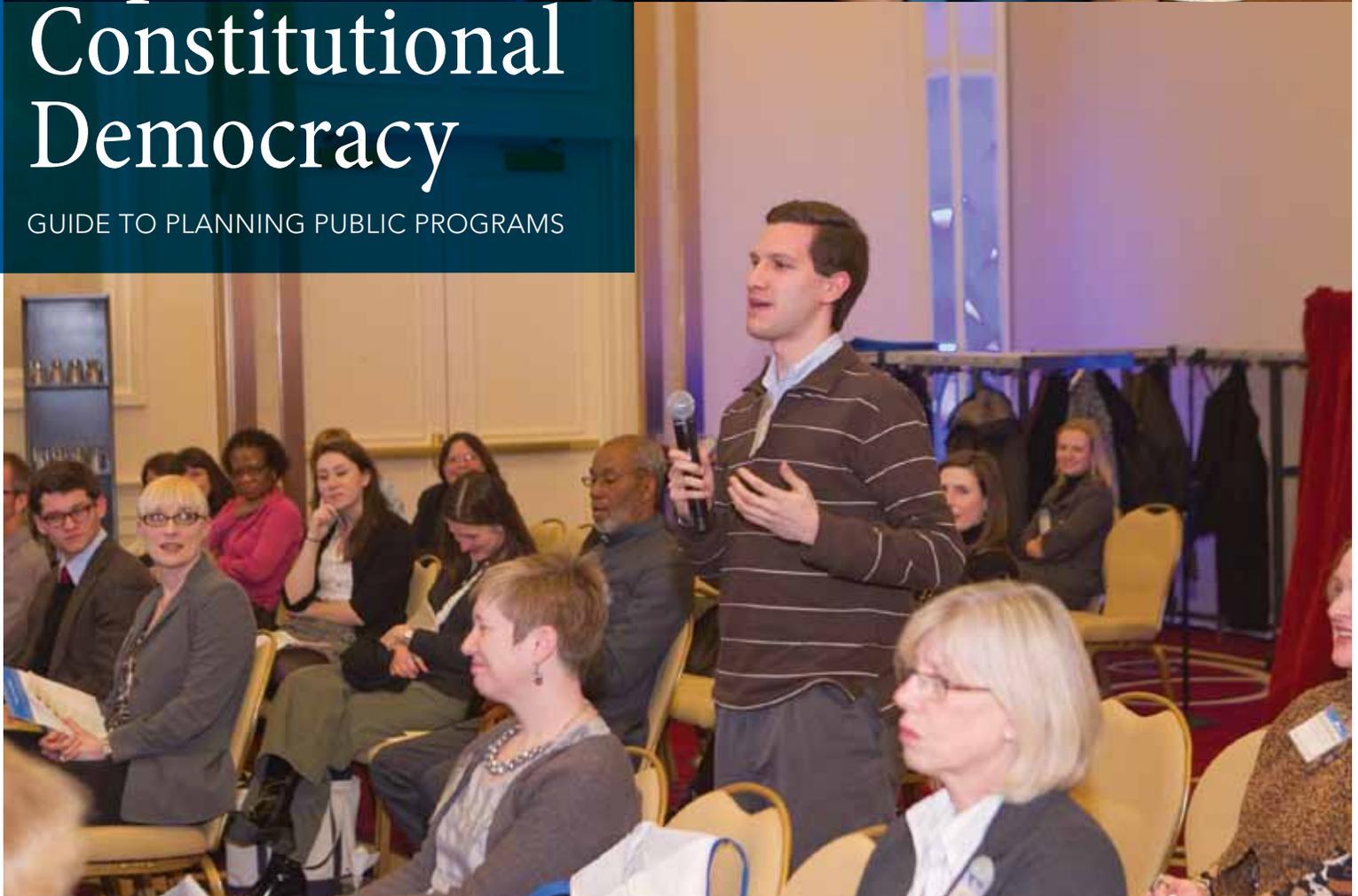




# Civility *and* Free Expression *in a* Constitutional Democracy

GUIDE TO PLANNING PUBLIC PROGRAMS



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At its core, civility requires respectful engagement: a willingness to consider other views and place them in the framework of history, philosophy, and life experiences.

*—Jim Leach, Chairman, National Endowment for the Humanities*

INTRODUCTION

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- ★ What is civility? Are we experiencing a “civility crisis”?
- ★ What is civility’s role in sustaining democracy, democratic values, and the rule of law? How is it related to the role of incivility?
- ★ When do the values of civility and free expression conflict? What are the implications of the conflict for democracy and the rule of law?
- ★ To what extent do free expression and the civil exchange of ideas define us as Americans?

These questions provided a framework for discussion during the March 2011 American Bar Association National Law-Related Education Conference. Beginning with a public forum on the conference theme of “Civility and Free Expression in a Constitutional Democracy,” participants reflected through plenary sessions, discussion, and working groups. Supported by the National Endowment for the Humanities’ *Bridging Cultures* initiative, the working groups explored the conference theme through five subthemes: *Civility and Free Expression in Political Discourse*, *Civility and Free Expression in Cyberspace*, *Civility and Free Expression in Popular Culture*, *Civility and Free Expression in the Public Square*, and *Civility and Free Expression Among Cross-Cultural Perspectives*.

Each working group was charged with developing model public programs designed to engage diverse audiences.

This program guide describes those model public programs and provides guidance for planning similar events in your community. Each of the model programs is meant to connect humanities scholarship to real-world examples and applications.

The guide is divided into five parts. **Part I: Program Themes** lays the groundwork for exploring five program themes. **Part II: Organizing Your Public Program** offers practical advice for organizing a public program. **Part III: Public Program Models** outlines five different kinds of public programs. **Part IV** describes a **Sample Program**, *Conceptualizing a Web-Based Discussion Forum on Cross-Cultural Perspectives of Civility and Free Expression*. Finally, **Part V** highlights **Selected Readings**.

The ABA Division for Public Education is committed to educating the public about law and its role in society. Through this publication, the Division hopes to provide tools to continue the conversation on civility and free expression and encourages you to take part. For additional information about the conference, including video clips from the proceedings, or to tell us about your public event, visit the ABA’s *Civility and Free Expression in a Constitutional Democracy* website at [www.ambar.org/civility](http://www.ambar.org/civility).

## PART I: PROGRAM THEMES

*The following are suggested questions related to Civility and Free Expression in a Constitutional Democracy. Public programs might address the theme broadly, focus on one or more questions, or explore other relevant issues. Program questions should be tailored to fit the interests and needs of the public audience in your community.*

## THEMATIC DISCUSSION QUESTIONS

- ★ What is civility? How is it related to respect, tolerance, and honor—and to their opposites: disrespect, intolerance, and dishonor? What is civility's role in sustaining democracy, democratic values, and the rule of law?
- ★ How do we determine what is free expression, what is uncivilized, and what is unlawful?
- ★ When do the values of civility and free expression conflict? What are the implications for democracy and the rule of law?
- ★ When does incivility cross the boundaries of norms, and what roles do norms play in fostering civility? When do appeals to civility inhibit the free expression of ideas?
- ★ How does the law regulate civility and free expression, yet maintain the ideals of a democratic society?
- ★ To what extent do free expression and the civil exchange of ideas define us as Americans?
- ★ Is there a global history of civility, and how do U.S. conceptions of civility intersect with and differ from those of other democratic societies?
- ★ What do you think is the most significant or interesting challenge that confronts law, civility, and democracy in the twenty-first century?



## PROGRAM THEME #1

# Civility and Free Expression in Political Discourse

## OVERVIEW

Political discourse on the campaign trail, in attack ads on television, in the halls of Congress, in verbal exchanges between political party leaders, and everywhere on cable television and radio seems conflict-oriented, unproductive, and generally discouraging to most Americans today. Many scholars and observers connect this current wave of uncivil political discourse to historically low levels of trust and confidence in the institutions of government (notably Congress, but also other elected leaders) as well as to widespread cynicism about public service and servants. This seems to be especially the case among the more idealistic young.

The tragic shootings in Tucson in January 2011 and the often strident political talk about their causes and implications brought the subject of civility to the forefront of our national conversations. Public leaders and politicians of all stripes promised to do better, to work more cooperatively, and to disagree where necessary in a more civil tone. How long this truce of words and tone lasted was difficult to predict, but we do know from our nation's history that heated partisan political talk flows and ebbs and that no generation has had a monopoly on civility in political discourse.

The Supreme Court has rarely been directly involved in debates about political talk, leaving the elected branches of government to monitor themselves. However, in a landmark campaign finance case, *Citizens United v. Federal Election Commission* (2010), the Court held that government bans or limits on corporate political spending for individual candidates violated a basic free speech principle, one that extended not only to individuals but to corporations.

## QUESTIONS FOR DISCUSSION

As we move forward, many questions about the future of our political discourse remain:

- ★ Will the removal of campaign spending limits enrich or inhibit political speech?
- ★ In what other ways has or could the U.S. Supreme Court have an impact upon our national political discourse?
- ★ Is contentious or uncivil political talk between the two major political parties a necessary precondition for meaningful elections that clarify policy differences for voters?
- ★ Is there any substantial relationship between civil political discourse and effective government policies?
- ★ Is civility a desirable political goal, mere window dressing for democracy, or an actual hindrance to widespread political participation?



**PROGRAM THEME #2**

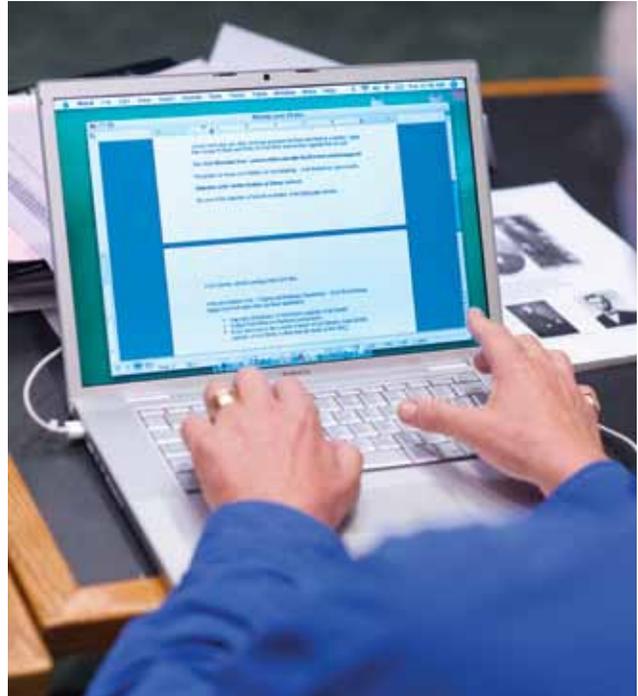
## Civility and Free Expression in Cyberspace

### OVERVIEW

In the past fifteen years, there has been a technology-driven transformation in American life. We now utilize online media to accomplish much of our work on the job and to explore the wonders of our world beyond the local community where we reside. We also communicate with—and, indeed, find and make—friends online, not simply one-on-one but in interconnected webs of relationships now referred to as social networks. These media are not only the province of the young but extend, in varying degrees, to people of all ages.

No governmental unit, substantial business, or nonprofit organization is without a website. Facebook is the current global face of social networks. YouTube's online videos and music have added to artistic entrepreneurship and the cultural fabric. And personal mobile phones have facilitated connecting the individual to these and other online networks. As a result, new controversies and conflicts have arisen that challenge traditional understandings of civility or civil discourse. Moreover, our Constitution and most current laws never contemplated the arrival and integration of these new technologies or the conflicts arising from them.

Bullying, harassment, hate speech, and other forms of incivility are a regrettable part of chat rooms, online forums, YouTube, Facebook, and the like. Host websites have become more sensitive to these issues, monitoring talk and encouraging users to report abuses. Indeed, Facebook utilizes an entire team of specialists to monitor abuses and remove illegal content or material that violates its own terms of service. But large online entities confront thousands of conflicts in which the line between verbal bullying, racial harassment, and uncivil comments about religion, sexual orientation, or other personal or group attributes on one hand and speech protected by the First Amendment on the other is blurred, indeed simply unclear. Political advocacy



groups walk a similarly fine line on websites that promote, among other things, Holocaust denial, the identification of Islamic terrorists or supporters, or the unauthorized labeling of sex offenders.

### QUESTIONS FOR DISCUSSION

An array of questions arises from serious breaches of civility in cyberspace that fuel discussion and debate:

- ★ Do these uncivil words pose more, fewer, or similar problems online compared with in-person, face-to-face encounters?
- ★ Does the frequent anonymity of online talk encourage incivility?
- ★ What kinds of laws concerning hate speech, harassment, and bullying have the states or federal government enacted?
- ★ Have any of these laws been challenged in the courts?
- ★ Has the U.S. Supreme Court issued relevant rulings?
- ★ Do legislators or judges have sufficient experience with and knowledge of online media to reach informed decisions?

## PROGRAM THEME #3

# Civility and Free Expression in Popular Culture

## OVERVIEW

Popular culture, in its many forms, both reflects and shapes our understandings of American society, its institutions, and its people. Through film, television, radio, literature, music, video games, and humor, we come to better understand and appreciate our shared values, individual perspectives, and diversity.

As each new genre appeared, however, controversy inevitably followed. Powerful works of fiction that challenged racial understandings, political institutions, or artistic limits with respect to sexual content were banned from public schools or libraries and occasionally burned, not only in the days of Jim Crow and twentieth-century America but also in much more recent times. Films, in particular, have provided fertile ground for different views about what constitutes obscenity. The Motion Picture Association of America's adoption and periodic revision of voluntary rating systems have



helped to neutralize conflicts by providing parents and the general public with guidelines for assessing appropriateness for age or sensibilities. Television, given its presence in virtually every home in America since the 1950s, has been an especially sensitive medium, in which struggles about the appropriateness of foul language, sexual innuendo, the glamorizing of alcohol and drugs, and violence have periodically erupted. Nevertheless, the advent of cable television and parental controls (e.g., the V-Chip), as well as changing social mores, all helped to reduce conflicts. The story of video games has followed a similar path of voluntary controls, designed to keep youth from renting (if not playing) violent games without parental permission. Currently, music is perhaps the most contested arena of popular culture, with contemporary lyrics in urban, hip-hop, and rap music often challenging cultural and social boundaries.

This short review suggests how complex calls for greater civility across the many genres of popular culture can be. The value of civility can and has been invoked by opponents of pornography, supporters of increased protections for children, book burners, and critics of the vulgarity of youth music. On the other side, supporters of unfettered freedom of expression typically seek to push political and cultural boundaries. In the landmark decision in *Miller v. California* (1973), the U.S. Supreme Court developed a stringent three-pronged test to determine if materials were obscene, thereby providing protection to works having “literary, artistic, political or scientific value.”

## QUESTIONS FOR DISCUSSION

Many areas of conflict mean that questions can provoke lively discussion on culture, mores, and law:

- ★ What limits on freedom of expression are constitutionally permissible under the First Amendment? Why?
- ★ In what ways (and at what ages) should children be more protected than adults from obscene or controversial content?
- ★ How can society encourage greater civility in the content and messages of its literary, musical, and film artists without compromising creative inquiry and the First Amendment?

## PROGRAM THEME #4

## Civility and Free Expression in the Public Square

### OVERVIEW

The “public square” is at the heart of American democracy. It is both a metaphorical symbol of our commitment to First Amendment freedoms of speech, assembly, press, and religion and a robust collection of real places where debates, political expression, and protests take place. In settings as diverse as street corners, shopping malls, town halls, barber shops, colleges, and outside of abortion clinics and funeral services for soldiers, Americans from different walks of life come together to listen, discuss, debate, and protest.

But the practices of democracy are often messy. Protesters become loud and unruly; groups with opposing points of view try to shout one another down. Scuffles, violence, and arrests sometimes ensue. Special interests choose locales to gather and march that are designed to offend the targets of their protest. The language, signs, and symbols of the public square are often nasty, offensive, and indeed uncivil. As historians remind us, however, the lack of civility in the public square is not new; it was also present as far back as colonial times and the early days of the Republic (recall The Alien and Sedition Acts of 1798). Not every democratic encounter looks like a small town hall meeting in New England or has the tranquility of a (staged) campaign stop for today’s presidential candidates.

The U.S. Supreme Court has generally protected political speech and assembly (with very few exceptions) in many different forms and settings, including in recent decades the right of neo-Nazis to march down the streets of Skokie, Illinois, a community heavily populated by Jewish residents and Holocaust survivors (*National Socialist Party v. Skokie*, 1977) and the right of residents and even gang members to assemble (or loiter) on the streets of Chicago (*Chicago v. Morales*, 1999). Most recently, the Court in a 9-0 decision upheld the free expression rights of a church to picket at a funeral even though the expression was considered offensive and outrageous (*Snyder v. Phelps*, 2011).



### QUESTIONS FOR DISCUSSION

A variety of policy and legal questions generate discussion as the boundaries of the public square continue to be challenging:

- ★ At what point, if any, do the free speech rights of protesters trample upon both civility and the fundamental rights of other people (doctors at abortion clinics, families honoring fallen soldiers)?
- ★ Can some conflicts in the public square be resolved as mere matters of space and proximity?
- ★ What actions can governments take, within the limits of the law, to encourage civility and ensure safety for all people in the public square?
- ★ Should the Supreme Court identify new or broader exceptions to the First Amendment so as to bring into better balance democratic civility and the political dialogues of the public square?

## PROGRAM THEME #5

## Civility and Free Expression Among Cross-Cultural Perspectives

### OVERVIEW

Diversity is a strong component of the American story. *E pluribus Unum* has been one of the historical and cultural foundations of the United States, from the founding of the Republic through the Civil War to twentieth-century efforts to assimilate a nation of immigrants into the body politic. Many scholars and observers now view the United States as a multicultural mosaic that represents racial and ethnic diversity, religions of many faiths and sects, and political views that span the ideological spectrum.

Diversity contributes enormously to the richness of American culture, as our books, films, and other cultural sources amply document. Yet diversity also challenges the political order, makes consensus more difficult to reach,

and motivates some to express political and social incivility. These challenges were particularly evident during World War I (anti-German rhetoric) and World War II (the Japanese-American internment camps), as well as at other times of nationalistic fervor or racial strife. Recently, however, ethnographers such as Elijah Anderson have found new forms of civility in urban America, under the “cosmopolitan canopy” where diverse people meet, interact, and develop mutual understandings across racial, ethnic, and social borders.

This cross-cultural American view parallels, to some extent, the experiences of other countries, particularly democracies. But there are striking global differences, too, both in levels of diversity and in how individual governments respond to religious, ethnic, and racial differences. In many countries, religious diversity may be present but barely tolerated; religious minorities may be unwelcome or even subject to constant harassment. In Western Europe, laws against hate speech and group defamation have been enacted since World War II, reflecting efforts to ensure political civility in the wake of the Holocaust, even at the expense of some limitations on freedom of expression that might not pass constitutional scrutiny in the United States.

### QUESTIONS FOR DISCUSSION

These issues of group and personal identity within and across national boundaries touch most communities and can give rise to a robust discussion.

- ★ Are diversity and civility inherently at odds with one another? What steps can a diverse society, such as the United States, take to promote civility?
- ★ What are the most important exceptions or limitations to key First Amendment freedoms? Do these exceptions have a disproportionate impact on different racial, ethnic, or religious groups?
- ★ As our conceptions of racial and ethnic identity change in the United States (to better reflect a multiracial model), what will be the impact on the “*Unum*,” politics, and government?
- ★ What lessons about civility, group identity, and freedom of expression can we learn and adopt from other countries?



## PART II: ORGANIZING YOUR PUBLIC PROGRAM

## A SCHEDULING TIMELINE

**6 MONTHS**  
DETERMINE  
YOUR  
PROGRAM  
THEME AND  
FORMAT

**Select a planning committee.** A planning committee should include five or six interested groups and individuals in your community. Work with your planning committee to decide what type of program will engage your public audience.

**Identify program objectives.** Public programs can serve many purposes. Decide if your goals are to educate, build public awareness, inspire discussion, form a group or coalition, or some combination of the above.

**Determine your target audience.** Do you want to reach young people, working professionals, or the community at large? Do you want to reach out to specific groups? Remember to schedule your event at a time when your target audience can participate.

**Establish a budget.** Be sure to think in terms of time and human resources, as well as financial costs. If there are budget constraints, are there potential donors you can identify who can provide money, in-kind gifts, or time?

**Identify potential partners.** Are there community groups, schools, bar associations, libraries, museums,

or local civic organizations that could collaborate with you to organize, market, or present the program?

**Publicize the program and its broader message.** Remember to plan your program—topic, speakers, location, and logistics—with your audience and the need for publicity in mind.

**Think creatively about possible venues.** Schools, colleges or universities, libraries, community centers, and government buildings are all good choices, but don't forget coffee shops, cafes, medical facilities, shopping malls, museums, plazas, and religious centers. Think about asking your state or local bar association to host a program. Brainstorm ways to hold programs in places that community members can easily access, including public places they already frequent.

**Identify resources to support your program.** Think about everything from refreshments, audiovisual equipment, and pencils to focus questions, conversation starters, and evaluation tools. Make a list of possible speakers.

**3 MONTHS**  
KEEP  
THINGS  
MOVING  
FORWARD

With a few months to go, it is important to stay focused. Use the following goals to keep yourself and your fellow planners on track.

**Identify and confirm presenters or additional volunteers.** Invite lawyers, judges, legal scholars, or community leaders to address the program topic. Consider including a local media personality.

**Confirm reservations.** Finalize contracts for any necessary venue, caterer, equipment rental, photographer, or videographer.

**Focus on marketing your program.** Work with partners and local media, including television, radio, blogs, websites, or community bulletin boards, to publicize your program. Update your website.


**1 MONTH  
USE TIME  
WISELY**

In the last month before the program, you should plan to spend a considerable amount of time on preparations.

**Finalize program content.** Outline the program goals and audience. Work with presenters or program participants to nail down focus questions, discussion topics, or other necessary details. Draft the program for printing and review it with the planning group.

**Distribute a list of planned activities.** Provide everyone with event details and logistics. Provide all presenters, volunteers, and, if applicable, attendees with materials in advance of events.

**Conduct a last-minute publicity blitz.**

**Print program materials.** Finalize printed program materials, such as programs, booklets, agendas, and evaluations.

## GENERATE BUZZ

Broaden and diversify your publicity plan to increase your chances of getting media coverage and audience participation.

- ★ Invite your mayor, governor, legislators, or other state or community leaders to offer welcoming remarks at, or even participate in, your public program.
- ★ The media likes human interest stories. Your work with youth may be an easier sell to media outlets, but do not overlook possible interesting stories about your presenters, volunteers, or community participation.
- ★ Broaden and diversify your media plan to increase chances of getting coverage. Mail campaigns, newspapers, radio, websites, blogs, television, flyers on community bulletin boards, and social networking sites all reach different target audiences.

### Social Networking

Use social media to help generate “buzz.” Program planners have successfully reached out with blog posts leading up to their programs. Facebook groups, polls, and tweets before, during, and after events also generate interest and publicity.

INSPIRE PARTICIPATION AT A PUBLIC PROGRAM

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There are several ways to engage an audience before, during, and after a public program. Think about incorporating these ideas into your event:

**Register participants.** Encourage participants to register online in advance of the program and then send them links to blog posts, focus questions, or other conversation starters.

**Explain audience participation options to program participants.** Make sure that discussion avenues are accessible to all audience members, and let them know they exist during the program. Consider webcasting your program. Invite virtual audience members to submit questions or comments online.

**Ask questions.** Poll audience members during the program—old-fashioned hand-raising, written index cards, or electronic keypads will allow you to determine answers.

Encourage audience members to ask questions. Pose questions to the audience via social media before, during, and after the program. Create a Twitter hashtag so you can spot relevant tweets.

**Direct participants to additional resources.** List websites, articles, or other resources in the program so audience members know how to continue the conversation.

**Administer an evaluation.** Invite audience members to express their opinions about the program. Evaluations could be five questions on a sheet of paper or an online form. Find out what participants liked best about the program and what they learned as well as areas for improvement.



## PART III: PUBLIC PROGRAM MODELS

## PUBLIC PROGRAM MODEL #1

## Coffee Klatch

## DESCRIPTION

The coffee klatch is an intimate yet casual conversation among families, friends, neighbors, and citizens within a community. It may be held at a local coffeehouse or café or community center. A facilitator or leader should be identified to guide the discussion and make it possible for all participants to engage in the meaningful exchange of ideas.

## SAMPLE AGENDA (60 MINUTES)

<u>Start–10 minutes</u>	Introductions
<u>10–15 minutes</u>	Leader introduces discussion topic
<u>15–60 minutes</u>	All participants engage in conversation about that topic

## TARGET AUDIENCE

The coffee klatch public program may be marketed to interested members of the general public within a specific community. Special focus might be placed on students, parents, teachers, lawyers, community or civic leaders, or those people who are frequent visitors to the particular location.

## CONTINUING THE DISCUSSION

The coffee klatch model relies on engaged participants. There are opportunities to engage participants before, during, and



after the conversation. **Before** the coffee klatch, consider using a website, email, or social media outlets to pose key questions to potential participants or publicize relevant hashtags. Participants might also read an article or book beforehand, in preparation for discussion. (See Selected Readings on pages 22–23 in this publication for ideas.) **During** the coffee klatch conversation, the facilitators should do their best to include everyone and not allow one or two individuals to dominate the discussion. **After** the discussion is over, consider directing everyone to a website or social media outlet to continue the discussion.

## PUBLIC PROGRAM MODEL #2

## Town Hall Meeting

## DESCRIPTION

The town hall meeting may feature a moderated discussion of a single topic, with four or five scholars or practitioners reflecting diverse aspects of the topic. Allow 7–10 minutes for each discussant. Audience members may participate in the discussion via polling, individual questions, evaluations, and online comments.

## SAMPLE AGENDA (75 MINUTES)

<u>Start–10 minutes</u>	Introductions
<u>10–50 minutes</u>	Moderated panel discussion
<u>50–75 minutes</u>	Audience participation
<u>75 minutes</u>	End

## TARGET AUDIENCE

The town hall meeting can be marketed to a broad audience, including scholars, teachers, professionals, civic leaders, young people, seniors, and other people interested in the topic.

## SITE IDEAS

Sites for a town hall meeting might include schools, community colleges or universities, libraries, community centers, government buildings, museums, restaurants, plazas, and religious centers.

## CONTINUING THE DISCUSSION

There are many opportunities for audience engagement in a town hall meeting. **Before** the public program, consider using a website, email, or social media outlets to pose key



questions to potential participants or publicize relevant hashtags. **During** the town hall meeting, use raised hands or electronic keypads to poll audience members' opinions about key issues or possible answers to questions. Following the model discussed, allow time for members of the audience to voice an opinion, pose a question, or clarify understanding about a particular issue raised by a discussant. Offer a standing microphone at which audience members can line up with questions, or pass a hand-held microphone around the room. **After** the discussion is over, collect evaluations from all audience members. Consider directing everyone to a website or social media outlet to continue the discussion.

## PUBLIC PROGRAM MODEL #3

## Panel Discussion

## DESCRIPTION

A panel discussion is intended to provide participants with substantive insight into an issue from varying perspectives. Panelists may be drawn from different disciplines, political parties, and professional affiliations. The panel discussion program features three presenters, each speaking for 15 minutes. A question-and-answer period follows the panelists' presentations. To close the program, each panelist is given 5 minutes for summary remarks.

## SAMPLE AGENDA (90 MINUTES)

<u>Start–15 minutes</u>	Introductions
<u>15–30 minutes</u>	Presentation from Panelist 1
<u>30–45 minute</u>	Presentation from Panelist 2
<u>45–60 minutes</u>	Presentation from Panelist 3
<u>60–75 minutes</u>	Questions and answers
<u>75–90 minutes</u>	Closing remarks
<u>90 minutes</u>	End

## TARGET AUDIENCE

The panel discussion program might be marketed to, and the audience drawn from, scholars, teachers, professionals, civic organization leaders, students, and other persons interested in the panel discussion theme.

## SITE IDEAS

Sites for a panel discussion might include schools, colleges or universities, libraries, community centers, government buildings, museums, plazas, and religious centers.

## CONTINUING THE DISCUSSION

There are many opportunities for audience engagement in a panel discussion. **Before** the public program, consider using a website, email, or social media outlets to pose key



questions to potential participants or publicize relevant hashtags. Circulate suggested readings and invite questions directed to particular panelists. **During** the panel discussion, use raised hands or electronic keypads to poll audience members' opinions about key issues or possible answers to questions. Allow members of the audience to ask questions once the panelists have finished their presentations. Offer a standing microphone at which audience members might line up with questions, or pass a hand-held microphone around the room. **After** the discussion is over, collect evaluations from all audience members. Consider directing everyone to a website or social media outlet to continue the discussion.

## PUBLIC PROGRAM MODEL #4

## Seminar

## DESCRIPTION

The seminar program encourages a dialogue between presenters and participants about a topic. The seminar model presented here features several keynote speakers and panel and small group discussions. It is expected that the seminary will be at least one day or extend over several days. Participants will receive readings in advance to ensure a common framework for discussion. Seminars are ideal for college or graduate students and retirees and might be held onsite at a local college or university or senior center.

## SAMPLE AGENDA (6 HOURS)

<u>10:00 A.M.</u>	Introductions
<u>10:15 A.M.</u>	Keynote address
<u>10:50 A.M.</u>	Break
<u>11:00 A.M.</u>	Small group discussions
<u>11:45 A.M.</u>	Break
<u>12:00 P.M.</u>	Panel discussion
<u>1:00 P.M.</u>	Small group discussions
<u>1:45 P.M.</u>	Break
<u>2:00 P.M.</u>	Small group discussions
<u>2:45 P.M.</u>	Break
<u>3:00 P.M.</u>	Closing session
<u>3:45 P.M.</u>	Break
<u>4:00 P.M.</u>	Wrap-up and adjourn

## TARGET AUDIENCE

The seminar might be marketed to adults of various ages. Consider reaching out to local colleges, universities, or senior centers in the community.



## SITE IDEAS

Sites for a seminar might include high schools, colleges, universities, community centers, senior centers, or libraries.

## CONTINUING THE DISCUSSION

The seminar model relies on audience participation and informed discussion. **Before** the public program, consider using a website, email, or social media outlets to pose key questions to potential participants or publicize relevant hashtags. To facilitate discussion **during** small group discussions, assign a group leader and provide suggested questions for deliberation. Small groups will report at the seminar's closing session. Use social media to generate discussion outside of the formal program. **After** the discussion is over, collect evaluations from all of the participants. Consider directing everyone to a website or social media outlet to continue the discussion.

**PUBLIC PROGRAM MODEL #5**

## Web-Based Discussion Forum

**DESCRIPTION**

The web-based discussion forum is a multimedia resource intended to promote civil communication among participants.

**AGENDA**

The web-based discussion forum may be structured around a long-term agenda that includes online discussions and solicited participant contributions, such as videos, articles, or other resources that address the issues being discussed. The web-based discussion forum is not a single event-based program, but a changing, interactive resource. The website itself therefore will be a lasting resource. It might also include current news, topics for debate, a calendar of events to attend, reading lists, links to useful resources, and multimedia content such as links to relevant podcasts or videos.

**TARGET AUDIENCE**

A target audience for the web-based discussion forum is the general public. However, organizers might partner with educators or organization leaders to form a core audience.

**SITE IDEAS**

Since the web-based discussion forum resides online, the “site” must be a reliable web host. Depending on your plans, the site might require special software, applications, or maintenance. Partner organizations may be able to assist with technical needs. It is most important to remember



that throughout the web-based forum, discussion must be monitored to ensure productive dialogue among participants.

**CONTINUING THE DISCUSSION**

The web-based discussion forum model relies on an engaged audience willing to interact online by responding to discussants, posing questions as appropriate, and offering commentary or reaction. **Before** the web-based discussion forum goes live, consider using a website, email, or social media outlets to pose key questions to potential participants or publicize relevant hashtags. **During** the program, invite contributions from users and provide them with new or updated content to keep the page fresh. Monitor web traffic statistics and user-generated content.

## PART IV: SAMPLE PROGRAM

## Conceptualizing a Web-Based Discussion Forum on Cross-Cultural Perspectives of Civility and Free Expression

By Daniel Greene

One of the *Civility and Free Expression in a Constitutional Democracy* conference subthemes explores civility and free expression *among cross-cultural perspectives*. In thinking about this topic, one may outline some basic parameters for a general public resource—a multimedia web-based discussion forum—on the topic developed for high school students in particular. How might such a resource be framed? It should begin with the premise that uncivil discourse frequently stems from a lack of understanding and appreciation of others' cultures. Rather than promoting cultural appreciation or tolerance generally, this program should focus on moving toward cooperation among American cultural, religious, and ethnic groups. The concept of civility will anchor this resource designed to promote cross-cultural understanding. As students learn about how civility has been defined, enacted, and contested across cultures, they also would have the opportunity to think deeply about the meaning of civility both in history and in the twenty-first century.

### PROGRAM TOPIC

All of the resources designed as part of this effort, from teacher guides to multimedia products such as podcasts and videos, should challenge students to think critically about what it means to live in a diverse society. Often, programs of this sort limit their thinking about diversity to race and ethnicity; this resource also would address diversity across class, gender, and sexual orientation. One critical tension within such a diverse society is how to move past mere tolerance (“putting up with one’s neighbors”) to real cooperation politically, socially, and

culturally. This program would be built on the premise that it is impossible to move from tolerance to cooperation without real understanding of cross-cultural differences. It would seek to bridge those existing misunderstandings.

A key concept at the core of this resource focuses on the way the nation imagines its own diversity in history and myth, as well as in contemporary society. For example, the United States defines itself as a “nation of immigrants.” Think only of typical U.S. history textbook titles for high school and college students: *From Many, One; A Nation of Immigrants; Many Peoples, One Nation*, etc. These titles, these books, and the national narrative assume that immigrants come to the nation to become American and eventually will succeed at doing so. The reality, of course, is much more complicated. One of the key objectives of this program would be to push on this tension, asking how this “nation of immigrants” story has become enshrined, how it operates politically and culturally, and how realities on the ground contradict or confirm this national narrative. This resource might use a variety of means to ask: Does asking immigrants to “become American” mean that immigrant groups are supposed to cast off the cultures of their homelands or does it mean they are supposed to find ways to integrate their culture into the national fabric? What does traditional American civics mean to immigrant groups? How do immigrants learn to become part of the national polity and learn to appreciate American civic traditions? These questions express just one example among many by which this program would have the capacity to interrogate an idea central to understandings of a diverse, multicultural society and then relate that idea to perspectives on civility. Other aspects of the program might focus on different conceptions of civility across religious, class, regional, and gender divides.

Diversity is America’s promise, but also its challenge. We cherish freedom of expression, including the freedom to offend. If the population of the nation cannot communicate effectively, and especially if Americans cannot communicate civilly on issues of greatest disagreement, our democratic experiment will fail. The challenge of communication across cultures, therefore, does more than merely fit into the overall program theme,

Civility and Free Expression in a Constitutional Democracy; it is essential to the possibility of free expression in a constitutional democracy.

### PROGRAM AUDIENCE

The target audience for this resource would be high school students. The resource also could be expanded to address students in colleges and community colleges, where populations are often quite diverse and more transient. High school students might be selected as the program audience because of the challenges and opportunities they face at this particular stage in their lives. Students at many public high schools interact with a set of peers from across many cultures and backgrounds. They are also coming into contact with ideas in history and literature that encourage them to examine how they understand themselves and their families' pasts. Although there tends to be self-segregation of many sorts within high schools, this program could be administered to selected sets of students, rather than having them self-select. The teachers and administrators who select the students could make sure that multiple perspectives, backgrounds, and experiences are included within groups that use the resource together.

A multimedia web-based resource is a particularly effective method for reaching high school students, no doubt one of the most digitally engaged sectors of the population. High school students today were born digital; they do not remember a world without the Internet, Google, or Wikipedia. To reach high school students on this critical topic, this program would seek to meet them where they are—online. By seeking user contributions to the site, whether traditionally written narratives or multimedia productions, it also would seek to empower students to find their own voices on this topic.

### PROGRAM DESCRIPTION

Diversity is a strong component of the American story. The United States is awash in diversity of many forms—racial and ethnic, religions of many faiths and sects, and political views that span the ideological spectrum. *E pluribus Unum* has been one of the historical and cultural foundations of the United States, from the early Republic through the Civil War to twentieth-century efforts to assimilate a nation of immigrants into the body politic. Diversity contributes enormously to the richness of American culture, as our

books, films, and other cultural sources amply document. Yet diversity also challenges the political order, makes consensus more difficult to reach, and contributes to some political and social incivility. This tension is at the heart of this resource.

This cross-cultural American view parallels, to some extent, the experiences of other countries, particularly democracies. There are striking global differences, too, both in levels of diversity and in how individual governments respond to religious, ethnic, and racial differences. In many countries, religious diversity may be present but barely tolerated; religious minorities may be unwelcome or even subject to constant harassment. In Western Europe, laws against hate speech and group defamation have been enacted since World War II, reflecting efforts to ensure political civility in the wake of the Holocaust, even at the expense of some limitations on freedom of expression that might not pass constitutional scrutiny in the United States.

These issues of group and personal identity within and across national boundaries raise a number of **questions** that would be central to this resource, especially to the discussion forum at the core of the site:

- ★ Are diversity and civility inherently at odds with one another? What steps can a diverse society, such as the United States, take to promote civility? How can those steps be taken without violating individual liberties?
- ★ What are the most important exceptions or limitations to key First Amendment freedoms? Do these exceptions disproportionately affect different racial, ethnic, or religious groups?
- ★ As our conceptions of racial and ethnic identity change in the United States (to better reflect a multiracial model), what will be the impact on the “*Unum*,” politics, and government?
- ★ What lessons about civility, group identity, and freedom of expression can we learn and adopt from other countries?

Rather than a one-off program or series of programs, this resource would live on the web and depend on user contributions.

After an initial period of resource gathering, design, and launch, the multimedia web-based resource will continue to evolve and grow through user contributions, mainly a discussion form and the opportunity for students to contribute multimedia content that relates to this topic. The resource would move over time from concept to design to implementation; however, this is not a single event-based program, but a changing, interactive resource. The site itself therefore would be a lasting resource.

The host organization in conjunction with many partners (see a list of potential partners below) would take the lead in gathering resources and sample items to populate the site in a way that suggests to users its parameters and functions. The site should include many features that help users understand cross-cultural perspectives on diversity, including current news (a monitored news feed that aggregates relevant stories from around the web), topics for debate, events to attend (sorted by geographic area), reading lists, classroom lesson ideas and user-contributed lesson plans, links to useful resources, and multimedia content (especially topically related podcasts and videos). A steering committee of representatives from partner organizations could help to gather content; an advisory board of scholars, legal professionals, and others will meet periodically over the course of the planning period to review and comment on the content as well as to make suggestions about additional content. In addition to educational programming personnel from within the host organization, a steering committee, and advisors, this resource would require a real and sustained commitment from a webmaster to oversee the launch of the site and continually monitor its progress.

There are multiple **learning objectives** at the heart of this resource. These objectives are listed below:

- ★ Teaching students to listen with an open mind. This resource would seek to teach students how to first listen to and consider perspectives of people from cultures different than their own rather than to think first about why they disagree with what others believe.
- ★ Critical thinking skills. This resource would seek to teach students how to be discerning about information. One section of the site might focus on determining the difference between propaganda and news, for example, as it relates to various cultures and groups.

The resource also could include important lessons about stereotyping, including the origins of stereotypes about certain groups of people and the misconceptions or prejudices that fuel stereotypes.

- ★ Learn to debate using evidence. This resource would teach students to respond to ideas rather than to attack an opponent personally within a debate.
- ★ Think broadly about the meaning of “culture” to promote cross-cultural awareness.
- ★ Learn the characteristics of civil and uncivil communication.
- ★ Examine diversities within cultures. This resource would teach students that groups are never monoliths; there is always internal variety and disagreement. Stereotyping and misunderstanding are often predicated on assuming the opposite.

There are many potential **partner organizations** that could be instrumental in designing a resource such as this:

- ★ State humanities councils
- ★ Public humanities centers and libraries
- ★ University-based centers for civic engagement
- ★ Civic education organizations
- ★ University-based humanities centers
- ★ Social studies teacher groups

It is critically important to avoid any partner organizations that have overt or covert political agendas.

There are real **potential barriers** to the success of this resource and related programming that must be kept in mind throughout the planning process. First among these barriers is the potential perception that this resource is intended to teach political correctness, rather than to teach real cooperation across cultures. This resource could not seek to indoctrinate or teach about preferred labels for various groups and peoples, for example; it must strive instead to promote real understanding and appreciation of differences across cultures. A second barrier is that there will be many communities that are inclined not to be interested, whether because of time and resource constraints or because of deeper skepticism about the nature of the program. The participatory nature of this resource might help to allay such skepticism. Communities with such skeptics would need

to be convinced that their voices not only are valuable but are formative to this resource. The resource would not broadcast “correct answers” to users; instead, users will be instrumental in shaping the content of the site.

Other important challenges for this resource are endemic either to contemporary education or to the challenges of civil society that we face more widely. For example, users must be willing not only to value their own contributions, but to listen to and value contributions of others. Moreover, the resource will be of greatest value to high school students if both their teachers and their parents express its importance and value. In other words, the site has to be important both at home and in school to succeed.

### PROGRAM COST SUMMARY

There would be some significant start-up costs as well as maintenance costs for a multimedia resource of this nature. The hosting organization would need to commit server space to the resource. The website should have a design that is appealing to the intended audience, which would require contracting a graphic designer if there is no in-house graphic designer for the web. Users quickly become frustrated with resources that fail to function effectively, so there also would have to be a commitment on the part of the host organization to maintain this site both day-to-day and over time. For the site to be truly interactive, users will have to be able to upload content easily and efficiently, to know that there is a community of users who visit the site regularly, and to know that the site has institutional support and is well maintained. Beyond the start-up costs, this site will require a commitment of staff time and a long-term vision for keeping the site fresh and up-to-date with leading technology.

### PROGRAM EVALUATION

The success of this resource will be determinable in some measure by the usage of the site. Evaluators could track hits to the site and determine how long users stay on the site and how they spend that time. Evaluators also could analyze how people find the site, where they go next when on the web, and how many other websites with topical overlap link to this site. These are all ways of asking about the participation rate of users, the effectiveness of the site, and its linkages across the Internet. The quantity and quality of the user contributions to the site also would provide a form of evaluation. First, it will reveal whether the site matters and to whom. Second, the quality of the user

contributions might speak to the effectiveness of the instruction and resources offered on the site.

In addition, evaluators must speak directly to users. It would be useful to first create a Beta version of the site and to organize focus groups with individuals who are representative of the variety of communities of users to weigh in on the site. Comments from these focus groups could lead to important changes before the launch of a site. Once the site is launched, evaluators must continue to talk to users, both in person and virtually. The site could have a built-in, optional evaluation feature, asking users specific questions about the site’s usability, merits, and shortcomings. Periodic focus groups combined with classroom visits also would yield important information about the resource.

The more difficult question to ask about evaluation, of course, is whether the site leads to real changes in understanding of diversity across cultures as well as in understanding of civil behavior. To answer these critical questions, evaluators should speak not only with students, but with teachers, parents, and school administrators. Much of the evidence would be anecdotal, but this is not to say that it would not be important. Teaching civility and cooperation across cultures is not something that can be measured simply or tested readily. In this sense, the challenge is that a project as important as improving civil discourse across cultures does not necessarily fit neatly within current educational standards, specifically the ongoing obsession with testing. Still, it is the hope that real changes will occur in schools, and ultimately in society at large, because of this effort to teach cross-cultural perspectives on civility and freedom of expression. The changes might not be observable immediately, but hopefully they will seep in over time. Most things worth learning take a long time to learn.

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## PART V: SELECTED READINGS

Abramowitz, Alan I. *The Disappearing Center: Engaged Citizens, Polarization, and American Democracy*. New Haven, CT: Yale University Press, 2011.

In this book, the author argues that the increasing ideological divide in American life has engaged more people while making the stakes in elections clearer and thus leading to much higher voter turnout. Helpful presentation that runs counter to mainstream explanations regarding both civility and voter participation.

Bennett, Robert. *Talking It Through: Puzzles of American Democracy*. Ithaca, NY: Cornell University Press, 2003.

Bennett argues that the indirect mechanisms of American democracy are “an extraordinary engine for producing conversation about public affairs,” which involve almost the entire adult citizenry and play an important role in promoting national cohesion.

Bishop, Bill. *The Big Sort: Why the Clustering of Like-Minded America Is Tearing Us Apart*. New York: Mariner Books, 2009.

Bishop asserts that over the last three decades Americans have clustered into like-minded communities, interacting less and less with diverse peoples and opinions. The author explores the consequences of the trend in this well-reviewed trade publication.

Caldwell, Mark. *A Short History of Rudeness: Manners, Morals, and Misbehavior in Modern America*. New York: Picador, 1999.

*A Short History of Rudeness* flits around the obsession with good manners and moral behavior, touching upon a number of aspects of public life (the workplace, mass transit, the Internet) and private (child rearing, home design, sexual politics). The cultural obsession with manners and morality unfolds as part of a deeper anxiety over class.

Carter, Stephen L. *Civility: Manners, Morals and the Etiquette of Democracy*. New York: Basic Books, 1998.

Yale law professor Stephen Carter continues to meditate upon the “prepolitical” qualities on which a healthy

society is based. Why do people show poorer manners today than in previous ages? How did we come to confuse rudeness with self-expression and acting on our “rights”? Carter looks at these and other important questions with a combination of his personal experiences and a long shelf of reading material.

Davetian, Benet. *Civility: A Cultural History*. Toronto: University of Toronto Press, 2009.

Davetian’s rich, multidimensional review of civility from 1200 to the present provides an in-depth analysis of the social and personal psychology of human interaction and charts a new course for the study and understanding of civility and civil society. *Civility* addresses major topics in public discourse today regarding the ideals and practices of civility and the possibility of a future civility ethic capable of inspiring cooperation across cultural and national boundaries.

Herbst, Susan. *Rude Democracy: Civility and Incivility in American Politics*. Philadelphia: Temple University Press, 2010.

Democracy is, by its very nature, often rude. But there are limits to how uncivil we should be. In *Rude Democracy*, the author explores the ways we discuss public policy, how we treat each other as we do, and how we can create a more civil national culture. The author uses the examples of Sarah Palin and Barack Obama to illustrate her case.

Kasson, John F. *Rudeness and Civility: Manners in Nineteenth-Century Urban America*. New York: Hill and Wang, 1990.

The author explores the history and politics of etiquette from America’s colonial times through the nineteenth century. He describes the transformation of our notion of “gentility,” once considered a birthright to some, and the development of etiquette as a middle-class response to the new urban and industrial economy and to the excesses of democratic society.

Mutz, Diana. *Hearing the Other Side: Deliberative versus Participatory Democracy*. Cambridge, England: Cambridge University Press, 2006.

Mutz offers a research-based analysis that documents how two key modalities—deliberative democracy and participatory democracy—conflict with each other: increased exposure to different viewpoints leads to decreases in political participation. This book includes extremely useful data for schools and communities.

Nielsen, Laura Beth. *License to Harass: Law, Hierarchy, and Offensive Public Speech*. Princeton, NJ: Princeton University Press, 2004.

Offensive street speech—racist and sexist remarks that can make its targets feel both psychologically and physically threatened—is surprisingly common in our society. Many argue that this speech is so detestable that it should be banned under law. But is this an area covered by the First Amendment right to free speech? Or should it be banned? Laura Beth Nielsen pursues the answers by probing the legal consciousness of ordinary citizens using a combination of field observations and in-depth, semistructured interviews.

Stone, Geoffrey R. *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*. New York: W.W. Norton & Co., 2004.

Stone's history examines America's tendency in wartime to compromise First Amendment rights in the name of national security. The author identifies six periods of widespread free-speech repression, dating back to the administration of the nation's second president, John Adams, and continuing through the Vietnam era.



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