



CULTIVATING HABITS OF DEMOCRACY

Asking the Hard Questions

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DANIELLE MCLAUGHLIN

When I speak with teacher candidates, it is often early in the morning. I have found a great way to wake them up – even before that first cup of coffee. I tell them that each of them is personally responsible for the survival of democracy. It may sound like a stretch, but teachers, for better or for worse, are often the first, and in many cases, the only people who are able to give the next generation of citizens the habits of democracy. They do this when they ask, and encourage their students to ask, hard questions about the society in which we live. Asking hard questions is one of the essential practices of people living in democracies.

Someone once said that teachers always answer a question with another question. When I ask teachers about this, they often reply, “Do we?” This is not a failing – it is a virtue. To leave our students with more questions than answers is a good way to deal with the hard choices that we all must make.

We know that in the real world our choices are rarely between the good thing that we have always wanted and the bad thing that we are trying to avoid. In the real world we must usually choose between two good things, both of which we want, but only one of which we are going to get. Or far more frequently, we must choose

between two really bad things – and we are going to be stuck with one of them. We have to choose between the bad thing we can learn to live with, and the one that is simply intolerable. But, how can we tell which is which?

Many teachers fear controversy. They seem to think that dealing with the tough choices that come in our doors with the morning news, or are delivered to the classroom by the lives the students live, add unnecessary confusion or risk to teaching.

Civil libertarians, however, believe that controversy should become a welcome guest. How can we ensure the survival of our freedom if we choose not to engage in controversy? If we ignore issues like abortion rights, same-sex marriage, employment equity, racial discrimination, and hate speech, how will we teach our children to ask hard questions when their liberty, equality, dignity, and privacy are under threat? How will they know when they are being treated unfairly? We must prepare them to ask the hard questions that people living in democracies must ask.

How long can you be in a classroom before you hear someone say, “That’s not fair”? Probably less than five minutes. What a wonderful opportunity this gives us. Rather than becoming

frustrated, we can work with the petitioner to find out what we mean when we say that something is “fair.” If it is fair for me, is it fair for you? Who gets to decide when something is fair?

The human being seems to be something of a rule-making animal. From the time we are very small, we find ourselves in the rule-making business. The two-year-old who reaches for the dog’s tail may get nipped. He then makes a rule for himself: Don’t grab the dog. If the rule is broken, the punishment is intrinsic to the breach. He gets nipped.

A little later we notice that we are members of families, and families have rules. The rules differ from family to family, but in most families there are such things as the dinner-time rule, the bed-time rule, the don’t-poke-your-brother rule. When the rules are broken, the penalties vary from family to family, but in general, the punishment fits the crime. Some families may make latecomers eat their dinner cold. Others may make the latecomer make her own dinner, and in a third family the child may be sent to her room. However, we don’t usually ask the police to enforce the dinner-time rule.

When children are sent to school, they are exposed to a whole new set of rules. The five-year-old who likes to run around naked before his bath learns that in kindergarten, you have to keep your clothes on. The context has changed and so have the rules. Behaviours that were fine at home are no longer acceptable. Language that kids use with their friends and families may no longer be acceptable in the classroom. That four-letter word that is used as punctuation may have to be left outside. Is that fair?

We want to play outside *and* we want to eat dinner. We want to have fun in kindergarten *and* we need to be a member of a functioning class. We want to express ourselves *and* we want to be respectful of others. How do we encourage students to play a role in the value-balancing exercise that is at the core of the democratic system? The questions that we ask in order to work out whether a limit to a freedom is reasonable or fair do not change. No matter the level of rule-making – internal, family, school, or even the law – we want to live in the fairest society we can.

It has been in paedagogical fashion

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EN BREF Les enseignants sont souvent les premières personnes, et parfois les seules, à inculquer à la prochaine génération de citoyens et de citoyennes les habitudes de la démocratie. C’est ce qu’ils font lorsqu’ils encouragent les élèves à poser des questions pointues sur la société et à former des opinions fondées sur une analyse réfléchie des faits plutôt que sur leurs émotions. On ne peut pas protéger les élèves contre les questions et les situations sociales difficiles et inconfortables, mais on peut leur apprendre à poser les bonnes questions et à trouver par eux-mêmes des manières de comprendre les complexités d’un monde dans lequel il n’y pas de bonnes réponses.

for some time for teachers to believe that the classroom must be a safe place to learn. If by “safe” we mean that no one should come to any physical harm, few of us would argue that the classroom should be *unsafe*. But if we add, as many have, that no one should be made to feel uncomfortable, we are looking at a very different issue.

In one classroom, at a table, are two children. One child comes from a family that has strong religious beliefs. This family believes that “family” is defined as a mum, a dad, 2.3 kids and a dog, and that is all a family could be. The other child has two mums. This child has been told that a family is a group of people who love and care for one another. Both children need to feel safe. But what happens when the first child tells the second that her family is not a “real” family. Well, most of us would explain that in the classroom, everyone is equal in dignity, and while everyone’s family is different, they are all “real” families.

But the first child may now have to return home to a family that says this is not so. This child may feel less “safe” about expressing religious convictions in school, or even about expressing views of any sort. And if the teacher chooses not to support equal dignity in the classroom? Then the second child feels less “safe,” and may be less likely to express herself in the classroom. There is no good choice here. There is no neutral place where we all feel equally “safe.” We need to teach these children that they will not always feel comfortable. But by asking questions, they can work out for themselves what is fair.

At the centre of this fairness exercise is freedom of expression, arguably the core democratic freedom. It is also the one most likely to make everyone uncomfortable at one time or another.

A number of years ago, a student in grade four came to class wearing a T-shirt emblazoned with a map of Palestine, a Palestinian flag upheld in a fist and the words “Palestine – We Fight For Our Rights.” Several teachers in her school saw the shirt and com-

plained that it made them feel uncomfortable. They said that by wearing the shirt she contravened the school’s anti-violence policy. The girl was sent home to change. Her parents sent her back to school, still in the shirt, with the explanation that the shirt represented the child’s pride in her family’s heritage and ethnic origin.

Whose safety was at risk? Should the girl be made to feel wrong for celebrating her family’s country of origin? Should the terrible struggles of the Middle East be brought into the school? Should Jewish teachers and students be left to feel uncomfortable? Does fighting for one’s rights always mean an act of violence? How does a shirt violate a policy against violence? Questions.

For many years, the Canadian Civil Liberties Education Trust (CCLET) has been in the business of working with teachers, teacher-candidates, students in grade two through university, and even with those in law schools, to engage them in making choices about controversial issues.

CCLET proposes a structural approach for dealing with the difficult controversies that come into classrooms every day. A structure for asking questions does two things. It encourages the students to work through difficult choices, each in his or her own way – and it provides teachers with the protection they may need when dealing with controversial issues. Teachers can use this technique to make sure that all sides of an issue are represented, without needing to reveal – indeed, without revealing or promoting – any personal preference.

Here is an example of a recent CCLET classroom discussion:

The police tell a town council that there is a “teen crime wave” and that most of the criminal activity is happening in the late evening and early morning hours. The town council decides to deal with this problem by passing a curfew for everyone under the age of 18. The curfew requires people who are under 18 to be indoors between the hours of 10 pm and 6 am.

Any young person caught outside at those times will be subject to prosecution. Let's help students decide if this new curfew is fair. There are questions they need to ask in order to work out what they really think:

1. Why? (Every child's first question!): What is the purpose of the curfew? Can we figure out the reason behind this restriction of a young person's freedom? It is to prevent teen crime. Do students believe that this is a reasonable purpose? Do they agree that such a goal is worth achieving?

2. Does it work? Does (or will) the curfew achieve its goal? What do the students think about the effectiveness of such a measure? Can they think about when and how young people commit crimes? Can they come up with circumstances where this curfew will remove the opportunity to commit those crimes? Can they come up with circumstances where the curfew will not prevent the crimes?

3. What else will happen? What are some other effects that this curfew will have on the lives of people living in the town? Are there any legitimate reasons for young people to be out of their homes between 10 pm and 6 am? Are there personal relationships that will be negatively affected by the ruling? What effects, both positive and negative, will it have on the town's adult population? Which rights and freedoms are infringed by the curfew?

In asking these questions we are trying to work out the cost of the measure. Is the amount of safety from criminal activity worth the amount of freedom that will be lost? This evaluation and balancing of one freedom against another is the heart of the exercise.

Now that we have opened the discussion with these questions, students can form opinions based on something other than an emotional response. These basic questions can be used in nearly any discussion of rights and freedoms, and on the limits to those rights and freedoms. They provide a framework for us to consider our views in the light of democratic principles. These questions make us all consider the merits of many points of view. We are, in fact, asking students to make the same kinds of considerations that we require our legislators and judges to make. We expect our law-makers to consider as many points of view as are available to them

– even those that may make them feel uncomfortable. Why shouldn't we teach our students these same values?

We know that democracies celebrate and protect many rights and freedoms. We also know that those freedoms were hard won. Many people have fought long and hard to enshrine our rights and freedoms in our democratic institutions. We don't give them up lightly. But we also understand that none of our rights or freedoms is absolute. There is, in fact, a line that each of us needs to draw, and that line will be a limit to freedom. We need to do this because some freedoms cannot be protected without limiting other freedoms. Philosopher and jurist, Jeremy Bentham tells us that every law restricts freedom.

Each and every time we create or encounter such a limit, it is our job to decide whether that limit is fair. If students find things that are not fair, limits that are not just, we must encourage them to stand up and be counted. There are legal, legitimate, and non-violent means that democracies offer to those seeking change. But the first step is to question.

As teachers in the public education system, we are responsible for the survival of democracy. If we do nothing more, we must at least teach our students how to question. If our children don't learn to practice the habits of democracy – to subject injustice to the scrutiny of hard questions, who will be there to do it? ★

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Thanks to the Law Foundation of Ontario, The Canadian Civil Liberties Education Trust (CCLLET) makes A. Alan Borovoy's booklet *The Fundamentals of Our Fundamental Freedoms: A Primer on Civil Liberties And Democracy* available free of charge to teachers and students in Canada. This booklet sets out the principles that have long guided democratic societies, and then provides a list of more than 50 questions for classroom adaptation and discussion. To introduce the teaching of civil liberties and this teaching aid, CCLLET provides guest speakers and workshop leaders for classrooms, school and teaching conferences, pre-service education programmes, and professional associations. For more information, please see our website www.ccla.org or contact Danielle McLaughlin by e-mail at education@ccla.org

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