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### The Journal of Educational Controversy in Our Time\*

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# EDITORIAL

## *The Journal of Educational Controversy in Our Time\**

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Welcome to the inaugural issue of the *Journal of Educational Controversy*, an interdisciplinary journal of ideas. This journal is intended to be a national and international forum for an examination of educational controversies, dilemmas, and tensions. It will bring to that examination scholars from all disciplines to analyze a certain kind of controversy. It is the kind of controversy or tension that arises in our efforts to teach and learn in a democratic, pluralistic society. These tensions arise in our practices because public school policies reflect the tensions that are inherent in the public philosophy of a liberal democratic state.

Thus, these tensions exist as part of a larger framework that shapes decision-making in our society. For example, there are tensions between:

- excellence and equality
- Jeffersonian equality and Jacksonian equalitarianism
- the liberal state's traditional understanding of pluralism as a plurality of individuals and the growing emphasis on a multicultural pluralism that focuses on group identity
- conflicts between values like liberty and equality, equal educational opportunity and free speech, individualism and community
- teaching for cultural awareness and appreciation and teaching for cultural critique and the pursuit of truth.

Our intention in this journal is to stress the need for embracing those tensions and dealing with ambiguity and uncertainty in a fruitful way rather than dissolving these seeming contradictions into some simplified set of imperatives. How do we cope with ambiguities in the complex world of education in ways that keep possibilities alive while not succumbing to quick and easy platitudes to guide our practice.

The inaugural issue of our journal presents one of those inevitable tensions. While we seek to promote values like equality and liberty, there are times when these values conflict. In a recent court decision, *Saxe v. State College Area School District*, the U.S. third Circuit Court of Appeals ruled against a school district's anti-harassment policy as a violation of the first amendment. The policy was intended to provide a safe, secure, and nurturing school environment for all students, including gay and lesbian students, to achieve equal educational opportunities. The plaintiffs in the case argued that their religion compelled them to speak out against what they considered the harmful and sinful nature of homosexuality, and argued that the school policy was a constitutional violation of their free speech and free exercise of their religion. See: <http://caselaw.lp.findlaw.com/scripts/cases/clcc.html?court=3rd&navby=case&no=994081>

In this example, the school is struggling with two values that it claims to promote. Is there a principled way to think about the tensions inherent in these conflicts? How do we promote both the values of individual liberty and equal educational opportunity – liberty and equality? When does one value supercede another value? How do we justify our choices? How would we construct a school policy that would stand up to constitutional muster? How would we phrase it? What would we include? What are the social, educational and practical ramifications?

The conflicting assumptions underlying the philosophy of the liberal democratic state frame our questions, define our problems and construct the solutions that shape our practices, policies, and research agendas. How do we resolve these tensions in ways that maintain the integrity of our values and keep humane possibilities open.

Any attempt to address such questions encompasses many perspectives. Our first issue indeed reflects this interdisciplinary approach. Focusing on a common concern, our contributors provide perspectives from philosophy, anthropology and sociology, special education, educational psychology, law, policy studies and theatre. The richness of the conversation is enhanced because our authors do not merely respond differently to the tension or controversy posed, but rather they see the question differently. Nel Noddings, for example, steps back from the conflict itself and places the dilemma within the larger context of critical discourse and ways to help students engage in it as the thing we should focus on, while Clyde Winters views the issue within the context of creating a shared school culture for developing a tolerance curriculum. Karen Paiva brings sociological models to illuminate the legal conflict, and Marc Claude-Charles Colitti confronts the dilemma as a legal issue requiring an analysis of the law and its role in a democratic society.

Two of our authors were invited to provide a framework for these more focused specific analyses. In an introductory essay, Shelby Sheppard asks us to think about the nature of the concept of controversy itself. And Daniel Lerner and Nadine Strossen ask us to think about the concept and history of rights for students. Dan provides us with an understanding of Nadine Strossen's paper delivered on the occasion of her visit to Drake Law School, the home of some of the attorneys involved in the legal suit that established for the first time in this nation that students indeed do have constitutional rights. Challenging the traditional *in loco parentis* doctrine, these attorneys on behalf of the ACLU argued the landmark case of *Tinker v. Des Moines Independent Community School District* before the U.S. Supreme Court. Students' protection under the first amendment's free speech clause was affirmed by the Court. And of course, the Saxe case, which provides us with the dilemma that is the focus for this issue, raises the inevitable tensions between that right and the right to an equal educational opportunity.

Our "call for papers" went out early last year before Judge Samuel Alito was nominated and subsequently appointed to the U.S. Supreme Court. Judge Alito wrote the decision in the Saxe case for the U.S. Third Circuit Court of Appeals. As a result of his nomination, much commentary has been offered on his decisions. Our journal received permission to reprint a short legal commentary on Judge Alito's decision in the Saxe case that appeared in FindLaw Resources. FindLaw commentator, attorney, and author Julie Hilden offers the reader insight into the way Judge Alito decided the case in her commentary on his decision.

Finally, we have invited Maxine Greene to write a prologue for our inaugural issue because she was essentially the inspiration for this journal. As my mentor and teacher at Columbia University, Maxine taught me to confront the complexities and contradictions of life with all our human capacities. Not only reason and rational inquiry but imagination, poetry, humane impulses, empathy, and the courage to choose and act in a context of uncertainty were all important in keeping our ideals and humanity alive. As the authors for this journal tackle individual controversies and dilemmas in future issues, Maxine gives us a larger framework within which to see the meaning of our work and writings. How do we live a life in a world of uncertainty, ambiguity and contradictions. What life are we preparing the young to live. How do we help the young to live a life of agency in a world of uncertainty. How do we help them to confront the inevitable controversies that life in a pluralistic, democratic society will present without falling into despair, apathy, or nihilism, or alternatively, clinging to a comfortable but illusionary certainty. Perhaps, in some small way, our journal will provide a forum for examining the complexities of teaching, learning, and becoming in the modern world. This inaugural issue of our journal is dedicated to Maxine Greene.

Because conversation takes place over time and builds on itself, this journal is providing a Rejoinder Section for shorter responses to the articles appearing in this issue. These responses are intended to be carefully thought-out analyses on some point made by the authors. Unlike a discussion forum, these papers will also undergo a refereed process. The Rejoinder Link will continue to put up new responses as long as the conversation continues.

As our mission statement says, we hope "to clarify the public debate and deepen an understanding of its moral significance," and maybe in the process, affect our choices and actions. Let the conversation begin!

\*It should be noted that the original "call for papers" asked for short articles up to 1500 words. Future issues will expand this length up to 7500 words.