



**Confronting the Paradoxes of an Open Classroom Climate:
What Boundaries Should Be Placed on Student Civil Discourse?**

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In Spring 2006, my student teacher Kirsten was meeting with her students to discuss what problem they wanted to address via their “citizenship projects.” Some chose the dire state of school bathrooms. Another group focused on second graders’ poor reading test scores in the elementary school next door. Other kids chose to tackle drunk driving, teen suicide, neighborhood violence—the usual stuff. Jonah, an Orthodox Jewish kid who had enrolled in our middle school just a few months before, had a different problem in mind, one we had never encountered before. He wanted to tackle the problem of legalized gay marriage in Massachusetts. More specifically, he wanted to protest it on Talmudic grounds.

Jonah’s proposal occasioned hours of anguished conversation after school between Kirsten and me. Gay marriage was clearly a controversial public issue on which well-intentioned people disagreed. The Massachusetts State Supreme Judicial Court had delivered a verdict legalizing gay marriage in Massachusetts as of May 2004. In response, conservative activists organized a state ballot initiative to outlaw same-sex marriages; legal tussles over this initiative were in the news frequently throughout 2005 and 2006. In these respects, same-sex marriage was a legitimate topic for debate and political action. Both Kirsten and I, however, supported the legalization of gay marriage on human rights grounds. From our perspectives, it should have been no more legitimate as a topic for debate, even in 2006, than interracial marriage is considered to be now. In this respect, we thought of gay rights much as we thought of abolitionism and anti-Nazi activism, not like “ordinary” contested issues like war, economic policy, or social services provision. We might feel passionately about a particular stance on these latter issues, but we could easily agree that students should have the opportunity to support positions opposed to our own. Such tolerance lies at the heart of having an open classroom climate, and frankly also at the heart of educating as opposed to indoctrinating. But not all positions are permissible even in a public school classroom: we don’t need to entertain pro-Nazi ideology, or wistfulness about the days of Jim Crow. So where did opposition to same-sex marriage fall? If gay rights are human rights, was it really appropriate to allow their civil, even human, rights to be married in the eyes of the state to be challenged in our classroom? Kirsten thought no. I felt torn, but ultimately thought yes. Same-sex marriage was being discussed, and debated, across Massachusetts and the United States. Who were we, in a civics class no less, to declare this extremely timely and salient political issue off-limits?

The status of the issue itself, though, was only one of many considerations. Our anti-homophobic opinions might not in themselves be reasons to forbid Jonah to tackle this issue. But the human rights of other students in the class might. We were committed to establishing our classroom as a safe and respectful environment for all of our students—including students who had gay family or friends, or who were themselves gay. I have always made it clear to students that they may be personally opposed to homosexuality on moral or religious grounds, but that in my classroom, I view all students as having equal standing and expect them to be treated as such. Jonah’s proposal to fight against same-sex marriage as an abomination in front of God, however, put in jeopardy our effort to create an open classroom culture in which all students felt welcome, respected, and empowered. Ironically, the openness of our classroom created a situation in which one student’s exercise of voice risked disempowering, driving into the closet, and fundamentally alienating other students in the same

class. Since homophobia was overt and unapologetic at McCormack, we had no students who were out; we weren't even aware of any same-sex families in a school of 750 kids! But one student in Jonah's class was clearly gay, and of course we had no idea if other students might be questioning their sexual identity, have same-sex parents, or otherwise feel personally attacked by Jonah's proposed project. So it seemed clear that some students would be directly harmed by Jonah's presentation.

But was the potential for social and psychological harm to others enough of a reason to censor a student's civic engagement? Let's say a group wanted to protest the Iraq war while another student's parent was in the military and was deployed to Iraq. If this group presented a project opposing the war in Iraq, emphasizing civilian casualties and declaring the war unwinnable, then this student might be angry, hurt, or even emotionally traumatized. Arguably, the harm suffered by this student is no less real than the harm suffered by a closeted gay student or child of same-sex parents. If we would nonetheless allow the anti-war group to move ahead with their plans, as I assumed we would, then why not allow Jonah the opportunity to move ahead with his chosen project?

As we discussed this scenario, we realized that as responsible teachers, we would ideally approach the potential "victims" in advance. We would sit down with the student whose parent was in Iraq and prep her for what to expect; we would probably also talk to her family or guardians. Reaching out to the affected parties would clearly be necessary. But how would we identify such affected parties in the gay marriage case? The whole point was that we didn't know who was in the closet or struggling with sexual identity issues, nor who had gay family members or friends. Issuing an open invitation to kids – "You're about to hear one of your classmates mount a frontal attack on a core element of your identity, so please come talk to us if you're closeted or questioning," did not seem like a recipe for success.

How much was the issue one of religion versus the topic itself? Kirsten thought this was key. First of all, by attacking same-sex marriage as sinful, not just as a policy mistake (because it weakened traditional marriage or something of that sort), Jonah would be challenging other people's fundamental sexuality. This was more than a policy dispute. Furthermore, Kirsten argued, religious arguments didn't have a place in "citizenship projects." Jonah was missing the whole point of the separation of church and state in the United States. As civics teachers, we needed to help him understand and adopt this separation. Maybe, in fact, this would be the value of allowing Jonah to go ahead with his project. If he was willing to get rid of the religious element and pursue his argument on data-driven, empirical grounds, then not only would the project itself pose less of a threat to other students, but also Jonah would learn an important principle of American constitutionalism. Kirsten could see herself supporting his project on these grounds—although then she'd have to figure out what reputable social science literature she could point him to that would support his position.

I disagreed with Kirsten's insistence on eliminating religious argument from the citizenship project, although I was ambivalent. I think it harms public discourse when citizens are forced to express reasons for a policy stand that obscure or even misrepresent their true beliefs. If Jonah's opposition to gay marriage was based on religious grounds, why force him to talk about social science instead? It is true that Jonah *might* learn about the virtues of separation of church and state from this exercise. Or he might come to feel as if he himself is being treated as a second-class citizen, prohibited from talking about the true reasons for his policy stand while secularists face no such restrictions; he might thus reject church-state barriers altogether, come to see political debate as a form of lying, or become personally alienated from political and civic engagement. None of these would be desirable civic outcomes. Furthermore, religious language and even religious reasoning have always been part of American political discourse—perhaps most obviously in the case of civil rights movements, of which the fight for same-sex marriage rights is part. Could one imagine the civil rights movement of the 1950s-1970s, for example, without the religious language of the Reverends Martin Luther King, Jr., Fred

Shuttlesworth, Joseph Lowry, or the other members of the Southern Christian Leadership Conference? It isn't a historical accident that religious leaders and language played such a crucial role then, and religious beliefs would necessarily be part of the debate now.

What Kirsten and I were essentially wrestling with at this stage of our discussion was John Rawls' account of and justification for the limits on "public reason." Rawls argues that in discussing and deciding constitutional essentials and questions of basic justice, citizens must rely solely on public reason, which among other characteristics should be "independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm."^[1] Only in this way will all citizens in a deeply pluralistic society recognize and affirm the justice of the state's political and social institutions. Same-sex marriage is clearly a question of basic justice, so public reason must apply. It is fine for members of a religious organization to talk to one another about the religious reasons for or against a particular public policy, Rawls asserts. But these religious reasons are irrelevant in the public sphere because they are not public reasons—meaning that not only should they not enter the public political discourse but they also should not sway citizens' decisions in the voting booth. In Jonah's case, according to Rawls's framework, we should teach him not only why and how to frame and present his anti-same-sex marriage citizenship project on non-religious grounds in the public sphere, but we should also teach him why he should bracket his deeply held religious beliefs in reflecting on his own upon this policy question. Talmudic considerations would be simply irrelevant for the public debate, for non-Jews and Jews alike.

I am frankly not convinced by Rawls' arguments about the character or boundaries of public reason. I am suspicious of the hegemonic character of public reason, which too easily tends to elevate majoritarian cultural norms and perspectives into the "public" category and reject minority norms and perspectives as "non-public." But even if Rawls' claims are justified as a matter of ideal theory, meaning that in an ideally just state only public reason truly would hold sway both in public discourse and in legislators' and voters' actual decision-making, the pedagogical questions with which Kirsten and I were wrestling were rooted in a decidedly non-ideal context. Furthermore, we were also confronted by developmental considerations. Our eighth graders were just learning how to identify and use evidence effectively. We were trying to help them such basic answer questions as: When you read a bunch of statistics, how do you figure out which ones are relevant? How do you select a quotation from an interview? Who counts as an authority? How do you evaluate and cite sources you find on the web? In this context, teaching Jonah or his classmates about the boundaries of public reason seemed daunting, to say the least.

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^[1] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 9.