

Teaching in a Culture of Fear of Reprisal

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Abstract: Within our schools today, teachers work in a culture of fear of reprisal; a discourse that is enforced by a perpetual pedagogy of surveillance. Examples of surveillance include standardized testing results, superiors, other teachers as well as a masochistic form of self-surveillance, a form of control where the individual monitors their own behaviors to insure compliance with the very same power that oppresses them. Through a personal narrative about a kindergarten teacher's graduate thesis, a discussion about how teachers, although afforded legal protections, rarely speak out. As an explanation as to why teachers are silenced, elitism, hegemonic and post-structural theories are used to illuminate how a culture of fear of reprisal is permitted to operate within a larger discourse of power. As a source of agency, micropolitical strategies for resistance are offered based on Gilles Deleuze and Felix Guattari's concepts of deterritorialization and lines of flight.

Just when the thought that the second restoration of the conservative movement had done all the damage it could possibly inflict on schools, we awake on some promising morning with the news that another curriculum reform has been proposed. As with the others, this newest reform intends to hold teachers, children or parents more accountable to tougher standards. It's the multiple-choice question of our times: Whom shall we blame today for the failures of schools? A) Teachers B) Students C) Parents or D) All of the above. Much like a question on a high stakes standardized test, this shallow multiple-choice question purposefully reproaches the usual suspects as a way to narrow the discourse to a sound bite consuming public.

While the academy and the arts are abuzz with the potentialities of postmodernism, our schools have sunk into a dark discourse mired in a neurotic culture of fear. In contrast to the postmodern waves of thought that promise freedom through multi-vocality, our public school teachers are silenced by a lock-down culture. It is a culture that uses the threat of reprisal as a way to silence those who oppose reforms that restrict teaching to a standardized curriculum and reduce learning to a test score by using small carrots as rewards and big sticks as punishment (Kohn, 1999). The curious thing about school discourse is that many stakeholders inside the system, such as teachers and administrators, personally detest what schools have become; a kind of public shaming that pressures them to comply with mandates that are dictated from above (Kohn, 1999). Yet, these highly educated people do nothing but wring their hands. If so many professionals oppose this oppressive brand of pedagogy, where is the resistance?

Asking for reasons why, the search for meaning, may not be the question to ask when it comes to an analysis of discursive practices such as the discourse of fear of reprisal in schools (Reynolds, 2000). Instead, one way these issues might be better understood is to explore how the discourse of fear of reprisal functions and operates through a telling of a personal narrative.

Be Afraid, Be Very Afraid

One of my master of education students in the Fall Semester Educational Research Methods and Thesis Preparation course is a kindergarten teacher who wanted to write a critical piece for her master's thesis about developmentally inappropriate curriculum mandates. The spark for her thesis idea happened shortly after she became enraged when her school district sent someone to her classroom to remove wooden building blocks used by her children to create playful structures. She was told that the wooden building blocks would be removed because they were incongruent with the new "academic" kindergarten curriculum. The district has also commanded her to teach what they are calling "essential" standards culled from the state's Quality Core Curriculum (QCC). It was my student's hypothesis that most of these essential QCC's fly in the face of developmentally appropriate practice as elucidated by professional organizations such as the National Association for the Education of Young Children (NAEYC).

When she proposed the idea to me, I was absolutely ecstatic about the potential influence such a thesis might have on other teachers who are in the same situation. But, my exuberance was tempered when my colleague, who is the thesis chair for this student, suggested, for fear of reprisal against the kindergarten teacher, that the thesis not be critical of district policies. Instead, the tone of the thesis ought to illuminate the positive developmentally appropriate teaching methods that the kindergarten teacher used in her classroom. Nowhere in the thesis would there be mention of the school district's directive to teach developmentally inappropriate content and skills. My colleague reasoned that once our graduate student's curriculum supervisor read about an effective and developmentally appropriate kindergarten curriculum in my student's thesis, she would immediately recognize the egregious error the district had made about the kindergarten curriculum and, without haste, call the superintendent to request an about face back to a developmentally appropriate curriculum. With the hope that her wooden building blocks would be returned, and at the same time avoid any risk of being hassled, re-assigned or even fired for a critical thesis, my graduate student reluctantly embraced this uncritical tone for her thesis.

Initially, I thought that this strategy was a real cop out. Surely, she has every legal right to speak out as a professional educator against curriculum policy that she opposes. As a way to dissuade my student and colleague from taking a velvet glove strategy, I began to arm myself with opinions and cases about the extent to which teachers can exercise academic freedom and freedom of speech. What I found confirmed my stance that writing a critical thesis was clearly within the bounds, if not a professional responsibility, of a teacher's right to free expression. Take as a for instance this quote taken from the *Deskbook encyclopedia of American school law* (2002, p. 121), "The extent to which school employees may exercise freedom of speech depends on whether the subject matter concerns the public interest. Speech that concerns purely private matters is not protected by the Constitution". Because her thesis most definitely would be of great public interest and not about private concerns, she would be, without question, within bounds to criticize the curriculum in a master's thesis.

Reading further in the *Deskbook encyclopedia of American school law* (p.121), “In *Pickering v. Board of Education*, the U.S. Supreme Court ruled that an employee may not be disciplined for speaking as a citizen upon matters of public concern unless the employee’s interest in such speech is outweighed by a reasonable belief on the part of the school district that the speech would disrupt the school, undermine school authority, or destroy close working relationships. The content, form and context of a given statement determine whether an employee’s speech addresses a matter of public concern”. It is possible that the school district could make an argument that her criticism of the curriculum would have a disruptive effect. Yet, the academic context in which the criticism was expressed ought to fend off arguments such as these.

Upon a more extensive reading of the history of the *Pickering v. Board of Education* case, I came to understand what might possibly befall my student if she should choose to write a critical thesis paper. Though teachers have the constitutional right to speak out freely on matters of public concern, teacher Marvin L. Pickering was, nonetheless, dismissed from his position for sending a letter to the local newspaper that was critical of the school district’s financial decisions. While Pickering eventually won the case, one can only imagine how difficult it was for him to fight for his constitutional right to express his opinions in a public forum.

Somewhat satisfied that my student would not be fired immediately for writing a critical thesis, I remained unsure if she would not be rehired for the next academic year. Looking into the United States Supreme Court case of *Mt. Healthy City School District Board of Education v. Doyle*, a school district may not make the decision not to rehire based upon a teacher’s exercise of constitutionally protected First Amendment freedoms. While she may have the right to speak out, she must be aware that there is no tenure policy or labor union in our state to protect her rights; a school district can decide not to rehire any teacher it chooses without giving any reasons for its decision. While this action is within the terms of the employment contract between the district and the teacher, the *Doyle* decision shows that if not rehired, she can sue to be reinstated based on *Doyle*’s claims that speech protected by the “First and Fourteenth Amendments are not defeated by the fact that he did not have tenure” (Alexander & Alexander, 1987, p. 574).

Although the courts have ruled in these cases that a school district may not decide not to rehire if the decision was motivated by a teacher’s past expression of constitutionally protected speech, the burden of proof is on the teacher to show that she was not rehired based on her expression of constitutionally protected speech. As explicated in *McGee v. South Pemiscot School District*, once the teacher has proven that the decision not to rehire was motivated by her expression of constitutionally protected speech, the burden then shifts to the school district to show that “it would have reached the same decision regardless if the teacher had engaged in the constitutionally protected conduct” (Alexander & Alexander, 1987, p. 576). As with the prospect of immediate dismissal, even if the school district chose not to rehire her, she would probably be reinstated after showing that the motivating factor not to rehire her was based on her expression of constitutionally protected speech.

What if the school district chose to punish her by transferring her to another school or changing her grade level? Once again, the district may not move a teacher to another grade level or to another school if the decision for the transfer was motivated by the teacher’s engagement in constitutionally protected conduct (Alexander & Alexander,

1987). But again, the punitive action initiated by the school district must be challenged by the teacher in order to shift the burden of proof.

State of Constant Surveillance

After doing this particular research into the subject of reprisal against teachers who speak out, whether real or imagined, I, too, began to feel the heebie geebies of big brother's watchful eye and agreed that playing it safe in this present day environment was the prudent choice. My student will write her uncritical thesis because she is afraid to speak out, and I agree that she has reason to be. After some contemplation, or maybe it was paranoia, I began to question if these court decisions are mere artifacts intended to give the appearance of being the defenders of constitutionally protected conduct, while in practice, teachers work in an environment where fear of reprisal is a very real threat to their livelihoods. Recalling Eagleton's remark in his essay, *Enstrangement and Irony*, "social reality becomes so densely systematized and rigorously coded that one is always being caught in a kind of pathological 'overreading', a compulsive semiosis which eradicates all contingency...one can never be quite certain what's intended and what isn't" (Eagleton, 1987, p. 25); it may be that teachers operate in such a fuzzy legalistic world where constitutionally protected speech is guaranteed only after the state has inflicted its punishment. And, in Bentham's words, "it is punishment that does all the mischief" (Bentham, 1995, p. 7).

In the current culture of fear of reprisal in our schools today, teachers are under constant surveillance from standardized testing results, superiors, other teachers, and most disturbingly, a deprecating form of self-surveillance (Reynolds, 2000). What's so disturbing about self-surveillance is that the individual monitors his/her own behaviors to ensure compliance with the very same power that oppresses them (Foucault, 1977). Speaking of Jeremy Bentham's (1995) conception of the panopticon, Foucault outlines the structure of effective surveillance, a technique that rests on the premise of self surveillance and fear, "arrange things so that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it" (Foucault, 1977, p. 201). Bentham called this entirely superfluous reality 'feigned punishment', a fiction designed to deter others from certain behaviors that would detract from "the overall happiness of the community without the slightest expense" (p. 7). While it remains covert and intangible, this culture of fear and surveillance operates within a powerful discourse. It matters not if these messages of fear begin as fact or fiction because there is no distinction between the two; we have always been ruled by fictions of every kind (Gough, 1998).

Freedom is Just Another Word for Nothing Left to Lose

So seductive is the discourse of reprisal, that it appears that most of us want more of it. In the aftermath of 9/11, it has become evident that what people really want is more surveillance, more fear; in a word, they want fascism (Deleuze & Guatari, 1987). The

terrorism of this day made it clear to many that the preservation of economic institutions ought to take precedence over individual rights and liberties politically guaranteed through civil contract. What was once believed to be the bedrock of democratic societies, civil contracts, most notably the Constitution of the United States of America, are becoming unbraided through a process of reactive interpretations that seek to protect institutional constructions at the expense of the liberties of its citizens. Because the state apparatus is an efficient machine designed to conserve institutions, it is assumed that protecting an evolutionary process of social progress is justifiable. Grounded in hoary perspectives that describe an ideal State, privileging systems and organizations over the utilitarian argument for freedom is warranted given this supposed threat to modern economic life (Aristotle, 1984; Mill, 1987). This assumption that the State apparatus of central power provides the greatest good for the greatest number makes a compelling case for privileging the needs of the State over individual freedoms. Using the War on Terror as a smokescreen, Jefferson's dream of a "free marketplace of ideas" has been shelved in favor of a "controlled marketplace of ideas" (Tozer, Violas & Senese, 2002, p. 285).

Where does this manifestation of desire to obey a system created to preserve itself at any cost emanate from? One explanation may be gleaned from the history and philosophy of elitist pluralism. Elitism is a worldview that suggests that only a few persons possess, or are thought to possess, the qualifications to rule, to guide policy and to make the best decisions in society (Girvetz, 1967). Typically, these "enlightened elites" are composed of aristocratic elite (obtaining positions of power through birth), the oligarchy elite (obtaining power through wealth), the military elite (commanding might), and the philosophical elite (having extensive education as a source of power). With its philosophical roots found in the writings of Plato, Aristotle and Machiavelli, elitist theory makes the case that society is best governed when it is under the rule of an intellectual elite because the rule of law is better than the rule of men and that it is most expedient to have a few rule over the others (Girvetz, 1967; Held, 1996; Hollinger, 1996; Machiavelli, 1903).

While the "greatest good" argument makes a compelling case for community over individual freedom, the question lingers as to why individual freedoms must be sacrificed for the "greatest good" in the first place. Surrendering our freedoms to a system that is contemptuous of the individual as it seeks to strengthen hierarchical regimes of power intent on prohibiting or strictly limiting life, liberty and the pursuit of happiness does not build a better society. Relinquishing these individual rights is more perplexing given that on the world's political stage today there is a small, elite group of individuals who have successfully appropriated the State apparatus, including its military machine, as instruments that are being used to satisfy their own will to power (Deleuze & Guatari, 1987; Nietzsche, 1998). Nietzsche's elucidation of the will to power of the noble barbarian and Deleuze and Guatari's explanations regarding the creation of the State are important arguments to explore today because they effectively debunk the rationale for elitism by showing that the State is in constant manipulation by those who use the State apparatus to further their personal quests. Nietzsche understood that the needs and desires of the noble barbarian would always be consistent with the needs and desires of the State because the two are one in the same. When Nietzsche's, along with Deleuze and Guatari's perspectives are considered, it becomes disturbing to think that teachers are among those who carry out the orders for the State and are, thus, complicit with the interests of those who control it.

Championed by Robert Dahl's (1961) book, *Who Governs?*, modern elite pluralists assert that a governance system comprised of a small group of elite decision makers is consistent with democratic ideals so long as this group is accountable to majoritarian style. Yet, pluralists were caught off guard when President Dwight Eisenhower, in his farewell address to the nation, named the men behind the curtain as those from the military industrial complex whose aim is to hijack public policy, men C. Wright Mills named the "power elite" (Mills, 1956).

Offering a post-structural critique, Foucault uses the term "disciplinary power" to describe the organization, articulations and formations of power that are used to coerce obedience to the discourse of fear and reprisal (Foucault, 1977). Disciplinary power directs us to never question authority because it is in the best interests of a few for us to accept the established structures as something necessary for stability. Thus, Deleuze and Guattari say that "We are never signifier or signified, we are stratified" (Deleuze & Guattari, 1987, p.67). Manipulated by social machines that are in control by those who operate the State apparatus, a small group of influential people who control large social, economic and military institutions use the abstract machine to produce a regime of signs and forms of expressions in order to define the superstructure through ideology (Deleuze & Guattari, 1987; Dye, 2002).

As for the argument that those in power are legitimized by election, Deleuze and Guattari explained that while there appears to be a majoritarian 'fact', it is the "analytic fact of nobody" (Deleuze & Guattari, 1987, p. 105). The notion that the majority is an 'analytic fact of nobody' implies that the majority is an illusion. That is, power attempts to concretize the concept of majority into an eternal standpoint, yet, it always fails because there is nothing but an ever-changing flux of minority thoughts. Deleuze and Guattari explain that the "majority assumes a state of power and domination, not the other way around. It assumes the standard measure, not the other way around" (Deleuze & Guattari, 1987, p. 105). There is no democracy when the common citizen does not have the means to compete in the national political arena with those who own and control the bulk of economic resources or who direct powerful political organizations (Held, 1996). Because elites distrust the intelligence of the common citizen, relegating their participation in democracy to the narrow realm of voting insures that those elites who share the same worldview will continue to be the only contestants for influential positions of power in society (Hollinger, 1996; Tozer et al., 2002). Essentially, elections and political parties are symbolic mechanisms intended to appease the masses (Dye, 2002).

Resistance to the Culture of Fear of Reprisal in Schools

When we fail to question and resist the orders that strip individuals of their rights, when we succumb to the culture of fear and reprisal, the indecent State controlled education machine, designed to exploit the humanity of our students, will continue to triumph. As the institution of education is presently in the cold grips of the discourse of the war on terror, is now an appropriate time to teach others how to resist the hegemony of the few? Particularly in these times, resistance is especially dangerous given that reprisal will, most likely, be the result. Because resistance may have resulted in dire consequences for my student, I believed that it would be reckless of me to insist that she directly challenge such a system with a

critical thesis. No one told me to make this decision, yet the message of fear and reprisal, maintained by a systematic process of surveillance, came through loud and clear. Yet, this is not to say that hopelessness and nihilism is our plight.

Through critique, we begin to understand how the culture of fear and reprisal operates. Whether or not you take an elite theorist view or more of a post-structural perspective on the workings of the discourse of fear and reprisal does not matter as much as the strategies used in the resistance. The strategy for resistance is not to exchange one regime for another through direct conflict because when we wage a direct assault upon hegemonic power, those forces come down on you heavier than ever; the noose only gets tighter (Deleuze & Guattari, 1987). Although these systems are corrupt, merciless and unjust, it is suicide to attempt to collapse the structures all at once because they are what sustain us (Deleuze & Guattari, 1987).

In contrast to a direct assault, Deleuze and Guattari offer a strategy based on deterritorialization. As its basic tenet, deterritorialization recognizes that we cannot step outside of the discourse. Thus, the strategy is to find opportunities to do small experiments with what oppresses you to find the way out, what Deleuze and Guattari call “possible lines of flight” (Deleuze & Guattari, 1987, p. 161). Through experimentation with what the structure has to offer, one begins to draw their own lines of flight, creating personal pathways for escape, bringing forth “revolutionary potentialities” for resistance (Deleuze & Guattari, 1987). The hope in this sort of strategy is that the more lines of flight we create, the more our social structures will assume new forms. Being in the mindset of a nomad, the key is to create freely, always moving, sliding, shifting and changing the ways in which we connect and create. The strategy is to be in a constant state of shaking, cracking and rupturing the structures around you by finding their weakest points, what Deleuze and Guattari call the fault lines (Deleuze & Guattari, 1987). For Deleuze and Guattari, the orders given by these social structures possess, in themselves, “revolutionary potentiality” for radical change (Deleuze & Guattari, 1987, p. 110). The intent of the lines of flight is “to transform the compositions of order into components of passage” (Deleuze & Guattari, 1987, p. 110). Through the creation of lines of flight, lies a possibility where current practices can be disrupted and subverted by exposing the fault lines that run through every system. This exposure might lead to the undoing of the practices presently entrenched in the system (Butler, 1997).

Its Not About the Blocks

Although making the connection between a kindergarten teacher who had her wooden blocks confiscated and elitism may seem to be a disproportionate leap to some, the removal of her wooden blocks represents a symptom of a culture that is always being trained to obey orders that originate at the top of a hierarchical chain of command that is manipulated by a small elite group of people who occupy positions that carry extraordinary influence over institutions (Dye, 2002). It is through control of the discourse that these few individuals control and suppresses opposing visions making it possible for individuals who are in privileged positions to assume power. What this suggests is that one cannot simply choose to assume power without the support of the discourse. Thus, who gets to be powerful depends upon the discursive structures that define and regulate its boundaries. Although power resides

in the discourse and not primarily in individuals, there is, nonetheless, a ruling elite who actively prevents the formation of alternative social systems by perpetuating hegemonic power through their privileged positions in the discourse (Dye, 2000; Foucault, 1977; Mills, 1956; Tozer et al., 2002). Agreeing with Reynolds (2000) that this power is sustained with fear and maintained through a perpetual pedagogy of surveillance, our teachers are compelled to carry out the orders that serve the interests of these elite few who hold privileged positions in the discourse.

Sometimes we make a mistake when we treat the symptoms rather than the disease. This is why my student and I had a conversation about the statement of power that was communicated to her, and, most importantly, to her students, when the wooden blocks were taken away. As you might have expected, she purchased blocks for the classroom with her own money and refuses to teach in a developmentally inappropriate way. With these actions, an argument can be made that she is subverting the system with her disobedience. Yet, actions such as these, those that directly confront power, strengthen the fear of reprisal because at anytime her superior could walk into her classroom, remove the wooden blocks and accuse my student of insubordination; definitely grounds for dismissal. Although such a scenario is unlikely to happen, the threat that she could be dismissed because of her decision to bring back the wooden blocks is very real. Remember that it's the fear of reprisal, the possibility of punishment, that is the most important factor in controlling the discourse.

Forcing teachers to teach guttural phonics to children and to teach mathematics without conceptual understanding are symptoms, not the disease. It is not important if the instruction is developmental appropriate or not, what matters is that there is convincing evidence that directives are being delivered in an efficient manner. Obedience to a particular directive is not as critical as knowing that the chain of command is operational. This confirms that control of the power structure is safely under the direction of a few privileged people in the discourse. Through a highly visible act of power, the children of this kindergarten teacher witnessed the way in which she was forced to obey. Clearly, a strong message was sent that told them where they stood in the chain of command.

What my student did by buying the blocks was to reveal to the dominant power the point of resistance. Making resistance known provides dominant power with a counter point from which it can defend its position and, at the same time, marginalizes dissent. This is not to say that buying the blocks was not the right thing to do; it surely was. What I am saying is that resistance must refrain from directly challenge dominant power because this resistance strengthens the discourse by making known a threat to dominant power's authority. For now, the strategy is to stay under the radar because temporarily holding on to what subjectifies us provides a point from which disruptions and subversions can begin (Butler, 1997). The challenge of deterritorialization, then, is to learn how to choose the lines of flight that will disrupt and subvert while, simultaneously, keeps you safe from reprisal. This is why it is important to be clandestine, never reveal the resistance from your position within the discourse. Be secretive about it because there is real danger in what I am proposing. Remember that a great, fully operational punishing machine really does exist and its target is you (Bentham, 1995; Foucault, 1977).

The Courage to Crack the Dish

As you may have concluded from my ruminations about teaching in a culture of fear of reprisal that I have become paranoid, or maybe its just plain cowardice, of strategies that directly confront dominant power; not so with my student, the kindergarten teacher. She eschewed all warnings about how writing a thesis critical of her district's curriculum policies might cause her some trouble. Cognizant of the fear that her thesis chair and I held about her choice, she chose a path where her voice resonated with the voices of many other kindergarten teachers across the state. Through a statewide survey to about one hundred schools, she asked kindergarten teachers across the state to discuss how the push towards more academics affected their teaching and classrooms. Of course, she asked if wooden blocks were used in their classrooms. Because many questions in her survey asked for an open-ended response, she was able to detect much dissatisfaction about the new academic curriculum from the respondents. Although the results varied about the wooden blocks, what was salient about her thesis is that through her work she created a line of flight for these teachers, and for herself, to use in resistance to hierarchical power. Her micropolitical strategy for change reminds me of a passage in *A thousand plateaus* by Deleuze and Guattari (p. 198), "Micropolitics work like cracks in a dish. Cracks in a dish are much more subtle and supple, and occur when things are going well on the other side" (1987, p. 198). Although things are going quite well on the other side, my student taught me that it is essential to be courageous in research because some scholarship might just crack the dish a little bit.

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