Identity Politics, Freedom of Speech, and the Politics of Silencing: Thinking in and through White Academic Spaces

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The Board of Regents for the University of Nebraska system voted down an anti-critical race theory proposal from one of its members. In a move away from other states' banning on training on critical race theory, the Nebraska proposal unequivocally opposed the "imposition" of critical race theory via the curriculum.[1] Regent Jim Pillen who wrote the resolution stated, "America is the best country in the world and anyone can achieve the American Dream here," "Critical race theory (CRT) seeks to silence opposing views and disparage important American ideals," and the Nebraska regents "oppose critical race theory being imposed in curriculum, training, and programming."[2] The vote was 3-5, where the 3 were for and 5 were against banning critical race theory and the teaching of it in institutions of learning.

In an effort to comprehend the mounting movement to ban critical race theory in US classrooms, the Brookings Institute did an assessment of anti-CRT state legislation. Their findings included the states below who have already taken steps to ban it:

- Nine states (Idaho, Oklahoma, Tennessee, Texas, Iowa, New Hampshire, South Carolina, Arizona, and North Dakota) have passed legislation.[3]

- None of the state bills that have passed even actually mention the words "critical race theory" explicitly, with the exception of Idaho and North Dakota.[4]

- The legislations mostly ban the discussion, training, and/or orientation that the U.S. is inherently racist as well as any discussions about conscious and unconscious bias, privilege, discrimination, and oppression. These parameters also extend beyond race to include gender

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lectures and discussions.[5]

- State actors in Montana and South Dakota have denounced teaching concepts associated with CRT. The state school boards in Florida, Georgia, Utah, and Alabama introduced new guidelines barring CRT-related discussions. Local school boards in Georgia, North Carolina, Kentucky, and Virginia also criticized CRT.[6]

Politicians in Montana and South Dakota have denounced teaching concepts associated with CRT. School boards in states such as Florida, Georgia, and Utah have introduced new guidelines barring CRT-related discussions. Local school boards in North Carolina, Kentucky, and Virginia also criticized CRT.[7] Nearly twenty additional states have introduced or plan to introduce similar legislation, including many on Long Island, in my own home state of New York.

Laws and policies silencing teachers and professors from discussing race, gender, sexual orientation, and/or the history of colonialism in their classroom prevent educators from contextualizing the history of racism in the US landscape. Furthermore, as sociologist Victor Ray noted, "Making laws outlawing critical race theory confirms the point that racism is embedded in the law."[8] Danny Crawford, a republican representative from Athens, Alabama filed a bill to ban critical race theory in schools. The bill was filed six months before the start of the 2022 legislative session, coinciding with the Alabama Board of Education resolution related to "intellectual freedom," affecting how teachers approach racism and bias, and changes to the state's administrative code.[9]

By exploring the current politics of silencing under the banner of "free speech" in academic spaces and institutions of learning in the United States, my paper argues that it is crucial that as academics, educators, teachers, and pedagogues we create anti-racist pedagogies to combat discourses embedded in whiteness and privilege in the classrooms that further oppress some of our students and teachers. The overarching question I posit is how do we as teachers, through our pedagogy, ethically take on critics of identity politics while validating the experiences of some of our students? How do we as educators and academics begin to undo racism of current populous discourses through

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the classroom experience? My paper explores some of these issues and suggests pedagogies to think through these questions.

HB 1775, a bill in Oklahoma banning any discussion of race, diversity, privilege, or whiteness, violates students' and educators' First Amendment right to learn and talk about race and gender, and also prevents students from having open conversations about our colonial history.[10] The American Civil Liberties Union (ACLU), together with a group of students and educators, just filed a lawsuit challenging "Oklahoma classroom censorship bill." Donald Trump first proposed the idea of an executive order banning critical race theory by instructing federal agencies to identify and eliminate any contracts or spending that train employees in "critical race theory." The order instructed federal agencies to identify and eliminate any contracts or spending that train employees in "critical race theory," "white privilege," "or any other training or propaganda effort that teaches or suggests either that the United States is an inherently racist or evil country or that any race or ethnicity is inherently racist or evil."[11]

Effects of his ideological propaganda have had severe consequences across the country. Dr. James Whitfield, the first Black principal at Colleyville High School in Texas, was put on administrative leave after being accused of being an advocate of implementing critical race theory in the school's curriculum. Grapevine Colleyville Independent School District voted unanimously not to renew Whitfield's contract.[12]

In a similar move, four administrators and one teacher in the prestigious private school Sewickley Academy had been dismissed because of their commitment to a strategic diversity plan. The firings came after pressure from a parent group called the Sewickley Parents Organization. Using the free speech argument, the parent organization argued for a school "curriculum and culture free of ideological agenda, political bias, and social indoctrination."[13]

Trump's presidency has ignited an extensive array of articles, essays, and opinion pieces about the civility and importance of free speech that are the crux of American democracy. Backlash resulting from this view point has had chilling effects in academia. The latest example of this is that the MacArthur

fellow and the writer of the New York Times' 1619 Project, journalist Nikole Hannah-Jones, was originally denied tenure at University of North Carolina at Chapel Hill because of her work on critical race theory.[14] In October of 2021 she was uninvited from a private school keynote lecture because the school administrators didn't want to alienate trustees who didn't look favorably upon critical race theory.[15]

Critiquing identity politics under the guise of free speech represents the latest assault efforts by the right to not censer hate speech on high schools and college campuses. In October of 2021, a Texas school district official told educators if they kept books about the Holocaust in their classrooms, they would have to also offer "opposing" viewpoints in order to comply with a new state law. The training came after the Carroll school board had reprimanded a fourth grade teacher after parents complained about a book on anti-racism in her class. And it followed the passage of a new Texas law that requires teachers who discuss "widely debated and currently controversial issues of public policy or social affairs" to examine the issues from diverse viewpoints without giving "deference to any one perspective."[16]

To discourage other universities from proactively taking a stand against hate speech by disinviting speakers who might instigate violence through their rhetoric, Trump signed an executive order in March of 2019 for the protection of free speech and threatened to withhold federal funding for public universities that regulated free speech on their campus. "Taxpayer dollars should not subsidize anti-First Amendment institutions," Trump said during a signing ceremony in the East Room of the White House. "Universities that want taxpayer dollars should promote free speech, not silence free speech," he said, adding that "if a college or university does not let you speak, we will not give them money."[17] By previewing it in a speech to conservative activists and unveiling it while surrounded by conservative activists, Trump is signaling "that this administration's focus is on the free-speech rights of only some citizens—namely, conservatives," wrote a Miami law professor recently in The Washington Post.[18]

To be clear, the American Civil Liberties Union clearly states that the

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First Amendment to the US Constitution does not protect behavior on campus that encourages targeted harassment or threats or that creates a pervasively hostile environment for vulnerable students. In *Brandenburg v. Ohio*, the Supreme Court held that the government cannot punish hate speech unless it intentionally and effectively provokes a crowd to carry out violent and unlawful action immediately. However, merely offensive or bigoted speech does not fit in that category, and determining when such speech and conduct crosses that line is assessed legally on a case-by-case basis. The First Amendment clearly protects speech regardless of how derogatory its content is. Moreover, public colleges that limit free speech are deemed in violation of the Constitution as it is viewed as government censorship.[19]

Jordan B. Peterson, clinical psychologist and a professor of psychology at the University of Toronto, *The New York Times* journalist David Brooke, and the Columbia University professor of political science Mark Lilla are three vocal contemporary conservative critics of identity politics, specifically in their critique of the alleged "snowflake culture" of students and their commitment to political correctness when it comes to issues of diversity and defending the rights of marginalized communities. Lilla, the author of, *The Once and Future Liberal: After Identity Politics*, wrote an op-ed in *The New York Times* titled "The End of Identity Liberalism," criticizing the celebration of our differences as a sign of our fractured democracy.[20] He makes a strong claim that by focusing on our similarities, as opposed to being preoccupied with our racial, gender, and sexual identity, we will somehow be able to govern better as a unified nation. He is of the belief that democracy is not mutually inclusive with identity politics and how marginalized and oppressed groups understand the world. He went so far as to fault Hillary Clinton for losing the 2016 presidential race against Donald Trump (who he is extremely critical of) because according to Lilla she lost the larger of America's role in global affairs and instead, as he stated, slipped into "the rhetoric of diversity, calling out explicitly to African-American, Latino, L.G.B.T., and women voters at every step."[21]

Lilla accused the left and similar progressive movements of indulging in a "moral panic" of identity preoccupied with venting about irrelevant issues.

He further argued that the snowflake culture of students on college campuses, who are preoccupied with issues of identity and diversity, has "shockingly little to say about such perennial questions as class, war, the economy, and the common good."[22] Katherine Franke, a professor of law, also at Columbia University, wrote a scathing response to Lilla published in LA Review of Books and criticized him by saying:

> Lilla's op-ed makes an argument for the commonalities between Americans, arguing that we have to move on to a "post-identity liberalism," refocusing our attention away from identities to broader, more abstract ideas of "citizenship." "Narrower issues," like the right to choose a bathroom, according to Lilla should be worked on "quietly" and "sensitively" so as to not scare away potential allies. This argument, put simply, trivializes several generations of civil rights organizing in the service of breathing life into the dying corpse of political (neo)liberalism.[23]

Asad Haider's book *Mistaken Identity: Race and Class in the Age of Trump* also critiques identity politics, especially how it played out during Trump's 2016 election.[24] Unlike Lilla who centers his discussion on the Democratic Party, Haider correctly locates the origins of identity politics in the work of the Black lesbian feminist Combahee River Collective. He questions the role of identity politics in serving as a political platform agenda. In contrast to Lilla's and Peterson's rather condescending dismissals of identity politics as vulgar tribalism, Haider engages in a "genuinely immanent critique of identity; that is, he criticizes its contemporary practice on the basis of its own strongest theoretical self-understanding."[25] Accordingly, Haider defines contemporary identity politics as the "neutralization of movements against racial oppression."[26] Race based arguments supporting identity politics, according to him, remain trapped within the liberal-bourgeois institutions of the state and its laws.[27] In its limited critique of identity politics, *Mistaken Identity* does not acknowledge nor engage with a rich body of scholarship on race and racialization offered in the writings of Frantz Fanon, for example, in *Black Skins, White Masks*.[28] Instead, it draws on generalized, abstract theories of identity construction that separate the book's

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argument from the factual details of history.[29]

In contrast to how identity politics is framed by the right as a limitation to free speech, identity politics in fact demands a robust ideology of inclusion and integration: to be respected, seen, and recognized as that identity, not in spite of it. Suzanna Danuta Walters, sociologist and the director of the Women's, Gender, and Sexuality Studies program at Northeastern University, in her essay "In Defense of Identity Politics," juxtaposed the importance of identity politics and intersectionality when she wrote, "Identity politics is where intersectionality lives. It is where coalition politics thrive."[30] Walters explained how social movements that have been specifically built around social identities have been at the forefront of what is now termed *coalitional politics*, where marginalized communities come together to advocate around issues of social justice that impact them. Or, as the Combahee River Collective put it, "the most profound and politically most radical politics come directly out of our own identity."[31] Walters further quoted political theorist Courtney Jung, agreeing with her when she noted, "All politics is identity politics."[32]

Whiteness has been normalized as the criteria by which to measure the "objectivity" and "neutralization" of experience. Concepts such as "objectivity," and "neutrality" are never questioned as political ideologies themselves. By relegating all differences and particularisms, such as religion, race, sex, class, and ethnicity, to the private sphere, liberalism supports the notions of the abstract public and the disembodied political subject. As a woman of color in academia, I find that identity polities reifies my experience as valid outside the value given to an epistemological framework, one that I am often excluded from. I would suggest that rather than an individualistic, rights-based model, as Haider argues, identity politics is based on a particular reified account of experience. To reiterate what Eva Ziarek claims, what I want to argue is that the political diversity of someone like myself—a women of color—cannot be affirmed without challenging the abstraction of the liberal citizenship.[33] Consequently the task of identity politics in my own scholarship becomes one of transforming the institutional conditions of inequality and demanding the status of those who have been oppressed. I will illustrate with

a personal anecdote.

I had written an essay in *Huffington Post* and *The New York Times* on the Charlottesville incidence titled "Charlottesville and the Myth of the Neutral Classroom: Racial Literacy in Age of Trump."[34] My piece articulated why, as academics, we cannot afford to be neutral in the classroom when it comes to issues of social justice that include xenophobia, hate, and right-wing propaganda. Triggered by my essay, a colleague invited me to engage in a dialogue with him at my university. His invitation took the form of a three-page single-spaced public email to me, copying the entire faculty at my university and articulating how he personally felt singled out and silenced by my essay as a white male. And in a "spirit of a civil Socratic dialogue," as he called it, he invited me to use the academic space for a public discussion on what he proposed were the benefits of the term "neutrality," taking issue with how I used it in my essay.

To me, this example highlighted the fact that when women, marginalized groups, and faculty of color like myself are solicited to engage in a debate in order to justify a certain viewpoint or an ideology, the existence and safety of the minority faculty is at stake. When I am asked to engage in a debate about whether a white supremacist can still be a kind person or whether I condone terrorism because I am Muslim, I am being asked to consider an opinion that questions not my worldview, but my worth.[35]

Maya Rupert, in a *Slate* article titled "I Am Done Debating Racism with the Devil," critiqued *The New York Times* columnist Bret Stephens' speech on his criticism of identity politics in a lecture he gave at the Lowy Institute Media Award dinner in Sydney, Australia, titled "The Dying Art of Disagreement."[36] The speech, which was republished in the *Times*, provided an argument to engage in debating for its own sake and invoked the importance of playing the devil's advocate. Stephens argued that our reliance on identity politics is problematic as it perpetuates a culture of self-censorship when engaging in dialogue with certain groups that might get offended at the offensive nature of the discourse. Instead, Stephens suggests that the way to address these issues is to "grant your adversary moral respect; give him the intellectual benefit of

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doubt; have sympathy for his motives and participate empathically with his line of reasoning."[37]

Rupert went on to explain how this invitation on behalf of white people to encourage people of color to engage in these discussions is extremely problematic because "debating isn't an ideology; it's a methodology. We debate to get to a truth, not for its own sake."[38] When racism is treated as a disagreement regarding two contradictory yet reasonable viewpoints, it underscores the harm that is perpetuated against people of color. By engaging in these debates, white people, Rupert states:

> are insisting that people of color engage in an intellectual exercise in order to justify our own existence and safety—a task that is at once disingenuous on the part of white people and emotionally strenuous for those of us forced to entertain it.[39]

That is why, as Rupert claimed, "Stephens' strategy falls apart here—I can't grant 'moral respect' or have empathy for a line of reasoning that, when its conclusion is reached, denies respect or empathy to me."[40]

The journalist and philosopher Tariq Khan points out that the concept of freedom of speech was originally used to protect the marginalized from repression by the powerful, but is actually much more often turned the other way around, instrumentalized to secure even further platforms for oppressors while the oppressed, and their critiques of their oppressors, continue to be left out of the discussion or silenced altogether.[41] "The freedom to offend the powerful," writes Jelani Cobb, "is confused with the freedom to bully the relatively disempowered."[42]

Feminist historian Joan Scott has argued that the war on political correctness is actually a war on multiculturalism and a robust politics of inclusion. In her book *Knowledge, Power, and Academic Freedom*, Scott discusses the role of civility and free speech as a way of silencing marginalized voices in academia. She explores how a lack of civility, the failure to take into account the feelings of those who may be hurt or made uncomfortable by one's remarks, comments, ideas, or political opinions, has now become the grounds

for censoring faculty in universities all over the country and for firing faculty who have been accused of some form of "incivility" or verbal harassment.[43] Cris Mayo's essay "Civility and Its Discontents: Sexuality, Race, and Lure of the Beautiful Manners" asserts that occasional incivility brings necessary attention to problematic social relations and is a "precondition for democratic decision making."[44] To quote Mayo:

> Incivility as I conceive of it is not a blatant disregard for the feelings of people, but rather a way to remind all in an encounter that there is historical and political background that structures their perceptions and interactions. I am not making a claim that we should turn to discomfort for discomfort's sake but rather that in approaching questions of bias, diversity, and difference through the manufacture of "safe spaces," we may neglect examining for whom those spaces are safe and why. Further, we may neglect the potential for disruption of patterns of dominance and comfort to bring students, teachers, and community members into a more public, contentious, political relationship.[45]

Echoing Mayo's concerns, bell hooks at her New School University seminar in 2014 made a deliberate conceptual shift advocating from safe space to brave space in spaces of learning. As a way of conclusion, I want to argue for a pedagogy that gives students an epistemological lens to dismantle institutional, social, and structural laws and policies that perpetuate racism and its intersection with gender, sex, and class. Maxine Greene's and Paulo Freire's concepts of action, as they relate to such a pedagogy, are important when discussing a decolonial framework.[46] Both suggested a view of empowerment in which learning becomes the basis for challenging historical social practices that produce symbolic and real violence and make some students voiceless and thus powerless.[47]

Students in predominantly white universities should be taught to recognize the particularity of their own perspective, including the ways in which their ethno-racial and cultural identities help shape those perspectives. In the article "White Double Consciousness," Barbara Seidl and Stephen

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Hancock introduce the concept of a double image, which they argue is central to the development of a mature, antiracist identity for white people.[48] This is what W.E.B. Du Bois spoke of in his book *The Souls of Black Folks* when he said, "the sense of looking at one's self through the eyes of others."[49] Double consciousness, as an epistemological lens, allows one to see themselves from outside the veil—starring at oneself through a racist gaze, perceiving and internalizing what white people really think of them. This awareness provides one with the tools and knowledge of how to survive in white spaces, simultaneously forcing them to decipher their actions from an oppressive stance.[50]

Similar to Du Bois's concept of double consciousness, double image is an awareness that gives white people an understanding of how they are seen and raced by others, particularly people of color. Drawing on eight years as antiracist teacher educators, Seidl and Hancock demonstrate how white preservice teachers in a cross-cultural internship begin to develop a double image, discuss the obstacles they come across, and propose pedagogies that can assist them in this process.

George Yancy in his work explains this double image as a way of "being ambushed" in new ways. According to him whites need to respectfully position themselves in relation to people of color such that whites will learn to expect to be ambushed, to be open to it.[51] Inherent in the ambush experience is the possibility of fissure and suspension, a counter-hailing for anti-racist action. According to Yancy, the "fissuring whiteness involves a white double consciousness, through maintaining a self-reflexive posture to guard against a sense of white 'ontological expansionism.'"[52]

For me, the task is to build upon teaching the 1619 Project about the history of slavery, contextualizing the role of Black activism and scholarship that shows how racism operates to shape the surfaces of bodies and worlds. I am not saying that understanding racism will necessarily make our white students non-racist or even anti-racist. But engaging in a double consciousness pedagogy provides students with tools to use the curriculum and the classroom as a site of social, political, ethnographic, and gendered inquiry.

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