

A Contractualist Approach to Politicized Education

Kenneth R. Pike

Abstract: Politically neutral pedagogy is often the subject of both praise and condemnation. But treating political neutrality as a principle to be either embraced or rejected confuses the issue, because the permissibility of neutrality actually varies across educational contexts. Educational practice should not be evaluated on the basis of whether or not it is politically neutral, but in terms of the specific burdens it places on individual interests. Contractualism, as an account of moral permissibility, is well-suited to the task of identifying when, and why, educators may permissibly aspire to politically neutral pedagogy. In particular, it identifies judicious adherence to political neutrality as a practical classroom approach to preventing legislative interference with permissible non-neutrality.

Introduction

Public discourse on the inclusion or intrusion of politics in public education tends to cluster at two poles. At one, educator interests in freedom of thought and expression, student (and parent) interests in the sufficiency and completeness of educational undertakings, and a general public interest in the production of good citizens are offered in support of the view that politically neutral pedagogy is undesirable—perhaps, impossible (França, 2019; Walker, 2018). At the other, educator interests against compelled speech, various interests against indoctrination, and a general public interest against use of the academy for the inculcation of political orthodoxy are offered to show that classroom politicization should be limited by policy and in practice (Kitto, 2020; Powell, 2015). But treatment of political neutrality as a pedagogical principle to be either rejected, or embraced, confuses the issue. I argue, rather, that the permissibility of politically neutral pedagogy varies, not only from classroom to classroom but even from moment to moment, and is best ascertained through ordinary moral reasoning.

In making this argument, I draw insight from Peter de Marneffe’s “Liberalism, Neutrality, and Education.” Writing on a perceived dilemma between liberal neutrality and public education, de Marneffe argues that if we “wish to evaluate educational policies from the liberal point of view, we must . . . go beyond the principle of neutrality to a more general theory of rights” (2002, p. 224). I agree. But rather than focus, as de Marneffe does, on the implications for public education policy in a liberal regime, I examine practical reasons sometimes given for favoring or disfavoring politically neutral pedagogy. To de Marneffe’s conclusion that educational policy “ought to be evaluated . . . by carefully considering the burdens that individuals bear under various policy alternatives” (2002, p. 224), I add that educational *practice* should be similarly evaluated at the classroom level. That is, the permissibility of any particular classroom approach should not be evaluated in terms of its political neutrality *per se*, but in terms of the burdens it places on the individual interests of students, teachers,

and others. Whether political neutrality or non-neutrality is permissible in any given circumstance is, I think, best ascertained through a contractualist weighing of relevant interests. This approach to practical questions concerning politically neutral pedagogy also has at least one policy implication: the deliberate exercise of politically neutral pedagogy may be an important practical approach to *preventing* policy mandates that constrain educator discretion and “academic freedom.”

1. The Neutrality-Indoctrination Conundrum

“Political neutrality” is often held to be of pedagogical value. This attitude may arise from the popular idea that teachers should train independent thinkers rather than “spoon feed” conclusions to their students. But some regard political neutrality as, to the contrary, an educational *impossibility*. As Richard Saull once declared,

There’s no such thing as a neutral education. Education either functions as an instrument which is used to facilitate the integration of the younger generations into the logic of the present system and bring about conformity to it, *or* it becomes ‘the practice of freedom,’ the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world. (1972, p. 15)

The idea that children will receive a political education even when it is not the topic of formal classroom discussion is part of what is sometimes called the “hidden curriculum.” The hidden curriculum consists of implicit, often unintentional lessons imparted by student interaction with peers, teachers, and institutions (Jackson, 1968; Snyder, 1970). If students are bound to accrue a political education on *any* approach, would it be better for educators to make such lessons, not unreflective and inadvertent, but explicit and intentional? Some scholars think yes, at times going so far as to identify political neutrality as a pedagogical *vice*—a way of tacitly enforcing the (putatively, oppressive) status quo by excluding heterodox views from consideration and discussion (Walker, 2018).

Within the context of post-Enlightenment public education, however, advocates for political neutrality have not historically called for *apolitical* pedagogy. Rather, “political neutrality” articulates a liberal commitment to refrain from indoctrination on matters of public policy. In one early example, Nicolas de Condorcet’s 18th century endorsement of political neutrality in public education is far more concerned with liberty interests (as well as something like epistemic humility on matters of state) than with the *exclusion* of political lessons from education:

It has been said that teaching the constitution of each country should be a part of national education. This is surely true, if it is spoken of as a fact But if the understanding is that it should be taught as a doctrine in accordance with the principles of universal reason, or if one seeks to evoke a blind enthusiasm in its favor that renders citizens incapable of judging it; if they are told: “This is what you must adore and believe,” then it is a kind of political religion that is being sought to be created; it is a chain being prepared for minds, and the most sacred rights of

liberty are violated under the pretext of teaching citizens to cherish it. The goal of education is not to make men admire a ready-made legislation, but to make them capable of appreciating and correcting it. It is not a question of subjecting each generation to the opinions and will of the preceding one, but of enlightening them more and more . . . (1791, p. 42, machine translation)

Condorcet's view seems to echo in the influential work of John Dewey, who wanted children to "become acquainted with the past in such a way that the acquaintance is a potent agent in appreciation of the living present" (p. 23, 1938) rather than "the line of least resistance provided by . . . old intellectual habit (p. 30, 1938). The idea of liberal education is sometimes encapsulated in slogans like "educate, don't indoctrinate" or "teach students *how* to think, not *what* to think." On such views, development of student autonomy—each pupil's authorship of their own life and perspective—is given priority over the inculcation of any educator's priors and prejudices.

Even the bounded neutrality of liberal humility, however, may be easier articulated than achieved. Political actors often *frame* their own views as "neutral," whether out of ignorance or in an effort to strategically construct and capitalize on false consensus (Alexander, 2017). Children are especially, though by no means exclusively, prone to uncritical acceptance of claims made by educators, potentially reducing the most fair-minded attempt at neutrality to *de facto* indoctrination. Even scrupulous adherence to a "just the facts" classroom approach plausibly manifests a hidden partisan curriculum; since not every fact can be taught, the mere selection of what qualifies as "facts important enough to teach" may influence the ways student attitude and understanding develops. People can develop dogmatic attachment to all kinds of claims, including rather outlandish claims, quite regardless of whether those claims were intended to be accepted uncritically in the first place.

If indoctrination seems undesirable but a politically neutral pedagogy seems to fall somewhere between "improbable" and "impossible"—how should educators actually proceed? It is sometimes suggested that the way out of this neutrality-indoctrination conundrum is to accept the impossibility of politically neutral pedagogy but aim for something like *diversity* in the curriculum. If everything educators say and do biases learners in one way or another, the thinking goes, then we just need to give students a grand array of biases—biases that cannot all be served together, so the ones each student grows to embrace *must* be autonomously chosen (if anything is!). As Joel Feinberg writes:

Ideally, the neutral state . . . would act to let *all* influences, or the largest and most random possible assortment of influences, work equally on the child, to open up all possibilities to him, without itself influencing him toward one or another of these. In that way, it can be hoped that the chief determining factor in the grown child's choice of a vocation and life style will be his own governing values, talents, and propensities. (1980, p. 136)

But many regard this approach as mistaken, insofar as "it seems evident that some life choices are morally unworthy—that of a career criminal for instance—and not such that a child should be able to choose them" (Archard, 2015, p. 76). In the United States today, for example, most people would think it absurd to "teach both sides" (i.e., the "pros and cons") of the Holocaust, or antebellum

American slavery; to aim for “political neutrality” on such matters might well constrain one’s future opportunities to educate. Whatever pedagogical value we assign to “broad exposure to diverse ideas”—and to be clear, this does seem potentially valuable in many contexts—it does not appear to resolve the conundrum.

Another way out of the neutrality-indoctrination conundrum is suggested in Amy Gutmann’s *Democratic Education*. On her view, we should not merely accept the “non-neutrality” of education, but embrace it—at least with respect to the central moral and political commitments of our liberal, democratic communities. We achieve this not by serving divergent views to our pupils as a sort of ideological cafeteria buffet, but through a shared cultural commitment to democratic management of values pluralism:

We disagree over the relative value of freedom and virtue, the nature of the good life, and the elements of moral character. But our desire to search for a more inclusive ground presupposes a common commitment that is, broadly speaking, political. We are committed to collectively re-creating the society that we share. Although we are not collectively committed to any particular set of educational aims, we are committed to arriving at an agreement on our education aims (an agreement that could take the form of justifying a diverse set of educational aims and authorities). The substance of this core commitment is conscious social reproduction. As citizens, we aspire to a set of educational practices and authorities to which we, acting collectively as a society, have consciously agreed. It follows that a society that supports conscious social reproduction must educate all educable children to be capable of participating in collectively shaping their society. (1987, p. 39)

Like Condorcet, Gutmann enshrines democratic participation as public education’s *raison d’être*. Like Dewey, Gutmann thinks education should empower children to both learn from and grow beyond the past. But where Condorcet and Dewey were concerned about autonomy in the face of intergenerational stultification, Gutmann focuses on *intragenerational* conflict—preventing any single prevailing conception of virtue or the good life from leveraging public education to marginalize cultural heterodoxy. This, she thinks, is achieved through the democratic process. Educational practices need not be neutral, they need only be democratically sanctioned.

Unfortunately, this does not answer the conundrum so much as remove it to the sphere of public discourse. Which public educational practices *should* we, collectively, sanction? Should we, despite the foregoing, prefer pedagogy that is (or at least seems) “politically neutral?” What influence (if any) should the rights of children and their parents have on that process? In approaching such questions, Gutmann appears to think that political neutrality *is* pedagogically valuable, even though she does not regard it as morally obligatory. For example, Gutmann argues that the abolition of sex education from public schools, as well as the inclusion of sex education as mandatory curriculum with no chance for parents to opt their children out, would both be democratically legitimate but “unwise” approaches (1987, p. 110). Instead, she favors the comparatively neutral approach of offering sex education, but not mandating it. It is not necessarily inconsistent to think neutrality is important in

some contexts and not others, or that it is valuable but non-obligatory, but the critical practical questions still seem to be: *which* contexts, and why?

The answers advocates give to such questions often seem, predictably enough, motivated by political prejudice rather than principle. It may be worthwhile to highlight a parallel case in jurisprudence. Few figures in American politics are more closely connected in the public imagination with the ideal of neutrality than courtroom judges. Consequently, judges are sometimes condemned as “activists” when perceived, rightly or wrongly, to be advancing a political agenda, deciding cases based on desired outcomes rather than by appeal to established legal principles. This does presumably happen, at least sometimes, but accusations of “judicial activism” often arise instead from application of a pervasive double standard:

Right-thinking judges are excellent when they act on the basis of their convictions about what is fair. But when it comes to judges with whom I disagree, a different standard applies. Wrong-thinking judges are excellent when they stick to the rules. . . .

You may say “That’s ludicrous, no one could hold such a blatantly inconsistent set of positions about the meaning of justice.” In reply, I suggest that you pay careful attention to the political rhetoric that attends debates about judicial role and judicial selection. (Solum, 2006, p. 88)

Something similar occurs in debates over politically neutral pedagogy—from local concerns over specific lesson plans, all the way up to national debates on public education policy. If educators espouse values I abhor, I might condemn them for failing to adhere to the virtue of neutrality, but if they exclude my values from the curriculum, I can accuse them of exercising bigotry under a pretense of neutrality. Conversely, should educators inculcate *my* political values, I can praise them for recognizing the impossibility or undesirability of neutrality on matters of great importance (discouraging racism, say, or encouraging patriotism). But should they decline to inculcate the values of my political rivals, I could instead praise them for their principled neutrality.

It may be tempting to respond, “That’s ludicrous, no one could hold such a blatantly inconsistent set of positions on education policy.” But people do hold blatantly inconsistent positions, at times, and what is more, theorists occasionally go so far as to argue that there is nothing wrong with that. Writes Stanley Fish:

[L]iberal platitudes become useable when all you want from them is a way of marking time between the battles you think you can win. Switching back and forth between talking like a liberal and engaging in distinctly illiberal actions is something we all do anyway; it is the essence of adhocery, which is a practice that need not be urged because it is the only one available to us. (1999, p. 72)

For those who agree with Fish, the liberal views of Condorcet, Dewey, Feinberg, or Gutmann are inescapably pretentious—mere affectations. Fish implies that political neutrality is an educational impossibility because political neutrality of *any* kind is impossible, and not even genuinely desirable. There is only power or its lack, and teaching others is a way of exercising power over them.

Fish even singles Gutmann out for particular criticism on the question of neutrality, which is interesting in part because his anti-liberalism leaves us with the same unanswered question as Gutmann's liberalism. Suppose Fish is right; what, then, ought educators do? Fish himself thinks that "it will often be the better part of wisdom" to behave in liberal ways, despite one's illiberal commitments (1999, pp. 71–72)—mirroring Gutmann's relegation of neutrality to the realm of *wisdom* rather than obligation. To be clear: they do not *agree!* Fish cynically rates liberal neutrality and mutual toleration as tactics for delaying conflict while marshalling one's allies and arguments for later assault on the enemy. Gutmann thinks pedagogical neutrality on matters of erstwhile importance helps to preserve broad participation in community-perpetuating practices (like public education). Yet both clearly express the view that *aspiring* to political neutrality, however imperfectly, constitutes an effective approach to promoting peaceful coexistence between parties with inconsistent values. Convergence on the idea that politically neutral pedagogy has merit in contexts of cooperation is a clue to the nature of its importance.

That is to say, the point on which virtually everyone seems to agree *in practice* is that public educators *should* aspire to political neutrality—at least in the liberal sense of refraining from deliberate values inculcation on matters of public policy—*sometimes*, but *sometimes* they should not. The real disagreement is over which times are which. Scholars like Saull and Fish offer one plausible explanation for the persistence of that disagreement: there is just no such thing as principled neutrality. Everyone expressing any view on the matter is engaged in advocacy of their own, consciously or unconsciously, overtly or covertly championing "neutrality" only when it is to their advantage to do so, promulgating the indoctrination of their own views (especially, over the views of their perceived opponents) whenever they think they can get away with it.

I think this view is, partly, mistaken. In fact, I agree with the idea, and have seen much evidence, that some educators do claim to value political neutrality when it benefits their own agenda, but strive to indoctrinate their students whenever possible. On the other hand, I have been fortunate to enjoy the tutelage of many educators whose (often, explicit) commitment to refrain from indoctrination as far as possible seems like direct evidence against the generalizability of the cynical explanation. Even assuming their aspirational neutrality subjected me to some *hidden* curriculum, reflection on my own experience suggests that Saull's critique presents a false choice. The idea that students cannot simultaneously grasp reasons for "conformity" to the "present system" *and* be free to transform that system "critically and creatively" does not withstand scrutiny. Fish demonstrates this in part by *identifying* one important reason even illiberal activists have to conform to liberal expectations: because no one can win every battle, and liberal neutrality is a position that can effectively defer confrontation.¹

¹ Furthermore, it is not obvious to me that such confrontation cannot be deferred indefinitely. I think this is a good reason for illiberal people to *accept liberalism*. While development of that argument exceeds the present scope, a much-abbreviated version of its conclusion is that even if liberalism is just as Fish describes it, everyone is *better off* if we all *pretend* to be liberals, than if we focus our efforts on dominating people who disagree with us. It might be objected that we should then strategically persuade our enemies to be liberals, while clinging to illiberalism ourselves, the better to dominate them. But the possibility of this strategy seems like good reason for people who are genuinely committed to liberalism to deliberately impose high costs on illiberalism. Karl Popper famously identifies this as the "paradox of tolerance" (1945, p. 581).

But political neutrality also has pedagogical value beyond the Machiavellian pursuit of *appearing* virtuous. At the heart of the educational liberalism of Condorcet, Dewey, Feinberg, and Gutmann is the idea that students, especially when they are children, have important autonomy interests. These may be violated when educators are deliberately nonneutral in their pedagogical approach. Of course, those same students also have an interest in learning, among other things, the shared values of the communities to which they belong, which seems likely to require some measure of nonneutral pedagogy. Furthermore, we *all* have some interest in the learning of others, though the interest we have in the learning of others is only related to, rather than coextensive with, the interest each of us individually has in learning. So efforts to determine when political neutrality is called for, and when it is not, are at least *not always* cynical ploys crafted to maximize the indoctrination of others into our own value commitments. Rather, such efforts are the result of ordinary moral reasoning about the interests people have, the manifold ways pedagogy can burden those interests, and how a reasonable balance might be struck between them.

2. Contractualism and Political Pedagogy

I arrive at this view by way of T.M. Scanlon's contractualism.² Contractualism is a normative theory that identifies morality as the pursuit "of being able to justify your actions to others on grounds that they could not reasonably reject" (1998, p. 154). Permissible acts can be identified by conducting an "informal comparison of losses" (1982, p. 128), weighing the burdens imposed on individuals by candidate principles for the general regulation of behavior and discarding those that can be reasonably rejected. Whether a principle can

reasonably be rejected, depends . . . on a comparison of the reasons that can be offered against it with those that can be offered in its favor against alternative principles from the point of view of people who occupy various positions in a situation of the kind to which the principle applies. We never know exactly which individuals will occupy these positions in all the various situations of this kind, so questions of right and wrong must be ones we can answer in the abstract, without such knowledge. The reasons we consider in assessing a principle are therefore are [sic] not precisely the reasons that particular actual individuals have, but what I call generic reasons—reasons that people in general would have in virtue of being in the positions in question. (Scanlon, 2003, p. 181–182).

What sorts of reasons might weigh against a principle requiring political neutrality from public educators? Or against a competing principle permitting political advocacy in public education? Some such reasons will apply in other educational contexts, like home or private schooling, but liberals like Condorcet and Gutmann seem especially concerned that public education not be a case of the government, as the saying goes, serving as a judge in its own cause. Public school teachers are agents of the state, remunerated for their services by the ruling regime. Anything an employee of the

² I do not offer a defense of contractualism here. Like Scanlon, I find contractualism a compelling account of permissibility "because the account it offers of moral motivation is phenomenologically more accurate than any other I know of." (1998, p. 187).

government has to say about politics is potentially self-serving, and so a plausible candidate for healthy suspicion. But this is often also true of statements from employees of private companies, insofar as government regulation impacts private interests. Strictly speaking, it is potentially true of anyone whose life is affected in any way by government policy. Warranted suspicion that someone's advocacy is self-serving, then, is not by itself, sufficient reason to reject a proposed principle. A self-interested claim may still be a true claim. So it is not immediately clear whose interests would be burdened, or how, if public school employees were either permitted or forbidden to incorporate potentially self-interested advocacy into their pedagogy.

Neither does political neutrality (or non-neutrality) seem like a broadly generic reason to reject a proposed principle. There are very few simple ideas that qualify as broadly generic contractualist reasons—that is, reasons that seem important regardless of one's position—since the reasons we have to reject most principles will rely on further information concerning the positions we are in. “Harm” seems like a broadly generic reason; anyone who stands to be harmed by a principle has defeasible reason to reject that principle. Insufficiency may also be a broadly generic reason; we seem to have defensible reason to reject a principle that results in our not having *enough*. Unlike these examples, however, knowing that a proposed principle is politically neutral or non-neutral does not appear to tell us anything, *on its own*, about whether a candidate principle can be rejected.

Absent a broadly generic principle, more narrowly generic reasons that might weigh for or against politically neutral pedagogy are reasons that teachers, students, or other interested parties in the educational process are likely to have, by virtue of being in the specific positions they occupy. It would be difficult to enumerate all such interests, but two particularly salient ones arise frequently in arguments over politically neutral pedagogy, playing central roles in the indoctrination-neutrality conundrum. One is autonomy; we each have an individual, unshared interest in being the authors of our own lives. The other is education, in which many people have a variety of interests.

A. Autonomy Interests

In educational contexts, the interest that each of us has in being the authors of our own lives manifests in at least two important ways. First, ideally, individuals in the position of “student” are there to have their thinking altered in some desirable fashion. When students find the range of options available to them enhanced, or find themselves empowered to accomplish things they could not previously accomplish, it seems fair to say that their autonomy interests have been served. Student interest in autonomy is burdened when pedagogy makes someone else the author of a student's life—when their thinking is altered in an objectionable way, when their options are constrained, or when their capacity for accomplishment is diminished. But what kinds of teaching could actually impose such burdens? Physical damage—as brought about, for example, through excessive corporal punishment—is probably the obvious case. But a malicious or (more likely) incompetent educator might impose similarly burdensome constraints through miseducation of one kind or another. This possibility tends to come up in the context of assertions, occasionally via lawsuit, that some child or group of children is not receiving “enough” education.

But what is enough? American . . . courts have not yet come to a consensus in answering this question. Most . . . focus on overarching qualitative aspects of education—that the education offered be enough for a child to act and compete in the world. At the same time, these courts frustrate the quantitative efforts of legislatures to reduce education to funding formulas and dollars per student. These methods of analysis are not yet converging in a comprehensive or understandable way. (Moore, 2010, p. 575)

The particulars of what constitutes a sufficient education are beyond the present scope, but the relevant generic question is easily framed: can politically neutral or nonneutral pedagogy contribute to objectionable miseducation? To whatever extent the answer is “yes,” *any* classroom approach to politics that *actually burdens* a student’s development or exercise of autonomy seems impermissible. It remains an open question whether any such burdensome approach actually exists, but empirical assumptions about student capacities can begin to outline an answer. For example, younger students often seem more impressionable and emotionally sensitive than older students. Because a 16-year-old whose parents regularly vote for Green Party candidates is likely to have a very different emotional response to a teacher’s criticism of Green Party voters than a similarly-situated 8-year-old, it seems likely that political nonneutrality becomes more permissible as students approach adulthood. So it is no surprise that educators (and educators of educators) are often closely acquainted with the contours of “age appropriate” education. But the likelihood that any individual student will receive some lesson badly (as indoctrination, say, or as a personal insult), as opposed to receiving it as a candidate for reflection and later autonomous endorsement or rejection, is difficult to know in advance even when students are very young. So the permissibility of a given lesson will often be best determined by those who are closely acquainted with the character of the intended recipient. If this is right, then in public education settings, parents and teachers are likely better situated than administrators and legislators to ascertain the permissibility of political neutrality or non-neutrality in any given classroom context.

Like students, educators have important autonomy interests. Educators who *desire* to indoctrinate students lose a measure of authorship in their own lives if and when they are denied the opportunity to do so. Students will generally have weightier autonomy reasons to reject a principle permitting deliberate indoctrination than educators will have to reject a principle forbidding deliberate indoctrination. But educators also have an autonomy interest against being compelled to teach content they find objectionable, and in the liberty to express their own views without undue reprisal. Depending on the particulars of the content, this interest may be burdened by requiring either political neutrality or non-neutrality, reinforcing the argument that neutrality is not a pedagogical principle for sweeping acceptance or rejection. It might be noted that, in contrast with children who are made students by compulsory education laws, educators are usually free to *quit*, and so their interest against compulsory political valence is somewhat moderated by the availability of alternative employment. Even so, presenting educators with a choice between keeping their job or keeping their principles is itself a burden on their autonomy interests; the question, then, is how that burden weighs against the burdens imposed by alternative principles.

B. Educational Interests

The consideration of alternative principles is often where the various interests individuals have in education come into play. If, as I have asserted, individuals in the position of “student” aim to have their thinking altered in some desirable fashion, then educators who fail for whatever reason to pursue that end are behaving in a way they cannot justify to their students or other stakeholders. Consider: students enrolled in an introductory biology class may reasonably expect to undertake a curriculum reflecting the best understanding of subject matter experts. But suppose a biology teacher who strongly rejects “social Darwinism” (the idea that individual social station is the natural and/or appropriate result of biology) decides to exclude Darwinian evolution and natural selection from the curriculum, on grounds that it might incline students toward inegalitarian political commitments. This would surely be an *unusual* choice, given the ways in which social Darwinism can be meaningfully distinguished from biological Darwinism—but would it be an *impermissible* choice? I think yes. Students have an important interest in receiving a quality education. This is in part just an extension of their autonomy interests; concealing information from children for fear that they might reach objectionable political conclusions works against their autonomy. But students also have a variety of educational interests, beyond autonomy, that can be burdened when educators adopt political rather than pedagogical aims. Students have a reliance interest in getting the education they were promised, and in not having their time wasted by false promises. They also have an interest in not having their beliefs or traditions ridiculed, in part because these things can burden student learning by being so distracting or disturbing that the educational process is substantially disrupted.

The interest students have in receiving sufficient education is also shared by others in the community. Because it is good for us to have co-participants in our culture, insofar as education is a process of cultural reproduction everyone has at least some interest in the education of others. Scanlon refers to this as an interest in the “continuation of our common life” (1998, p. 76). A school that offers a curriculum based on broad, informed agreement, but excludes material based on the political prejudices of legislators, administrators, educators, parents, or others burdens the interests not only of children but of every member of the community.

The interest community members have in the education of others may *also* burden the interests students have in autonomy. The continuation of “our” common life necessarily involves some inculcation of “our” common language, values, and practices—it requires some *community* authorship of individual lives. This is the substance of the neutrality-indoctrination conundrum, that we seem to have interests in both being taught by others, and in being free from their influence. Viewed as an either-or, I do not think the conundrum can be resolved. But it can be *dissolved*, by situating it within the larger moral framework of contractualism. Contractualism captures the way that the balance between interests in autonomy and education shifts from context to context. For example, I have occasionally heard complaints from students who do not mind (and sometimes even enjoy) political discussions in my philosophy courses, but who find those same discussions distracting or tiresome when they arise in calculus or chemistry class. There seems to be some analogy, here, to the “time, place and manner” restrictions permitted in American First Amendment jurisprudence. A principle forbidding political advocacy from educators might be reasonably rejected on grounds that excluding evaluative analysis from (for example) history or government lessons diminishes their educational effectiveness, but a principle forbidding political advocacy from *math* educators could not be rejected for that reason (though perhaps it could, at times, be rejected on other grounds). Or a principle

permitting political advocacy from educators might be reasonably rejected if it resulted in the assignment of failing marks to students who dispute an educator's political agenda, but the absence or unlikelihood of such a result would weaken the case for rejection.

That is, whether a principle requiring political neutrality of public educators can be reasonably rejected depends not only on the manner and extent to which that principle operates on their pedagogy, but also on the degree to which their political non-neutrality, under an alternative principle, burdens the interests of others—and this can vary not just from culture to culture, but from classroom to classroom, or even from student to student. This is a substantially empirical question! If many teachers in a school are explicitly telling students that they should (for example) criticize their parents for voting for a certain party, policy, or politician, then students in that school who find this objectionable suffer a much greater burden than they would if teachers in the district were known to air their partisan grievances only rarely or inadvertently. It might seem a bit paradoxical to suggest that the less educators violate political neutrality, the freer they are to do so, but sensitization is an important concept in grasping the weight of individual burdens. Your important interest against unwanted bodily contact, for example, makes it impermissible for me to punch you in the face, but does not make it impermissible for me to tap you on the shoulder to get your attention, say, when I notice your cell phone has fallen out of your pocket. But if I were to continue tapping your shoulder *after* I'd gotten your attention, this would be annoying, and if I continued to tap the same spot with the same, previously permissible force, it could eventually become quite painful. The *less* I tap your shoulder, the less weighty your objection to my doing so. Likewise, the less educators deviate from a posture of neutrality, the less their students' educational interests are burdened by such deviations—and the less reason the public has to impose neutrality by administrative or legislative fiat.

C. The Diversity of Relevant Interests

Already the number and variety of interests I've identified in connection with the question of politically neutral pedagogy has grown unwieldy, *without* making any particular effort toward thoroughness. This is even more true where students are drawn from diverse backgrounds, as educators must navigate different levels of sensitivity to what constitutes a burden, and what matters students (or their parents) even regard as political. But contractualism is a normative theory; it does not prescribe interest balancing as an approach to moral reasoning, but asserts that interest balancing is substantially what moral reasoning is. As complicated as it can be to write out, the weighing of interests and formulation of justifications for our actions that others cannot reasonably reject is at heart a formal account of a routine psychological process with which we are all roughly familiar. It is also a process that can be frustrated in countless ways—for example, when we are ignorant of relevant interests, or when we are bad at gauging their weights, or when others employ persuasive rhetoric that distorts the balancing process. The existence of cognitive bias is probably a good reason to be, at minimum, cautious of any principle that permits politically non-neutral pedagogy, since most humans are sufficiently self-regarding and ingroup-oriented that we will tend toward credulity when presented with candidate principles that seem to benefit our preferred political agendas.

The proliferation of diverse interests in our pluralistic society may also be why, even where educators are *not* noticeably burdening the interests of others through insensitive non-neutrality,

policymakers often work to develop rules on politically neutral pedagogy. Such policy might be made in order to manage the expectations of students, parents, and the public, as well as to relieve educators of the burden of constantly adjusting their approach in response to shifts in culture or classroom makeup. I suspect this is at least partly what Gutmann is tracking when she observes that political neutrality in public education is *wise* rather than *obligated*. Even so, there may be times when politically neutral pedagogy is morally obligatory: wherever non-neutrality imposes a sufficiently weighty burden on someone's important individual interests. The same is true of neutrality. Contractualism illustrates why the practical identification of such times calls for a reasonable, even-handed evaluation of particular facts about educators, students, and their communities, rather than total acceptance or rejection of political neutrality as a pedagogical principle.

Conclusion

The appropriateness of politically neutral pedagogy is a moral and political question—and not a simple one. As a bureaucratic, government-funded endeavor, public education is often an undertaking where clear, explicit guidance is sought and expected by stakeholders ranging from distant officials in high government office, to local neighborhood families, to everyone in between. Consequently, the tendency in public discourse to frame politically neutral pedagogy as a binary to be either eschewed or embraced is understandable. But this gives rhetorical cover to political actors who selectively encourage or discourage neutrality for the purely strategic aim of enforcing their own perspective and suppressing dissent. For the cynical, this is an inescapable struggle in which our only real choice is to oppress, or be oppressed. Contractualism shows how the cynical approach to politically neutral pedagogy falls short: oppression and counter-oppression are not the kinds of behavior we can reasonably justify to others in our community. Instead of selectively endorsing neutrality in order to oppress others, we should selectively endorse neutrality in ways that minimize burdens to individual interests.

One apparent challenge for members of pluralistic societies is to maintain enough of a “common life” of shared institutions and values that educators seeking to balance interests in autonomy and education are not faced with insurmountable obstacles. In the United States, contemporary approaches to public education are substantially derived from the 19th century activism of Horace Mann, whose “writings on educational subjects” primarily endorse “universal education, free from any political or sectarian bias” (Downs, 1974, p. 152). For Mann, the goal of public education was social harmony:

His quest was for a *public philosophy*, a sense of community which might be shared by Americans of every variety and persuasion. His effort was to use education to fashion a new American character out of a maze of conflicting cultural traditions. And his tool was the common school. (Cremin, 1957, p. 8)

If Mann, a devout abolitionist, ever dared to hope that education reform might bring a peaceful end to American slavery, it proved a hope in vain. But the sectarian strife that consumed much of Mann's career has proven both more and less tractable. More, insofar as the United States has not been plunged into civil war over religious disagreements, but less, insofar as religion, and especially what

Condorcet called “political religion,” continues to challenge the ideal of a unified American character. Just as Mann feared that sectarian disputes might bring an end to common schools, advocates for public education today must contend with the possibility that partisan rancor threatens the continuation of our common life.

This seems like an important point in favor of *both* politically neutral pedagogy, and politically *non-neutral* pedagogy. Educators who engage in deliberate political advocacy, even and perhaps especially when they insist that their prejudices are “neutral” by virtue of being morally correct, endanger the mission of public education, in part by inducing dissenting parents, as Gutmann observes, to “flee public schools” (1987, p. 110). But educators who avoid contributing to the political undertaking of cultural reproduction fail to deliver on one of the central justifications for compulsory student participation in public education at the public’s expense. The balance between these concerns is not struck once, through definitive policy or ironclad procedure, but something students, educators, parents, politicians and the public continually negotiate as members of their many communities. As educators attend to the burdens they, their students, and others bear under various classroom approaches (of whatever political valence!), they not only meet their moral obligations, but contribute meaningfully to the continuation of our common life.

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Address Correspondences to:

Kenneth R. Pike, Ph.D, J.D.

Assistant Professor of Philosophy and Law

Florida Institute of Technology

150 West University Blvd.

Melbourne, FL 32901

email: kpik@fit.edu