Teaching Controversial Issues

Robert O’Dell and Arlene Gardner
New Jersey Center for Civic Education
Rutgers, The State University

http://civiced.rutgers.edu
How do we help our students to become informed and reasoned decision-makers?
Greater emphasis on civic literacy
Focus of elementary social studies is basic civic literacy (See 6.1.2, 6.3.2, 6.1.5 and 6.3.5)
Laura Wooten’s Law enacted in July 2021 mandates all district teach a minimum of two quarter of civics beginning Sept. 2022
Existing code requires the infusion of civics, economics and NJ history in high school U.S. history
NJCCE directed to develop resources and provide professional development for middle and high school teachers
Inquiry Framework for Middle School Civics

Key components of a middle school civics course:

● Foundational Concepts and Principles
● Foundational Documents
● The Constitution, American Ideals, and the American Experience
● The Role of the Citizen in a Democratic Society
Why should we teach controversial issues?

- Democratic self-government requires constant discussions and decisions about controversial issues.
- Silence about controversial issues makes it more likely that bad policies will prevail.
- There is an intrinsic and crucial connection between the discussion of controversial political issues and the health of democracy.
- You cannot have democracy without discussing controversial issues.
- Therefore, we need to teach our students how to “do” democracy by practicing the skills of discussing controversial issues in the classroom.

Research shows

Discussing current controversial public issues:

- Is authentic and relevant
- Enhances sense of political efficacy
- Improves critical thinking skills
- Increases students comfort with conflict that exists in the world outside of classroom
- Develops political tolerance
- Motivates students
- Results in students gaining greater content knowledge

From: Diana Hess, Controversy in the Classroom, 2009.
What Are Controversial Issues?

● Any public issue that defies an easy solution and may challenge deeply held beliefs or interests

● Issues that test the balance between individual freedom and safety or order for the common good

● What are some controversial issues that you are encountering or expect to encounter?
Critical Race Theory

- Since the 1980s, Critical Race Theory has become a growing movement in the study of law. It’s a graduate-level academic framework that encompasses decades of scholarship. It’s focused on institutions and their historical impact on race.
- Nobody is teaching “Critical Race Theory” in middle or high school.
- Teaching about the role of race in American history is very likely to make some people uncomfortable, as it juxtaposes the historical record against a preferred narrative of America as an unblemished success and challenges their sense of identity.
- How can we possibly teach U.S. history or civics without addressing issues of race?
The Problems Facing Teachers

- How to ensure civil discourse within the classroom and a positive school and classroom climate.
- How to protect the classroom from outside partisan pressures.
- How to teach about controversial issues and elections during a highly partisan era.
- How to emphasize that which unites us as Americans.
- How to ensure students are civically literate.
An Ounce of Prevention: Preparing for Controversy

- School policies
- Your community
- Communicating with your school administrators
- Classroom climate
- Sharing your opinions

An Ounce of Prevention is Worth a Pound of Cure
- Benjamin Franklin -
School Policies On Teaching Controversial Issues

- In addition to hiring and evaluating the school superintendent, school boards work primarily through policies, which set guidelines for principals, teachers, parents and students.
- School policies are written, public records
- Your school should have a policy that:
  - supports and encourages the teaching of controversial issues, usually policy #2240
  - sets guidelines for teaching controversial issues, including a process for dealing with challenges
Have you looked at your school policy on teaching controversial issues?

- Look at the sample policies you have been provided.
- What key words or ideas do you see?
  - Balanced, unprejudiced, no indoctrination, fair, objective
- Look at your school policy
- Advocate for one if none exists--Use these as models
Talk With Your Administrators

- Plan in advance
- Tell your supervisor and/or principal that you plan to teach about the upcoming election
- Refer your supervisor to your school policy about Teaching Controversial Issues, #2240
- Refer to the civic mission of schools
- Note the state social studies standards
- Explain the value
- If you anticipate controversy send a note and/or talk with parents/parents organizations
Know Your Community

● Who lives in the community where you teach?

● Google your town and you will get the demographics

● Look at the local newspaper or online media

● How does this help you?
Know What Your Objectives Are

- Recognize that the ultimate purpose of social studies—in fact—education period--is to create informed, engaged, productive citizens.
- The classroom activities should encourage critical thinking.
- You are not trying to convince students of any particular point of view.
- Preview any materials, especially visual media which may be very powerful or provocative.
- Be aware of biased sources of information.
To Disclose Or Not To Disclose?

● Should you disclose your viewpoint?

● If you prefer not to disclose your view, explicitly state that and explain why. Remember, the goal is to help students develop their own well-informed positions. Be mindful of your position as the “classroom expert” and the potential impact on the students.

● If you decide to disclose your own views, do it carefully and only after the students have expressed their views

● “Natural disclosures” are in response to a direct question by a student

● Disclosure should be accompanied by a disclaimer
  ○ This is my view because...
  ○ Other people may have different views
  ○ Voting is done in secret so that no one can be bullied for his or her views

● Unrequested disclosures may be seen as preachy, or may stop the discussion.
Academic Freedom for Teachers

- Most cases about academic freedom involved state laws that limited or prohibited certain content being taught.

- New Jersey has taken a very broad approach to classroom content, with standards setting a framework for each content area but unlike many other states which establish a state curriculum, leaving significant control to local school boards.

- Most First Amendment education cases in New Jersey involve either university faculty or students’ rights.

- NJ teachers are protected as long as what they are teaching is within the state standards and the local curriculum and is being taught in a non-indoctrinating manner.
CIVIL DISCOURSE REQUIRES ACTIVE LISTENING

The biggest communication issue is we do not listen to understand.

We listen to reply.
What is Active Listening?

- Eye contact, Nodding, Shaking head?
- Saying yes or no?
- Seeking information: asking a question?
- Seeking confirmation: rephrasing or paraphrasing?
Classroom Strategies for Building Active Listening Skills

- Continuum/Take a stand
- Active Listening/Civil Conversations
- Philosopher’s Stone
- Guided discussions
- C3 Inquiry Questions
- Socratic Seminars
- Moot courts—structured format for considering constitutional issues
- Philosophical Chairs discussion
- Legislative hearings—structured format for considering solutions to problems
- Debates
Take a Stand/Continuum

- Can use with any controversial topic—e.g., immigration, reparations for racial discrimination, fracking, Electoral College, hate speech on social media, etc.

- Phrase a question as either/or (yes or no, agree or disagree)—e.g., Should the Electoral College be abolished? Should fracking be illegal? Should we establish a process for illegal immigrants become citizens?
Take a Stand/Continuum

- Ask the students to stand to one side of you if they agree and to the other if they disagree. You can ask those who are unsure to stand in the middle. The stronger the opinion, the farther the students move from the center.
- Now the students have taken a stand and formed a continuum of views. Turn and face the line.
- Ask those at either ends of the line to explain WHY they take their position.
- There are no rebuttals, students explain their views (why) and listen to others.
- If you hear a viewpoint that does not fit with where the student stands, have the student move to an appropriate spot.
- Ask those in the middle who were unsure if what they heard helped them decide and ask them to move to the appropriate spot.
- Ask others if they changed their views based on what they heard and ask them to move to the appropriate spot.
Should the federal government offer guaranteed minimum income for every adult in the country?

- Those who agree, stand to the right.
- Those who disagree, stand to the left.
- Those who are unsure, stand in the middle.
- Ask those at either ends of the line to explain WHY they take their position.
- There are no rebuttals, students explain their views (why) and listen to others.
- If you hear a viewpoint that does not fit with where the student stands, have the student move to an appropriate spot.
- Ask those in the middle who were unsure if what they heard helped them decide and ask them to move to the appropriate spot.
- Ask others if they changed their views based on what they heard and ask them to move to the appropriate spot.
Take a Stand/Continuum

- The value of doing the continuum is that students are listening, reflecting on what they hear, explaining their views, and perhaps changing their views based on what they hear from others. They are Not debating.

- Afterwards, you might have the class do research and see if some additional information causes some students to change their initial opinions.
Active Listening/Civil Conversations

- Select a controversial issue—gun control, health care, reparations, guaranteed minimum income, carbon taxes, NATO, border security, almost anything with two (or more) sides (but start by simplifying it to two)

- Place 4-8 chairs in front of the classroom, 2 rows facing each other.

- Form teams of two, three or four people

- First person states viewpoint and briefly explains why

- No one interrupts

- Opposite side takes turn making argument

- Before person across from him or her can respond, must in some way restate his or her understanding of what has been said.
Should the U.S. government provide reparations for its 400 years of slavery, segregation and discrimination?

- Form two rows of chairs with one row arguing yes and the other arguing no.
- The first person arguing for the idea states his or her position and briefly explains why.
- No one interrupts.
- Opposite side takes turn making argument.
- Before the person starting with the opposing view can respond, he or she must in some way restate his or her understanding of what has been said.
Active Listening/Civil Conversations

- This can be a bit tedious because we do not normally take the time to acknowledge and give feedback for each statement made. However, it is serious active listening practice.

- Value: explaining, listening, reflecting and changing views. Not debating.

- You might have the class do research and see if opinions have changed
“Reporters with Fake News” 1894 by Frederick Burr Oper

On August 21, 1835 *The New York Sun* reported that an astronomer used “hydro-oxygen magnifiers” to find life on the moon. The paper announced it was fake a month later.
The Three Types of “Fake News”

- **Fabricated News** - completely made up without any basis in fact

- **Biased News** - stating an opinion as factual news

- **Distracting News** - accurate news intended to change the focus of an ongoing issue, as well as clickbait articles.
This is what we mostly think of as “fake news”: reporting that has no basis in fact and is simply false.

In 2016, an entirely false story about Morgan Freeman calling for the jailing of Hillary Clinton spread on the news.

In 2020, QAnon, which the FBI identified as a potential domestic terrorist threat, is spreading unfounded conspiracy theories about prominent Democrats.
Fabricated News - Strategies

Students need to:
1. Consider the source: Who made it (author and publisher)?
2. When was it made?
3. Why was it made?
4. How is it written (are there lots of exclamation points to get your attention!!!)?
5. What was your emotional reaction?
6. What makes sense?
7. Consider other sources on this topic--read laterally.

Media Literacy Resources at The Newseum


IFLA also made a nice flyer of fake news procedures and translated it into over 35 languages!
“Biased” news has always existed: it is new analysis/opinion or propaganda. It is not factual news at all.

When someone finds an article too slanted or biased, they may try to invalidate it by calling it “fake news”.

The issue for “biased” news is how to understand the difference between news (facts) and news analysis (opinions).
Biased News - Strategies

- Have students check their own biases
- Take an op-ed piece (or two) and ask students to highlight what they feel is news and what is news analysis
- Then students compare who highlighted what and why

**THE CONFIRMATION BIAS**

- What the facts say
- What confirms your beliefs
- Undervalued
- Overvalued
- Foolish

Image Source: James Clear
Distracting News - Definition

- It is easy for a story to get drowned out in social media.
- Distracting news about irrelevant topics, such as what someone looked like or what they wore, can be purposely used to distract people from the real issues.
- This junk news is a waste of time, but in more serious ways it breaks down our civic dialogue. This news is often built to reinforce our specific bubble.
- How can we make sure that our students know what to focus on?
Distracting News - Strategies

- Teaching for Justice (formerly Teaching Tolerance) has a Digital and Civic Literacy Framework to help students understand how digital information comes to them and how to evaluate online searches.

- The Hamilton 68 Dashboard, a project of the Alliance for Securing Democracy at the Marshall Fund, provides a summary analysis of the narratives and topics promoted by Russian, Chinese and Iranian government officials and state-funded media on Twitter, YouTube, state-sponsored news websites, including bots and trolls.
HOW TO SPOT FAKE NEWS

CONSIDER THE SOURCE
Click away from the story to investigate the site, its mission and its contact info.

READ BEYOND
Headlines can be outrageous in an effort to get clicks. What’s the whole story?

CHECK THE AUTHOR
Do a quick search on the author. Are they credible? Are they real?

SUPPORTING SOURCES?
Click on those links. Determine if the info given actually supports the story.

CHECK THE DATE
Reposting old news stories doesn’t mean they’re relevant to current events.

IS IT A JOKE?
If it is too outlandish, it might be satire. Research the site and author to be sure.

CHECK YOUR BIASES
Consider if your own beliefs could affect your judgement.

ASK THE EXPERTS
Ask a librarian, or consult a fact-checking site.

IFLA
International Federation of Library Associations and Institutions
Critical Thinking:

Logical Fallacies

Errors in reasoning that invalidate the argument
Why This Is Part of a Controversial Issues Workshop

- It provides a means for addressing some problematic statements that may be stated in classroom discussions.
- It is a key part of media literacy, which is essential for addressing controversial issues.
- It is an important component of critical thinking, which again is necessary for addressing controversial issues.
- It can help students become better consumers of both the media and advertising.
A student says:

- During a discussion of anti-Semitic chants by neo-Nazi marchers in Charlottesville, a student says “what about the yelling and looting during the Newark riots in the ‘60s?”
- What is wrong with this statement? Why doesn’t prove her/his point?
- This fallacy is …
Red Herring

- An intentional diversion to redirect the conversation away from a topic that someone does not want to address.
- E.g., During a debate, Candidate X identifies potential conflicts of interest on the part of Candidate Y. Candidate Y starts talking about the age of Candidate X.
- E.g., During a class discussion about whether white privilege exists and whether racial reparations are owed, a student starts to talk about crime in the cities.
A student says:

- Of course the student council president is in favor of a reduced homework policy, she’s a student.
- What is wrong with this statement? Why doesn’t prove her/his point?
- This fallacy is …
AD HOMINEM

- When the statement falsely directs attention from the argument to the person making the claim.
- E.g., “Of course Professor X is in favor of racial reparations (or Black Lives Matter). She’s African-American!”
A student says:

- During a discussion of whether the U.S. should admit vetted Afghan refugees who assisted our troops, a student says “We can’t just abolish our immigration policies, open our borders and let everyone in. It will be crime and chaos!”
- What is wrong with this statement? Why doesn’t prove her/his point?
- This fallacy is …
Strawman

- Replacing the original claim with an extreme or exaggerated version. When a candidate cannot refute the opponent’s original claim, he/she may attack an extreme version easier to knock down, as a strawman would be easier to knock down.

- E.g., A member of Congress introduces legislation to limit access to high capacity automatic weapons, similar to what was used in a recent atrocity. A cable news host tells viewers its a bad bill because it will ban all handguns.
A student says:

- “If bakeries have to make cakes for LGBQT couples, it will destroy the institution of marriage as we know it. If marriage is destroyed, families will fall apart. If families fall apart, society will collapse and the United States will cease to exist.”
- What is wrong with this statement? Why doesn’t prove her/his point?
- This fallacy is …
A slippery slope is when the candidate *falsely* posits a sequence leading to an unfavorable outcome.

E.g., Candidate X says if we pass regulations prohibiting dumping in rivers, the chemical industry will go bankrupt. If the chemical industry goes bankrupt, the economy will collapse. If the economy collapses, America will be weak and conquered by enemies. Therefore, we should not pass regulations prohibiting dumping in rivers.

This one is tricky. Our example was preposterous to make it easy to understand. However, in the “real world” if one can show evidence that a sequence does lead to unfavorable consequences, a slippery slope doesn’t occur.
A student says:

- “We shouldn’t be discussing gun control. Crime is out of control and people need to defend themselves. Do you want to be the victim of a home invasion?”
- What is wrong with this statement? Why doesn’t prove her/his point?
- This fallacy is . . .
Appeal To Fear

- This fallacy occurs when a person, in the absence of evidence or reason, plays upon people’s fears to damage an opponent or discredit a policy.
- E.g., A cable news host asserts that “if we continue the past administration's immigration policies terrorists will be ravaging our streets and taking citizens hostage.”
Student says:

● “Recreational drug use should be legal because it’s harmless. I know lots of kids who say so.”
● What is wrong with this statement? Why doesn’t prove her/his point?
● The fallacy is . . .
Bandwagon

- Claiming something is true because it has a large number of followers.
- E.g., “White people are discriminated against in America today because 55% of white people think so. I have statistics to back it up.”

*Source: NPR/Robert Wood Johnson Foundation/Harvard T.H. Chan School of Public Health: “Discrimination in America: Experiences and Views of White Americans.” Survey of 902 white U.S. adults conducted Jan. 26-April 9, 2017. The situational questions were asked of half of the sample, among those who have been in each situation. (For example, among whites who have ever applied to or attended college, 11 percent say they have been discriminated against because they are white.) The margin of error for the full white sample is +/- 4.7 percentage points.
A student says:

- “Why are we discussing whether a protester has the right to kneel during the national anthem? You’re either patriotic and for this country, or against it.”
- What is wrong with this statement? Why doesn’t prove her/his point?
- This fallacy is …
False Disjunct

- Claiming that a combination of possibilities cannot occur:
- You’re either with us or against us.
- You can only buy chocolate or vanilla or strawberry ice cream (anyone hear of the Neapolitan mix?)
- You’re voting for either Republican or Democratic candidates.
- Candidate X is either on the side of the police or Black Lives Matters.
There are many more logical fallacies:

- This is only a small sample to give you the idea of how to evaluate some statements you may hear from students.
  - Other fallacies include:
    - False Alternatives
    - False Analogy
    - Weasel Words
    - Circular Arguments, including Question-Begging Definitions
    - ...and many more.
- If you are interested, the Center can design a workshop on this topic.
ELECTIONS ARE INHERENTLY CONTROVERSIAL

But an essential part of our democracy!
Why Do We Need to Help Students to Become Informed Voters?

- The 2020 presidential election was highly contested, but a significant minority of the population refused to accept the result.
- Although the results of state and local elections have a great deal of impact on NJ residents, there is consistently low voter participation in state races.
- This Nov. 2021 NJ voters will elect the governor and all members of the NJ legislature, as well as local officials.
- Our democracy will only continue as long as we have informed, engaged citizens.
- Therefore, it is important to teach students to become informed voters and to develop the habit of voting in ALL elections.
Start with American Ideals

- American ideals are a source of unity for a diverse nation and provide an important context for civic education.

- Focusing on American ideals places valid parameters on classroom discussions, rather than opening classroom discussions to random statements potentially disruptive of the school climate.

- Basing instruction on American ideals in founding documents (especially the Constitution) provides a non-partisan basis for responding to any outside advocacy or pressure groups. *It is crucial that instruction be non-partisan.*

- American ideals can form the basis for inquiry-based lessons and provide a reference point for questions and discussions during the year that can be revisited. It can facilitate the infusion of civic education across the curriculum.
American Ideals: The Process

First Inquiry:
- Guide the class to the inquiry and supporting questions regarding ideals.
- Brainstorm the concept of ideals.
- Interpret documents (in this case, the Constitution) and locate ideals. Make sure the students actually examine the document.
- Once ideals are listed, and before narrowed down to the best or most important five or six, expect to dedicate class time to the precise definition of the terms (ex. What is really meant by “liberty”?)
- Present, critique and defend conclusions on ideals, developing a class consensus.

Second Inquiry:
- Guide class to inquiry question regarding which candidate best articulates and supports the identified American ideals from the Constitution he/she will swear to uphold.
- If doing this with another controversial issue, such as policies affecting the LBGQT community, skip the oath of office part and construct an inquiry question evaluating the policies in question to the identified American Ideals from the founding documents. Ex. Should private businesses be able to refuse service to LBGQT patrons?
- Interpret documents and candidate statements, comparing candidates or policies to ideals.
- Identifying ideals should precede any discussions of government, the electoral process, or the candidates. State and defend conclusions.
What Are “Ideals”? 

- Define what is meant by the word, “ideals”. Students may confuse these with practices and policies.
- Ideals may be defined as those values and principles that are the *ultimate goal or aim* of our founding documents and institutions and which define the best of America.
- For example, limited government is an ideal, checks and balances is the practice to help achieve limited government.
- Democracy is an ideal, voting is a practice.
- The rule of law is an ideal, establishing a system of courts is a practice.
What Ideals Define And Unite Us As Americans?

- On Inauguration Day, the president swears a solemn oath to uphold the Constitution: *I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.*

- What ideals from the Constitution should the president uphold?
The Constitution (Article VI, clause 3) requires that members of Congress swear a solemn oath to uphold the Constitution. Each candidate hopes to take this oath in January. What ideals does he/she implicitly agree to defend and uphold? Which candidate best articulates these ideals?

The oath: *I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.*

What ideals from other founding documents should members of Congress uphold?
LINKS TO DOCUMENTS

For copies of these founding documents free of partisan annotations you can go to:


Possible List of American Ideals*

- Democracy
- Liberty (negative conception)
- Limited Government
- Equality
  - Of opportunity, both political and economic
  - Equal protection under the laws
- Property Rights

* This is just one possible list developed during the activity. Many others are possible.
How Well Do The Candidates Meet American Ideals?

- Guide class to inquiry question regarding which candidate best articulates and supports the identified American ideals from the Constitution he/she will swear to uphold.
- Interpret documents and candidate statements, comparing candidates to ideals.
- State and defend conclusions, with evidence.
Assessing the Veracity of Sources

- Today information is readily available from multiple media sources
- Most sources are not balanced
- Sources of positions by candidates:
  - Media—does it have a political perspective?
  - Political Parties—clearly have a political perspective!
  - Organizations—sometimes “grassroots” organizations are funded by big money
- Party Platforms
- Candidates position papers
- Sources must be assessed
- Consider more than ONE source and compare them
Candidate’s Qualifications

- Identify the duties, powers responsibilities and limits of the position
- What qualifications should the person have?
- Consider the candidates’
  - Character
  - Experience and qualifications
  - Positions on issues
- Determine who would best meet the duties, powers, responsibilities, and limits of the position
Determining qualifications for the presidency

Examine Article II of the Constitution and review what you learned in this lesson to help you complete the following chart. You might cooperate with one or more students to do so.

<table>
<thead>
<tr>
<th>Duties, powers, limits</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>What are the duties of the president?</td>
<td>What qualifications should a person have to carry out these duties?</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>What are the powers of the president?</td>
<td>What qualifications should a person have to exercise these powers?</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>What are the limits on the powers of the president?</td>
<td>What qualifications should a person have to observe these limits to power?</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>
New Jersey Student Mock Election

- Help your students get in the habit of being an informed voter in every election.
- Web site and resources: [http://njmockelection.org/](http://njmockelection.org/)
- How to register - it’s easy and only takes a few moments
- Designed for either remote or in-school instruction.
- Voting procedures – digital or paper ballots available
- Voting dates: **October 13-27, 2021** Registration is now open.
- Results will be mapped by legislative district and grade band. These can be the basis for a post-election lesson.

For questions or comments, additional materials, or if you would like a copy of this presentation:

- Contact Robert O’Dell at ro205@scarletmail.rutgers.edu or Arlene Gardner at arlenega@sas.rutgers.edu
- Visit the NJ Center for Civic Education website at http://civiced.rutgers.edu/
- Free Webinars (especially middle school civics) throughout the 2021-2022 school year
- In-person workshops next summer