

COMMUNICATIVE ETHICS AND MORE

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I agree with Suzanne Rice about the ethical and moral character of speech. I agree with her that merely using a legalistic framework will not do. I also agree when she writes that “as significant as modeling and other forms of pedagogy can be, in the absence of successful challenges to existing power relations, it is quite unlikely that classrooms will become places characterized by non-dominating communication.”¹

This raises the serious question of what to do in the meanwhile. Just as using a legalistic framework can bog us down in a morass of competing rights talk, and can take our attention away from other appropriate educational tasks and deeper moral issues, I worry that under certain conditions too exclusive a focus on communicative virtues could also take our attention away from other appropriate educational tasks and from deeper moral issues.

In her necessarily short paper, the communicative virtues are described a-contextually. This leaves us open to the standard danger with any virtue ethics, namely that we may have surface agreement on what counts as patience, tolerance, respect for differences, sincerity, etc. but then in particular cases we find all sorts of disagreements. For example, it may sometimes be difficult to distinguish between occasions when one is being “open to giving and receiving criticism” and times when someone is engaged in verbal assault or is the recipient of verbal abuse.

Once we begin to think about contextualizing the teaching of communicative virtues in educational settings where hate speech may be prevalent, we realize that quite different types of violation and resistance to communicative virtues are likely to occur. For example, in some cases we encounter unexamined social customs, such as when a person unconsciously, and without malice, talks about the “dark side” of something. In such instances it is often sufficient simply to call attention to the implications of the terminology and the potential for hurtful consequences. Another somewhat more complex case occurs when a person has researched and substantiated his or her biases and prejudices, as for example when one claims to have evidence to support his or her beliefs about racial superiority or inferiority. Such persons may or may not be open to correction based on more adequate data and concepts, but they might at least be amenable to experimenting with the practice of communicative virtues.

Other students, however, may be unwilling to learn or to practice communicative virtues. For example, opportunistic students may happily embrace their prejudices and revel in their accomplished use of intimidating forms of speech, which serve as a means to bond with like-minded peers and to reinforce their dominant status. And then there is the person who seems to have a fixed a priori attachment to his or her sexist or racist or homophobic beliefs, without regard for evidence, or opportunities, or consequences.

The crux of the matter here seems to be that the communicative virtues presuppose, as does virtually any ethic, a respect for persons which is not yet sufficiently present in these students’ lives. If mutual respect were present, we might not have the problem in the first place. There is also the assumption that teachers themselves are not part of the problem which they, of course, often are.

If we cannot presuppose the necessary respect for persons, what else can we do to protect persons in our educational communities from those who have not yet acquired, indeed, not even begun to learn, the communicative virtues? I believe we need do at least three additional things:

First, we need to talk directly about Hate Speech itself, make it the content, the subject matter for classroom discussion as well as for academic inquiry and legal debate. Let us talk about our feelings, fears, resistances, and personal experiences of Hate Speech. For example, when Vivian Paley undertook to institute her “You Can’t Say You Can’t Play” rule, her own class talked for weeks about the rule, and she also discussed the rule with the other grades in the school and reported what they said back to her kindergarten class.²

Second, we need to avoid hubris about talk being enough to remedy or alleviate the systemic social problems that underlie the phenomena of hate speech; in their extensively documented article “Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?” Richard Delgado and Jean Stefancic reach the conclusion that “we should deepen suspicion of remedies for deep-seated social evils that rely on speech and exhortation.”³ As teachers we can recognize situations which require us to do things other than talk, other than more talk, or the right talk. Sometimes it is best to just stop talking and take care of other things, such as altering the conditions under which talk occurs.

Third, we need to work directly with students to alter the communicative power imbalances in our immediate contexts, to find ways to prevent the harmful effects of existing power relations within our educational settings. One of my favorite classroom examples of student-generated interventions comes from a former graduate student of mine who was teaching a summer course for pre-service teachers on “School and Society” with controversial readings and sensitive topics which could easily turn into heated, explosive discussions. She and the students wanted to engage in honest, open, critical exchanges (similar to the practice of “communicative virtues”), but they also realized the imminent potential for hurtful and wounding speech occurrences. What to do? After considerable, candid discussion the entire class agreed on an unusual nonverbal solution — any member could abruptly stop the discussion by throwing his or her shoe into the middle of the classroom. The instructor was openly skeptical about this tactic; she questioned whether the students would resort to such a dramatic action even if they needed to use it; but the students stood firm, so she acquiesced.

To shorten the tale, the students did occasionally use their shoe-throwing method, with restraint and honesty. In this particular class it worked; it was their own well-discussed, deliberately chosen means to grant all students in that room the power to indicate when the classroom felt unsafe to them and, thus, to have some control, some veto power, over the situation, some basis for trust that their personal boundary would be respected at their request. It gave all members of the class an easy, timely, accessible, public means to say “Stop!”

At the institutional level, similar issues and questions arise and must be dealt with if we are to create and sustain viable educational communities; here the issue of appropriate community rules and “speech codes” can be addressed in a way that enables as much community participation and diverse input as possible. The process can always leave room for ongoing refinement and modifications based on subsequent experiences within the particular educational community. I see no *prima facie* reason why even at the university level, and certainly at the elementary and secondary level, schools cannot institute appropriate rules about speech, rules that are well within even a vigorous interpretation of the First Amendment. For example, when Cass Sunstein defends what he calls “the constitutionality of narrowly drawn restrictions on hate speech,” he still considers it legally appropriate for an educational institution to place “firm controls on hate speech, so as not to compromise the values of education itself.”⁴ And he cites Stanford University’s proscriptions against “speech that amounts to ‘harassment by personal vilification’” as an appropriate case in point.

But I want to set the legal issues aside, and return, in closing, to the deeper moral concerns. I believe Suzanne Rice is correct and perceptive in her insistence that as educators we ought to shift our attention toward the moral and ethical dimensions of human speech. The importance of “speech acts” and their significance both for the speaker and the recipient are beginning to receive more attention in the West. In some Asian traditions this has long been the case. For example in Buddhism “there is a threefold division” of persons into body, speech, and mind. “It means that ...speech is given the same importance as mind, the same importance as body. Body, speech, and mind are a sort of co-equal trinity.”⁵ Acts of speech then take on a level of importance comparable to those of body and mind. Thus, the practice of “right speech” is one of the five central ethical precepts. Ayya Khema gives us a succinct account of how strenuous this practice can be:

If you know anything that’s hurtful and untrue, don’t say it. If you know anything that’s helpful and untrue, don’t say it. If you know anything that’s hurtful and true, don’t say it. If you know anything that is helpful and true, find the right time....The right time has come when the other person is agreeable to listening and in a peaceful frame of mind. And it should, above all, be a time when oneself has only loving feelings for the other person.⁶

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1. Suzanne Rice, “‘Hate Speech’ and the Need for Moral Standards in Communicative Interaction,” in *Philosophy of Education 1994*, ed. Michael Katz (Urbana, Ill.: Philosophy of Education Society, 1995).
 2. Vivian Paley, *You Can’t Say You Can’t Play* (Cambridge, Mass.: Harvard University Press, 1992).
 3. Richard Delgado and Jean Stefancic, “Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?” *Cornell Law Review* 77, no. 6 (1992): 1291.
 4. Cass R. Sunstein, “Liberalism, Speech Codes, and Related Problems,” *Academe* 79, no. 4 (July-August 1993): 14-25.
 5. Sangharakshita, *Vision and Transformation* (Glasgow: Windhorse Publications, 1990), 62.
 6. Ayya Khema, *Being Nobody, Going Nowhere* (London: Wisdom Publications, 1987), 165-66.
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