

Thriving
in a World of
Pluralistic
Contention:

A Framework for Schools

Table of Contents

Introductory Letters and Acknowledgements

John Gulla page 1 / **The Task Force** page 2 / **Dr. John Austin** page 3

The Challenge

page 5

The Purpose: A Catalyst for Reflection and Intentionality

page 7

Three Pillars of Academic Pluralism

page 8

Educating for Expressive Freedom

page 10

Disciplined Nonpartisanship on the Part of School Leaders and Teachers

page 13

Intellectual Diversity in Schools

page 16

The Call to Action

page 19

Endnotes

My earliest memories are of school, and I feel I've never not actively been going to school. The son of two public school teachers and the nephew of a half dozen more, my eighteen or so years, formally, as a student, and a career of over forty years in and around schools have given me plenty of opportunities to try to distill to fundamentals the components of a healthy, successful school. Students need to learn to believe in themselves and to care about others, I've concluded. They need teachers who are committed to them and possess a passion for what they teach. These activities need to take place in communities that provide clear guidelines and certain essential freedoms. These guidelines and freedoms are what this project has been all about for me: helping schools to examine the establishment of guidelines and the protection of these freedoms.

It was as an undergraduate when I was assigned by the author and historian Henry Steele Commager a work of his with the title "The University and Freedom" and subtitled "Lehrfreiheit and Lehrfreiheit," loosely, from the German, the lesser and greater principles that have ever after guided me; the first, and lesser: the freedom to teach, and the second, and greater: the freedom to learn.

Witnessing troubling and increasing degrees of student self-censorship in schools, coupled with concerning patterns of less thoughtful classroom proselytization, I found myself invoking those twin German concepts more often. In the fall of 2021, someone sent me a copy of John Austin's talk at Deerfield Academy during Family Weekend, which resonated with me. I sent it to many colleagues and started an exchange with John. Later, my friend and colleague, Lee Levison, with whom I'd had decades of exchanges on this and many other topics, working with John, began to give shape to a project; the creation of a tool, something that could help independent schools wrestle with these fundamentally important concepts in a challenging, highly polarized moment in a nation's history; a moment when getting this part of school right is more important than ever.

John and Lee recruited a truly outstanding and representative group of eight of the independent school world's most thoughtful Heads of School. Speaking to them as they neared the end of their work with John and Lee in advising John on the Framework that follows these letters, I invoked another manifestation of the twin German words quoted earlier, that of Associate Justice of the Supreme Court Felix Frankfurter, writing from the bench in a 1957 case, *Sweezy v. New Hampshire*, of the "four essential freedoms" of a university, that is: "to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." I think these freedoms are critical to every independent school as well. It is the two middle freedoms that are examined in this Framework.

I am proud of the Edward E. Ford Foundation Board for its support of the proposal from Deerfield Academy to pursue the creation of this Framework, to the eight school heads for their commitment of time and perspective, and especially to Lee and to John for their efforts to bring this carefully reasoned, thoughtful, and urgent Framework to the independent school world and beyond. It is a tool to assist schools who may choose to undertake community-wide discussions, and I hope that many will do so. It is also a powerfully-reasoned piece that I strongly commend to be read by all who are involved in teaching and in the work of schools.



John Gulla

Executive Director

The Edward E. Ford Foundation

May 1, 2024

As members of the Framework Task Force, we are deeply grateful to Deerfield Academy and the Edward E. Ford Foundation for their vision and generosity in enabling us to work directly with the Framework’s author, Head of School Dr. John Austin.

We represent eight schools with a range of missions and values, and we accepted the invitation to serve because we believe in the broader goal of providing independent secondary schools with a structure to assist in developing their own guidelines to become more intentional regarding expressive freedom, non-partisanship, and intellectual diversity. Over the course of nearly a year, we collaborated to develop the Framework. As you might imagine, we did not always agree, but embraced the spirit of the Framework itself by listening deeply to each other with humility and generosity, particularly when discussing topics from our varied perspectives.

We are pleased to offer our endorsement of the Framework and its circulation among independent schools. While our conversations did not always result in consensus, we unanimously, and without hesitation, endorse the critical importance of the Framework’s three foundational pillars. In fact, we are united in encouraging every independent secondary school in the United States to:

1. assess the Three Pillars in light of their unique missions and values;
2. consider the Framework as a guide rather than a rigid blueprint; and,
3. determine their own positions regarding the Three Pillars and the role they might play in their schools.

We were motivated to participate in this singular and gratifying process because independent schools, while historically exceptionally resilient, have faced unprecedented challenges in recent years. Their missions, moreover, remain vital. In the current national political climate, independent, public, and parochial school communities should play a significant role in educating students who will bring reasoned, thoughtful discussion and dialogue to our country’s often fractious and polarized politics and discourse.

With great respect for the uniqueness of our schools, we think that every school, regardless of outcomes, could benefit from sustained conversation surrounding the concepts of expressive freedom, disciplined non-partisanship, and intellectual diversity. These concepts are essential to our students’ intellectual and personal development, and in an environment of respect and generosity, they support their autonomy and self-determination. Schools exist to serve students, and meeting their needs must come first. Further, providing the foundation for students to think for themselves, test their views, and empower them to “grow into distinct thinking individuals” is a worthy aspiration for every school, regardless of its mission.

It is with humility and hope that we endorse and share this Framework.



THE FRAMEWORK TASK FORCE

Kai Bynum
Lakeside School (WA)

Monique DeVane
College Preparatory
School (CA)

Byron Hulsey
Woodberry Forest
School (VA)

Mike Latham
Punahou School (HI)

Byron Lawson, Jr.
Trinity Preparatory
School (FL)

Joy McGrath
St. Andrew’s
School (DE)

Julianne Puente
Albuquerque
Academy (NM)

Dana Weeks
Germantown
Friends School (PA)

In the summer of 2019, my family and I returned to the United States after an absence of nine years. During that time, I had served as Headmaster of King’s Academy in Jordan. It was a turbulent moment of history in the Middle East, one of turmoil, conflict, and civil war.

As I took up my new position as Head of School at Deerfield Academy, I soon discovered that the United States was facing its own challenges; not war, but what one astute journalist had termed “high conflict,” a special category of conflict more akin to war: high stakes, winner-take-all, and zero-sum. Social and political division had deepened. Public discourse had become more acrimonious and coarser. Schools had become more fractured—their communities brittle and prone to conflict. Shared assumptions about the role of independent schools in public affairs and longstanding commitments to principles of free and open inquiry and non-partisanship in the classroom had eroded. Most concerning, a climate of wariness, distrust, and suspicion had taken root among students; they seemed to be seeking the safety and comfort of like-minded peers, retreating into digital bubbles, and, generally, keeping their heads down—trends that were only deepened by the pandemic.

In the Fall of 2021, I offered some remarks to our school community reflecting on these new realities and sketching, tentatively and as best I could at the time, a way forward. Those thoughts led to a proposal to the Edward E. Ford Foundation, the formation of a Task Force of Heads of School, and, finally, the drafting and publication of this Framework.

For me, the principles advanced by the Framework come from a place of conviction: a conviction that schools are, first and foremost, places of learning. That schools exist for students and in support of their full autonomy and flourishing. That learning, in essence, is a great adventure, and at its best, an encounter with new and challenging ways of thinking. That the purpose of schools is to enlarge the vision of young people, deepen and sustain their curiosity, and increase their appreciation of the world’s complexity.

In diverse school communities, these aspirations can be elusive. The Framework seeks to capture—and resolve—tensions that sit, sometimes uneasily, at the center of schools.

It acknowledges the critical role school leaders play in voicing, advancing, and defending educational principles while also recognizing the need for restraint and humility when speaking on matters of social and political concern.

It affirms our faculty’s freedom to teach, but also each student’s freedom to learn.

It acknowledges the value of expressive freedom as a source of human flourishing, as well as the norms that temper that freedom and create the conditions necessary for its responsible exercise.

It makes the case for intellectual diversity, while recognizing that there is—and should be—considered debate around how that diversity is framed in the classroom and in curricula.

I doubt that this Framework, or its principles, will find favor with everyone. It will disappoint those who seek to protect children from challenging material and uncomfortable questions. It will challenge those who have an overly expansive view of the public purpose of schools, and it will likely frustrate those who see schools—and classrooms—as platforms for political advocacy and social change.

And that is all to the good. The Framework is intended to provoke, challenge, and foster conversation. Ultimately, I hope the Framework will support schools as they wrestle with fundamental questions of mission and provide direction to those seeking to prepare our children for a world of pluralistic contention and civic engagement. Lastly, and most importantly, I hope it will inspire confidence and trust in our schools, and the teachers who work tirelessly on behalf of our children. Their work has never been more important, consequential, or in need of recognition.

Dr. John Austin

Head of School

Deerfield Academy

May 1, 2024

Acknowledgements

The Framework could not have been completed without the support of the Edward E. Ford Foundation, its Board of Trustees, and Executive Director John Gulla. I remain grateful for John's encouragement and enthusiasm for this project. Thank you, as well, to Lee Levison, our Project Director. A long-serving Head of School, Lee led the work of the Task Force with wisdom and intention.

Schools are collective, collaborative undertakings, as was this project. I'm deeply grateful to the members of the Task Force who volunteered their time and counsel. Among them, they have almost 200 years of experience. Their feedback, insight, and deep belief in the transformative power of schools deepened our conversations and immeasurably improved the final version of the Framework.

Finally, my deep and sincere gratitude to the Deerfield Academy Board of Trustees. I am indebted to them and to their faith in this project. —John Austin

The Challenge



American independent schools are among this country's greatest resources, models of innovation, excellence, and expanded opportunity, and for that reason, they enjoy uncommonly high levels of public support. And yet, they face challenges similar to those besetting other educational institutions, including public schools, colleges, and universities: rising polarization, intense politicization, and as a result, increased community conflict.¹

These challenges include increasing litigation in the areas of admission, curriculum, student behavior, adult misconduct, risk management, and employment; the erosion of long-standing traditions of judicial deference to the independence of schools; loss of public confidence in the ability of teachers to provide instruction on sensitive or controversial subjects; and frequent, often hostile, attacks on schools from parent groups, lawmakers, and increasingly, the media.²

Well-organized parent groups at both public and private schools have mobilized to combat what they see as political bias in hiring, school programming, and curricula, sometimes in alliance with legislators seeking to curb the freedom of schools to establish programs and curricula. Independent schools have come under unprecedented levels of media scrutiny, and are regularly caricatured in the press. The 2021 cover story of a leading national publication, "Private Schools Have Become Truly Obscene," captured the often hostile tone of this coverage, mischaracterizing independent schools as "indefensible" places of entitlement and entrenched privilege despite the fact that independent schools have become dramatically more accessible, more representative of the American public, and more welcoming to students of all backgrounds over the past several decades. In the 2023-24 school year alone, independent schools provided \$3.24 billion in financial support to students and their families.³

Together, these trends have placed tremendous strains on independent school Boards, school leadership, and their faculties. Boards, for instance, found themselves more directly involved in the day-to-day operations of schools as they sought to meet the challenges of the recent pandemic and the urgent—and unprecedented—decisions that moment required. Long-standing traditions of school governance and shared understandings about the appropriate roles of Heads of School and their Boards have eroded. One in three Heads of School and one in five Trustees report that Boards fail to operate within the boundaries of their distinct roles.

Heads of School have sometimes struggled to reconcile the different interests of competing constituencies, meet the needs of a politically diverse parent body, and bridge a growing divide between the political views of parents and teachers. Ninety-seven percent of school heads cite polarization as one of the leading challenges they face. Like their counterparts in American colleges and universities, they have faced considerable pressure to publicly address a wide range of social and political events, and to issue expressions of institutional solidarity and affirmation to various groups within their school communities. It should not surprise us that turnover among school leaders at all levels has increased, while length of tenure has declined. Levels of morale among those working in schools have likewise declined, with fewer and fewer young adults expressing interest in pursuing careers in education.⁴

Most significantly, schools have seen precipitous declines in the health and well-being of children. Students report, and medical data confirms, rising levels of anxiety and depression among young people, increasing levels of social isolation, and diminished opportunities for meaningful peer connection. Fear of peer censure, driven in large part by social media, has led to increasing levels of self-censorship among young people, a chilled speech climate, and, often, an atmosphere of wariness and suspicion.⁵

These trends raise important questions about the future of independent schools, their legitimacy, and the unique status they have been afforded as nonprofits, including:

- What should the role of schools and school leaders be in political and social affairs, especially during moments of intense political conflict?
- How is that role expressed in program, curriculum, instruction, and professional standards for faculty and school leaders?
- How do we create school climates that foster open, nonpartisan, courageous civic inquiry?
- How do we promote among students curiosity and open-mindedness, build intellectual resilience, and foster in them the willingness to explore—and express—their own convictions and commitments?

The Purpose: A Catalyst for Reflection and Intentionality



Although independent schools serve a small fraction of the American public, we hope this framework will prove useful to schools of all types: public, parochial, or charter. We hope that it will support Boards, school leaders, and faculty as they seek to enhance the expressive freedom of students, foster in them the habits of curiosity and critical analysis, and prepare them to thrive—and flourish—in a world of pluralistic contention.

The purpose of the framework is not to mandate a uniform approach to these complex issues—our schools are much too diverse for that—but to encourage conversation within school communities, offer a vehicle for institutional reflection and assessment, and provide an opportunity for shared understanding and consensus among various school constituencies and stakeholders.

Schools may adopt the framework (or parts of it), revise it in the context of their own missions, or reject it entirely. We view each of these outcomes as a positive one, and we will develop opportunities where schools can engage directly with the framework, including survey instruments to explore campus climates.

Three Pillars of Academic Pluralism

The challenges independent schools face are not new, nor are they unique. Since the early 20th century, colleges and universities have faced challenges similar to those that secondary schools are now navigating. To meet those, colleges and universities have, over time, developed a body of principles to navigate political and social conflict. These include the American Association of University Professors' 1915 *Declaration of Principles*, the University of Chicago's 1967 Report on the University's Role in Political and Social Action (commonly known as the Kalven Report), Yale University's 1974 *Report of the Committee on Freedom of Expression* (the Woodward Report), and the University of Chicago's 2014 *Report of the Committee on Freedom of Expression* (the Chicago Principles). This body of thought has, in turn, led to other more recent statements of academic principle on such issues as campus speech, content warnings, and institutional neutrality and stance-taking at Stanford Law School, Cornell University, Massachusetts Institute of Technology, Princeton University, the University of Wyoming, Vanderbilt University, Northwestern, and Williams College, among many others.⁶

These statements of principle have a unique claim on the attention of independent schools and their students. Taken together, they outline the norms, standards, and values governing the colleges and universities into which many of our students will graduate and the ethos we hope to impart to them as young scholars and citizens, forming the core tenets of what we might think of as “academic pluralism.” Moreover, these time-tested principles have played an important role in preserving the integrity of these institutions through the ups and downs of political and social turmoil.

This framework draws on these founding documents, adapting them to the unique needs of all secondary schools and the students they serve, and updating them in light of contemporary research on the promotion of nonpartisan inquiry.

Unlike universities, schools are not principally concerned with research and the production of new knowledge. Their purpose is more crucial: to introduce young people to the values, practices, and conventions of disciplined inquiry—what the journalist Jonathan Rauch calls the “constitution of knowledge.” Initiation into these practices—including the value of expressive freedom as a source of creativity and human flourishing—is an essential precondition for learning, inquiry, and the testing of ideas.⁷

The framework rests on a simple assumption: that schools are, first and foremost, places of inquiry and exploration, preparing students for the freedom, rights, and responsibilities they will enjoy as adults. Teaching and learning are distinct from advocacy and activism, and nonpartisan teaching is vital to creating an intellectual climate within schools that promotes, sustains, and deepens courageous inquiry. Avoiding political entanglements that exceed a school's reach and resources will help foster a climate of intellectual exploration free from political tilt or ideological bias, support student autonomy and self-formation, and provide educators with an invaluable design principle against which program, instruction, and curriculum can be assessed.⁸

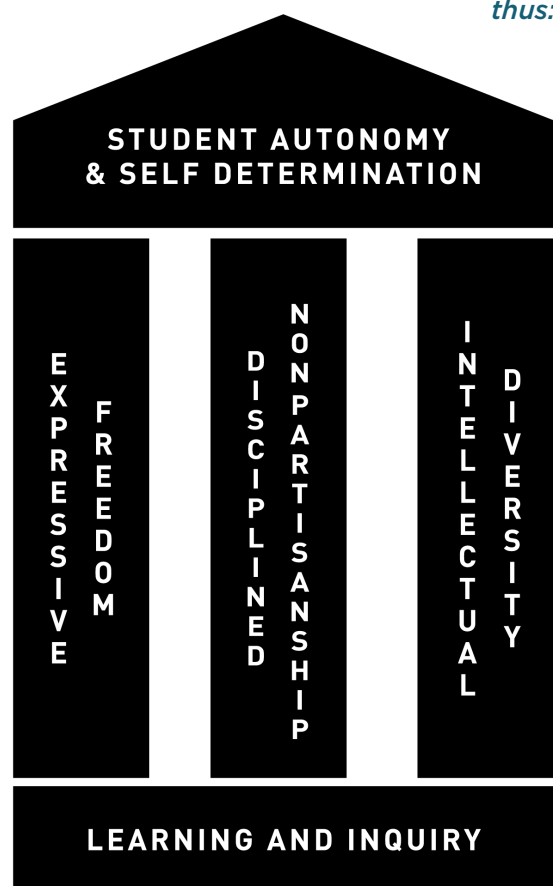
The framework is structured on three pillars:

- A Commitment to Expressive Freedom
- A Commitment to Disciplined Nonpartisanship
- A Commitment to Intellectual Diversity

These mutually reinforcing pillars support the central goal of the framework: to form students as “distinct thinking individuals,” skilled in the habits of independent thought, conversant with the norms of disciplined inquiry, and empowered to discover, develop, and courageously express their own political and civic commitments.⁹

Our schools serve diverse populations, representing a range of values and beliefs, and they include students and families across a broad spectrum of political orientations. Through a renewed commitment to expressive freedom, disciplined nonpartisanship, and intellectual diversity, independent schools can effectively serve politically and demographically diverse populations, continue to hold the trust and confidence of the public, and protect themselves from outside interference and attack.¹⁰

The framework might be envisioned thus:



Educating for Expressive Freedom

There is abundant evidence that many Americans, particularly young Americans, have lost faith in the ideal of expressive freedom as a defining value. That loss of faith crosses political and party lines and extends deeply into our schools.¹¹

Two arguments have been advanced against the ideal of expressive freedom in schools, both recent and pervasive. The first argument frames the school—and the classroom—as a therapeutic space and holds that the first priority of discourse should be to “cause no hurt.” Amna Khalid and Jeffrey Snyder call this the “safety and security model of learning.” The second objection is political. It holds that speech is itself a “weapon wielded by the powerful to subjugate the oppressed,” reinforcing relationships of subordination and hierarchy.¹²

Given the recent prominence of these ideas, it should not surprise us that overall support for expressive freedom among college-age students has declined over the last decade and that levels of self-censorship among young people, largely driven by fear of peer censure and amplified by social media, have increased among all student groups, with substantial impacts on student well-being. While students continue to voice support for the expression of unpopular views, only a slight majority of college-age students are confident in expressing disagreement with teachers and peers.¹³

Independent schools have a crucial role in reversing these trends by fostering norms of expressive freedom and inculcating in their students a robust understanding of the essential role that freedom plays when responsibly exercised, in advancing inquiry and knowledge. Schools, in this way, are much more important than colleges and universities, since it is there, during the formative years of adolescence and young adulthood, that the intellectual sensibilities of young people are shaped. To that end, schools should actively and intentionally seek to advance the ideal of expressive freedom with, as one university president remarks, “an eye to engagement and dialogue.”

We identify three dimensions of this expressive ideal.

Each of these is essential, and each is meaningless without the others:

Conscientiousness of Expression:

Social media has dramatically changed the conditions under which young people engage with one another. A considerable body of research has demonstrated that social media use foments conflict and diminishes well-being. As Suzanne Nossel, the CEO of PEN America, remarks, “The speech promoted by engagement-driven algorithms is long on outrage and virtue signaling, short on nuance, balance and basic politeness,” teaching young people “a discourse of absolutes—the antithesis of the pluralistic give-and-take that our society desperately needs.”¹⁴

Schools, Nossel suggests, should respond to this challenge by promoting an ethic of “conscientiousness.” This means:

- teaching young people to understand the impact of their speech on others;
- providing them with the skills—and opportunities to practice—speaking with consideration, civility, and temperateness;
- encouraging thoughtful self-regulation and civility;
- and charging them with actively co-creating with peers a climate of mutual respect where all voices are welcome and heard.¹⁵

Courage of Expression:

Expressive freedom is an essential bulwark against tyranny and injustice. Without it, we have no art, no literature, and no knowledge. When students are unable or fearful of speaking freely, they miss important opportunities to develop critical faculties of the mind.

It is therefore necessary to cultivate in students the dispositions to express confidently and courageously their own opinions and arguments, even when they run counter to prevailing orthodoxies, peer beliefs, and the threat of what the novelist Chimamanda Ngozi Adichie calls “social censure.”¹⁶ This includes:

- fostering in young people the ability to respond to views that seem unreasonable and upsetting;
- creating a climate where intellectual risk-taking, mistake-making, and question-asking are cherished;¹⁷
- and encouraging the broadest possible range of speech among students.

A commitment to expressive freedom necessarily excludes certain categories of speech—bullying, harassing, and threatening speech—that are legally prohibited. As the University of Chicago’s 2014 report notes: “The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The university may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat of harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the university.” Those restrictions may also include the prohibition of slurs. As the Woodward Report states: “No member of the community with a decent respect for others should use, or encourage others to use, slurs and epithets intended to discredit another’s race, ethnic group, religion, or sex.”¹⁸

Toleration of Expression:

Two-thirds of college students believe it is sometimes acceptable to shout down a controversial speaker, while a quarter believes it is permissible to use violence to stop someone from speaking on campus. Yet toleration of upsetting and offensive speech is a time-proven way to peacefully manage conflict, promote dialogue, and foster understanding. That was the argument advanced by Frederick Douglass in his “Plea for Speech in Boston,” where he affirmed the right to listen. “To suppress speech,” he wrote, “is a double wrong: it violates the rights of the hearer as well as those of the speaker.” And it informed Pauli Murray’s defense of Alabama Governor George Wallace’s right to speak at Yale in 1963. More recently, Robert P. George and Cornel West have argued that “all of us should be willing—even eager—to engage with anyone who is prepared to do business in the currency of truth-seeking.” They write: “The more important the subject under discussion, the more willing we should be to listen and engage—especially if the person with whom we are in conversation will challenge our deeply held—even our most cherished and identity-forming beliefs.”

Fostering toleration of expression requires:

- cultivating in students a willingness to listen deeply and patiently, even in the face of provocation;
- encouraging students to engage regularly with arguments with which they disagree or find offensive, unwelcome, or wrong-headed;
- cultivating in them an ethic of generosity, a spirit of charity, and an assumption of good faith on the part of peers.

Each of these is a precondition for fostering in young people that rarest of qualities: a willingness to change one’s own views.¹⁹

Disciplined Nonpartisanship on the Part of School Leaders and Teachers

Over the last decade, many schools have expanded the scope of their mission to embrace a range of public purposes, actively committing to “building the capacities of students to advocate for social justice beyond the classroom.” Other schools have weathered accusations of conservative partisanship, particularly religious and “classical” schools embracing a more traditional curriculum. Faculty, as well, have become more outspoken—and assertive—on matters of social, economic, racial, and environmental justice, among other issues.

Nonpartisanship remains an essential means for securing and retaining the trust of a diverse public, and it is well-established across a range of professions as both a matter of principle and, in the case of independent schools, law. The University of Chicago’s Kalven Report famously advanced an argument for neutrality in political and social action. To protect their core mission—the discovery, improvement, and dissemination of knowledge—educational institutions, its authors wrote, “must maintain independence from political fashions, passions, and pressures.”²⁰

Independent schools are governed by similar restraints. As a matter of law, schools registered as 501(c)(3)s must refrain from partisan political activity. That includes a legal obligation neither to support nor oppose political candidates or advocate on their behalf.²¹

Stance-taking by School Leaders:

The first responsibility of school leaders, after ensuring the physical safety of students, is to create a space where curiosity and inquiry can take root and flourish. Public stance-taking on the part of school leaders can undermine that goal by establishing an orthodox view, chilling campus inquiry, and marginalizing those with dissenting views. This is particularly true during periods of heightened political controversy. School leaders, therefore, should adopt a position of studied, principled nonpartisanship on questions of social and public concern unrelated to their school’s core educational mission. When they do feel compelled to speak, they should do so with modesty, recognizing that stance-taking on issues of public controversy can inadvertently narrow the aperture of campus inquiry, preempt discussion and dialogue, and divide students into insiders or outsiders, depending on their views.²²

Two caveats: First, silence by campus leaders on issues of public controversy or current events should not be taken as acquiescence or approval of a position or policy or as insensitivity to the suffering of others but as the necessary means of creating space for the expression of student uncertainty and of views that might otherwise remain unvoiced. As the Kalven Report emphasizes, the presumption against stance-taking derives “not from a lack of courage nor out of indifference . . . but out of respect for free inquiry and the obligation to cherish a diversity of viewpoint.”²³

Second, public stance-taking on the part of Heads of School should not be confused with their obligation to uphold core values within their schools. School leaders can affirm and uphold the values that support a kind, caring, and inclusive community—a community free from bullying, harassment, and discrimination—without endorsing a particular political program or philosophy. The best way to educate for thoughtful citizenship and student engagement is to remain neutral on contested political and ideological questions that are open to reasonable disagreement.

Stance-taking by Faculty:

Independent school teachers rightly enjoy tremendous freedom in matters of instruction, curriculum, and the selection of classroom materials. This freedom distinguishes independent from public schools, where curriculum and instruction are subject to democratic oversight in the form of elected school boards and state legislatures. That freedom to teach is fundamental to independent schools and should be respected and honored.

At the same time, it is widely recognized that academic freedom is different from, and more limited than, freedom of speech, and that the expressive freedom of independent school teachers is bounded by specific academic duties, including a duty to the integrity of a teacher’s discipline or field of study and established norms of truth-seeking.

The autonomy of students and their right to be free from coercion is a core principle of all professional organizations that work with children—the educational equivalent of the medical profession’s Hippocratic Oath to do no harm. Students have a fundamental right to determine their own values free from coercion, ideological tilt, and inappropriate adult influence. As early as 1915, the AAUP “Declaration of Principles” warned that “the teacher ought . . . to be especially on his guard against taking unfair advantage of the student’s immaturity.” That restraint is even more important when working with younger students. They are more susceptible to adult influence, and they may not yet possess the critical skills or breadth of knowledge necessary to perceive bias in the presentation and selection of material, especially on questions of public controversy.²⁴

The first duty of secondary/high school teachers, therefore, is to recognize the asymmetrical relationships of power that inhere in the teacher-student relationship, and the potential conflict of interest between a teacher's duty to actively support a student's intellectual growth and autonomy and the expression of their own partisan and political beliefs.

To that end, teachers should exercise considerable discretion when expressing their own views and beliefs in the classroom, using that freedom sparingly and only when it supports the intellectual agency of students. Diana Hess, Dean of the School of Education at the University of Wisconsin, calls this the "pedagogical tools approach." Such an approach defers to the professional judgment of teachers in deciding when and how to share their views on a contested issue but recognizes the dangers on the part of teachers of over-sharing, grandstanding, and the unnecessary interjection of personal views.²⁵

Overcoming the ubiquitous nature of political bias requires sustained and disciplined effort. Like professionals in related fields, teachers should adopt strategies that seek to mitigate, if not eliminate, political and partisan tilt in the curriculum, and embrace what Michael Walzer calls the "standard of liberality,"—the practice of alerting students to counterarguments, encouraging speculation, and inviting skepticism. Additionally, teachers ought to refrain from the introduction of material extraneous to their discipline, especially if it exceeds their expertise or classroom responsibilities.²⁶

Faculty have a right to engage in political activities off-campus, outside of school activities, and on their own time. Yet teachers cannot reasonably expect privacy when speaking in their private capacity as citizens, especially on social media. Teachers at the secondary school level should, therefore, carefully consider how their extramural speech may impact students' perception of their fairness, especially in matters of grading and evaluation, and their ability to mentor and care for students who may hold different beliefs.²⁷

Intellectual Diversity in Schools

Most independent schools have long sought to graduate young people who are prepared for intellectual and civic leadership. That aspiration is most fully realized when students are given abundant and meaningful opportunities to engage with intellectually diverse arguments, perspectives, and views. Exposure to diverse and heterodox ideas inoculates students against unthinking conformity and uncritical orthodoxy, and remains a pre-condition for informed civic engagement.

Students are ill-served when they are shielded from the discussion of issues that are open, contested, and unsettled in the public sphere but closed on campus. Rather than protect students from new ideas or reflexively affirm existing beliefs and commitments, schools should routinely ask students to engage with material that discomfits, unsettles, and runs counter to prevailing orthodoxies. Schools, in short, should envision learning as a sustained encounter with the challenging and the unfamiliar. The classroom, in particular, is a place where established beliefs and commitments are explored and tested against competing arguments.

Intellectual diversity is not, as it is often framed, simply a matter of hiring an intellectually diverse faculty, as important as that might be. Rather, schools have a positive duty to expose students to a wide range of ideas and debates in the formal curriculum of the school, in their libraries, and in programming beyond the classroom. Nor should it be confused with what has been called “bothsidesism,” a superficial balance of views uninformed by scientific or scholarly consensus. The goal of an intellectually diverse curriculum is not reflexive balance or even completeness but the intentional inclusion of competing arguments and theories.²⁸

The educational value of intellectual and argument diversity is well-established. It finds expression in the Greek ideal that we learn best through discussion and Socratic questioning, in medieval religious traditions of disputation, and modern forms of dialectic.

Schools have a particular interest in advancing argument diversity since it is founded on longstanding assumptions common to the scholarly enterprise:

- That ideas and theories are always in dialogue and conversation with one another;
- That cultures and traditions of thought are themselves plural, hybrid, and heterogeneous rather than unitary or monolithic;
- That academic disciplines are themselves fields of contestation and argument;
- That the study of the past enlarges and enriches our understanding of the present.²⁹

The 1915 *Declaration* speaks of the duty to set forth “justly and without suppression or innuendo the divergent opinions of other investigators . . . the best published expressions of the great historic types of doctrine upon the questions at hand.” It speaks not simply of exposing students to a range of arguments but of the need “to habituate them to looking not only patiently but methodically on both sides before adopting any conclusion upon controverted issues.”³⁰

That call to curate diverse materials in support of open inquiry has since been taken up by a broad range of professional organizations. The *Library Bill of Rights*, first adopted in 1939, includes not only a principle of non-exclusion—“material should not be excluded because of the origin, background, or views of those contributing to their creation”—but also, and perhaps more importantly, a positive duty of providing materials “presenting all points of view on current and historical issues.”³¹

Intellectual diversity is a defining feature of all fields of study and disciplines, but it is crucial to the study of contemporary issues of justice and social change. As the 1915 *Declaration* notes, the partial or slanted presentation of a “controverted” issue is a special challenge in the domain of social science, as it remains today for disciplines that are openly political in their orientation. “The chief menace” to intellectual diversity, the *Declaration* notes, is no longer “ecclesiastical” censorship, as it once was (and occasionally still is), but political conformity and ideological orthodoxy, especially in the discussion of what the *Declaration* calls “grave issues in the adjustment of man’s social and economic relations.” In approaching these issues, the *Declaration* counsels not only patience and intellectual humility but also deep engagement with “that breadth of historic vision which it should be one of the functions of institutions of learning to cultivate.” In other words, questions of social and economic justice should be approached as open, unsettled, and informed by diverse traditions of thought, present and past.

Central to the project of creating intellectually diverse programs and curricula is the active stewardship by teachers and schools of what the *Declaration* calls “all genuine elements of value in the past thought and life of mankind which are not in the fashion of the moment.” Schools should guard against what one scholar calls “the provincialism of the contemporary,” and embrace their essential role as stewards of historically diverse canons of thought and philosophy.³²

Generally, the more a given program is engaged with issues of contemporary social and political controversy, the greater the need to open discussion to the full range of theories and perspectives. In as much as discussions of social justice are informed by contemporary theories of social and political transformation, they should be studied within the context of alternative and competing theories of change and social improvement; only then are students able to test their own views against competing ideas. That is why professional associations in history and social science have long emphasized diversity of thought and theory to check against bias and protect the intellectual autonomy of students. The American Historical Association’s *Statement on Standards of Professional Conduct* states that “students should be made aware of varying interpretations.” The American Political Science Association’s *Statement on the Essential Role of Social Scientific Inquiry* states that there can be no scholarly inquiry without “openness to diverse viewpoints and the possibility of robust disagreement.” And the American Library Association’s statement on the *Freedom to Read* states: “It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.”³³

Students crave opportunities to explore and discuss issues of historical debate, ethical complexity, and civic controversy, and embracing controversy in the classroom remains a proven way to excite and sustain student engagement.³⁴

A range of fields offer models for the support of intellectual diversity in teaching and learning:

- a. Philosophy: The disciplinary norms of philosophy—the practices of “affective neutrality in the discussion of moral and political issues,” cognitive empathy (the ability to understand the reasoning of others and to fairly and generously reconstruct the arguments of others), precision in the definition of terms—all emphasize the understanding of diverse arguments.

- b. Law:** Law education has long embraced Socratic dialogue and the case method as a way to broaden discussion on contested legal doctrine, including the sustained study of dissenting legal opinion.
- c. Debate:** Debate-centered education encourages young people to consider heterodox arguments and perspectives, emphasizing the skills of listening and persuasion.
- d. Literary Study:** Teachers of literature have long recognized the value of a diverse canon. The rediscovery of neglected works and authors and the more inclusive and expansive canon that resulted remains one of the greatest humanistic accomplishments of contemporary literary scholarship.³⁵

Schools should strive for that same diversity of thought and expression in all disciplines, all fields of study, and all programming, but particularly in those primarily concerned with the sphere of human values.

The Call to Action

The values of expressive freedom, nonpartisanship, and intellectual diversity are already central to independent schools. One hope of this framework is that it will offer opportunities to highlight the work of faculty and schools across the country in each of these areas, and facilitate the sharing of effective practices.

If academic pluralism is to take full hold in our schools, teachers, school leaders, trustees, and parents will need to collaborate to advance it; there are exciting opportunities in almost every area of school life.

Boards can employ the framework to assess school mission and clarify priorities; schools can seek opportunities to educate parents about the value of intellectual diversity, school-wide approaches to expressive freedom, and stance-taking, and they can provide maximum transparency in the publication of curriculum and instructional standards. A commitment to such clarity will foster trust among various constituents and strengthen that sense of common purpose so essential for student well-being.

Schools can engage students in an active and central role in creating a culture of conscientious, courageous, and tolerant expression. Programmatically, schools can deepen practices that support dialogue and the exchange of views via school newspapers and other publications, forums and colloquia featuring speakers with competing views and opinions, programs in debate and public speaking, and simulations that require perspective-taking such as the Model United Nations, Model Congress, and historical role-play. Schools can provide students with orientations on the value of expressive freedom and educate them about the history of censorship and expressive freedom, including philosophical and legal debates around its value and limits.³⁶

Schools can—and should—build upon existing efforts around inclusion by adopting intellectual diversity as a fundamental educational aim and by developing structures that promote confident, “purposeful pluralism,” including a school-wide emphasis on rhetoric and argument literacy. And they should, when necessary, reassess school practices that might inhibit intellectual risk-taking and chill expression, including overly permissive cell phone policies, expansive and punitive speech codes, restrictive discussion protocols, and curricular structures that sort students into what one scholar calls “intellectual affinity groups,” thereby shielding students from new and challenging ideas.³⁷

Faculty most directly shape school culture, creating curriculum and modeling for students norms of academic inquiry. They will, therefore, play a defining role in leading these efforts. Schools must provide faculty with the resources and professional opportunities to study, augment, and advance intellectual diversity across all programs, particularly the classroom.

Those opportunities include developing:

- principles of course design that foster open inquiry;
- curricular structures that support engagement with diverse ideas, both past and present;
- common intellectual experiences that center argument diversity;
- and standards of instruction that minimize political and partisan tilt.

This framework, and the practices outlined within it, seek to make the case for academic pluralism as an essential means for promoting independent thought and courageous inquiry. But it will take all of the energy, resourcefulness, and creativity of teachers to bring it fully to life in the lives of students. That is the important—and exciting—opportunity ahead, one for which the faculty of American independent schools is uniquely suited.

Endnotes

¹ According to the National Center for Education Statistics, independent schools saw a 1.7% increase in enrollment between 2020–22, even as international student enrollment declined as a result of the pandemic. National Center for Education Statistics, “New Data Indicate Nation’s Private School Enrollment Held Steady Overall From 2019–20 to 2021–22,” news release, December 6, 2023, https://nces.ed.gov/whatsnew/press_releases/12_6_2023.asp; Lydia Saad, “Private Schools First, Public Schools Last in K-12 Ratings,” Gallup News Service, August 21, 2017, <https://news.gallup.com/poll/216404/private-schools-first-public-schools-last-ratings.aspx>; Margaret Anne Rowe, “Divisions and Heads: An In-Depth Look at the NAIS Report on Polarization in Schools,” *Independent School*, Fall 2023 (This article appears online under the title “Research Insights,” <https://www.nais.org/magazine/independent-school/fall-2023/research-insights-an-in-depth-look-at-the-nais-report-on-polarization-in-schools/>); John Rogers et al., *Educating for a Diverse Democracy: The Chilling Role of Political Conflict in Blue, Purple, and Red Communities* (Los Angeles: UCLA’s Institute for Democracy, Education, and Access, 2022), <https://idea.gseis.ucla.edu/publications/educating-for-a-diverse-democracy/>; Amanda Ripley, “Masks. Vaccines. Anti-Racism. Expert Advice for Schools Caught Up in Conflict,” *Education Week*, August 12, 2021, <https://www.edweek.org/leadership/opinion-masks-vaccines-anti-racism-expert-advice-for-schools-caught-up-in-conflict/2021/08>.

² According to United Educators, a leading insurance provider to independent schools, K-12 schools and colleges have seen awards and settlements of at least \$250,000 increase of over 500% since 2015. United Educators, *2023 Large Loss Report*, UE-1401431/23 (Bethesda, Md.: United Educators Insurance, 2023), <https://www.ue.org/48e823/globalassets/global/large-loss-report-2023.pdf>. An unprecedented challenge to the nonprofit status of independent schools is currently winding its way through the federal courts. See Brigid Harrington, “Federal Court Rules that Tax-Exempt Private Schools Must Comply with Title IX,” JD Supra (website), July 26, 2022, <https://www.jdsupra.com/legalnews/federal-court-rules-that-tax-exempt-2096539/>. See also Steve Sanders, “Judges Have Long Been Deferential to Academe. That’s Changing.,” *Chronicle of Higher Education*, November 24, 2023, <https://www.chronicle.com/article/judges-have-long-been-deferential-to-academe-thats-changing>; Kevin Mahnken, “New Poll: Majority of Adults Don’t Trust Educators to Handle Sensitive Topics,” *The74* (website), August 25, 2022, <https://www.the74million.org/article/new-poll-public-rates-local-schools-highly-but-is-split-on-teachers/>.

³ Ginia Bellafante, “Private Schools Brought in Diversity Consultants. Outrage Ensued.,” *New York Times*, April 23, 2021, <https://www.nytimes.com/2021/04/23/nyregion/private-schools-diversity-brearley-dalton-grace.html>; Jenna Russell, “Parents Group Launches Campaign for ‘True Diversity of Thought’ in New England Private Schools,” *Boston Globe*, July 11, 2021, <https://www.bostonglobe.com/2021/07/11/metro/parent-group-launches-campaign-against-indoctrination-students-new-england-private-schools/>; Jonathan Friedman, James Tager, and Cheryl Leanza, *Educational Gag Orders: Legislative Restrictions on the Freedom to Read, Learn, and Teach* (New York: PEN America, November 2021), <https://pen.org/report/educational-gag-orders/>; Caitlin Flanagan, “Private Schools Have Become Truly Obscene,” *The Atlantic*, March 11, 2021, <https://www.theatlantic.com/magazine/archive/2021/04/private-schools-are-indefensible/618078/>. The financial aid number has been calculated from data included in the National Association of Independent Schools (NAIS), *2024 Independent Schools Facts at a Glance*, Data and Analysis for School Leadership Report (Washington, D.C., 2024), [https://www.nais.org/getmedia/3005f4ae-7a15-4adc-a774-9687beacd907/Facts-at-a-Glance-2023-2024-\(NAIS-Members\).pdf](https://www.nais.org/getmedia/3005f4ae-7a15-4adc-a774-9687beacd907/Facts-at-a-Glance-2023-2024-(NAIS-Members).pdf).

⁴ Margaret Anne Rowe and Joseph Corbett, *2023 Hot Issues Survey: Challenges and Opportunities for Independent Schools*, (Washington, D.C.: NAIS, 2023), <https://www.nais.org/articles/pages/research/nais-research-2023-hot-issues-survey/>; Karin Fischer, “The Third Rail of Higher Ed,” *Chronicle of Higher Education*, October 18, 2023, <https://www.chronicle.com/article/the-third-rail-of-higher-ed>; Frank Bruni, “With War Raging, Colleges Confront a Crisis of Their Own Making,” *New York Times*, October 26, 2023, <https://www.nytimes.com/2023/10/26/opinion/israel-palestine-college-campuses.html>. The writer Len Gutkin has explained that college leaders sometimes find themselves adjudicating “competing claims to vulnerability” and under pressure from students to publicly express institutional solidarity with them. See Len Gutkin, “A Decade of Ideological Transformation Comes Undone,” *Chronicle of Higher Education*, December 22, 2023, <https://www.chronicle.com/article/a-decade-of-ideological-transformation-comes-undone>; Margaret Anne Rowe, *Head Turnover at Independent Schools: Sustaining School Leadership* (Washington, D.C.: National Association of Independent Schools, 2020), <https://www.nais.org/articles/pages/research/nais-research-head-turnover-at-independent-schools-sustaining-school-leadership/>. For a perspective on the morale of public school teachers, see Holly Kurtz, Sterling C. Lloyd, and Vanessa Solis, “Overall Teacher Morale Is Low, But Some Struggle More Than Others.,” *Education Week*, March 6, 2024.

⁵ Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood Is Causing an Epidemic of Mental Illness* (New York: Penguin Press, 2024).

⁶ American Association of University Professors (AAUP), “1915 Declaration of Principles on Academic Freedom and Academic Tenure,” in *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015), 3–12 (The “1915 Declaration” is available on the web at <https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf>); Harry Kalven, Jr. et al., *Report on the University’s Role in Political and Social Action* (Chicago: University of Chicago, November 11, 1967), https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt_0.pdf; C. Vann Woodward et al., *Report of the Committee on Freedom of Expression at Yale* (New Haven, Conn.: Yale College, 1974), <https://yalecollege.yale.edu/get-know-yale-college/office-dean/reports/report-committee-freedom-expression-yale>; Geoffrey R. Stone et al., *Report of the Committee on Freedom of Expression* (Chicago: University of Chicago, January 2015), <https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>; Jenny S. Martinez, Memorandum to the Stanford Law School Community, March 22, 2023, <https://law.stanford.edu/wp-content/uploads/2023/03/Next-Steps-on-Protests-and-Free-Speech.pdf>; Martha E. Pollack and Michael I. Kotlikoff, “Statement Rejecting Student Assembly Resolution #31, ‘Mandating Content Warnings for Traumatic Content in the Classroom,’” April 3, 2023, <https://assembly.cornell.edu/resolution-actions/sa-r31-mandating-content-warnings-traumatic-content-classroom-1>; Sallie Chisholm et al., *Report of the MIT Ad Hoc Working Group on Free Expression* (Cambridge: Massachusetts Institute of Technology, June 4, 2022), https://facultygovernance.mit.edu/sites/default/files/20220901_Final_Report_of_the_Ad_Hoc_Working_Group_on_Free_Expression.pdf; Princeton University, “1.1.3 Statement on Freedom of Expression,” Princeton University’s Rights, Rules, Responsibilities (website), April 6, 2015, <https://rrr.princeton.edu/2023/university-wide-regulations/11-university-principles-general-conduct-and-regulations>; University of Wyoming, “Statement of the University of Wyoming Principles,” Freedom of Expression, Intellectual Freedom, and Constructive Dialogue (website), June 7, 2022, <https://www.uwyo.edu/president/freedom-of-expression/index.html>; Vanderbilt University, “Vanderbilt’s Commitment to Free Expression,” Dialogue Vanderbilt (website), August 23, 2023, <https://www.vanderbilt.edu/dialogue-vanderbilt/free-expression/>; Michael Schill, “Message to Senior Leadership, Northwestern University,” Leadership Notes: Messages From Northwestern Leaders (website), October 11, 2023, <https://www.northwestern.edu/leadership-notes/2023/message-from-president-schill-to-senior-leadership.html>; Maud Mandel, “Campus Vigil on Israel and Gaza, and the College President’s Role in the Wake of World Crises,” Office of the President, Williams College (website), October 12, 2023, <https://president.williams.edu/writings-and-remarks/letters-from-the-president/campus-vigil-on-israel-and-gaza-and-the-college-presidents-role-in-the-wake-of-world-crises/>. The meaning and scope of academic freedom has evolved over time. See Daniel Gordon, *What Is Academic Freedom?: A Century of Debate, 1915–Present* (New York: Routledge, 2023).

⁷ Jonathan Rauch, *The Constitution of Knowledge: A Defense of Truth* (Washington, D.C.: Brookings Institution Press, 2021), 15–18.

⁸ The language here draws from Faculty for Yale, “Mission and Commitments,” Faculty for Yale (website), December 2023, <https://campuspress.yale.edu/facultyforyale/>. Some have argued that it is difficult, if not impossible, to distinguish between political and educational values and that the attempt to do so is itself a political act—one that accepts, and implicitly endorses, existing injustices and hierarchies of subordination. In this view, institutional and instructional nonpartisanship is a form of political and civic quietude. As difficult as it sometimes is in practice to distinguish between political and educational values, there is a long and distinguished intellectual tradition of doing so. It was Max Weber, in his two “vocation” lectures—recently translated by Damion Searls as “The Scholar’s Work” and “The Politician’s Work”—who insisted that political and scholarly work are distinct activities, each with their own aims, norms, and methods. Speaking in 1917 to a group of German university students during a moment of political and social upheaval, Weber drew a sharp distinction between the practice of politics—what he famously called the “slow and difficult drilling of holes into hard boards”—and its study. “Taking a concrete, practical political stance is one thing; the scholarly analysis of political institutions and party platforms is another,” Weber wrote. “When you say something in a political meeting about democracy, there’s no need to make a secret of your personal political views; on the contrary, you *are* taking a side ... The words you use are not tools of academic analysis but political appeals meant to win others to your position—not plowshares to loosen the soil of contemplative thought, but swords to be used against opponents. Weapons. In a lecture or a university auditorium, though, it would be an outrage to use words in this way.” At about the same time, the AAUP adopted standards for academic freedom that depended on a similar distinction. Those standards sought to define norms of academic integrity, protect academic freedom, and insulate colleges and universities from outside political interference. This is what the historian Daniel Gordon calls “the anti-political orthodoxy,” a standard that the AAUP has upheld for most of its history. Gordon’s work offers a fascinating overview of changing definitions—and the debates around—academic

freedom. As he notes, throughout the 20th century, many scholars have defended Weber's distinction, including Stanley Fish, Lee Bollinger, and many others. Max Weber, *Charisma and Disenchantment: The Vocation Lectures*, ed. Paul Rietter and Chad Wellmon, trans. Damion Searls (New York: New York Review of Books, 2020), 27, 115; Gordon, *What Is Academic Freedom?*; Stanley Fish, "Save the World on Your Own Time," *Chronicle of Higher Education*, January 23, 2003, <https://www.chronicle.com/article/save-the-world-on-your-own-time/>; Stanley Fish, *Save the World on Your Own Time* (New York: Oxford University Press, 2008); Lee C. Bollinger, "Remarks for the Benjamin N. Cardozo Lecture" (Association of the Bar of the City of New York, New York, 2005), https://www.nycbar.org/wp-content/uploads/2023/05/Cardozo_Lecture032305.pdf.

⁹ Stephen L. Carter, "College Is All About Curiosity. And That Requires Free Speech.," *New York Times*, January 24, 2024, <https://www.nytimes.com/2024/01/24/magazine/college-free-speech.html>.

¹⁰ Stephen Hawkins et al., *Hidden Tribes: A Study of America's Polarized Landscape* (New York: More in Common, 2018), https://hiddentribes.us/media/qfpekz4g/hidden_tribes_report.pdf.

¹¹ *New York Times* Editorial Board, "America Has a Free Speech Problem," *New York Times*, March 18, 2022, <https://www.nytimes.com/2022/03/18/opinion/cancel-culture-free-speech-poll.html>.

¹² Laurent Dubreuil, "Nonconforming: Against the Erosion of Academic Freedom by Identity Politics," *Harper's Magazine*, September 2020, <https://harpers.org/archive/2020/09/nonconforming/>; Jeannie Suk Gersen, "The Socratic Method in the Age of Trauma," *Harvard Law Review* 130, no. 9 (2017): 2320–47, <https://harvardlawreview.org/print/vol-130/the-socratic-method-in-the-age-of-trauma/>; Jonathan Rauch, "The Truth Hurts," *Reason*, April 1993, <https://reason.com/1993/04/01/the-truth-hurts-the-humanitari/>; Amna Khalid and Jeffrey Aaron Snyder, "The Point of Education Is Not to Reduce Harm," *Chronicle of Higher Education*, February 23, 2023, <https://www.chronicle.com/article/the-point-of-education-is-not-to-reduce-harm>; Kevin T. Baine, "Free Speech on Campus: The Attack from Within," *Hofstra Law Review* 51, no. 2 (Spring 2023): 397–418, <https://hofstralawreview.org/wp-content/uploads/2023/07/HLR-51.2-Baine.pdf>.

¹³ Kenneth Dautrich, *Future of the First Amendment 2022: High Schooler Views on Speech Over Time* (Knight Foundation: May 24, 2022), <https://knightfoundation.org/reports/future-of-the-first-amendment-2022-high-schooler-views-on-speech-over-time/>; Erica Komisar, "Cancel Culture's Mental-Health Toll," *Wall Street Journal*, October 13, 2021, <https://www.wsj.com/articles/cancel-culture-mental-health-toll-students-school-adolescent-child-development-11634133254>; Ronald J. Daniels, Grant Shreve, and Phillip Spector, *What Universities Owe Democracy* (Baltimore: Johns Hopkins University Press, 2021), 232. Daniels and his co-authors write: "Too often, when speech disputes arise on campus, universities step in to resolve the conflict, adjudicating flare-ups after they've occurred, only to then step back and largely remove themselves from the fray of student speech on campus, allowing it to play out as it might until another dispute occurs. With this reactive posture, coming in to manage disputes after the fact is not one for which universities were designed, nor one for which they are especially well equipped. Universities are built first and foremost to educate, not adjudicate."

¹⁴ Jonathan Haidt, "Why the Past 10 Years of American Life Have Been Uniquely Stupid," *The Atlantic*, May 2022, <https://www.theatlantic.com/magazine/archive/2022/05/social-media-democracy-trust-babel/629369/>; Office of the Surgeon General, *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory* (Washington, D.C.: United States Department of Health and Human Services, 2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>; Jonathan Haidt, "Research on Social Media," *Jonathan Haidt* (blog), <https://jonathanhaidt.com/social-media/>; Suzanne Nossel, "A Free-Speech Fix for Our Divided Campuses," *Wall Street Journal*, November 17, 2023, <https://www.wsj.com/us-news/education/a-free-speech-fix-for-our-divided-campuses-b9919e9c>.

¹⁵ Suzanne Nossel, *Dare to Speak: Defending Free Speech for All*, (New York: Dey St., 2020), 13–25; Danielle Allen, "We've Lost Our Way on Campus. Here's How We Can Find Our Way Back.," *Washington Post*, December 10, 2023, <https://www.washingtonpost.com/opinions/2023/12/10/antisemitism-campus-culture-harvard-penn-mit-hearing-path-forward/>.

¹⁶ Chimamanda Ngozi Adichie, "Freedom of Speech," Transcript of Lecture 1, *The Reith Lectures* (London, England: BBC Radio 4, 2022), https://downloads.bbc.co.uk/radio4/reith2022/Reith_2022_Lecture1.pdf.

¹⁷ Schools should be particularly wary of conflating controversial viewpoints with hateful speech and over-policing mistakes of language that are common among students, especially when conventions in usage are in flux. Nicholas Kristof, "Inclusive or

Alienating? The Language Wars Go On,” *New York Times*, February 1, 2023, <https://www.nytimes.com/2023/02/01/opinion/inclusive-language-vocabulary.html>; Jessica Bennett et al., “Quiz: You Can’t Say That! (Or Can You?),” *New York Times*, December 22, 2022, <https://www.nytimes.com/interactive/2022/12/22/opinion/words-you-cant-use-anymore.html>.

¹⁸ Woodward et al., *Report of the Committee on Freedom of Expression at Yale*; Stone et al., *Report of the Committee on Freedom of Expression*. Randall Kennedy has written extensively on the difference between the use of slurs as an expression of denigration and the enunciation of slurs in the context of the classroom for legitimate “pedagogical purposes.” Randall Kennedy, “Is It Ever OK to Enunciate a Slur in the Classroom?,” *Chronicle of Higher Education*, September 10, 2021, <https://www.chronicle.com/article/is-it-ever-ok-to-enunciate-a-slur-in-the-classroom>. Also of interest is Ezekiel Kweku and Kathleen Kingsbury, “Why Times Opinion Decided to Publish This Slur,” *New York Times*, April 30, 2021, <https://www.nytimes.com/2021/04/30/opinion/times-opinion-mcwhorter-essay.html>.

¹⁹ S. T. Stevens, *2024 College Free Speech Rankings: What Is the State of Free Speech on America’s College Campuses?* (Philadelphia: The Foundation for Individual Rights and Expression, 2023), https://www.thefire.org/sites/default/files/2023/09/CFSR%202024_final_updated.pdf; Frederick Douglass, “A Plea for Freedom of Speech in Boston,” December 9, 1860, The Frederick Douglass Papers (website), <https://frederickdouglasspapersproject.com/s/digitaledition/item/9060>; Peter Salovey, “Free Speech, Personified,” *New York Times*, November 26, 2017, <https://www.nytimes.com/2017/11/26/opinion/free-speech-yale-civil-rights.html>; Robert P. George and Cornel West, “Sign the Statement: Truth Seeking, Democracy, and Freedom of Thought and Expression,” James Madison Program in American Ideals and Institutions at Princeton University (website), March 14, 2017, <https://jmp.princeton.edu/news/2017/sign-statement-truth-seeking-democracy-and-freedom-thought-and-expression-statement>; John Rose, “Ethics 203/Political Science 208—How to Think in an Age of Political Polarization,” syllabus, Duke University, 2021, <https://bobgrahamcenter.ufl.edu/wp-content/uploads/sites/138/2022/10/How-to-Think-in-an-Age-of-Political-Polarization-syllabus.pdf>.

²⁰ Emma Green, “Have the Liberal Arts Gone Conservative?,” *The New Yorker*, March 11, 2024, <https://www.newyorker.com/magazine/2024/03/18/have-the-liberal-arts-gone-conservative>; For example, the International Committee of the Red Cross has adopted neutrality as one of its seven core tenets, ensuring its effective operation in war zones across the world. The International Committee of the Red Cross defines neutrality in the following way: “In order to continue to enjoy the confidence of all, the movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.” International Committee of the Red Cross, *The Fundamental Principles of the International Red Cross and Red Crescent Movement* (Geneva, Switzerland: International Committee of the Red Cross, 2015), https://www.icrc.org/sites/default/files/topic/file_plus_list/4046-the_fundamental_principles_of_the_international_red_cross_and_red_crescent_movement.pdf. For a contrasting view of how organizations can compromise their impact and effectiveness by straying from their missions, see Ryan Grim, “Meltdowns Have Brought Progressive Advocacy Groups to a Standstill at a Critical Moment in World History,” *The Intercept*, June 13, 2022, <https://theintercept.com/2022/06/13/progressive-organizing-infighting-callout-culture/>; Albert M. Adams, “The Public Purpose of Private Schools,” *Independent School*, September 1, 2000 (This article is archived on the web at Adams’s blog, *AlAdams.org*: <https://aladamsdotorg.files.wordpress.com/2011/04/publicpurposeofprivateschools.pdf>); Kalven, Jr. et al., *Report on the University’s Role in Political and Social Action*.

²¹ Internal Revenue Service, “The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations,” IRS.gov, <https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations>.

²² Robert P. George, “Universities Shouldn’t Be Ideological Churches,” *The Atlantic*, June 15, 2023, <https://www.theatlantic.com/ideas/archive/2023/06/university-statements-political-issues-abortion-princeton/674390/>.

²³ Kalven, Jr. et al., *Report on the University’s Role in Political and Social Action*.

²⁴ AAUP, “1915 Declaration of Principles.”

²⁵Paula McAvooy and Diana Hess, "Classroom Deliberation in an Era of Political Polarization," *Curriculum Inquiry* 43, no. 1 (January 1, 2013): 14–47, <https://doi.org/10.1111/curi.12000>.

²⁶ Michael Walzer, *The Struggle for a Decent Politics: On "Liberal" as an Adjective* (New Haven, Conn.: Yale University Press, 2023), 111. Instructive here is the profession of journalism. Like teachers, journalists work at the intersection where public service and political commitment collide, and they have adopted professional standards, including reasonable limits on expressive freedom, to navigate this tension, retain the trust of their readers, and advance public knowledge. The first principle of the International Fact-Checking Network, a nonprofit of the Poynter Institute dedicated to accuracy in the news, is "a commitment to nonpartisanship." *The New York Times'* standards for "Ethical Journalism" require "strict neutrality" on the part of its reporters, and places limits on their extra-curricular speech. It forbids its reporters from wearing campaign buttons or displaying other signs of political partisanship, and campaigning for or endorsing political candidates. National Public Radio asks its reporters to comport themselves "in ways that honor our professional impartiality." It requires reporters to refrain from advocating for political or other polarizing issues online and goes so far as to put off-limits bumper stickers, the signing of political petitions, and participation in political marches. Its code of conduct concludes, "Don't sign. Don't advocate. Don't donate." See "IFCN Code of Principles," International Fact-Checking Network, Poynter Institute (website), <https://ifcncodeofprinciples.poynter.org/know-more/the-commitments-of-the-code-of-principles>; "Ethical Journalism: A Handbook of Values and Practices for the News and Opinion Departments," *New York Times*, <https://www.nytimes.com/editorial-standards/ethical-journalism.html>; A. G. Sulzberger, "Journalism's Essential Value," *Columbia Journalism Review*, May 15, 2023, https://www.cjr.org/special_report/ag-sulzberger-new-york-times-journalisms-essential-value-objectivity-independence.php/; Martin Baron, "We Want Objective Judges and Doctors. Why Not Journalists Too?," *Washington Post*, March 24, 2023, <https://www.washingtonpost.com/opinions/2023/03/24/journalism-objectivity-trump-misinformation-martyr-baron/>; and "Impartiality," NPR.org, February 11, 2019, <https://www.npr.org/about-npr/688413430/impartiality>.

²⁷ Kwame Anthony Appiah, "Neutrality Is a Fiction—But an Indispensable One," *The Atlantic*, April 20, 2023, <https://www.theatlantic.com/ideas/archive/2023/04/neutrality-journalism-jurisprudence-carl-schmitt-moral-clarity/673757/>.

²⁸ Michael S. Roth, "The Opening of the Liberal Mind," *Wall Street Journal*, May 11, 2017, <https://www.wsj.com/articles/the-opening-of-the-liberal-mind-1494515186>.

²⁹ Robert Maynard Hutchins, ed., *The Great Conversation: The Substance of a Liberal Education*, vol. 1, Great Books of the Western World (Chicago: Encyclopaedia Britannica, 1952); Randall Kennedy, "On the Authority of Experience in Black Thought," *Diverse Perspectives: The Heterodox Academy Blog*, <https://heterodoxacademy.org/blog/on-the-authority-of-experience-in-black-thought>. See also Henry Louis Gates, Jr., *The Black Box: Writing the Race* (New York: Penguin, 2024), xxviii-xxx; Martha C. Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Cambridge, Mass.: Harvard University Press, 1997), 13–25; Gerald Graff, "Teach the Conflicts," *South Atlantic Quarterly* 89, no. 1 (1990): 51–67, <https://doi.org/10.1215/00382876-89-1-51>; John R. Searle, "The Storm Over the University," *The New York Review of Books*, December 6, 1990, <https://www.nybooks.com/articles/1990/12/06/the-storm-over-the-university/>.

³⁰ AAUP, "1915 Declaration of Principles."

³¹ American Library Association, "Library Bill of Rights," adopted June 19, 1939, last amended January 29, 2019, <https://www.ala.org/advocacy/intfreedom/librarybill>. In the United Kingdom, the [Department of Education](#) has adopted standards that ensure "the balanced presentation of opposing views when political issues are brought to the attention of pupils." See Department of Education, United Kingdom, "What You Need to Know About Political Impartiality in Schools," February 17, 2022, https://assets.publishing.service.gov.uk/media/61f137688fa8f5058a4b2f44/6.7731_DfE_Political_Impartiality_Guidance_Pamphlet_WEB_004_.pdf.

³² Irving Howe, "The Value of the Canon," *The New Republic*, February 18, 1991, <https://newrepublic.com/article/119442/irving-howe-value-canon-essay-literature-and-education>. On the value of a historical study to an understanding of the present, see also Lynn Hunt, "Against Presentism," *Perspectives on History*, May 1, 2002, <https://www.historians.org/research-and-publications/perspectives-on-history/may-2002/against-presentism>

³³ Yascha Mounk, "Where the New Identity Politics Went Wrong," *The Atlantic*, September 26, 2023, <https://www.theatlantic.com/ideas/archive/2023/09/woke-ideology-history-origins-flaws/675454/>; American Historical

Association, "Statement on Standards of Professional Conduct," 2023, <https://www.historians.org/jobs-and-professional-development/statements-standards-and-guidelines-of-the-discipline/statement-on-standards-of-professional-conduct#Teaching>; American Political Science Association, "APSA Statement on the Essential Role of Social Scientific Inquiry in Maintaining a Free, Participatory, Civil, and Law-Governed Society," August 10, 2020, <https://apsanet.org/Portals/54/docs/APSA%20Statement%20on%20the%20Essential%20Role%20of%20Social%20Scientific%20Inquiry.pdf?ver=2020-08-10-124453-990>; American Library Association and Association of American Publishers, "The Freedom to Read Statement," adopted June 25, 1953, last amended June 30, 2004, <https://www.ala.org/advocacy/intfreedom/freedomreadstatement>.

³⁴ In his interviews with college students, the researcher Richard J. Light identified "structured disagreement" as an invaluable instructional and curricular principle. The scholar and critic Wayne C. Booth has outlined what he describes as a "rival thinkers" approach in the classroom. He advises teachers to include texts and positions that rival or reject their own particular perspective, and to include debate in the very design of courses and curricula so that students can see how scholars, philosophers, and public intellectuals disagree with one another and why. Katherine G. Simon, the former co-executive director of the Coalition of Essential Schools, has encouraged teachers to embrace morally complex and potentially controversial topics as a way to stimulate critical thought and exploration. More recently, Jonathan Zimmerman and Emily Robertson have made a similar case for the teaching of contentious political issues and offer helpful suggestions for doing so, including a useful taxonomy of different kinds of controversies. Richard J. Light, *Making the Most of College: Students Speak Their Minds* (Cambridge, Mass.: Harvard University Press, 2001); Wayne C. Booth, "Pluralism in the Classroom," *Critical Inquiry* 12, no. 3 (1986): 468–79; Katherine G. Simon, *Moral Questions in the Classroom: How to Get Kids to Think Deeply About Real Life and Their Schoolwork* (New Haven, Conn.: Yale University Press, 2001); Jonathan Zimmerman and Emily Robertson, *The Case for Contention: Teaching Controversial Issues in American Schools* (Chicago: University of Chicago Press, 2017), 46–76. See also Diana E. Hess, *Controversy in the Classroom: The Democratic Power of Discussion* (New York: Routledge, 2009).

³⁵ Joseph Heath, "Why Philosophers Should Worry About Cancel Culture," *In Due Course* (blog), January 25, 2024, <https://josephheath.substack.com/p/why-philosophers-should-worry-about>; Gersen, "The Socratic Method in the Age of Trauma"; Nadine Strossen, "Resisting Cancel Culture," American Council of Trustees and Alumni (website), February 1, 2021, <https://www.goacta.org/resource/resisting-cancel-culture/>; Robert E. Litan, "A Counterintuitive Proposal for Improving Education and Healing America: Debate-Centered Instruction," Brookings Institution, September 27, 2018, <https://www.brookings.edu/articles/a-counterintuitive-proposal-for-improving-education-and-healing-america-debate-centered-instruction/>.

³⁶ Mark C. Carnes, "Setting Students' Minds on Fire," *Chronicle of Higher Education*, March 6, 2011, <https://www.chronicle.com/article/setting-students-minds-on-fire/>; Polling data from the Knight Foundation has found that students who have coursework in the First Amendment tend to be more supportive of speech rights than those who have had no such course work. See Dautrich, *Future of the First Amendment 2022*.

³⁷ On "confident pluralism," see Allen, "We've Lost Our Way on Campus" On "purposeful pluralism," see Daniels, Shreve, and Spector, *What Universities Owe Democracy*, 187–238. John Bowe, "An Ancient Solution to Our Current Crisis of Disconnection," *New York Times*, November 27, 2023, <https://www.nytimes.com/2023/11/27/opinion/disconnection-polarization-speech.html>; Paul T. Corrigan, "The Argument for Teaching Argument: A Conversation with Gerald Graff," *Teaching & Learning in Higher Ed.* (blog), May 9, 2019, <https://teachingandlearninginhighered.org/2019/05/09/the-argument-for-teaching-argument-a-conversation-with-gerald-graff/>.

