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ARTICLE

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Making a batch of vegetable soup, it's not right for the carrot to say I taste better than the peas, or the pea to say I taste better than the cabbage. It takes all the vegetables to make a good soup.(Bender, 1991, p. 130)

When America's early founders placed the core values of equality and liberty into democracy's potage, thick with promise, these basic principles were intrinsically co-equals. Yet, recipes passed down through the generations, even with the same ingredients, sometimes taste different; maybe not as good as we remember it, or maybe, we begin to add more of one item or another. Ingredient freshness may be a key as well. America's sons and daughters still enjoy a democratic society that is essentially good and worth preserving; yet, we appear to have acquired a growing domestic appetite for equality that competes with the satisfaction natural to the delicate flavor of liberty.

Antinomy and Moral Ambiguity

Similarly, such was the observation in the mid-1800s, by the social observer and theorist, Alexis de Tocqueville (1835/2001), who probed the passionate and distinguishing feature of democratic nations to embrace equality over liberty. Tocqueville (1835/2001) observed the paradox:

> . . . democratic communities have a natural taste for freedom: left to themselves, they will seek it, cherish it, and view any privation of it with regret. But for equality, their passion is ardent, insatiable, incessant, invincible: they call for equality in freedom: and if they cannot obtain that, they will call for equality in slavery. (p. 192)

For Tocqueville, the key democratic ingredient was the unfolding nature of seeking equality in liberty. He recognized the problem, the inherent tension, and the pending danger of pitting equality against liberty, public welfare in opposition to individualism. The implied dilemma is a moral struggle: "The most painful moral struggles are not those between good and evil, but between the good and the lesser good . . ." (Harrison, 1980, p. 78). Competing, not necessarily opposing, values and moral ambiguities simmer with the American antinomy [i.e., inconsistency or contradiction between two apparently reasonable principles or laws (Bruner, 1996)] of liberty and equality.

For Tocqueville (1835/2001), anarchy was not an evil that democracies should fear, but rather, it was the principle of equality that could either lead nations to independence, or drift into servitude. Yet, Tocqueville and others (e.g., Watson and Morris, 2002) argued that equality and individualism need not culminate in selfishness, or a defect of democracy, but rather, valuing individuality can co-exit with valuing community. Furthermore, according to Maletz (2002), Tocqueville's position concerning *public spiritedness, the idea of rights, respect for law, and activity or energy within society* coincides with the idea of re-inventing a democratic spirit that formulates a new moral order, secularized and inherent in association and mass organization.

As a social actor in this invention, public educational institutions—restaurateurs, so to speak—perform by serving up reflections of our morality, in bowls of shared values, and nation's aspirations. In tandem with other social actors (e.g., family, government, and religion), schools as local stockpots of social and civic knowledge express, not only our cultural learning, but also our moral struggles. Re-valuing values, such as liberty and equality, encourages the penetrating, agreeable odor of shared voice and power of America's citizens.

Educational Sensemaking

Within the American tureen of educational policy debates, four widely held but conflicting values warm the discussions: equality (equity), excellence, efficiency, and liberty (Sergiovanni, Burlingame, Coombs, and Thurston, 1987). Educators have long favored the competing values of *liberty* and *equality*, because America's egalitarian heritage obliges public schools to offer schooling regardless of students' differences. Yet, these deeply embedded values "exist in a constant state of tension . . ." (p. 7). The overemphasis of any value during times of change seasons a mix of solutions for emerging problems. These opportunities for choices, permeating with intended as well as unintended consequences, influence

school policy. Hence, school decision-making is often "loosely-coupled" with respect to core values. Given the ambiguous nature of this loose structuring "between the intentions and actions of organizational members, it should come as no surprise that administrators are baffled and angered when things never happen the way they were supposed to" (Weick, 1976, p.4).

In Cohen, March, and Olsen's (1972) "garbage can" model of decision-making, ambiguity and uncertainty arise, in part, by how school leadership responds to decision opportunities with arbitrary, but opportune mixes of problems, solutions, participants, and choice opportunities. The authors claimed schools possessing these qualities were "organized anarchies," that do not meet the conditions of rational management. A major evolution to this model by Kingdon (1995) incorporated the *policy stream* concept that he likened to a "policy primeval soup." In Kingdon's soup, new policy alternatives mature as choices originate and mutate into new forms. Moreover, policy communities choose alternatives from the soup according to factors: its feasibility, its community's shared values, and its broadly accepted judgments.

Under these conditions, sensemaking occasions appear frequently (Weick, 1995). Constructing, filtering, framing, and creating realities (Turner, 1987; Weick, 1995) comprise the foundation of making sense of unclear or uncertain environments. Socially invented realities emerge from the ecology of information. For instance, curriculums, hidden or otherwise, are social inventions constructed and endorsed by stakeholders. For schools, the intentions of making sense of and trying to respond to developing social movements —particularly recent ones such as *inclusion, multiculturalism, and zero tolerance of drugs*—frequently suffer moral erosion. The educational policymakers' intent is to create a policy for "zero tolerance" of hate behavior and hate speech, but their efforts may result in policies that express their values but whose implications may not be clear. Nevertheless, educators prevail in structuring meaningful responses in such capricious settings.

While schools have an assortment of policies that protect their communities against fire, weapons, and fights, many school officials are facing the perceived challenge of creating a school culture of harmony, free from hateful acts, bias-motivated verbal attacks, and other forms of harassment. The Southern Poverty Law Center (1999) defined bias incidents "broadly as any acts directed against people or property that are motivated by prejudice based on race, religion, ethnicity, sexual orientation, gender, social affiliation, ability or appearance" (p. 4). Given that intolerance requires solutions, school administrators conceivably meet over cups of Kingdon's (1995) "policy primeval soup" to decide which alternative. A policy's availability and "fit" to issues, like wines choices for meals, is as much about preferences as it is about traditional conventions. Schools always seem to be looking for that which adequately, if not best, accompanies a good, concordant society for the moment.

Saxe v. State College Area School District

When one looks specifically at a school district's attempt to invoke tolerance as its equity, respect, or anti-bias policy, educational law may provide insights. For instance, a "hate-free" school policy (even one backed by school members' good-faith research on hate crimes and civil rights laws) tests the limits of accommodating the diversity of religious and other moral communities. Such review provides a good place to investigate ethically accepted principles that guide policy, in conflict with itself and allows for clarifying the links of personal problems to broader public issues. And we only have to imagine, sociologically as Mills (1959/2000) conveyed, that we learn much from the intersection of personal problems(i.e., "the personal troubles of milieu") and social issues (i.e., "the public issues of social structure"), which encourages communities to reconstruct their worlds (p.8).

For example, the judgment in the Saxe v. State College Area School District (2001) case provides a study in the tension between liberty and equality and the evolving nature of social goals and their socially constructed meanings. In its appeal, the Saxe 2001 did not present all lower court claims. The Saxe petition was reduced to a First Amendment issue: individual liberties and local control. Therefore, the Federal Third Circuit Court of Appeals held that the school district's harassment policy, although quite detailed with definitions and reporting procedures, was overbroad; consequently, unconstitutional. As discussed in the Appellate Court's notes, courts have upheld that students cannot assert a first amendment right to engage in defamatory, obscene, lewd, or inflammatory expression in public schools. Although the district policy's intent, modeled on state and federal harassment policies, seemingly strove for formal zero-tolerance to "hate speech" and other harassing behavior, it was judged to overextend current law.

The problem with the policy's legality was that individuals could easily construe the language of the school policy to infringe on private speech and to over-step constitutional boundaries on expression within the school. The harassment policy had too many fuzzy areas, too many ambiguous and dangerously daunting boundaries. The social world, a fluid

place, preserves mythical thought, often a figurative realm of ideas not formalized, but held in dreams and hopes. The district's nebulous policy emerged, under legal scrutiny, as repressive as it espoused not to be. A dream for tolerance, like a cherished recipe, overdone and turned into a methodological nightmare. For American society lives in a rational world with set boundaries and distinctions that reflect our collective responses toward social order: demonstrating how we shape the world, underlying how we think, and touching emotional and moral nerves of the human condition (Zerubavel, 1991, p. 70).

In the previous year, the impetus for the original case lay with plaintiffs' claims for freedom of religious expression. At that time, the plaintiffs identified themselves in the Lower Court (i.e., U.S. District Middle Court) hearing as "Christians and stated that they believed that homosexuality is a sin. Further, they felt compelled by their religion to "speak out" about the sinful nature and harmful effects of homosexuality and other topics, especially moral issues" (Saxe v. State College Area School District, 2000). The plaintiffs alleged that they feared being punished for expressing their religious beliefs, whether verbally, by symbols or acts, or otherwise. The lower court denied plaintiff's claim, and upheld the school district's policy.

Although differing moral and political perspectives have long been a part of educational discourse, conflict continues to erupt as traditional religious dogma engages with modern social movements. The "sleeper" conflict in this particular case, that received quite a bit of emotional press, is the *degrees of separation between church and state*, or the clash of two realties, enmeshed in religious and civic education differences.

In the end, the Appeals Court found the school district's policy too broad with unintended consequences of prohibiting too much of a student's speech and of violating the First Amendment (Saxe v. State College Area School District, 2001). Far reaching in language, the harassment policy's ambiguity, *not necessarily intent,* created the court case. Charges of "political correctness" created the newspaper headlines. But to dismiss the district's harassment policy as a vehicle for "political correctness" sidesteps a deeper social movement of reducing discrimination and harassment in its many forms. Socially accepted discrimination, historically, has been a pretext for individual and collective actions of intolerance, hate, and violence (Montagu, 1974).

Increasingly, most educators recognize that harassment is inconsistent with a school's mission of transmitting basic democratic values, such as safety, civility, and respect for diversity. In schools and the workplace, society's movement toward harassment intolerance reveals our intention of endorsing a social contract that promotes individual liberties with social responsibility. Some concepts (e.g., pornography or hate speech) are continually evolving in meaning. Maybe, as Sergiovanni (1992) suggested, school improvement rests on a collaborative covenant with all interested parties, providing the moral leadership to set the school's norms, values, and purpose. As for legal leadership, until society constructs a clear, shared meaning, symbolic First Amendment cases will shape the concept of individual liberties and equal opportunity, case by case.

Conclusion

Moral choices fill our search for modern social recipes to keep communities and their schools healthy, containing freedom with fewer biases. The quest for equality and liberty explains the changes in the American social diet over time. Too much of anything is probably not a good idea, as Allende (1998) put it: "The road to gluttony leads to lust and, if traveled a little further to the loss of one's soul" (p.13). Excesses regarding tolerance are atypical, but given our desire to satisfy moral and civic ideals quite understandable. "Due to moral factors choices do not reflect, simple, one-dimensional, preferences but *are multifaceted*" (Etzioni, 1995, p.441) and many preferences are a source of ambivalence with "feelings of guilt, shame, regret . . . " (p. 442). Society's love-hate connection with pluralism and diversity, digested with the bond to liberty and equality, far from poisoning our educational system, nourishes it to renew its structures while maintaining its functions.

Assimilation happens covertly and steadily amid lively conservative and liberal conversation. In Gutmann's (1995) study of democratic educational policy, she investigated the strength of claims for those who fully benefit and participate in the politics of American democracy, but reject, because of religious beliefs, civic education in social diversity, and its associated behaviors of respect and tolerance. Her approach argued for teaching children to understand their lives and the different features of lives that include all at democracy's dining table. In Gutmann's terms, mutual respect "entails a reciprocal positive regard among people who advocate morally reasonable but opposing positions . . ." (p. 578).

During times of historical or social change, people's ability to orient themselves with cherished values can flounder. And

so it is with their institutions. Mills (1959/2000) stated "Even when they do not panic, men [sic] often sense that older ways . . . have collapsed and that newer beginnings are ambiguous to the point of moral stasis" (p.9). But political and social chaos has a comfort zone: moral sensemaking. We continuously engage in the construction of realities amid rising ambiguity. Societies create meaningful responses, and cherished values may take on new shades of meaning. At times, religious and civic morals seem to be at embarrassing odds. But as the country matures, so does it build on its moral reasoning, as we struggle to live with moral disagreement in a morally constructive way.

Children deserve a safe and secure educational environment that teaches, at the basic level, civil manners. Governments and its entities should not restrict individual liberties, but the common good expects a level of civil tolerance, a moral etiquette, which neither inhibits an individual's freedom nor dishonors his or her person. Tocqueville (as cited in Blits, 1997) reflected, "Only liberty can draw democratic citizens out of the isolation into which equality naturally draws them, and, obliging them to meet one another, promoting an active sense of fellowship and mutual dependence." Tocqueville's words may have renewed meaning today. American schoolchildren would benefit from understanding, like him, that liberty's social value lay within our free will to choose, that which is virtuous and good.

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