, test them and be troubled, and here, in this aporia, desire both a site of rupture and a means of forging a deeper ethic of care and mindfulness of self.

This is not simply a mental exercise. “The body is not mute, but it is inarticulate; it does not use speech, yet begets it”, says Arthur Frank (2010, p. 31). In many ways Frank’s (2010) evocative description of the body gestures towards a similar space of ambivalence inhabited by the marginal subject, not as a limit but as the source of all opening unto acts of communion and possibility. The subject’s potentiality never fully resides at any one time within the opposing categories of free and censored, rather there is an ebb and flow of possibility and the prospect of forging a troubled agency amidst the vicissitudes of educational life (Kelly & Yeoman, 2010). Thus, “while there will always be some slippage produced by the inherent instability of language, the extent of that slippage cannot be determined in the abstract apart from actual social practice” (Eichner, 2001, p. 8).

Free speech and agency here take on very nuanced and sometimes troubling meanings (Butler, 1997b; Kincheloe, 1980). Unfortunately, this seems very far removed from the type of policy informing role which free speech is intended to play, one whereby: “[p]ublic deliberation may reveal the truth or falsity of factual claims about the state of the world or about the likely effects of policy proposals” (Sunstein, 1995, p. 435). In many ways the bureaucratization of conflict, has led to a segmentation of society into role-players and experts that has impoverished opportunities for learning about the law and for clarifying central social values (Christie, 1977, p. 8).

Deborah embodies a different type of responsibility: responsibility to her student in a manner emblematic of a deep service ethic. Interestingly, her transgressive insistence is precisely what makes the system work in the child’s best interests, since she does get the student the much needed help she believes he needs. Thus, a more involved public discussion on the state of the public school system might improve, teacher morale and public schools’ effectiveness. Not only that but it is also likely that it would result in more “public regarding” bureaucracies (Sunstein, 1995, p. 436). Freedom of speech is meaningless without attentive, informed and critical—but also, it seems, *personalized* publics.

Neither symptoms of some underlying malaise nor examples of “ideal types” (Frank, 2010), these teachers’ reluctance to exercise the most fundamental of democratic rights, we should remember, is also a form of enacted or “null” curriculum. The disparity between the formal curriculum and the reality of censorship within schools seems not only disconcerting, but, given the ostensible emphasis on the importance of collaborative forms of decision-making, cruelly ironic. In general, we have seen that many of the

teachers felt that criticism, however constructive, is not welcomed within the public school system. They were reluctant to discuss educational issues publicly and would only do so if there was a potential crisis pending which might have serious consequences for students, or for their own health and well being. To put it rather starkly, the pragmatic realities of schooling, in this place and time, reward silence or passive acquiescence rather than impassioned, critical, speech.

6.7. Conclusion: Reasonable Limitations – Weighing Values

Very often speech and its limitations are related to the type of teacher one believes one should be, as we see from the accounts of teachers like Mark who spoke about the importance of checks and balances, as well as the need to be a responsible professional who is, “there for the students”. “We should not”, says Foucault (2007) “understand the exercise of power as pure violence or strict coercion” (p. 155). Rather, Foucault (2007) maintains, “power consists in complex relations: these relations involve a set of rational techniques, and the efficiency of those techniques is due to a subtle integration of coercion-technologies and self technologies” (p. 155). In liberal discourse, because rights are part of the personae of the citizen, the idea of a reasonable limitation is one such form of “self-technology” which tells us what we can and should expect from power. In this respect, we are reminded perhaps of Jane who began to explore the meaning of free speech by considering her own educational philosophy that emphasized the importance of having students make up their own minds about contentious issues. This looking at oneself, as a subject of rights within a community of citizens which the reasonable limitation requires as a juridical practice, then, is one of those, “techniques directed

toward the discovery and the formulation of the truth concerning oneself" (Foucault, 2007, p. 155). It becomes, as such, a form of secular confession or self-examination, which is at once public and very personal (Foucault, 2007, p. 157).

Very often what is reasonable speech is contingent upon the types of duties one sees oneself as owing one's colleagues, as we see from Sean who emphasized the importance of articulating one's views in a respectful manner, or David, who spoke about the possibility of harming others. Even apart from this, it is important to note that legal reasoning is analogical (Weinrib, 2005), a process which is messy, subjective and far from the dispassionate deductive analysis which supposedly operates across cultural contexts. This is significant for our present purposes since, "the dismissal of context and process is often an insidious and effective way of hiding the influence of dominant power and maintaining the status quo" (Kincheloe, 2008, p. 8). In this case, the conceptual notion of the reasonable limitation requires exercising judgments on the scope of rights and duties, and the respective utility of probable outcomes. Often the term is used to denote the outcome of self-interested struggles over what information becomes public, how it does so and in what form, as well as struggles over what values and norms matter in discussing professional obligations (Applebaum, 2003; Boler, 2001; Petrovic, 2003). While democratic principles would seem to suggest that the negotiation of such issues requires dialogue, teachers describe an educational system which resists discursive deliberation, at times making professionalism a conduit for the dissemination of disciplinary identities and norms—albeit ones which teachers continue to contest, and, sometimes, to reject (Shor, 2006).

In this space teachers come to ask themselves how democratic ideals can be reconciled with a professional service ethic and a disciplinary regime of administrative power which minimizes the public and personal aspects of teachers' identities. Being chastised like a child by an administrator (Amanda) or being told not to cause controversy around racial issues (David) does nothing to cultivate an inner sense of either the importance of dialogue or the principled boundaries of speech. This is contradictory because schools are meant to serve the public, and they are charged with the important task of socializing future citizens—citizens who often use teachers as role models by examining not only the principles they espouse, but, also, the ones they live by (Dewey, 2005).

The truth of service and obedience—to the schooling system as it presently exists, and as a neoliberal idea—is a disciplinary principle used by power. Development plans, mission statements, retreats, workshops and professional development are practices used to inculcate such ideals as are the more subtle ways of showing approval or disapproval through more informal interactions between teachers and administrators. “Power constantly asks questions and questions us; it constantly investigates and records; it institutionalizes the search for the truth, professionalizes it, and rewards it” (Foucault, 2003, p. 25). Such questions become a way of inscribing the “reasonable” expectations of subjects within the system—they become normalizing. The teachers appeared to identify strongly with their professional roles since they often articulated a conceptualization of free speech closely related to themes of responsibility which were frequently used to limit the scope of teacher expression. For most, the source of these limitations included professional standards of propriety and confidentiality; the teacher's position as a role

model; the teacher's obligations toward his or her students (including the need to protect students and further their best interests); and, the importance of community and collegiality.

Yet, several teachers also pointed out that reasonable limitations on speech sometimes conflicted with a deep rooted professional service ethic. Here I would include Deborah who was nervous about speaking in public forums or upsetting administrators but who became a vocal advocate for a student she felt was not receiving appropriate supports. Likewise, we remember Mark who argued for the importance of internal checks and balances, but also underscored the importance of creating an educational system in which the beliefs and opinions of teachers received due consideration. More generally, this internal conflict involved circumstances where obligations to their employer to refrain from disobeying orders to keep information confidential kept teachers from taking actions to change harmful systemic practices; their professional duties conflicted with their ability to act as advocates for their own children; or their duty to protect their professional autonomy and judgment from being eroded by an administrative system which left little leeway for individual discretion or the expression of teacher's informed opinions.

For educators with a high service ethic like Deborah and Mark, professional responsibility included as a central duty the need to put students and their interests first. Teachers felt that the educational system at time embodied a fundamental contradiction since it appeared to value minimizing controversy and the ensuing negative publicity over the interests of students. Silence was seen as pragmatic and prudent given an employees' duty of loyalty but conflicted with a deeper sense of professionalism which emphasized

the importance of caring for students. Thus, a reasonableness standard can imply different obligations depending on the way in which the role of the teacher is defined and what professional or work related values are emphasized.

Yet, outside of any official or professional competencies, we must also consider the possibility that teachers' ability to tailor speech to context, at times, reflects a type of "subjugated knowledge" (Foucault in Sharpe, 2010, p. 43) and the ways public speech is perhaps emergent out of what Aronowitz has termed a, "politics of marginality" (Aronowitz in Sharpe, 2010, p. 43). While teachers professed to know very little about the nature of free speech, educators (i.e. Mark & Deborah) were very aware of the types of speech which would be likely frowned upon in their workplace. Learning the nature of this speech was a subtle and sometimes speculative process, that the teachers saw as integral to avoiding unnecessary conflict and to their professional advancement.

Thus, for Sean who advocated, "giving your reasons in a responsible way" or Mark who emphasized the importance of, "being there for the kids", exploring professional duties meant considering the role of teachers in promoting a basic right to be heard—to have one's deepest concerns and values considered. This right to have a say in decisions fundamental to one's identity, and which were crucial to the community in which one worked, was also seen as "reasonable" given teachers intimate knowledge of the schooling system. Indeed, this deeper sense of a right to having a voice as a relational communal right, or a part of being a respected member of society was strong. Experiences of censorship forced teachers to explore this identity question in ways which were sometimes affirmative of their own importance as professionals and citizens whose opinions are worthy of consideration. It also reflected the fact that teachers conceived of

the educational system primarily in terms of human relationships rather than substantive knowledge or systemic outcomes. Eliding the threat of censorship, then, was a means of maintaining the priority of human relationships and voice over a kind of instrumental rationality and a bureaucratic knowledge which sought to minimize the scope for individual discretion and particularity within the educational system. As we have seen, this is often not an easy task.

Chapter 7: Conclusions &- Implications, Leaving it All At the Schoolhouse Gates?

7.1. Summary & Overview

In this concluding chapter study findings are examined and their implications discussed. Limitations of the study are assessed as we explore the complexity and seriousness of speech related educational issues as a, "reminder to school leaders at every level that continuing legal education and substantive conversations around diversity and civil liberties are fundamentally important and necessary to sustaining an effective government" (Torres, Collier and Tolson, 2010, p. 27). In light of the urgency of such issues, recommendations are also made to facilitate and encourage teacher speech within the public school system. Possibilities for further research are also explored, given the conceptual and empirical gaps identified in the current study. Finally, the study's implications are considered in relation to democratic education and the need to create more effective, pragmatic articulations of critical theories of teaching and learning.

7.2. Introduction: Lessons Learned?

As Gibson and McKay (2005) remind us, "educating for citizenship is becoming increasingly more important worldwide in light of mounting consumerism, global interest in the possibilities for democracy, and unprecedented political apathy" (p. 167). Although from a positivist perspective (Hart, 1961), free expression might be simply seen as that form of speech which exists outside of the realm of state interference, the opportunities, forums and occasions for the exercise of speech are all influenced by culture, law, and majoritarian norms. Since law is a creation of language and culture,

recognition and interpretation play vital roles in legal rights discourses. Rather than seeking to construct an unassailable or representative definition, my aim is to map as best as possible, and with an appreciation for the dynamic, tentative, and hypothetical nature of human knowledge, the prohibitions and permissions, the cultural practices and the contextual factors that condition the cultural norm of free speech. In light of such considerations, from the present study I draw the following conclusions about the teachers and their attitudes toward free speech:

1) There was much uncertainty among the teachers as to what the legal right of free speech entails and what its "reasonable limitations" are. The teachers were often unsure whether they possessed a right, and whether it entailed the ability to discuss specific educational issues in public, particularly with regard to local school or school board policies. The teachers were also reluctant to criticize the government or government officials regarding educational issues. This uncertainty contributes to both a chill on public speech and a removal of rights talk from educational circles;

2) The teachers were reluctant to invoke their right to freedom of speech. Even when the teachers believed they had a right to free expression, the right was narrowly defined and was often seen as being practically limited by potential political or employment related repercussions. This reticence is significant and detracts from teachers' ability to bring pressing or developing systemic issues to public attention, thereby permitting the more insular and secretive aspects of bureaucracy to dominate the educational system;

3) There was little desire to speak on politically charged or controversial issues, even where such speech can shed light on serious, endemic, educational problems.

The teachers were wary of “rocking the boat” by bringing media attention to bear on issues that cast school, school board or government officials in a negative light. This was particularly problematic given that the teachers also felt they could provide valuable insight to public discussion by virtue of their hands on knowledge of the educational system.

4) Despite a general reluctance to exercise public speech, many of the teachers stated that they would be able to overcome their apprehension about speaking publicly where they felt that an educational problem risked causing significant harm to the interests of students and public pressure was thought likely to have an ameliorative effect. This was particularly the case where student health was at issue, there was a threat to student safety, or there was a longstanding and deep-rooted curricular, resource related or instructional issue which was a significant detriment to the education of children.

5) Many participants did not see the democratic function of schools as a central educational aim, a perspective which contributes to an educational culture that is not conducive to free speech. The teachers saw schools as having important academic, and even socializing, functions, but rarely emphasized the school’s role as a space for educating future citizens. Thus, democratic education was seen by many of the teachers as a secondary or subsidiary aim of schooling.

Teachers in the present study were generally aware of the practical exigencies which came along with the exercise of rights in an organizational setting. Rights were seen within a complex network of personal relationships, school politics and the particular

idiosyncrasies of a given school culture. As such, rights presented a window of opportunities for political maneuvering as they framed a range of possible responses to power. Rights as a measure of last resort did strengthen the political stance of teachers, although many teachers appeared to believe that much democratic educational rhetoric was out of touch with the practical power politics which existed within particular schools. As Pauline put it, "there is the idea that you need to follow neatly in a row, like you are a little soldier in a unit", or, as Toni said, "you never really see a teacher coming down on their own school. They just don't want to bite the hand that feeds them."

Unfortunately, belief in a limited right removes teachers from the public sphere, and, thereby skews dialogue about public education by prohibiting the uptake of information regarding the practical realities of schools. It also undermines democratic discourse (Kincheloe, 1980) and reflects a Western culture where, "[w]hat remains of democracy is to be construed as the right to choose among commodities" (Chomsky & Otero, 2003, p. 332). For democracy to function effectively, publics must also be sites of re-imagining and learning to build the social forms necessary to meet present day needs and aspirations (Simon, 2005, p. 6). As Simon (2005) puts it, "the substance of the 'public sphere' is not to be limited to a discussion of institutions, sites and spaces, but must include an inquiry into what situated practices will support listening, learning, conversation, and debate capable of reassessing the political, cultural, and moral dimensions of the organization of social life" (p. 7).

In many ways, we are past the seduction of rights, since few of us believe in the, "institution of promising" or its legal formulations, simply in the reenactment of "violation" of the state's untrustworthiness, and, even, at times its perfidy (Felman,

2002). It should come as no surprise that teachers find that their words are not their own—a reality where it gradually becomes clear that “those with the most power buy the most speech, and that the marketplace rewards the powerful, whose views then become established as truth” (MacKinnon, 1993, p. 102). This is an issue—given the importance of education in reducing social inequity, ignorance and bias—that is fundamentally about social justice, since if we cannot talk about how schools are failing they are not likely to make substantial strides towards remedying discrimination, poverty, violence and hatred. It is not, consequently, an issue about speech or injustice in the abstract but about identifying and ameliorating specific wrongs which can be righted (Sen, 2009).

What is striking about the notions of speech and freedom studied here is the lack of an appreciation for rights and democratic participation which is not abstract, or, set in some formal legal setting (Butler, 1990, 1997; Deleuze, 2001). Simply put, the teachers did not see a knowledge of liberty and rights as part and parcel of what an active, well rounded, education. Rather than a conception of speech grounded in performance and immanence, teachers and students are left with image, consumption and deferral—“the society of the spectacle”—a culture where, “what pushes for greater rationality is also what nourishes the irrationality of hierarchical exploitation and repression” (Debord, 1994, p. 46). Free speech is left to be a historical curiosity, the rarefied domain of scholars or lawyers, not students or the dedicated teacher trying to engage students in political involvement and activism—little more than simply another unnoticed casualty in the ongoing, “bureaucratizing of the mind” (Freire, 1998, p. 102).

7.3. Study Limitations

As a qualitative, grounded theory study, my research does not allow us to make generalizations which apply to the Province's teachers as a whole. It does not use random sampling and is primarily concerned with how teachers understood the notion of free speech. This study is an exploratory study, meaning that its results are neither conclusive nor definitive. It simply aims to provide some insight into the thoughts and views of a small sample of teachers in the Newfoundland schooling system at a given point in time. In addition, as a qualitative study, despite its usefulness in providing rich description and identifying important research themes, the emphasis is placed upon teacher understanding, meaning that it is of limited utility in identifying causal factors or statistical relationships (Creswell, 2008, p. 52). It is to be read in the broader context of other critical studies which collectively acknowledge a firm commitment to the importance of democratic values and critical theories of teaching and learning.

Unfortunately, the need to maintain confidentiality also imposed challenges. At times, details were altered to protect informants. This also meant that informant's background foregrounding narratives sometimes had to be omitted. Indeed some stories could not be told, and at times informants related stories simply to withdraw them for fear of undermining anonymity. For these reasons it is difficult to know the full extent to which self-censorship ultimately conditioned participants' testimony and thereby served as another influence upon the study findings. The small size of the province and the teaching community exacerbated many of these challenges.

7.4. Teacher Uncertainty over Rights

Somewhat surprisingly, perhaps, teachers had very little idea of when and where they could exercise their freedom of speech and appeared to be operating from the assumption that they had only a very limited right within the schooling context. Teachers began with the assumption that speech in the workplace is a privilege, rather than with the notion that they held a right and that their employer must demonstrate compelling reasons for its denial. They saw free speech as being associated with unnecessary conflict or potentially insubordinate behaviour. This goes far beyond the idea of a reasonable limitation and suggests a state of affairs where (at least for these teachers) the limitation has become the regulating norm. Evidence of its existence is suggestive of a pervasive shift in the way teachers view schools—a shift which, because it is cultural and embedded in deeply personal ways of thinking and doing, will likely require a concerted effort to change. As Eisner (2005) once remarked, “one thing is clear: it is much easier to change educational policy than to change the ways in which schools function” (p. 136). Unfortunately, this seems to be the very task facing teacher educators.

As Foucault (2007) has said, “we have to move beyond the outside-inside alternative, we have to be at the frontiers... [since] [c]riticism indeed consists of analyzing and reflecting upon limits” (p. 113). In this case the limitations were both practical and conceptual. Many teachers could not differentiate between cultural and legal conceptions of free speech. Few made explicit references to the constitution, or even to the idea of an underlying, fundamental set of rights which took precedence over other laws and obligations. Teachers did not relate the public aspect of their employment to its democratic role; nor, did they have any notion that their employment involved a unique

or special state relationship. Few mentioned the right in relation to their teaching or to the curriculum in general; rather speech was predominantly seen as a workplace issue, related to employment conditions and the collective bargaining context.

The perceptions of the teachers and their discussions of relationships with administrators reflected an inability to conceptualize education as a broader public, endeavor. Here free speech arose in relation to issues such as health and workplace safety, school consolidations and amalgamations, curricular changes, lack of resources and issues of a controversial nature, especially those which involved the questioning of deep rooted community values. Many teachers were uncertain as to whether they possessed a legal right to speak publicly about education, whether they could talk about their school, and community apart from relaying the most innocuous logistical information. They did not feel they had a right to publicly criticize government, reform initiatives, educational policies, specific aspects of the curriculum, exceptionalities, or issues related to school closures and amalgamations.

Sadly, the participants were most likely to refrain from speaking on issues in the public domain, a space where their voices are most needed to provide a practitioners' perspective. In such ways, the justifications for silence that were cast as reasonable: insubordination, the avoidance of controversy, short term political goals, expedience in policy implementation and the placation of parents and communities, often appeared to conflict with students' best interests. Rather than being coincidental this may reflect the ways in which law takes up the tensions and conflicts inherent within the broader stratagems of institutional power. As de Certeau (1988) has said: "like law (one of its models), culture articulates conflicts and alternatively legitimizes, displaces, or controls

the superior force. It develops an atmosphere of tensions, and often of violence, for which it provides symbolic balances, contracts of compatibility and compromises, all more or less temporary" (p. xvii). For this reason, de Certeau (1988) claims, "the tactics of consumption, the ingenious ways in which the weak make use of the strong, thus lend a political dimension to everyday practices" (p. xvii).

Does an absence of such tactics suggest a defeatism rooted deep within teaching cultures? While difficult to assess, it is undoubtedly true that teacher uncertainty over rights or a lack of legal knowledge undermines the law's effectiveness and the policy interests rights are intended to protect (Torres, Collier & Tolson, 2010). The citizenry's knowledge of laws and their belief in their legitimacy, influence the likelihood of their compliance, and thus, the tenability of legal norms (Habermas, 1998, p. 30). Even beyond that, as Schollmeier (2006) put it, "the citizens thus have their several functions to fulfill. But their functions in turn determine what virtues they ought to have" (p. 257). The current study findings underscore the fact that, "teachers...cited alienation, feelings of distrust and lack of understanding, and lack of respect and personal connection to others as fundamental flaws in contemporary schooling" (Baker, Terry, Bridger & Winsor, 1997, p. 1997). Rhonda, for example, a mid career teacher in a rural area when asked whether parents understood the current state of the educational system replied: "no but it's not their fault...Parents don't know unless teachers tell them or unless it's in the media".

Though speech was often thought of in terms of its content, the latter is most significant when placed in a definite social context. With this in mind, it is important to note that reasonable limitations on speech are, in fact, part and parcel of a norm-based

social practice which allows us to make predictions about the probable behavior of others. In the absence of forthright critical communication, individuals are left to draw conclusions based on their knowledge of contextualizing factors, including inaccurate information and employer demands. Teachers in Newfoundland are socialized in a system wherein speech is tightly policed and employee obligations are prioritized over individual rights, and they are taught that speech should not be used to precipitate public conflict. As MacKinnon (2001) argues, "a rich and democratic education....must be lived as well as taught. An initiative that is likely to diminish teacher professional judgment and narrow the range of educational possibilities within schools, and that 'students' needs' without engaging them in their identification, is not, at its core, democratic" (MacKinnon, 2001, pp. 117, 118).

The silence over rights in the educational system is a reflection of the degree to which teachers have been denied the status of independent thinking professionals (Apple 1978, 2003, 2004, 2007). That is, in many ways they have become curricular technicians rather than free, creative thinkers who inspire their students (Apple, 2004, 2007; Giroux 1988, 2004, 2005, 2006). As Lane (1995) emphasizes, "free speech reflects substantial distrust of government authority, but public education rests upon a broad grant of state power to control and direct the intellectual and moral development of the nation's youth" (p. 59). Unfortunately, casting teachers as dependent, docile and obedient educational workers contributes to a deeper silence which runs through contemporary western democracy (Putnam, 2000). It is both a cause and a symptom of political disillusionment and disenfranchisement, an educational problem which is both fundamental and disturbing.

7.5. Teachers' Reluctance to Exercise or to Invoke their Legal Rights

Not one of the teachers interviewed said that they had relied on a legal right to free expression in a dispute with administrative authorities or that they had otherwise invoked the right within a professional setting. Rights were part of the institutional and legal background of teaching and learning, a reality to which teachers seldom turned their minds. Public occurrences of censorship such as the Avalon East incident did cause teachers to consider the role of free speech in their teaching practice, since many teachers saw that incident leading to a general chilling effect on public speech which raised more questions than answers.

The teachers surveyed articulated a general reluctance to exercise their freedom of speech, particularly in politicized contexts; even where they endorsed the importance of rights, they voiced an overarching concern with speaking out on issues that were politically charged; cast school board or government officials in poor light; or, reflected criticism of specific policies or individuals. Participants emphasized the fact that even where they felt they had a legal right it may often not be politically expedient to exercise it since it may place them at risk of work-related reprisals. Such findings highlight the need for a, "construction of citizenship that suggests a new narrative about civil life, one based on articulation and a community of political agents" (Silbergleid, 1997, p. 171).

Ironically, teachers seemed primarily preoccupied with learning what they couldn't say: an informal process based on modeling of other senior teachers and which often involved picking up on subtle verbal and behavioral cues or "codes". Thus while the structures of institutional power and curriculum were manifested through crises occurring at the local level, they were not fundamentally participatory, nor did they provide a sense

of the importance of glocalized pedagogies, schools and communities (Kelly, 2009). Nowhere was there any provision for confronting the myriad ways in which the global and the local create new, dynamic communal spaces where human culture, rights and ecology can co-exist (Albrecht, 2006). This, then, is education as estrangement: rather than a negotiation of identities and meaning whereby the curriculum becomes taken up by the people of a given place, the teachers in the present study describe a form of schooling where individuals are depersonalized and disempowered through a loss of voice.

Instead, the teachers described a process whereby silence systematically colonized institutional space through alienation and fear. Such a schooling system produces identities which are "notoriously restless and obviously placeless, an object of reform and at the same time responsible for their own reformation in the contexts of modern institutions and power/knowledge, unlike their opposite...[subjects] whose identity is fixed to place, habit, custom and tradition" (Corbett, 2007, p. 255). This parsing of space was an important part of the delocalization of curriculum, whereby official power inhabited a hybridization of personal, inter-personal and public modalities, including: formal (professional) spaces such as, an administrator's office, the guidance counselor's office or the board or district office; quasi-formal (social) spaces such as the staffroom where the degree of openness depended on the absence or presence of an administrator, a parent, and the degree of collegiality at the staff, as well as the sensitivity of the issue being discussed; and, informal-hybrid (social) spaces such as lunchrooms or gymnasiums.

Spaces where students were present posed different concerns: the teachers were relatively comfortable in their own classrooms or homerooms, in corridors, and more formal and restrained when in mixed company of students and parents. Out of school speech was generally the most open, though even here teachers were often guarded in their remarks, particularly in smaller or tightly knit community settings where comments could “get back” to their superiors. The teachers’ fear of authority often meant they were left without either civic or personal space, a far cry from the pluralistic ideal, “[in which] persons cease to be other, opaque, not understood, and instead become mutually sympathetic, understanding one another as they understand themselves, fused” (Edwards, 2006, p. 24).

Seeing civic participation solely as a form of potential sanction meant that teachers became increasingly guarded and withdrawn, modeling themselves as obedient, dutiful professionals. In this regard many teachers did not speak out for fear of being blacklisted or labeled as “troublemakers”. Untenured teachers, for example, feared that they simply would not be hired back if they were perceived as outspoken or rights conscious; while tenured teachers feared work related repercussions such as becoming victims of undesirable scheduling, or supervision schedules, receiving little administrative support or even being undermined in disputes with parents or school board officials, and simply being denied resources. The teachers also recounted stories of retaliation suffered by outspoken teachers in what might be described as a kind of fear lore of speech (Schwarz, 1995).

All of these findings reflect a significant gap between legal rights and everyday practice (Wollman-Bonilla, 1998). As one teacher (Toni) described it: “I don’t like

controversy.I always need to feel comfortable with the people I work with...I think when you look really deeply into censorship among teachers, I think it's not just fear of the school board, but it's also just wanting to have a friendly day everyday". As this teacher suggests, instead of supporting the narrow exchange of speech and ideas within closed professional forums, the right must be construed broadly if speech is to be used to form active communal publics (Fraser, 1997). As Silbergleid (1997) points out, prevalent conceptions of citizenship has led to a conception of rights which is proprietary rather than participatory.

In many ways a deficit model of speech commits many of the same errors which contemporary reform models as they foreclose any consideration of how, "we may be narrowing our vision of school reform by focusing on risk behaviours rather than on the deeper social fabric that knits teachers and students together at school" (Baker, Terry, Bridger & Winsor, 1997, p. 587). There are distinct difficulties, then, inherent in guiding purposive action on the basis of incomplete understandings of the dictates of legal rules or norms. The fact that much social action is guided by such conceptions suggests, not only the importance of dialogue, but also the need to inform teachers of the complexities of legal rights. It also underscores the importance of the margins of educational life as a space of possibility and transformation, where we see the beginnings of the struggle for speech. In de Certeau's (1997) words: "as in 'blurred' photographs, a margin appears on the borders of frames and institutions. It is the site of a doubt that withdraws what is represented from its representation and that opens the space of a pullback" (p. 27).

7.6. Teacher Professionalism & Democratic Ideals

The model professional for many of the participants was a teacher who was a diligent, competent educational knowledge worker, motivated by a service ethic and respected by parents, administrators and community members. Sadly, the testimony of those interviewed suggests the price of teaching, in some instances, was a loss of self as educators negotiated an increasingly authoritarian system which was deaf to their fears and insecurities. At the school level this disillusionment often found expression in the privileging of the formal institutional model of schooling over more community and neighborhood based conceptions (Baker, Terry, Bridger & Winsor, 1997, p. 588) as education becomes simply another pointless exercise in "alienated consumption" (Debord, 2006, p. 29). The teacher conception of rights experienced here was far from an ideal where rights are spaces within which identities can shape themselves and develop the local or psychic dimensions of culture (Butler, 1997b; Silbergleid, 1997; Moghaddam, 2000). Teachers also emphasized the importance of interpersonal relationships with students and the need to create working community relationships. Rights were mentioned, therefore, as a means to the end of the greater autonomy teachers believed necessary to achieve such goals.

Yet, in many ways the teachers appeared aware of the types of compromises they were making to ensure their job security or to avoid conflict with their superiors. Few teachers said that they saw democratic rights or principles as being worth provoking conflict; rather, rights were seen as instrumental to securing other aims, such as better working conditions, or, at times, dealing with deeply entrenched educational problems. The teachers, then, occupied complex spaces somewhere between genuine agency and

knowing complicity. Often they embodied a service ethic tinged with a cynicism about the system in which they worked to accomplish such service related ideals. Daniel, the teacher who was confronted by an elected representative, sums up the tension nicely:

At the end of the day you are weighing off: on this hand my job is to look out for those kids, and, in theory, that's what I'm told every day. Now on the other hand I've really got to watch what I'm saying because these guys are going to punish me for saying that, because really my job is to go along with what they're saying. It becomes a double-edged sword. You want to do what's right for the kids. But you have to make sure you are in line, and, lots of times, toeing the rope. And, as you become more experienced that becomes more difficult. I guess as you become more experienced you see what is right and you see what is wrong and you become more moral in your position.

....It is a very difficult decision to make sometimes. Do I want to be treated like an outsider, by the board, or my administrator, or my colleagues, or do I want to do what I want to be doing—what I should be doing—and look out for those kids?

Daniel reminds us, like Pauline in Chapter 4, that censorship is much more far reaching and deeper than simply being told not to say something. It is, in her words related to an "internal guide" associated with a whole range of institutional interests. Notably, teachers also voiced the view that deep decision-making power rested within a powerful educational bureaucracy which rarely sought, or reflected on, feedback provided by classroom teachers. More often than not, they believed that decisions were

made to minimize costs, to avoid public controversy, maintain or raise standardized test scores, and, when possible, to score political points with the public.

With regard to the latter, teachers were aware that education was a politically charged issue which often received sensationalist media coverage. Many recognized media attention as meaning that they had to be careful about making statements which could fuel controversy, bringing political pressure to bear on their school. However, they also could use political pressure by leaking information or by cultivating support amongst community members to direct public attention to longstanding educational issues. Such tactics of resistance, though difficult to map and often embryonic in form, illustrate the need to develop a more thorough vocabulary of resistance (de Certeau, 1988) as well as shared professional spaces where teachers feel free to talk and plan strategies for reclaiming teacher rights.

While the teachers acknowledged their position as role models they did not associate this with a need to promote democratic values or activism. It was true, however, that the teachers did emphasize the importance of belonging to a community and this could be said to emphasize a sort of civic mindedness—albeit one which was not centered on the formal political structures of states or liberal rights. It would seem, then, that the conduct of teachers belies the comments of the American Supreme Court Justices in *Tinker v. Des Moines Independent Community School District* when they affirmed that “it can hardly be argued that either teachers or students shed their constitutional rights to freedom of expression at the schoolhouse gates” (Dupre 2009, p. 204). It also sends a troubling signal to students since, “tacit acceptance of a system of taboos...sends a powerful message as well, one burdened with silence” (Evans, Avery and Pederson, 2000, p. 302).

At present, too many of the surveyed teachers saw democracy as being simply an informational component of the curriculum rather than an active set of values, skills and dispositions. This denial of fundamental freedoms within public education tends to, “strangle the free mind at its source and teach youth to discount important principles of government as mere platitude” (Dewey in Evans, Avery and Pederson, 2000, p. 302).

Speech, then, has value as a form of human social activity and an instrument of democratic culture and rights (Torres, Collier & Tolson, 2010). Indeed, in addition to its importance in relation to democratic culture, teacher talk is also a way of coping and formulating practical survival strategies. Sharing stories of loss, humiliation and trauma are important ways of healing and making sense out of loss (Sugiman, 2009). The foreclosure of narrative coupled with the arbitrariness of administrative power becomes a force which compounds the inherent uncertainty of the limits of speech. Making speech a wound precipitates an erosion of solidarity subjecting them to what one scholar refers to as, “the colonizationby an ideology of instrumentalism and of corporate values of efficiency” (Dudley—Marling in MacKinnon, 2001, p. 134). The result is that as Bauman (2000) put it in describing modern life, “the present day uncertainty is a powerful individualizing force. It divides instead of uniting, and since there is no telling who will wake up the next day in what division, the idea of ‘common interests’ grows ever more nebulous and loses all pragmatic value” (p. 148).

In a sense, censorship transformed bearing testimony into a brute vernacular of power or the fear lore of a cynical, opportunistic, educational culture. As a result, much of the present discussion of speech becomes part of reimagining the social forms (Simon, 1992) through which teachers’ stories are preserved and shared. Overcoming this

fundamental alienation requires us to reconceptualize this oppressive notion of accountability in order to, “open up the possibility of learning anew how to live in the present with each other, not only by raising the question of to what and to whom I must be accountable, but also by considering what attention, learning and actions such accountability requires” (Simon, 2005, p. 4). It is to see rights as a form of conviviality (Illich 1970, 1978; Yeoman, 2008) and a way of making democracy a part of everyday living. Pitted against such a politics of containment, free speech becomes a practice of social action which makes room for imagining and remembering, creating a rupture with the authoritarian past and the possibility of new beginning within ongoing interactive “public time” (Simon, 2005, p. 8).

7.7. Speech & the Service Ideal

This study raises concerns about whether the educational bureaucracy, by systematically silencing teachers, undermines their ability to inform the public of the educational systems most significant failings. Many teachers felt that accountability rhetoric, primarily led to the intensification of their work and a lessening of their professional discretion (Helfenbein & Shudak, 2009). As some scholars have recognized, educators felt that a one size fits all curriculum and an increased emphasis on standardized testing was leading to a detached, impersonal and inefficacious educational system (Corbett, 2008; Cullingford, 1986; Egan, 1999; MacKinnon, 2001; MacDonald and Shirley, 2009; Nielsen, 1999). Adapting a centralized curriculum to local interests required using dialogue to bring student and community concerns into the classroom as

well as having teachers voice their criticisms of curriculum when the needs of students were not being met.

Most of the teachers appeared to care deeply for their students and asserted they would be willing to press the limits of permissible speech if they believed that the educational system was not serving the best interests of students. Indeed, according to participants the more serious the issue, the more likely that a teacher would speak out. While this primarily involved internal channels, many of the teachers did articulate a willingness to try and use more public forums if internal forums were found to be ineffective. Among the most serious concerns were those related to the health and safety of children: problems with mold contamination, lack of safety with regards to travel or bussing and deep problems with the curriculum. School consolidations or amalgamations, especially in smaller, often rural, communities were also seen as material. Even when teachers remained silent on such issues they would often try other ways to resolve the problem, which, when unsuccessful, tended to result in deep internal conflict for the teachers involved, and, as Younghusband (2005) has noted, considerable stress.

Teachers saw the issue of speech as being connected closely with professional ethics since they viewed speech as an important part of being able to communicate problems and ideals effectively with administrators, community stakeholders and parents. Speech was also an important means of maintaining professional autonomy and solidarity which teachers sometimes saw as integral to acting in the best interests of students when administrators or board officials neglected to adequately consider classroom realities. This perception that it was necessary to put the needs of students first also meant that at times teachers felt obligated to defend a degree of autonomy required to meet the unique

needs of particular students, schools and communities. Primarily, this took the form of the ability to relate their practical knowledge of specific educational failings to those who could help improve the system. Pauline, a primary elementary teacher with over a decade of teaching experience described the issue this way:

Pauline: What is it we are supposed to do if we disagree with something? Or if we don't like the way something is happening? I know, of course, you should go through your hierarchy of power—I suppose. Speak to your administrator who then speaks to the board who then speaks to someone at the departmental level. But that just never seems to work. A single voice to an administrator to a board representative. If we are not allowed to speak in an open forum, well what is that saying? Teachers, oh sorry, you don't get to have that freedom of speech aspect. That's just for the general public and not for the profession of teachers.' So I don't know. I'm not quite sure. The whole area of subordination and where those guidelines are and where that fine line is. I'm not quite sure.

For Oldenquist, "a society is a moral community" (Oldenquist in Lane 1995, p. 61). This, of course, begs the question: what kind of community? In many ways, moral issues require us to consider how social obligations impact upon our ability to imagine and create, communities of freedom, social justice and equity. We find this moral or ethical dimension reflected in the attitude and practice of care (Baker, Terry, Bridger & Winsor, 1997; Noddings, 1992)—a regard for the well being and needs of others, and, in particular, of the voiceless (Spivak, 1988; 1996). Care becomes an example of how, "a moral principle can define what functions we ought to fulfill, and...requires us to develop

our moral habits in a unified way" (Schollmeier, 2006, p. 260). We are reminded here perhaps of Sean, a retired teacher who did not feel censored during his career but who said that "there's a high degree of responsibility. If you are part of the system you can speak, yes, but make sure that what you are saying is reasonable." Such individual perceptions inform everyday speech, since teachers conceptualize their role through their personal practice theories about schools by incorporating substantive knowledge and lessons learned from their cumulative experience.

Teachers saw an ethical obligation to care for students as being at the heart of the notion of teacher professionalism, a duty which in many cases was augmented by personal relationships as well as a sense of belonging to a particular school, neighborhood and/or community. The principle of care was often supplemented by an emotional investment in particular schools and students. As Engster (2001), notes in describing the liberal care-based ethics of Mary Wollstonecraft: "reason and knowledge provide human beings with the capacity to understand and control their social world and, more specifically, to comprehend their duties toward others" (Engster, 2001, p. 583). For Wollstonecraft, Engster (2001) argues, "virtue consists of the self-conscious fulfillment of these duties" (Engster, 2001, p. 583). This "care of the self", was a process whereby a reflective attentiveness leads to knowledge and the formation of the ethical subject as part of the, "continual process of emerging in ethical action" (Kerr, 2001, p. 229).

The issue of speech draws upon professional ethics and the extent to which ethics, rather than being a guide to principled action, becomes a tool of governmentality (Foucault, 1978; Ball, 1990; Kerr, 2001). While professional duties could be used to minimize rights, at times, teachers saw these duties as being so important that they were

willing to seek out powers which enabled them to more effectively fulfill these obligations, thereby serving as a rationale for autonomy-based rights, and, for some measure of professional discretion. As Levinas puts it: “[e]veryone will readily agree that it is of the highest importance to know whether we are not duped by morality” (1969, p. 21). While we may not share Levinas’ optimism regarding the possibility for consensus, one might ask whether teachers and educational scholars have been duped by democratic rhetoric in education? In any educational system which purports to be democratic, the silencing of teachers provides a disconcerting lesson to students since, as Camicia (2009) argues, “the exclusion of perspectives in the curriculum, the null curriculum, sends powerful messages to students about what perspectives are not valued and do not deserve mention” (p. 141).

Finally, speech was also a way of affirming personal relationships and of overcoming isolation within formal organizational environments. Rather than being an individual act, speech also plays a role as a form of attending whereby teachers make themselves accountable to others in personal, living relationships. A system purged of authentic expression is one which dehumanizes, and, insofar as it does, it can be neither reasonable nor capable of furthering any worthwhile social interest. While we are familiar with the overt censor, less readily accessible is the idea of spaces which have been sealed off from surrounding publics – a “firewall” of worry where the censor is immanent in every utterance. To silence stories is to erase teachers’ memories of themselves, and to deny the deep, often profound connections, brought by acts of intimate disclosure. It is also, we should not forget, to mask the vicissitudes and formative power of place—the way place engenders, and is connected to, identity, culture, and the search for belonging. This is no

small offence: to deny students and teachers the humanizing and meaningful intimacy of what one writer has called, “autobiography—the select effects and tell-tale signs of embodied identity” (Kelly, 1993, p. 5). It is, in an insidious way, to destroy the possibility of uncovering and returning to a place by foreclosing the possibility of recursive localized, communal, engagements. Silence, particularly censorship makes anyplace everyplace – anyone, everyone—through the depersonalization of identity.

7.8. Democratic Education & Censorship

The teachers in this study, with few exceptions, did not talk about democracy, a fact which is notable since it is, “by practicing and demonstrating the values to be inculcated....teachers set an example for students to follow” (Lane, 1995, p. 64). Predominantly, rights were seen as an afterthought or as a way of advancing individual interests in a dispute—in the latter case, as a measure of last resort. The teachers saw schools as being primarily about improving students’ academic achievement, helping young people to become well adjusted, polite, courteous, hard-working adults or transmitting technical knowledge, often the preliminary knowledge and skills necessary for students to enter the workforce. There was little conception of the importance of the role of the school in public life, or, of its key political function of educating critical citizens (Dewey 1944, 1963, 2007; Giroux, 1988, 2005, 2006; Apple 1978, 2003, 2004, 2007).

The teachers generally did not see themselves as transformative intellectuals participating in democratic education as a mode of social problem-solving. Democratic education was seen, more or less, as the process of gaining a basic knowledge of the

political system and the legislative process, thereby becoming reasonably well informed political spectators. Most disturbingly, teachers saw the educational system as discouraging social conflict (Apple, 2007), and, as having little to do with the longstanding, vital tradition of democratic dissent. The technical, the economic and the scientific, held sway over any concerns about the need to create critical, creative thinkers. Problem solving was confined wholly within the institutional parameters of the school and the curriculum. Neither teachers nor students were seen as having a need to develop any sort of institutional literacy: a facility with thinking and becoming actively involved in the school governance and the related challenges which came with democratic, experimental and experientially based forms of social life. The curriculum constructed democracy as a formal, legalized legislative process rather than an active problem-solving culture, which saw dialogue as an integral part of teaching and learning.

Needless to say, teachers' lack of knowledge of rights, has serious implications for maintaining critical publics (Chong, 1993). As Rhonda has said, "teachers as the main educators in the system see what is happening every day and they know what is going on more so than anyone". In many ways, as we have seen, discourses about reasonable limitations, like their managerial or administrative counterparts, can serve to re-inscribe authoritarian norms. As one scholar emphasized, "[p]olitical discourse...determines what the issue is and is not about. A person gradually learns, through exposure to public discussion on the issue, to base his or her opinion on certain pertinent aspects of the issue and, at the same time, learns not to pay attention to other features of the issue deemed to be irrelevant" (Chong, 1993, p. 891). In this vein, managerial discourses which purport to facilitate more liberal forms of leadership can become a variant of Marcuse's (1969)

repressive tolerance, where speech is permitted only to the extent that it is innocuous or compliant with the demands of power. As Marcuse (1969) has argued, "if 'education' is more and other than training, learning, preparing for the existing society, it means not only enabling man to know and understand the facts which make up reality but also to know and understand the factors that establish the facts so that he can change their inhuman reality" (p. 101). The school, the individual and society each derive their force and meaning from their interaction and their interdependence (Biesta, 2007, p. 751).

In many ways perhaps it is hard for teachers who feel that their voices are not being heard to promote democratic schooling initiatives with any degree of conviction. Speech is important because meaning is dependent on the complex negotiation of interests through the perspective taking which is an integral part of dialogue. Indeed, the entirety of our social fabric is built upon these speech acts which give form to our most vital public institutions. The type of education increasingly needed in a pluralistic, global democracy, is both critical and civically minded. As one commentator has observed "the application of a seemingly neutral criterion...becomes a source of concern whenever it systematically keeps opinions from the public to which they should be exposed in order to govern themselves or to choose the kinds of lives they wish to live" (Fiss, 1996, pp. 42, 43). Taking an ethical stance means considering the sorts of promises we make to our children, those that the state make to its citizens, and we make to ourselves as members of a free and caring society (Felman, 2002).

In Levinas' (1969) words, speech co-opted by power reminds us that, "violence does not consist so much in injuring and annihilating persons as in interrupting their continuity, making them play roles in which they no longer recognize themselves,

making them betray not only commitments but their own substance, making them carry out actions that will destroy every possibility for action" (p. 21). Censorship, like "violence", as Simone Weil noted, "turns anyone subjected to it into a thing" (Weil in Sontag, 2003, p. 12). It also reminds us that authoritarianism, in many ways, represents a denial of the human condition and the right, within the limits of tolerance, to define the good life for oneself. Free speech in this sense is a means of forging communities and social relations which offer the possibility of deep personal fulfillment and meaningful transformative social relationships.

7.9. Recommendations and Implications

This study suggests the possibility that there exists a significant democratic deficit within the province's schools as is reflected in the reluctance of the teachers to participate in serious public discussions about educational policies, particularly where they disagree with the existing policy stances of educational power brokers. Such a state of affairs is deeply at odds with a contemporary movement towards teachers playing an integral role in the creation of more collaborative forms of community-based schooling. While the duties and responsibilities of teachers are often emphasized, too often teachers feel these obligations are not balanced by a corresponding measure of respect and autonomy. Seen within this broader context, free speech is a sensitive educational issue which involves a complex interrelation between law, culture, education and organizational behavior. In light of such realities, I offer the following suggestions in the hope of heightening awareness of the issue and of promoting future study of the problem of teacher censorship.

1) Professional teacher associations should make a concerted effort to promote knowledge of legal issues (particularly free speech-related issues) among their membership. This would include information circulars and workshops given by legal counsel or legal scholars with expertise in the area. A short course of a few days duration would be beneficial for new teachers who are often the most vulnerable in terms of rights. It could be given at the beginning of each school year, either in person or through the use of distance learning technologies.

The provincial teachers' professional association should also make a concerted effort to take on an ongoing public role in articulating deep rooted educational issues through media outlets and community vehicles such as speeches and presentations. Rather than limiting vigorous advocacy to the collective bargaining process, professional associations should redouble their efforts to promote talk about educational issues to lessen the frustration felt by individual teachers, and thus the potential for confrontation and crisis. Such advocacy should also underscore the professional autonomy of teachers and their representative bodies.

As part of this process of recommitting to rights and democratic education, the Provincial *Code of Ethics* should include a clause affirming the importance of democratic education and the right of teachers as professionals to have a public voice in educational dialogue. The *Code of Ethics* should also affirm the importance of *Charter* values and freedom of expression in clear unequivocal fashion.

2) School boards should set out clear and unequivocal free speech policies drafted with the assistance of legal counsel. This information should again be coupled with workshops in the area, to educate teachers and administrators about their rights and

responsibilities. This will minimize the need for ad hoc prior restraints and provide a clear basis for dialogue between the professional association and boards of education about what constitutes acceptable speech. It would also provide clear boundaries which can be subject to further legal scrutiny to ensure consistency with the Charter and Charter values. As part of this process it is important to consider including administrators in a broad dialogue about teacher rights and their contribution to a robust, dynamic education system.

3) The Department of Education, should undertake further investigation into the issue to determine the impact of a lack of knowledge about free speech on community-based schooling initiatives and the state of education in general. This process should involve closed-door sessions with teachers, administrators and school board officials about the role and current state of civic rights in the educational system. Administrators should also be educated about the rights of teachers and the potential for legal conflict arising out of rights violations.

4) Dialogue, perhaps in the form of colloquia or public forums with students, parents and other community stakeholders, should be undertaken to discuss the role of teacher speech and teacher participation in the educational system. This process should be open and should investigate the relationship of teacher speech to school based governance. Such forums could also be used to explore shortcomings in the inclusion of community stakeholders in governance related issues.

The provincial bar association and interested civil rights or civic associations should be invited to share their insights and thoughts on the issue of teacher speech on an ongoing basis. Working channels should be established and deep, long term

relationships forged. Hopefully, this would include invitations for lawyers and legal scholars to speak at professional educator conferences and to share legal knowledge with teachers through professional publications.

5) The academic community should promote conferences and seminars on rights-related topics and to invite a wide array of community leaders, educators, schooling stakeholders and legal experts. The issue could benefit from interdisciplinary collaborations between scholars from a wide variety of backgrounds to bring unique perspectives and knowledge to bear on this important social issue.

Likewise, democratic education needs to be given a renewed emphasis within schools and within teacher education programs. This would involve a combination of philosophical, legal and pedagogical knowledge and practical insights of veteran teachers. It could also include mandatory core courses on legal rights for teacher education programs, with a focus on informing pre-service teachers about their legal rights and responsibilities. It could also include courses for tenured teachers and administrators as part of their ongoing professional development.

Indeed, teachers themselves need to reaffirm their commitment to democratic principles and to teacher autonomy. This involves recognizing the importance of teacher solidarity as well as the real challenges posed by a lack of knowledge and fears of formal and informal sanctions. Simply discussing the reluctance to speak is one way of facilitating reform and of promoting public awareness of some of the reasons why teachers sometimes choose not to participate in ongoing debates on important educational issues.

While wide ranging and incomplete, such measures would help further knowledge of the issue of teacher speech and avoid future unnecessary conflict and the loss of valuable teacher insights in public educational dialogue. Teacher censorship is a significant problem, one which is related in many ways to curriculum studies, leadership, guidance, indeed, almost every conceivable area of education. Interdisciplinary and collaborative efforts between scholars, teachers, administrators and other educational stakeholders, are an indispensable part of the search for solutions. Collectively, it is hoped that these suggestions will be part of a renewed academic, professional and public interest in the problem.

7.10. Conclusion: Speech & the Future of Democratic Schooling

After having interviewed at length somewhere near two dozen teachers in this province, what I have learned troubles me, primarily because of the deep, pervasive nature of teachers' silence. This, as in the case of much misunderstanding about speech and language, is a series of "missed encounters" (Felman, 2002, p. 61): between an educational bureaucracy that has to navigate changes in political regimes, academic trends, and the exigencies of self-preservation; teachers who are left to speak in the rhetoric of accountability and participatory schooling from a ruptured site of contradiction and exile without any voice of their own; parents and children who are often mystified by the hidden inner workings of an educational system which seems underfunded, inefficient and often uncaring; the general public which is left to piece together some semblance of all these conflicting interests as they are represented by gossip, innuendo, rumor, conjecture and sensationalist headlines which foreclose any

serious debate of substance; and the media itself condemned to glib coverage by the relative paucity of sources and participants and the modern consumerist culture which is both fragmented and insular. Given such a splintered reality, no amount of testing or curriculum planning can undo this deeper dysfunctionality which is borne out of a deep disconnect between the systems of our education, the people who work within them, and those whom it purports to serve (MacKinnon, 2001; Corbett, 2008).

One is left to conclude that the current educational system's preoccupation with educational efficiency detracts our attention from a forgotten world of dissatisfied teachers and apathetic students. Rather than a world where, "[v]irtue has come to consist in doing something in less time than someone else" (Gitlin, 2003, p. 73), we need to foster a world in which democratic social capacities are a form of subject role which binds the self to the public in ways which are conducive to more cooperative and caring social relations. Instead, we have lost sight of the importance of private commitments to a public life, out of which grows a sort of individual tenacity to the public ideals of community and democracy, a particular comportment of the self, which allows the self to act more justly as well as efficiently, towards some publicly sanctioned end. As one scholar put it, "public virtue depends on particularized care relationships, and these depend on social and political equality" (Engster, 2001, p. 582).

A new form of alienation is taking hold of our schools as our educational system becomes proficient at creating dependent, passive consumers. The report card and the quarterly report, annual budgets, school calendars and curricular outcomes, and supervision schedules all contribute to the frenetic pace of a school life represented as uniformly capitalist, technologically orientated and competitive in a standardized and

increasingly centralized educational experience. Our compartmentalized, near schizoid, division of public and private speech belies the complexity of human expression and its deep, abiding connections with community life. Much of what Laurel Richardson (2003) has to say about writing research is equally pertinent here: “[a]lthough we usually think about writing as a ‘mode of telling’ about the social world, writing is not just a mopping up activity at the end of a research project. Writing is also a way of knowing—a method of discovery and analysis. By writing in different ways, we discover new aspects of our topic and our relationship to it. Form and content are inseparable” (2003, p. 499).

Speech, I am suggesting, is suffering from a similar pathology of content (Eichner, 2001). Speech is a means of forging social relationships, and through them, a community-based knowledge (Weissman, 1996). Censorship is essentially a war with public memory. Always involving “more than words” (MacKinnon, 1993), censorship stultifies the transformative power of improvisation, the experience of novelty, and sometimes the shock which leads to insight and discovery. If, “experience is both personal and social [b]oth the personal and social are always present” (Clandinin & Connelly, 2000, p. 2), to rob one of the opportunity to hear a contrary opinion is to deny us the chance to say why and how something is fundamentally unjust (Sen, 2009). The law is not an objective, abstract machinery of application and conceptual clarification, but is grounded very much in struggle, emotion, and complex, often unexamined, associations (Nussbaum, 2004; Sedgwick, 2003). Rather than ignoring the disconnect between legal education, critical pedagogy and actual schooling environments, teacher educators need to think strategically how they might bring to light such tensions (Shor, 2006; Torres, Collier & Tolson, 2010). The pedagogical possibilities are not easily reduced to a simple either/or

dichotomy, however; rather, “even while students are assisted in learning the culture of power, they must also be helped to learn about the arbitrariness of those codes and about the power relationships they represent” (Delpit, 1998, p. 296).

The postcolonial reality of Newfoundland and Labrador, and the tensions at work between this historical legacy and the conservative influences of modernism and globalization all have their part to play in the drama of contemporary censorship. Recognizing the utility of a strategic essentialism (Spivak, 1995) behind a focus on civic rights, a critical citizenship situates speech in the ongoing struggle for, “multicultural ethics and politics...premiered upon an agonistic, planetary humanism capable of comprehending the universality of our elemental vulnerability to the wrongs we visit upon each other” (Gilroy, 2005, p. 4). Indeed, so too shame and disgust have a role to play in our encounters with liberalism (Nussbaum, 2004; Sedgwick, 2003) and the validity of its claims to fairness, objectivity and rationality. In the case of speech there is a need to remind ourselves that, “we lead scripted lives and that it is within a person’s power to write their life: write it not only with pen and paper, but also in terms of the story we choose to live” (Connelly & Clandinin, 1995, p. 73). In this regard it is important to recognize that the most common form of censorship among the teachers surveyed, for whatever reasons, was self-censorship (Martinson, 2008); reminding us that ultimately the issue of agency or complicity is one that lies solidly within our own grasp as we come to terms with the decision as to whether to affirm or deny the importance of democratic principles in our own lives.

Free speech is a paradox. Not all free speech is free. Rather, free speech inevitably, unavoidably—has psychic, cultural and linguistic costs. Speech is never separate from

the influences of power, ideology and the psychic life which infuses the site of speech, its uptake and circulation (Kincheloe, 1980). This requires us to consider how constraint involves more than just the absence of infringement by power and necessitates us moving beyond a classical Weberian conception of power that may be defined as, "the chance of a man or a number of men to realize their own will in a social action even against the resistance of others who are participating in the action" (Eichner, 2001, p. 2).

This does not mean rejecting wholesale the ecology of liberalism and rights; rather, "when it comes to the world we know, the best we can hope for is to supplement what we know, to learn again, rather than to imagine walking away from being the educated subjects we have become" (Willinsky, 1998, p. 263). Michel de Certeau (1997) makes this point in his discussion of speech and its role in the French student rebellions of 1968: "A different organization is required [one that] will allow for the rejection of the antimony that would set truth in one or the other of the two stances.....to localize 'order' ('or disorder') either here or there is in advance to legitimize the opposing thesis, which as a result will be no less superficial" (p. 39). This means, de Certeau (1997) contends, "denying a general displacement that is already legible in the institutions that seeks its control, or in the 'demonstrations that are incapable of expressing it. It means opting for an ideology or a legend, whereas what we really need is a language" (p. 39).

Speech's hope, as de Certeau (1997) suggests, lies in a new educative mode: an acceptance of ambivalence, and its originality, its unacknowledged power. The inherent instability of language and subjectivity (Eichner, 2001) calls us to consider the lack of any definitive, non historical, culturally independent term, "free speech" – it necessitates the re-description and definition of free speech space in light of particular localities,

subject roles and economies of power. To refuse to take part in the negotiation of meaning and its performance is to foreclose the possibility of free speech existing in our lives, of working for, and “within”, us. Yet, even then it can be said that the censor presents us with a choice, even as we are silenced: do we give over to the masochistic desire (Rosenblum, 2010) and fear which living under silence and oppression betrays; or, do we seek to articulate the types of wrongs that are formed from the convoluted topography of modern psychic power—as something at work from the rough texture of margins, aporias and the interstices of the familiar? Naming the censor requires confronting the complex ways we are implicated in modern oppression through abjection, disavowal and projection thereby creating disconnect and disorientation until, as MacKinnon (1993) put it, “soon your own experience is not real to you anymore” (p. 6).

Rather than being remote and abstract, this disinheritance is concrete and real (Gilroy, 2005): it cuts us off from the possibility of meaningful psychic attachment. I say disinheritance because this vulnerability is generative as this stratagem of power works against the way a culture of pluralistic rights grows out of embodied desires. It forecloses any realization of the way in which being thrown into the world the body is confronted with ignorance and patriarchal power. The bodily, tactile trope of speech betrays the hidden desire to regress to the darkness and security of silence, a place beyond sight and sound, where we ordinarily see speech and writing as subsiding. No simple victim, the censored gives him or herself up to this form of blind appropriation, to be beaten, swallowed by the violence of a speech act which masquerades us in the false certainty of silence.

In the modern school, the principle of freedom, and its utterance, becomes part of what Paul Virilio has termed the "logistics of perception" meaning that what is important is not the right, but the perception that it exists. Free speech becomes a mode of propagandization, of betrayal, of parody, leaving only the "paranoid style" (Hofstadter, 1964) of educational politics and the resulting ellipsis of recognition. The rationalization of education through technicist, positivist schooling, atrophies possibilities for self-creation through the transformative power of speech, leaving us to find the courage and solidarity by opposing a burgeoning educational politics of inhibition and the steady, grinding, mechanics of fear. Far from marginal, since, "society is made of language" (MacKinnon, 1993, p. 106), how to counteract the death of speech and the way speech permits the democratization of local spaces, are the types of questions which shape and which will continue to shape, the dark promise of psychic struggle in our cultural lives—indeed, one that lies at the very heart of culture itself. To be silent is to cease being. It is to forget: to take education as the anesthetization of life, identity and its remembrance. To speak is to give voice to the stubborn patience of love, the endurance of hope, to kindle a spark of awareness, sent forth as a single word through the breathless, enduring dark.

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Appendix A-- Interview Questions

1. Would you please tell me about your school?
 - Probes: Student population?
 - The school community?
 - Your work there?
2. What, if any, are your thoughts and views on teacher censorship?
 - Probes: Have you heard any of your colleges express concerns about censorship?
 - Is this an issue which you have heard about in the local, provincial or national media?
3. Have you ever experienced censorship, directly or indirectly?
 - Probes: Have you ever refused to participate in public debate or to speak in a public forum regarding educational issues because of your employment role?
 - Are you reluctant to exercise your freedom of speech for fear of reprisals or reprimand within your employment setting?
 - Are you reluctant to exercise your freedom of speech for fear of reprisals or reprimand outside of your employment setting?
4. Do you believe that censorship is an issue at your school or your school district?
 - Probes: Have you noticed more difficulties regarding the problem of censorship in recent years?
 - Have you noticed any change in the ways teachers feel about speaking publicly regarding educational issues in recent years?
 - Have you noticed any "chilling" effect with respect to teacher speech in recent years?
5. Specifically relating to your school or school district, can you give me some examples of censorship?
 - Probes: A typical case?
 - The most extreme recent case?
 - Others?
6. In your view, what constitutes: a) censorship, and, b) freedom of expression?
 - Probes: Are there limits on what a teacher can say?
 - Who determines those limits? How?
 - How do you determine the limits of your own right to freedom of expression?
7. In your view, do teachers have a legal right to freedom of expression? If so, what is the nature of the right?
 - Probes: Do teachers have a right to speak publicly about educational issues?

- Do teachers have a right to speak publicly about school closures, cutbacks or changes in the curriculum?
 - Do teachers have a right to publicly disagree with their principal? Their district Director? With elected government officials?
 - Staff, parents, students, upper administration, other?
8. In your view, does censorship of teachers have a detrimental effect on the quality of students' education?
- Probes: Do you view a teacher any different from any other type of employee with regards to freedom of expression?
 - Would students' knowledge that their teachers are being or have been censored have a negative impact upon students' relationship with their respective school? On their attitudes about education in general?
9. Does censorship of teachers has a detrimental effect on the public and/or the public interest? Explain.
- Probes: In your view, is this an issue which the public should be concerned about? Why or why not?
 - Does censorship have any detrimental effect on teachers' ability to perform their employment duties?
 - Are the public well informed about the issue of teacher censorship? About educational issues more generally?
 - Is censorship an issue of greater concern within rural areas?
 - What relationship, if any, might there be between an individual's role as a teacher, a parent, and/or a community member and citizen?
10. Do you think that teachers are provided with adequate information regarding the issue of freedom of expression?
- Probes: Has the NLTA done an adequate job of protecting teachers' right to free expression?
 - Has your university education provided you with adequate knowledge about issues regarding teacher censorship and freedom of speech?
 - Have you attended any professional workshops dealing with the issue of freedom of expression and/or teacher censorship?
 - Have you undertaken any self study with regards to the issue?
11. Is there anything else relevant to the subject matter of the interview which you would like to clarify, add or retract?

Appendix B—Sample Letter of Informed Consent (Interview Session):

Date:

Dear (Participant):

This is an invitation to participate in a research project on the topic of teacher censorship. I am a PhD student in the Faculty of Education at Memorial University of Newfoundland, and I am interested in interviewing a small number of teachers. My goal is to explore the nature and severity of teacher censorship and teacher perceptions regarding free speech. This work is part of my thesis work within the Faculty of Education. The research proposal has been reviewed and approved by The Faculty of Education Research and Development Committee. The project is funded by the SSHRC and has received the approval of the Interdisciplinary Committee on Ethics in Human Research.

If you agree to participate, you will be asked to take part in a single session 60-90 minute tape-recorded interview. All information that you provide will remain confidential. You will remain anonymous and at no time will you or school district be identified or identifiable in the final report. You will also have the opportunity to review the transcripts of your interview material. The interview will be conducted on the understanding that you are free to withdraw from the study at any time, and that you are free to omit answering any questions you do not wish to answer. The tapes and transcripts of the interviews will be maintained in a locked cabinet until one full year after the final report has been written, at which time they will be destroyed.

If you have any questions about the research, please feel free to contact me at 737-8617, (jlhoben@mun.ca) or to contact Dr. David Dibbon, Dean, Faculty of Education (737-3403). Thank you for your cooperation.

Sincerely,

John Hoben, Ph.D. Candidate

I, _____, the undersigned, agree to participate in a 60-90 tape-recorded interview conducted by John Hoben, PhD candidate at Memorial University. I have read the above letter of consent and understand the purpose of the research and the procedures to be undertaken.

Date: _____

Signature: _____

Appendix C—Sample Letter of Informed Consent (Focus Group Session):

Date:

Dear (Participant):

This is an invitation to participate in a research project on the topic of teacher censorship. I am a PhD student in the Faculty of Education at Memorial University of Newfoundland, and I am interested in conducting a focus group session with a small number of teachers. My goal is to explore the nature and severity of teacher censorship and teacher perceptions regarding free speech. This work is part of my thesis work within the Faculty of Education. The research proposal has been reviewed and approved by The Faculty of Education Research and Development Committee. The project is funded by the SSHRC and has received the approval of the Interdisciplinary Committee on Ethics in Human Research.

If you agree to participate, you will be asked to take part in a single session 60-90 minute tape-recorded focus group session. All information that you provide will remain confidential. You will remain anonymous and at no time will you or school district be identified or identifiable in the final report. You will also have the opportunity to review the transcripts of your interview material. The interview will be conducted on the understanding that you are free to withdraw from the study at any time, and that you are free to omit answering any questions you do not wish to answer. The tapes and transcripts of the interviews will be maintained in a locked cabinet until one full year after the final report has been written, at which time they will be destroyed.

If you have any questions about the research, please feel free to contact me at 737-8617, (jlhoben@mun.ca) or to contact Dr. David Dibbon, Dean, Faculty of Education (737-3403). Thank you for your cooperation.

Sincerely,

John Hoben, Ph.D. Candidate

I, _____, the undersigned, agree to participate in a 60-90 tape-recorded focus group session conducted by John Hoben, PhD candidate at Memorial University. I have read the above letter of consent and understand the purpose of the research and the procedures to be undertaken.

Date: _____

Signature: _____

Appendix D—Participant Recruitment Advertisement

Free Speech



Are you a public school teacher interested in participating in a research study on freedom of expression?

All information, including contact information, will be kept strictly confidential.

If you are interested in sharing your experiences please contact:

John Hoben, Ph.D. Candidate

Tel: 709-437-9618

Email: jlhoben@mun.ca or
jlhoben_@hotmail.com

Appendix E-- Ethics Approval from ICEHR



Interdisciplinary Committee on
Ethics in Human Research (ICEHR)

100 St. John's Road
St. John's, NL A1B3X9
Tel: (709) 736-5800
Fax: (709) 736-5800
Website: www.mun.ca/icehr

FILE COPY

April 1, 2009

ICEHR No. 2008/09-071-ED

Mr. John Hoben
Faculty of Education
Memorial University of Newfoundland

Dear Mr. Hoben:

Thank you for your correspondence of March 28, 2009 addressing the issues raised by the Interdisciplinary Committee on Ethics in Human Research (ICEHR) concerning your research project "*Public school teachers and free speech: an exploratory qualitative study proposal*".

ICEHR has re-examined the proposal with the clarification and revisions submitted and is satisfied that concerns raised by the Committee have been adequately addressed. In light of your clarification in item 2, you may use the snowball sampling technique for your proposed research, and in accordance with the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans (TCPS), the project has been granted *full approval for one year* from the date of this letter.

If you intend to make changes during the course of the project which may give rise to ethical concerns, please forward a description of these changes to the ICEHR Co-ordinator, Mrs. Eleanor Butler, at elbutler@mun.ca for the Committee's consideration.

The TCPS requires that you submit an annual status report to ICEHR on your project, should the research carry on beyond April 2010. Also, to comply with the TCPS, please notify us upon completion of your project.

We wish you success with your research.

Yours sincerely,

Lawrence F. Felt, Ph.D.
Chair, Interdisciplinary Committee on
Ethics in Human Research

LF/bl

copy Supervisor Dr. Elizabeth Yeoman, Faculty of Education

DELIVERED APR 3 1 2009



