

“Educational Freedom of Speech: From Principle to Practice”: a response to Assoulin

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Professor Assoulin puts forward a compelling case for thinking about Freedom of Speech (FS) within the educational sphere as practice rather than principle. It seems to me, at least, his argument principally hinges on two pivots: (1) a distinction between the political and educational; and (2) juxtaposing principle and practice. At nearly the onset of his paper, Professor Assoulin writes that issues surrounding FS “arise when teachers bring up political issues in class or administrators invite social organizations active in political disputes to come into their schools.”¹ Professor Assoulin then claims that often times these “administrators ... find themselves under attack” for bringing politics into school.² Nevertheless, for Professor Assoulin, such “controvers[ies] [are] futile since both parties judge this situation to be political while it is in fact educational.”³ Much of the paper’s argument pivots on this distinction between political and educational. Nevertheless, I think often times the objections raised to political issues/politics in the classroom are not due to an aversion to politics as such, but rather to the particular politics being presented. In other words, I would argue that many complaints are grounded in claims that education ought to be balanced. Balance here operates as a floating discursive signifier whereby the guise of advocating the presentation of all viewpoints masks an individual decrying the absence of their own political convictions.

Professor Assoulin’s argument also pivots on a second distinction—that between principle and practice. In his schema, Professor Assoulin argues pragmatically that “the term ‘principle’ is nothing more than a metaphorical choice” and that “‘practice’ is a better metaphor when it comes to the educational sphere.”⁴ On this point, I would like to ask what happens if ‘practice’ is not metaphor but literal and discursive—an assemblage of orientations and

observances simultaneously grounding and constituting an exercise. In raising both of these points, I turn to Akeel Bilgrami's reading of John Stuart Mill and some potential (mis)connections between liberal political philosophy and educational practice.

Professor Assoulin writes that "if we would like to understand the way the meaning of FS and its functioning is different within the educational sphere, we would start with understanding the way it is understood within the public sphere."⁵ Relying on "sphere-oriented logic," Professor Assoulin turns to Mill and other liberal political philosophers to build his case. Similarly, Akeel Bilgrami in "Truth, Balance, and Freedom" takes up liberal political theory and educational speech.

Bilgrami observes that appeals to grounding educational practice in liberal FS principles often take the following form: "first, there is a statement of purpose or *goal*," for example, "academic institutions are sites for intellectual inquiry ... and therefore one of their chief goals is the pursuit of the truth and the pedagogical project of conveying the truth."⁶ And secondly, "there is a statement of the conditions of the pursuit of that goal: this pursuit of truth is best carried out ... under conditions wherein a variety of opinions are allowed to be expressed on any subject."⁷ Mill is central to many of these arguments.

Bilgrami maintains that Mill's argument has two premises and a conclusion:

Premise 1: Many of our past opinions, which we held with great conviction, have turned out to be false.

Premise 2: So, some of our current opinions that we hold with great conviction may also turn out to be false.

Conclusion: Therefore, let us tolerate dissenting opinions just in case our current opinions are wrong and these dissenting opinions are right.⁸

Professor Assoulin argues that "Mill claims that through FS the market of ideas is created," whereby the veracity or merit of ideas are contested.⁹ For

this reason, Mill assumes an “uncompromising stance against any limitations being put on FS.”¹⁰ However, reliance “upon the assumption that an idea will be refuted or rejected in the ‘market of ideas’ out of ... critical discussion, as all citizens embrace rational discussion” is both overly naive and excessively demanding in Professor Assoulin’s estimation.¹¹

Equally dismissive, Bilgrami argues that Mill’s argument “is a numbing fallacy,”¹² which aims not only to refine ideas through interrogation but also offers unqualified endorsements of liberty of speech as a safeguard against human fallibility. With a slightly different reading, Assoulin suggests that the “public sphere operat[ing] under a schism of strong value neutrality while on the other side remaining procedurally perfectionist, the educational sphere operates under the opposite schism.”¹³ Bilgrami, on the other hand, reasons that education “need never be conceived of as a goal whose success is necessarily opaque to its seekers, as in Mill’s argument for freedom.”¹⁴ Under this Bilgrami-ian view, the practices of educational FS and political liberty of speech operate not quantitatively, but qualitatively different—working on fundamentally divergent first principles. Accordingly, “in marking this difference ... from Mill’s meta-inducti[on]) ... if considerations about truth and falsity enter [the] picture, [it] is only ... downstream when something other frameworks deliver might claim to be a truth that clashes with ours and provides some evidence or argument to give up some of our own convictions.”¹⁵ However, since such considerations do not surface “upstream ... we may be as confident in the truth of the deliverance of our investigations as is merited by the evidence in our possession.”¹⁶ Therefore, Bilgrami claims “we need feel no unnecessary urge to display balance in the classroom if we have shown balance and scruple in our survey of the evidence on which ... convictions are based.”¹⁷ In other words, education ought to be, on principle, imbalanced.

Bilgrami’s critique of Mill is helpful for me in thinking through one of Professor Assoulin’s central, but unstated, concepts—authority. Earlier I offered two initial questions: (1) what if the controversies surrounding FS in educational settings are not one of objections to cross-contaminating politics with education but of appeals to the perceived merits of balance in education;

and (2) can practice be understood not metaphorically, but discursively. These questions, coupled with Bilgrami's critique of liberal political theory grounding educational speech, bring the issue of authority to the foreground. On this point, Professor Assoulin turned to paternalism, arguing that "it is necessary and right to limit a person's freedom for their own personal good and protection."¹⁸ In this schema, authority rests with the individual teacher acting in the best interests of the student. However, I would like to offer a differing grounding of education—evidence. I want to argue for educational FS on the basis of *imbalance*—the acceptability of educational speech ought to be on the evidences and forms of the expression and not the person speaking them. Not all educational expressions are equally defensible, nor should they be equally tolerated. The authority to limit or curtail expression should not rest with, or in, an individual. Limitation of educational expression, in my proposal, would be done on the grounds of the evidentiary support provided for a claim. In fact, I would go as far as to say curtailing expression on grounds of evidence is fundamental to education.

Practice, therefore, should be considered not metaphorical but discursive. The means by which educational FS can be established, contested, and exercised is through the enactment of educational FS. Similarly, the means by which educational authority would be established, contested, and exercised is through its practice. While seemingly tautological, let me explain by example. If a teacher states the world is flat and a student finds it objectionable, an imbalanced education would not only allow for, but necessitate, contestation. Students could question the merits of their instructor's claim on the basis of either the evidence provided by their teacher or an argument that they themselves introduce. Moreover, the practice of warranting evidence and making an argument would be learned by doing. In this rather absurd example, the authority to limit speech is exercised and effected by the student, not by the teacher materially illustrating the difference between evidentiary and personal authority. Such an imbalanced approach to education, grounded in the exercise of evidentiary authority, does not inherently respect a person's station. Essentially, it removes the *pater* all together. I agree with Professor Assoulin that the FS "imposes a

duty on the educational system to train and challenge students in provocative and radical ways."¹⁹ Nevertheless, I want to take the point a step further and remove the word "train." Rather than training students to be autonomous actors, students themselves could be autonomous agents in an imbalanced education.

1 Kobi (Yaaqov) Assoulin, "Educational Free Speech: From Principle to Practice," *Philosophy of Education 2019*, ed. Kurt Stemhagen (Urbana, IL: Philosophy of Education Society, 2020).

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 Akeel Bilgrami, "Truth, Balance, and Freedom" in *Who's Afraid of Academic Freedom?* ed. Jonathan Cole and Akeel Bilgrami (New York: Columbia University Press, 2016), 11.

7 Ibid.

8 Ibid., 12.

9 Assoulin, "Educational Free Speech."

10 Ibid.

11 Ibid.

12 Bilgrami, "Truth, Balance, and Freedom," 14.

13 Assoulin, "Educational Free Speech."

14 Bilgrami, "Truth, Balance, and Freedom," 23.

15 Ibid.

16 Ibid.

17 Ibid.

18 Assoulin, "Educational Free Speech."

19 Ibid.