▼ In this selection, Catherine Nolan-Ferrell, an associate professor of Latin American history at the University of Texas at San Antonio, shares her experiences with the challenge of balancing free speech and civility in the classroom. It first appeared in Academe, the journal of the American Association of University Professors, an organization of professors and other academics in the U.S., in late 2017. As you read, reflect on your own experiences with this balancing act and consider how and why these issues may be experienced differently by students and by their instructors.

Balancing Classroom Civility and Free Speech

CATHERINE NOLAN-FERRELL

Last fall, I began my modern Latin American history course with my usual introduction: "I am a historian of modern Latin America, with a particular emphasis on nationality and citizenship among marginalized peoples. My current research is on the Guatemalan refugee crisis of the early 1980s and its aftermath along the Guatemalan-Mexican border." I explained that the course focuses on themes of ethnicity, class, and how nations include or exclude marginalized peoples as citizens.

I always introduce myself like this at the beginning of any class I teach because students have the right to know who I am, what my interests are, and how my particular perspectives have influenced the choice of topics to be discussed. By acknowledging how my interests shape my teaching, I want to emphasize the importance of intellectual honesty. I cannot

claim complete neutrality about the subject matter, but I do promise students that I will discuss multiple perspectives and explain how and why I reached my point of view. Although they may not remember the details of the **Mexican Revolution** or the causes and impacts of the **Dirty War** in Argentina, they will learn how to read critically and evaluate a wide range of primary sources. By assessing these sources, students develop the fundamental skills needed to build historical arguments. We may not always arrive at the same conclusion, but we have some basic agreement about what constitutes historical data. The challenge lies in teaching students how to contribute to the dialogue about how "facts" are made, or, more precisely, how people develop consensus about what constitutes factual information in the face of individual (and societal) choices to dismiss accepted facts that may conflict with particular worldviews.

Mexican Revolution
a series of armed struggles occurring in Mexico during the second decade of the twentieth century that continue to shape contemporary Mexican politics in complex ways.

Dirty War
the program of state terrorism in Argentina from the mid-1970s until 1983, during which some 30,000 people disappeared as the military, militia, and right-wing death squads "disappeared" those who did not share their political views or were suspected of not sharing them. It was part of a larger U.S. CIA-sponsored project during the Cold War, Operation Condor.

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A demonstration of the Mothers of Plaza de Mayo, an association of Argentinian women whose children were "disappeared" during the Dirty War

Primary sources are the "raw data" of historical research. Broadly defined as documents or objects created at the time the historical events occurred, these sources provide direct or firsthand knowledge of past events. This knowledge is not yet "fact," though, because primary sources often reflect distinct perspectives on the past. History professors teach students to assess the validity of historical data by asking who produced the primary source, why he or she produced it, and what biases may have influenced the creator of the source. Researchers also **cross-reference** documents. They ask whether other primary sources **corroborate**, or at least mention, the subject in question. By discussing and debating primary sources, we

construct general understandings of historical facts as concrete events that occurred at a particular time and place and involved specific people. Historians may debate some of the details, but they agree on the overall parameters of the historical event. This knowledge, along with understanding of **foundational** concepts of historical context, causality, complexity, **contingency**, and change over time, enables students to figure out why something happened in the way that it did.

cross-reference
here, compare documents dealing with same period or topic.

corroborate
provide support for or confirm the existence of.

foundational
forming the basis or foundation of.

contingency
here, how a range of events and circumstances work together to shape history; its opposite would be inevitability—that certain events necessarily occurred.

The heart of any history class is not the memorization of names and dates but the process of historical analysis. Students quickly learn that patterns of human behavior often recur, not in the simplistic sense of "history repeating itself" but because history "rhymes." Historians see echoes of past events in current conflicts, though we remain mindful of how unique times, places, and people affect experiences.

A Difficult Balance

The political situation that characterized the 2016 presidential campaign posed multiple challenges to classroom civility and academic freedom in my class. These challenges were magnified by the demographics of the University of Texas at San Antonio, which is designated as a Hispanic-serving institution and has a student body that is nearly 50 percent Latino. The composition of my class mirrored that of the institution as a whole: 54 percent of the students were Latino (including Mexican American, Mexican-origin, and Guatemalan-origin students), 32 percent were **Anglo-American**, and the rest were a mix of international students and those who preferred not to define themselves by race, ethnicity, or nationality. Nearly half of those attending UTSA are first-generation college students. Many students work more than thirty hours a week and also have full-time school and family responsibilities.

Anglo-American

in Texas, the term *Anglo-American* applies to individuals who do not identify as or are not taken to be African American, Asian American, or Hispanic. Thus, someone whose ancestors immigrated to Texas from Germany or Czechoslovakia would be considered Anglo. Broadly, the term refers to non-Hispanic whites.

Clark Brennan/Alamy Stock Photo

This 1942 sign distributed by the Lonestar Restaurants in Texas represents the sort of indignities Mexican Americans and African Americans had to endure in Texas and elsewhere in the country before the Civil Rights era.

Given the composition of UTSA's student body, many students carry with them community memories that include a long legacy of racism and violence. Prior to the mid-1960s, **Jim Crow**–like segregation and federal redlining in San Antonio restricted many Mexican Americans to substandard housing and inadequate schools, ultimately excluding them from well-paying employment opportunities. Community members and leaders throughout south Texas, including politicians, activists, and artists, remind people not only of the **Chicano movement's** struggles for civil rights but also of previous deportation campaigns of Mexicans and Mexican Americans in the United

States during the 1930s and 1940s. Although historians dispute the numbers of those who left and the level of coercion that was used, most agree that between four hundred thousand and five hundred thousand people of Mexican origin left the United States. Some were forcibly removed, others were pressured (with threats or incentives), and others voluntarily repatriated. Roughly 50 to 60 percent of those who went to Mexico were actually US citizens.

Jim Crow
state and local laws and practices enforcing racial or ethnic segregation of African Americans in the Southern United States from the post-Reconstruction period in the nineteenth century until the Supreme Court rulings responding to the Civil Rights movement in the 1950s and 1960s.

Chicano movement
a 1960s civil rights movement led by Cesar Chavez and Dolores Huerta focusing on the Mexican American community in the southwestern United States.

The Mexican American community's experiences of racism in south Texas, and in San Antonio specifically, made US presidential candidate Donald Trump's blanket characterization of Mexican immigrants as rapists and murderers particularly offensive to both students and faculty at UTSA. Trump's call to "build a wall" and "throw them out" also instilled in students fears of racial profiling. Several Mexican American students shared stories of being verbally harassed, being told that "you'll get sent home soon" or "we'll be cleaning up this country, so you'd better get ready," and "we don't want you 'illegals' who live off welfare." A Mexican American student in her late twenties came to my office before class one day, obviously

distressed. She had overheard students talking about how Trump was going to "take back America" from the "illegals." In tears, she asked me how she should try to cope with these sorts of racist comments.

On the one hand, these are cases of free speech. A person can express opinions about political ideals or religious beliefs without censorship. According to the US Supreme Court's ruling in **Schenck v. United States**, such speech is protected unless it "incites actions that would harm others." Indeed, colleges and universities actively encourage diverse viewpoints. On the other hand, UTSA has an explicit policy on classroom civility that asserts "students share in the obligation to maintain a classroom environment that is conducive to learning. Accordingly, students are prohibited from engaging in any behavior that obstructs, disrupts, or interferes with any class."

Schenck v. United States
1919 Supreme Court case that was the first in a series of rulings that have shaped contemporary understandings of free speech in this country.

How do faculty members draw the line between free speech and disruptive behavior? The 2016 election has made that question more difficult to answer. In almost any other year, students could wear clothing with political slogans, religious statements, or mottos that advocate for a certain cause without provoking any alarm. However, the toxic political climate of the election, particularly the use of polarized rhetoric that explicitly denigrated certain ethnicities, religions, or political belief

systems, made “normal” political campaign slogans ambiguous.

Shortly before the election, one student showed up to class wearing a red “Make America Great Again” baseball cap. Was the person wearing the hat expressing disdain for the opposition political party or candidate? Or was the hat-wearer expressing more hostile beliefs, such as support for calls to “deport illegals”? In the absence of context—not knowing what the student meant to say—I had no good way to assess the student’s intentions in wearing the hat. In contrast, I did know that another student viewed the hat as a threat to Mexican Americans. At the time, I decided that the hat disrupted the class, at least for some students, and I asked the person to remove it. The student immediately did so and apologized for wearing “distracting” clothing.

LAURA BUCKMAN/Getty Images

Students wearing MAGA caps in Dallas on election day, 2016

In the next class period, my students discussed the overall hostile atmosphere created by election rhetoric and the balance between protecting free speech and creating a safe learning environment. Since many students in that class wanted to become K–12 teachers or to work in business, we discussed how to handle such a situation in a professional setting. After much debate, students agreed that in a work environment, wearing overtly political clothing could be seen as either intimidating or inappropriate. As the class moved toward consensus, several students explicitly stated that they would not wear clothing associated with "their" candidate as long as the "other side" agreed to do the same.

Unfortunately, the **détente** lasted only until the day after the election. On that day, a different student wore his red "Make America Great Again" hat to class, but I failed to notice it because the hat was turned backward. After class, several students asked me why I did not make him take off the hat, clearly annoyed that the neutrality agreement had been violated. Then, on Thursday morning, I arrived at work to find that someone had slid a photocopy of a flyer from the "Texas State Vigilantes" under my office door. The flyer read, "Now that our man TRUMP is elected and republicans own both the senate and the house—time to organize tar & feather VIGILANTE SQUADS and go arrest & torture those deviant university leaders spouting off all this Diversity Garbage."

détente
easing of strained relations or hostility between two political entities, often countries.

Without context, how was I to interpret the flyer's message? Was it from a student who was concerned about ensuring faculty free speech? Or was it from someone who wanted to intimidate a professor? Was it a "plant" from left-wing activists who sought to make conservatives look bad? Was it merely a bad joke? Given that Texas law allows concealed weapons on campus, should I be concerned for my personal safety?

How could I turn this disturbing incident into a "teachable moment"?

THINKING HISTORICALLY

By chance, the class was scheduled to discuss human rights and the Guatemalan Civil War that day. During the early 1980s, Guatemalan military leaders, with support of the US government, unleashed massive waves of violence against any perceived opponents, murdering and "disappearing" thousands of civilians. The violence culminated in **genocide** against Mayan indigenous peoples. Faculty and students at the University of San Carlos, the most prestigious university in Guatemala, faced persistent threats. **Paramilitary** groups often sent flyers or spray-painted messages on doors to inform activists that they were targeted for disappearance or execution.

genocide
the deliberate killing of a large group of people, generally people of a particular ethic, religious, or national group.

paramilitary
unofficial group often operating as if it were the military.

AFP/Getty Images

A mass grave from the Guatemalan Cvil War in the 1980s being exhumed in Guatemala City

Because this sort of violence has never characterized academia in the United States, students here often take for granted their safety and their right to speak their minds. They sometimes fail to recognize the privileges and responsibilities that accompany our civil liberties. I showed students the flyer and asked them what they thought about it. How would they interpret it? Given the context of the class material, and the fact that some of them were honestly fearful about the new president, most interpreted the flyer as a threat.

One student, however, defended the use of intimidation tactics as sometimes necessary for the greater good. He argued that it

was acceptable to “put people on notice” that “we” (I presume he meant Texans) would not tolerate “misbehavior down here.” When I asked him what he meant by misbehavior, he said, “Well, you know, the kind of rioting and stuff that happens in California and New York, where people feel like it’s okay to just break things, just because they’ve lost.” Other students spoke out against the vandalism that accompanied postelection protests but said that people had a legitimate right to demonstrate. They pointed out that few protests turned violent and that demonstrations in Austin, Houston, and San Antonio were all peaceful. His response: “Yeah, well, you know they want to bring all that chaos here, and we’ll shoot them before they do it.” Someone asked, “Who’s the ‘they?’” He responded, “You know, the immigrants and the liberals and the blacks who just want the government to baby them and take stuff from the people who work.”

At this point, a very bright but quiet young woman interrupted him. She challenged his willingness to classify entire groups of people as “problems.” Her family immigrated “with papers” and never requested government assistance. She was the first in her family to attend college, and although she had received some subsidized student loans as financial aid, she did not see such loans as “a handout from taxpaying citizens.” In response to the “good immigrant” argument, someone else brought up Donald Trump Jr.’s “Skittles” analogy. (During his father’s campaign, he said, “If I had a bowl of Skittles and I told you three would kill you, would you take a handful? That’s our Syrian refugee

problem.") The woman's family may be "good immigrants," but this student was not convinced that accepting immigrants was worth the risk of possibly welcoming terrorists.

At this point, I interrupted and asked students where they drew the line between free speech and civility. Clearly, given the very heated debate, students recognized that they were no longer respecting their classmates. Instead, students on all sides of the debate had fallen into the trap of treating their classmates as "the other."

In teaching genocide, we explicitly discuss the process of "othering," of how extreme identity constructions of "us versus them" dehumanize particular groups that are perceived as inferior. The "others" carry markers of exclusion, such as ethnicity or race, religion, class, or gender. Othering, from its mildest forms of exclusion to its extremes of genocidal violence, not only enables people to dismiss alternate viewpoints; it also enables them to deny the fundamental humanity of those who differ from them.

When the students realized that they had slipped into using dehumanizing language, they backed away from confrontation and remained quiet for the rest of class. This was not precisely the result I wanted; I wanted them to realize that they could disagree with one another but still recognize value in those who held different viewpoints. However, as the young woman from the immigrant family told me after class, "I just cannot keep

talking to people who refuse to listen."

In "The Problem of Othering: Towards Inclusiveness and Belonging," John Powell and Stephen Menendian define "othering" as "a set of dynamics, processes, and structures that engender marginality and persistent inequality across any of the full range of human differences based on group identities." The divisive rhetoric from the political arena so polarized students that the classroom environment felt "unsafe" to both the pro-Trump students (who believed they were being unfairly labeled and marginalized as racists) and the anti-Trump students (who believed they were being subjected to racist stereotyping).

For the following month, the class continued to grapple with tensions that surfaced during the election. My modern Latin American history course overlapped closely with political debates surrounding the North American Free Trade Agreement (NAFTA), the drug wars, and immigration from Mexico and Central America. My constant challenge to students was to think historically: find primary sources, carefully analyze them, and then construct historical arguments that could be supported by evidence. Why did **narcotraffickers** gain respect and support in some parts of Latin America? To answer this question, students grappled with the causes of corruption, political and economic alienation, efforts of impoverished peoples to earn a viable income, and cultural values such as "machismo," which students saw as a positive idea that values

men's roles in providing for their families and as a negative idea that leads men to use violence to protect their honor and authority. We discussed causality and contingency by examining the impact of NAFTA on workers in both the United States and Mexico. Students assessed the decline of US manufacturing by evaluating the impact of cheaper Mexican labor, as well as dramatic technological changes that automated and improved the efficiency of factories.

narcotraffickers
individuals and groups that buy and sell illegal narcotics.

As students increasingly challenged each other to provide evidence, two key patterns emerged. First, debate became more respectful, because it was harder to simplify human actions as "good" or "bad." The people we studied were humanized, and students began to see one another as complex individuals. Second, students began questioning the fundamental validity of primary sources. When I showed statistical data from the Department of Homeland Security about the high level of Mexican deportations between 2008 and 2014, one student objected, questioning whether the Obama administration would accurately report deportation numbers. A few students dismissed statements from women and children who fled gang violence in Honduras or El Salvador as either exaggerations or complete fabrications. In order to contextualize these oral testimonies, students looked at murder rates and reports on gang violence gathered from US Department of State bulletins, the Congressional Record, and various human rights

organizations. These usually well-respected sources are created by people who are experts in their field. Student responses to these primary sources varied from mild concern about inaccuracy or misinterpretation to complete dismissal of their validity.

How do we navigate a world where many in society have lost trust in shared data? How do we teach students to respect the evidence, even if it challenges their worldviews? And how do we do so in such a politically charged climate, when an inability (or perhaps refusal) to trust data creates an inability to engage in dialogue about fundamental social, economic, and political issues? When one of my students states that "the guy in the Trump hat" scares her, I may not necessarily agree that her reaction is reasonable, but I cannot deny the fear. How do I teach the student wearing the hat that his classmate's fear is real? How do I acknowledge the very real fears that many Trump supporters share about immigration, terrorism, or imminent economic collapse—even when, in my analysis, the evidence does not validate those fears? Biologically, fear inhibits rational thinking and provokes the **"fight-or-flight" response**. Our society seems trapped by this **primal** reaction, and we cannot distinguish between perceived and actual threats. The constant barrage of information—true, false, and other—has created a collective deafness. One way to counter this is to listen only to things that are familiar and comfortable.

fight-or-flight response
a physiological response to a threatening situation, real or imagined, in which an animal,

including a human, responds with aggression (fight) or by fleeing (flight).

primal
relating to an early stage of evolution.

However, history offers another option. By enticing us to "hear the past," to acknowledge tensions between the need to find patterns of human behavior and acknowledge unique situations, we can extend our ability to hold complex information. Critical analysis of primary sources creates a "safe space" where students can encounter the other without reacting with fear. It allows them to see the fundamental humanity in those who hold different beliefs.

Catherine Nolan-Ferrell argues in favor of greater respect and understanding across different political viewpoints, much like the rhetorical listening Krista Ratcliffe advocates, as discussed in Chapter 1.

LINK TO Chapter 1, Why Listen to Arguments Rhetorically and Respectfully?

Confronting "Alternative Facts"

The "Statement on Standards of Professional Conduct" of the American Historical Association (AHA) describes "critical dialogue," "trust and respect," and "integrity of the historical record" as core values of the profession. Historians' raw data come from primary sources—documents and artifacts such as diaries, letters, court transcripts, and photographs that were created during the particular period being studied. The

historian interprets the data to explain why particular events occurred in the way they did or why people acted in the way they did.

American Historical Association
the oldest and largest professional association for historians.

It has been said that "history is an exercise in **empathy**." Historians attempt to see the world as those who lived in the past experienced it. Ours is fundamentally a collective enterprise—we build on each other's work and debate multiple perspectives in order to create an understanding of the past. In order to participate effectively in the critical dialogues that help historians contextualize and interpret sources, it is imperative that we trust each other to "respect the integrity of the historical record." We may debate the interpretation of historical data, but we must respect the evidence. I teach my students to follow the archival trail, even if doing so challenges their preconceived ideas about the past. (For example, students may have a romanticized view of a revolution—oppressed peoples rebel to free themselves from their tormentors—but the historical data often create a much more complicated picture. The idealistic revolutionary may end up selling out his **compatriots** in exchange for personal profit or to protect his or her own life.) Without this fundamental respect for the historical record—for historical data—our interpretations cannot be trusted. As the AHA states, "By practicing their craft with integrity, historians acquire a reputation for trustworthiness that is arguably their single most precious professional asset." In other words, facts

matter. Arguments must be supported by evidence.

empathy
the ability to perceive a situation from another's perspective.

compatriot
a person from the same country.

What do these core values mean in a world of "fake news" and "alternative facts"? At the start of the spring 2017 semester, a student told me that he "didn't believe in facts" because everything was fundamentally biased. In his view, if all historical data are merely representations of what people thought and perceived at the time, nothing is "real"—what we call "facts" are an endless chain of biased information. This is the danger of so-called alternative facts. They exist outside of dialogue. There is no need to come to an agreement about data because data exist in isolation—not as a part of a broader interpretive narrative. The student's reasoning made me think about those who deny genocides. By taking the view that everything is merely "perception," one can deny or minimize the horrors of mass violence. But bodies are real. Mass graves are real. Evidence cannot be dismissed.

As academics, we are dedicated to understanding both the historical world and the present by interpreting evidence. We may disagree about how to interpret evidence, but we believe that evidence exists. When people claim that they are working from "alternative facts," they are not just disputing an interpretation; they are rejecting the very foundation of

knowledge.

RESPOND●

1. What is your response to Nolan-Ferrell's argument in this essay—both at the gut level and intellectually? Have you had classroom experiences like the ones she describes? How did you respond? How did your instructor respond (if the professor was aware of them)? What is your reaction to Nolan-Ferrell's argument against the notion of "false facts"? Why?
2. Nolan-Ferrell's essay is, in many ways, built around a series of narratives—stories she recounts from her experiences as a professor of history. Which of these narratives, if any, did you find especially effective for constructing or supporting the arguments she is making? What specific aspects of the narrative(s) were effective? (If you did not find any of the narratives effective in advancing the author's argument, explain why you did not.) As Chapter 4 notes, testimonies often function as logical appeals—"this is my experience; therefore, it counts as fact"—but they can also serve as ethical or pathetic appeals. In what ways does Nolan-Ferrell use narrative to serve all these purposes? (See Chapters 1–4 for discussions of logical, ethical, and pathetic appeals.)
3. Throughout this selection, Nolan-Ferrell builds up a definition of "primary sources" and their particular meaning and value for historians and historical methods of analysis. Collect the various definitions and characterizations of the term "primary sources," and characterize them according to the types of definition presented in Chapter 9.
4. **THINKING CRITICALLY** As explained in the headnote, *Academe*,

where this essay appeared, is the magazine of the American Association of University Professors. Hence, it is safe to assume that Nolan-Ferrell's intended audience is other professors. What evidence can you provide for Nolan-Ferrell's invoked audience, that is, the audience whose values are reflected and inscribed in the text? How would you characterize that audience? (Your response will likely be "She is writing for people who assume/agree that . . ." or "She is writing to people who are concerned with. . . .") Had Nolan-Ferrell been writing for an audience of only historians, how might her essay have been different? For example, is there information in the selection she might have assumed her audience shared? Had she been addressing students, rather than faculty, how might her essay have been different? (Chapter 1 discusses the notion of intended and invoked audience as well as the key role that audience plays in the construction of any argument.)

5. Nolan-Ferrell's essay raises many questions that she does not explicitly answer, one of the most interesting being where the line is or should be drawn between free speech and civility, both highly valued on American college campuses. **Write a definitional essay** in which you seek to define or characterize this line in light of the selections in this chapter, class discussions, and your own personal experience. (Chapter 9 will help you think about constructing a definitional argument.)