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An ethical chasm: Jurisdiction, jurisprudence, and the literacy profession

A fictional drama illustrates the complexity of politics in the literacy field. A teacher educator is caught between her own ethics and the prevailing trends.

(pp. 260–276)

Literacy education has been a site of considerable contentiousness over who defines literacy, who decides what counts as literacy, and who determines how literacy will be measured. In the United States, for instance, the settings for this struggle range from classroom to courtroom, from commercial reading programs to methods deemed "best practices," and from national reports to various media press releases and to federal and state mandates. Similar developments have occurred in other countries, such as Canada and Australia.

Because the complexity of the politics in the field of literacy education is difficult to fully describe, I have chosen to illustrate with the fictional case of a literacy teacher educator and her commitment to an ethic that runs counter to the political winds. This particular criss-crossing of genres was initially spurred by my reading of *Snow Falling on Cedars* by David Guterson (Vintage Books, 1995) and its interweaving of a trial with matters of relationships, racism, and historical reference points. Further, Van Maanen (1988) among others provided me support and sanctuary from those who found my means of representation of ourselves and others as discomfiting or irreverent to traditional forms of "scientific writing." I hope that readers allow the mix of drama, fiction, and nonfiction to provoke reflection around matters of our role in and support for literacy policy and practice.

This courtroom drama is set in a time when federal and state literacy legislation in various countries is in ascendancy, including the unprecedented passage in the United States of the Reading

Excellence Act (H.R. 2614) and a range of other governmental mandates for teachers and students that focus on meritocracy and accountability. These mandates are in turn tied to the legislation of high-stakes testing to determine promotion or graduation of students, the licensing of and reward system for teachers, the accreditation of teacher education programs, and federal reports sanctioning certain reading practices as acceptable and others as unacceptable.

Elements in the drama were suggested by the circumstances of the Reading Excellence Act and the National Reading Panel. The Reading Excellence Act was included by the U.S. Congress in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, which was signed by President Clinton on October 21, 1998. The purpose of the act was to fund high-poverty districts for professional development, tutoring programs, and family literacy initiatives. What made the bill historic was the inclusion of a definition of reading and what counts as reading research. This was unprecedented and was viewed by many in the reading field as aligned with a narrow, restricted, and perhaps slanted view of literacy.

While the National Reading Panel was created by legislation prior to the Reading Excellence Act, its activities have become intertwined with the Act. The National Reading Panel was a group mandated to summarize what was deemed as "scientifically based research" and to determine what practices were supported by such research and, in turn, would be eligible for federal funding. Lengthier discussions of the events surrounding the Reading Excellence Act and National Reading Panel include those in Taylor (1998), Goodman (1998), and Shanahan (1999).

The selection of a courtroom as the venue for this debate highlights the extent to which education has become increasingly legalistic. Jurisprudence has become the vehicle by which educational issues are debated, decisions declared, and rights defined. In the present case, the use of a courtroom as a site can make visible some of the complexities, connections, antecedents, and assumptions of the interrelationships between professional practice and responsibility to others. It also may help explain practices, especially as policy makers have astutely followed guidelines to maximize their legal defensibility.

The case of Helen Campbell

Dr. Helen Campbell was accused of unlawful behavior due to her unwillingness to align her teacher preparation courses with the definitions of reading and research prescribed in federal and state guidelines tied to the best practices that emerged from a report by a federal panel. This panel was responsible for identifying "scientific evidence" for best practice in literacy education.

Campbell, dressed in clothes not unlike those she would wear to the university, sat behind a table with her lawyer, a woman dressed in a traditional business suit. The court was called into session and the charges read:

> *Bailiff:* Dr. Helen Campbell, you are charged with activities that undermine public education and with being publicly critical of the definition of reading and reading research specified by federal and state guidelines. As a teacher educator, your class work, practices, and readings support nonconventional and nonscientific pursuits, which are not in the best interest of students or aligned with state guidelines. In addition, you have been unwilling to advocate certain "best practices." How do you plead?
>
> *Campbell:* I believe that I am not guilty, but you will believe what you will believe.
>
> *Judge Nestor:* Indicate that the record should read the defendant was uncooperative.

As the court date approached, newspaper coverage tended to side with the prosecution. Campbell and her supporters had been portrayed as extremist ideologues—self-indulgent academicians lacking a commitment to the reform of schools. Campbell's own dean had been quoted as saying that Campbell was an exception and that the public should be assured that the majority of teacher educators were committed to best practices and the improvement of schools in accordance with the statewide agenda. The dean had urged Campbell to work from the inside and contribute to what he and others saw as the new consensus. But she held her ground. Many of her colleagues seemed to be willing simply to watch her plight rather than stand by her side.

The prosecutor, a short man with brown hair, dressed in a dark blue suit, began his introductory statement.

Prosecutor: Judge Nestor and members of the jury, the State will show that Dr. Campbell has blatantly and willfully ignored the federal- and state-approved definition of reading and what has been identified as best practices. Under false pretenses she has misrepresented the value of certain kinds of research over others. She has willfully and knowingly ignored the guidelines and pursued behavior that has jeopardized the state's educational improvement efforts necessary for the improvement of school standards.

Campbell's attorney was a rather tall woman with short brown hair. As she stood up, her demeanor was quite penetrating. Speaking quietly but firmly, she made her introductory remarks as she moved from behind her table to stand directly in front of the jurors.

Defendant's attorney: Your honor and members of the jury, the case involves accusations that should never have been made, and certainly should not have been directed at Dr. Campbell. These charges represent an attempt to censor alternative perspectives and constrain a critical examination of issues in the field of education. Dr. Campbell's efforts should be seen as enhancing the professional development of teachers and furthering literacy in our schools and society. While the prosecutor may question the critical lens through which Dr. Campbell examines reading methods and reading research defined in federal and state guidelines, her right or academic freedom to do so should not be questioned.

Her attorney sat down, and the prosecutor called his first witness to the stand. Dr. Smith, a short man in his early 50s, made his way assertively to the witness chair.

Prosecutor: Can you describe your current position?

Smith: I am chair of the federal panel responsible for pulling together scientific evidence on the teaching of reading.

Prosecutor: Can you be more specific about the panel and its membership?

Smith: The committee was written into federal legislation in 1997, in the Reading Excellence Act. The panel, which intends to review reading research in accordance with federal guidelines, includes representatives of the National Institute for Literacy, the National Research Council of the National Academy of Sciences, and the National Institute of Child Health and Human Development, as well as three individuals selected by the U.S. Secretary of Education, three individuals selected by the National Institute for Literacy, three individuals selected by the National Research Council of the National Academy of Sciences, and three individuals selected by the National Institute of Child Health and Human Development.

Helen Campbell knew most of the members of the panel. She had even served as a reviewer of papers that they had submitted to journals and had shared podiums at national conferences with many of them. Prior to these recent developments, she had thought that everyone recognized the value of different approaches to research as well as a definition of reading that was informed by a range of current thinking about literacy. Was it self-interest that motivated her colleagues? Were they merely complicit? Why had she been singled out? Could this stem from one or two students who were insistent about intensive phonics? Was it spurred by the conservative lobbyist groups that she had criticized during a newspaper interview?

Prosecutor: How is *reading* defined in accordance with this act?

Smith: The legislation defines *reading* as a complex system of deriving meaning from print that requires the following: the skills and knowledge to understand how phonemes, or speech sounds, are connected to print; the ability to decode unfamiliar words; the ability to read fluently; sufficient background information and vocabulary to foster reading comprehension; the development of appropriate active strategies to construct meaning from print; and the development and maintenance of a motivation to read.

Prosecutor: Based upon your review of Dr. Campbell's class notes, does her definition match the definition detailed in the legislation?

Smith: No, it does not. She suggests several competing views of reading, and many contradict the definition.

Prosecutor: How do these notes define *scientifically based research*?

Smith: The term *scientifically based reading research* means the application of rigorous, systematic, and objective procedures to obtain valid knowledge

relevant to reading development, reading instruction, and reading difficulties. It includes research that employs systematic, empirical methods that draw on observation or experiment; involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations. It is also restricted to what has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Prosecutor: Does the research done by Dr. Campbell meet these standards?

Smith: Some of it does, but some of it does not.

Prosecutor: Which research does not?

Smith: I cannot say specifically. But I suspect that over the past 5 years, her research fails to meet the standard. It has become less experimental and more qualitative.

Prosecutor: Can you explain "less experimental"?

Smith: Her work fails to meet the criteria of the legislation. Qualitative work is less controlled for bias and usually does not meet reliability standards. There tends to be a loss of rigorous control, a lack of randomization, and an inability to draw conclusions that are generalizable.

Prosecutor: Based upon your review of the class notes, did Dr. Campbell refer to her own research in her class?

Smith: Yes, and she appears to have criticized what we defined as "scientific."

Then it was time for cross-examination.

Defendant's attorney: Dr. Smith, can you describe your educational background in terms of literacy education? Do you have a doctorate in education with reading as an area of specialization?

Smith: Yes. I have a doctorate; my specialization was not reading but child development.

Defendant's attorney: Please just answer the question.

Smith: No, I don't.

Defendant's attorney: Is your panel interested in influencing classroom practice?

Smith: Yes.

Defendant's attorney: How so?

Smith: To identify proven scientifically based practices tied to a definition of reading that includes phonics.

Defendant's attorney: So I would assume that a panelist needs to have a knowledge of reading and different forms of research as well as classroom-based teaching.

Smith: Yes, of course.

Defendant's attorney: Because the panelists are making recommendations to schools, I would assume that they have had classroom teaching experiences at the elementary or high school level. Is that true?

Smith: I would assume so.

Defendant's attorney: Can you describe the teaching experiences of the following members of the committee? I would like the witness to have the opportunity to review Exhibit A—the résumés of panel members.

Permission was granted, and Smith perused the résumés.

Defendant's attorney: Can you tell us how much elementary teaching experience these three panel members have?

Smith: It seems that they may not have had any, or at least it is not listed.

Defendant's attorney: Let me suggest that a number of members of the panel did not. Now tell me, do the panel members represent the research community or a certain subset of the research community?

Smith: It depends on how you define research.

Defendant's attorney: So, some would say that the panel represents a certain kind of research.

Smith: Yes.

Defendant's attorney: Is Dr. Campbell's kind of research represented on the committee?

Smith: No, it shouldn't be. It is not sufficiently systematic, reliable, and unbiased.

Defendant's attorney: Do some people in the field have different standards for doing research than those espoused by the federal panel and legislation?

Smith: Yes.

Defendant's attorney: If these different standards were applied to Dr. Campbell, might they deem her work worthwhile?

Smith: I don't know.

Defendant's attorney: Do some literacy educators have different definitions of reading?

Smith: I would say so. But I do know several groups representing professional organizations had input—groups such as the Child Development and Mental Health Association, the National Science Council, Educational Research Association, and others had representatives who participated.

Defendant's attorney: Isn't it possible that a number of groups were not given an opportunity for input or their input was ignored?

Smith: Yes, perhaps, if their views of reading or reading research did not meet the standards that were set.

Defendant's attorney: Who set the standard?

Smith: The standard was informed by research.

Defendant's attorney: No more questions.

Campbell had often struggled with a sense of identity as an aspiring professor in a career initally dominated by traditional male values. She had created an identity as a researcher interested in social processes and issues of voice for underrepresented groups. It did seem ironic that she was being subjected to the institutional forces that she had critiqued in the content of her papers and advanced graduate seminars which she taught. Perhaps this was at the root of some of the challenges she was facing.

During her days as a doctoral student in the 1970s, her mentors had apprised her of the history of literacy research and practices. She had learned of the conventions in place, especially the journals that might serve as publication outlets and the professional associations with which she should associate. She was alerted to the fact that the most respected members of the literacy community were psychologists whose writings defined what was and was not good practice and even shaped the funding directed at literacy education research. This was so despite the fact that most of them had not taught young children and tended to base most of their understanding of literacy on studies with college psychology majors as subjects. While she had been interested in language and social dynamics in classrooms, she was encouraged to be a psychologist interested in carefully controlled studies of "within the head" processes uncontaminated by classroom complexities. However, as she participated in various professional activities, she became a recognized contributor to key journals and even held various offices on committees and on the boards of prestigious research organizations.

The 1980s were a time of change in the field for many in literacy—especially in terms of the what, how, and why of literacy education research. Constructivist notions of meaning making extended to ways of knowing, and various other influences—language, social dimensions, political processes, classroom-based learning, ethnicities—challenged the questions that researchers explored and their ways of exploring them.

In the early 1980s, Campbell appeared to be among a number of researchers who were eclectic in their approach to research methods. She seemed to cross over from more positivistic ways of knowing to more constructivist notions. Initially she had even convinced herself to believe that the two ways of knowing could be complementary. In the late 1980s, she began to realize that the shifts in her approach to research and ways of knowing were simply not compatible with more experimental means—especially in terms of the ethics of research and notions of bias, subjectivity, reliability, and generalizability. She recognized that she had been denying her identity as a researcher—and more importantly, she realized that her ethics had been skewed.

While her views of research had changed, she did not have zero tolerance for the views that she had left behind. She felt it was important to be inclusive. By the early 1990s, the ranks of researchers with similar views seemed to have swelled, and professional organizations seemed to encourage diversity, or a kind of eclecticism, by pursuing research that incorporated elements of both traditional and newer paradigms. Teacher research appeared to be on the verge of acceptance. Critical theory, discourse analysis, and postcolonialism appeared to be having a major impact on the thinking about schooling. But it now seemed a rather Pyrrhic victory, for while these developments were occurring the advances were confined to what might be viewed as allowable space. The terms of that allowable space were dictated and maintained by individuals and groups who had been historically favored.

However, Campbell was conscious that the traditionalists were the incumbents who held the power, despite their tendency to portray themselves as victims. She was aware that many of the

norms and conventions in place ensured their power; for instance, most of the journals still aligned themselves with experimental research and with American Psychological Association style, which ensured the perpetuation of traditional forms of reporting research studies.

The prosecutor called the next witness, Dr. Parrish.

Prosecutor: I understand that you are the editor of the journal *Research in Literacy Education*. Can you describe the journal that you edit?

Parrish: We publish scholarly research articles in literacy education. Generally, it is the most prestigious journal in literacy.

Prosecutor: Are you aware of the definition of "scientific" reading research and reading included in federal legislation termed the Reading Excellence Act?

Parrish: Yes, I am.

Prosecutor: Are you aware of the research of Dr. Campbell?

Parrish: Yes, I am.

Prosecutor: Does her research meet the standards for research detailed in the Reading Excellence Act?

Parrish: It is a different kind of research.

Prosecutor: Let me repeat the question. Does it meet the "scientific standards" of the bill? Please answer yes or no.

Parrish: No.

Prosecutor: No more questions.

The defendant's attorney stood with a copy of the journal in her hand. She paged through the journal and then looked up at the editor.

Defendant's attorney: Your journal publishes a range of research?

Parrish: Yes.

Defendant's attorney: Do you restrict your journal to research that meets the bill's definition of scientific?

Parrish: No.

Defendant's attorney: Do you consider the articles you publish that do not meet the definition of the Reading Excellence Act to be less scientific?

Parrish: No.

Defendant's attorney: Can you explain?

Parrish: Yes. The journal tries to encompass a range of definitions of science.

Defendant's attorney: Does the work of Dr. Campbell satisfy your own definition of scientific research as an editor, and the definitions of your reviewers?

Parrish: It satisfies my own view and those of many of the members of my review board. But there are always some reviewers who will disagree with others.

Prosecutor: I would like to call Dr. Lambert.

Campbell looked at Lambert, whom she had known during her days as a doctoral student and in conjunction with a federal grant. Lambert was a key supporter of the federal legislation. The leadership of the Educational Research Association of America (ERAA) had asked Lambert to appoint a committee to represent the association for purposes of reviewing the definitions of reading and research. Campbell had always been impressed with her poise.

Prosecutor: Can you describe your role in the development of the definition of scientifically based research?

Lambert: Yes. I chaired a group for the Educational Research Association of America, or ERAA, that reviewed the definition.

Prosecutor: Can you describe ERAA?

Lambert: ERAA is the major educational research association in North America.

Prosecutor: Was the group representative of literacy researchers in ERAA?

Lambert: Yes.

Prosecutor: Did the group support the definitions?

Lambert: Yes.

The defendant's attorney rose.

Defendant's attorney: How was the membership of this review committee determined?

Lambert: I nominated the membership of the group.

Defendant's attorney: Acording to the definition of scientific research, was the group representative?

Lambert: Yes. We all supported those kinds of definitions.

Defendant's attorney: Are there members of ERAA who would disagree with "those kinds of definitions"?

Lambert: Yes.

Background information

History

Among literacy researchers, a power struggle began at least a decade ago with the paradigm wars within the major research organizations. Perhaps one of the most pertinent exchanges of relevance to literacy was the debate that occurred between Edelsky (1990) and McKenna, Robinson, and Miller (1990) around what might count as research or theoretical support for a whole language perspective or a traditional language arts approach. As described by Smith (1997) and Hammersley (1998), the debate helps illuminate the differences in the field that Ruddell (1999) described as having a diversity that is both "our strength" and "our divide." Critical spaces emerged that were intended to provide constructivists and others with alternative modes of representation. However, before reading research could be redefined, new norms developed, and conventions and ethics established, the traditional reading research community reestablished its authority. In some ways, members of this community portrayed themselves as victims or as displaced by developments that were occurring. Later, with the advent of the Reading Excellence Act, the interests of the traditional research community were met and its dominance reestablished.

In retrospect, the skirmishes within the reading research community were minor. More major developments were occurring at the national level in the United States in conjunction with broader interests tied to reform and control of schools. In terms of reading education, these groups have found their allies among a subset of reading researchers and advocates of certain types of phonics instruction.

In some ways, these developments could be viewed as another demonstration of the power of certain groups to lobby for legislation to ensure certain pedagogical approaches—especially those tied to the teaching of phonics. In the 1970s, for example, the Arizona state legislature supported the introduction of required separate courses for the teaching of phonics for all preservice teachers. In the 1990s, similar requirements for licensure, which imposed preservice teacher education courses devoted to teaching phonics, were passed in several states in the U.S.

At times, researchers have been required to align their research efforts with such an agenda. Arguably, in the 1960s the cooperative study of approaches to beginning

(continued)

Defendant's attorney: Why didn't you select representatives with different views of reading and reading research?

Lambert: I wanted a group that could agree.

Defendant's attorney: Did any member of the group have involvement with commercial publishers who might profit from the current definition?

Lambert: I am not sure.

Defendant's attorney: I would suggest that the group did have representation by a person or persons who had received such support. Can you deny such an assertion?

Lambert: No.

Defendant's attorney: No more questions.

The prosecutor called Dr. Done. Done and Campbell were once close colleagues who had agreed on various matters, including their college's alignment with an agenda in schools that seemed problematic, but since Done had assumed the position of Assistant Dean he had become the "liaison" between the state department of education and the college.

Why was Done capitulating to these intrusions on the professional licensing of teacher educators? Certainly, he had political aspirations and had built a reputation on his working relationship with legislators and school district personnel, many of whom were advocates of a single brand of reading. Why didn't he, as her dean, rally to support her position or notions of academic freedom or professional judgment? (See Sidebar for background information.)

Prosecutor: Can you describe your relationship with the defendant?

Done: I am the Assistant Dean of the College of Education and oversee programs. I work with Dr. Campbell in the college and used to be her colleague when I was a faculty member in her department.

Prosecutor: In preparing teachers, are faculty members' courses expected to be tied to state guidelines?

Done: Yes.

Prosecutor: Do the state guidelines require that reading methods courses and the research cited abide by definitions similar to those represented in the Reading Excellence Act?

Done: Yes, they do.

Prosecutor: Were you aware that Dr. Campbell was including material that is inconsistent with the definition?

Done: Yes, I was.

Prosecutor: How did you become aware?

Done: I received complaints from students that the material included in Dr. Campbell's course failed to prepare them for the Educational Assessment Service's Test of Teacher Knowledge, which is required for certification. I queried Dr. Campbell, and she indicated that she had presented arguments questioning the validity of the two definitions. Depending upon the number of students who fail this test, we may lose our state accreditation to prepare teachers.

Prosecutor: Did you take any action with the students' complaints?

Done: The students' complaints were reviewed, and the students received a refund for the course.

Prosecutor: What action was pursued with Dr. Campbell?

Done: She was informed that she must include the material in the course and received a formal reprimand.

Prosecutor: Did she adjust the course as requested?

Done: I am unsure.

Prosecutor: No more questions.

Defendant's attorney: Do faculty members usually include in their course material that varies from the state guidelines?

Done: Yes...they usually cover more material than the state guidelines suggest.

Defendant's attorney: Could Dr. Campbell's approach help teachers become more critical of research and definitions of reading?

Done: Possibly.

Defendant's attorney: Do you consider the Educational Assessment Service's Test of Teacher Knowledge to be comprehensive?

Done: No...no test can be.

Defendant's attorney: Could an excellent teacher perform poorly on the test?

Done: I don't know. Yes, perhaps.

Defendant's attorney: Might some well-respected educators consider Dr. Campbell's treatment of the definitions to be adequate?

Done: Perhaps...yes, some would.

Defendant's attorney: I wish to submit Exhibit B, the university guidelines for Academic Freedom.

Background information (continued)

reading was tied partially to such an agenda; the National Reading Research Centers in Illinois, Maryland, and Georgia were required to pursue an analysis of the importance and role of phonics. This resulted in the commissioning of *Becoming a Nation of Readers* (Anderson, Hiebert, Scott, & Wilkinson, 1985) and subsequently Adams's (1990) report on beginning reading, which arguably set the stage for the resurgence of interest in the phonics debate in the late 1990s. As Pearson (1990) suggested in the foreword to Adams's book, the federal sponsorship of a mandate shifted a rather open-ended agenda in literacy to one requiring specific kinds of studies and reports, including a focus on phonics. Even more recently, the report by Snow, Burns, and Griffin (1998), sponsored by the National Research Council, appears to have been written with a similar goal.

Academic freedom

Sperry, Daniel, Huefner, and Gee (1998) defined the purpose of academic freedom as creating "an atmosphere in which knowledge can be freely transmitted and the critical faculties of students can be developed through unfettered research and discussion" (p. 16). But the question that has been subjected to debate is an educator's right to exercise this freedom in the classroom. As Sperry et al. went on to note, "academic freedom is not absolute; it must be balanced against other competing public interests ... where the state has a compelling interest in the welfare of children" (p. 16). In the U.S. a number of court cases have addressed this issue. The balance between educators' rights of expression and the public good have led to a variety of cases that help define the balance between the two. In general, with these cases examining the employer's (school's) right to control the expressive activities of its teacher employees, courts seem to have leaned in favor of the employer.

Exhibit B
3335-5-01 Academic freedom and responsibility.

(a) The university endorses full academic freedom as essential to attain the goal of the free search for

truth and its free exposition. Academic freedom and academic responsibility are twin guardians of the integrity of institutions of higher learning. This integrity is essential to the preservation of a free society and explains the willingness of society historically to accept the concept of academic freedom and, in addition, to protect it through the institution of academic tenure.

(b) The principal elements of academic freedom include the freedom of teachers to

1. Teach, conduct research, and publish research findings;
2. Discuss in classrooms, in their own manner, any material that is relevant to the subject matter as defined in the course syllabus;
3. Exercise their constitutional rights as citizens without institutional censorship or discipline;
4. Seek changes in academic and institutional policies through lawful and peaceful means.

(c) Academic freedom carries with it correlative academic responsibilities. The principal elements include the responsibility of teachers to

1. Meet their defined teaching, research, and service obligations;
2. Pursue excellence, intellectual honesty, and objectivity in teaching, in conducting research, and in publishing research findings;
3. Encourage students and colleagues to engage in free discussion and inquiry;
4. Evaluate student and colleague performance on a scholarly basis;
5. Refrain from persistently introducing matters that have no bearing on the subject matter of the course;
6. Work with appropriate individuals and bodies to provide optimal conditions conducive to the attainment of the free search for truth and its free exposition; and
7. Differentiate carefully between official activities as teachers and personal activities as citizens, and act accordingly.

Defendant's attorney: Have you reviewed this policy?

Done: Yes.

Defendant's attorney: Can you read Exhibit B, Sections (a) and (b)?

Done: [Reads these sections aloud]

Defendant's attorney: Would this policy apply to Dr. Campbell?

Done: Yes.

Defendant's attorney: So, she has a right to discuss material she deems relevant?

Dr. Done: I would assume so.

Defendant's attorney: No more questions.

The prosecutor called his final witness, Dr. Standish.

Prosecutor: Please describe your qualifications.

Standish: I completed my doctoral studies in psychology with a focus on reading development in the mid-1970s and have worked on the faculty at several major universities since that time. I am the chair of the Psychology and Literacy Department at my current university. I am a member of the National Reading Panel and past editor of several research journals for the scientific study of reading and recipient of awards for my contributions to research in reading.

Prosecutor: Are you familiar with the scholarship of Dr. Campbell?

Standish: Yes, very familiar.

Prosecutor: How would you describe the quality of that scholarship and its contribution to the field?

Standish: I do not regard Dr. Campbell's work as scientific. Her recent publications do not involve systematic data collection, and I would not consider them to be empirical.

Prosecutor: How does she represent her work?

Standish: She represents her work as raising serious questions about the definition of reading in the current bill and the findings of studies deemed to be scientific by the national review panel.

Prosecutor: To whom has she represented or misrepresented her work?

Defendant's attorney: I object to the word *misrepresents*. No one has established that she misrepresents her work.

The judge ruled that the use of the word *misrepresents* was not problematic.

Standish: To large teacher audiences and in books she has written. Books that are not peer reviewed.

Prosecutor: No more questions.

The defendant's attorney moved toward the witness.

Defendant's attorney: You say Dr. Campbell's work is nonscientific. How are you defining *scientific*?

Standish: As defined in the legislation.

Defendant's attorney: Is there agreement on the definition of scientific research among your colleagues?

Standish: My colleagues who are true scientists.

Defendant's attorney: So there are colleagues whom you would not deem to be true scientists who would disagree with the definitions and what counts as science?

Standish: I would expect so.

Defendant's attorney: Do you see any value to different perspectives on what counts as "true" science?

Standish: Perhaps as a way of offering negative examples.

Defendant's attorney: How scientific is the body of scholarship in literacy?

Standish: Very little is true science.

Defendant's attorney: No more questions.

The prosecuting attorney then rested his case, and the judge invited the defense attorney to have her witnesses take the stand. The defense called its first witness, Dr. Willing.

Defendant's attorney: Could you describe your position?

Willing: My area of expertise is sociolinguistics and the sociopolitical nature of education, especially as it relates to the language of research.

Defendant's attorney: Can you describe your relationship to Dr. Campbell?

Willing: I do not know her personally, but I was asked to review her research papers prior to this appearance.

Defendant's attorney: How would you describe the nature of her scholarship?

Willing: Dr. Campbell's work is interpretative, using a sociolinguistic lens to critique literacy teaching practices and related issues.

Defendant's attorney: Would you consider her work to be true science?

Willing: I disagree that there is any form of true science. Historically, the notion of true science in reading research was constructed by one group of individuals, mostly psychologists, who have aspired to "hard" science research—that is, as a way of distinguishing their work from the work of others. I believe that there are different forms of science, and that Dr. Campbell is doing a form of it.

Defendant's attorney: How would you describe the discrediting of Dr. Campbell's work as nonscientific?

Willing: Historically, such dismissals have been pursued as a way of reinforcing one group's power over another. By declaring themselves "scientific" and another group "nonscientific," groups are able to exclude those they deem to be nonscientific from contributing to decisions or offering critiques or alternative opinions.

Defendant's attorney: Thank you. No more questions.

The prosecutor stood rather rigidly.

Prosecutor: Do you consider yourself as doing true science?

Willing: I consider my research to be true in terms of providing critiques and suggesting alternative possibilities.

Prosecutor: Based upon the definition of true science in the legislation, should we consider Dr. Campbell's work to be scientific?

Willing: Their definition of science is inappropriate for judging the merits of her contributions. I have already said that her work is one of many forms of science.

Prosecutor: Let me ask you again, does her work meet the definition of science in the Reading Excellence Act?

Willing: No.

Prosecutor: Thank you. No more questions.

The defense then called upon Dr. Helen Campbell.

Defendant's attorney: You are aware that you have been charged with undermining literacy research and literacy teaching practices in conjunction with presentations and books that tout nonconventional and nonscientific pursuits. In addition, it is alleged that you have been unwilling to commit to advocating certain best practices. Describe for me your research.

Campbell: My research draws on various perspectives to understand literacy learning and teaching. I am constantly refining the sociopolitical lens I use to understand how readers and writers are positioned by the texts they read and the instruction that they receive. I work collaboratively with teachers and students in trying to understand the complex relationships that exist in classrooms and how these relationships may be tied to literacy development.

Defendant's attorney: What is the scientific nature of your research?

Campbell: My research is consistent with principles and ethics of constructivist research, which supports the notion that all research is interpretative.

Defendant's attorney: In terms of the definition of research and reading offered by the national review panel, how would you characterize your research?

Campbell: Constructivism suggests that we will never have findings that can be generalized to every learner and situation. Constructivism questions traditional notions of objectivity and assumes that verifiability and grounded interpretations are more valuable than notions of inter-rater reliability. It also represents a shift toward research that engages teachers and students in the process. My research also includes examinations of whether or not traditional research practices, such as those the National Reading Panel espouses, are ethical and how their definitions of research and reading might support certain kinds of individual agendas.

Defendant's attorney: What is your view of certain practices being identified as best practices that teachers are expected to implement?

Campbell: It is quite problematic for a number of reasons. While there may be certain elements from different practices that might inform teaching, we should not assume that there are prepackaged solutions to meet the needs of different students. Rather, practice should be informed by an understanding of language, learning, and development and by observing students.

Defendant's attorney: How does this relate to these charges?

Campbell: My goal is to provide teachers with an understanding of how they might develop and adjust practices to meet various students' needs. I feel I have taken a kind of oath similar to that of medical doctors in that I am first and foremost committed to learners. In other words, I am committed to use my understanding of language, reading and writing development, and teaching to support the learning opportunities of all students and to enhance the professional development of teachers. To do otherwise would be akin to malpractice. And I would view the noncritical examination of practices to be malpractice.

Defendant's attorney: Are there other ways that these best practices may be problematic?

Campbell: Yes. Some of the best practices do not meet the needs of students with diverse backgrounds. Also, best practices are part of a model of reform that I have encouraged my students to question. The use of standards, high-stakes testing, and students' performance have countless problems that teachers should explore. I try to have my students question the extent to which their professional judgment and support for students should be superseded by such reform efforts. I try to have them raise questions about the impact of these changes on dropout rates; on diminished educational opportunity, especially for minorities; on overregulation of teaching; and on the professionalism of teachers.

Defendant's attorney: Why are these matters of such concern?

Campbell: Teachers have a responsibility to enhance the opportunities of all students. The reform practices that a district or state adopts could contribute to problems. Already we are seeing what might be predicted. For example, in urban areas fewer than 40% of the students in our state eventually graduate. Fifteen years ago we graduated almost twice as many students. I want my students to at least question such developments. Mostly I want them to be professionals who are able to respond to the needs of students in their care and pull together various resources to meet those needs.

Defendant's attorney: Thank you, Dr. Campbell. No more questions.

The prosecutor moved toward Campbell.

Prosecutor: Do you agree that your research and teaching fail to meet with guidelines as defined by the legislation and to which you are accountable?

Campbell: Yes, but....

Prosecutor: Did your university reprimand you for your failure to abide by these regulations?

Campbell: Yes.

Prosecutor: Do you disagree with the reprimand?

Campbell: Yes.

Prosecutor: No more questions.

The defense called upon Ms. Marshall.

Defendant's attorney: Describe your role in relation to Dr. Campbell.

Marshall: I have worked with Dr. Campbell on several projects with students in my class, and I have taken university courses from her. She helped prepare me as a teacher when I was enrolled in the preservice program.

Defendant's attorney: Are you aware of the charges against Dr. Campbell?

Marshall: Yes.

Defendant's attorney: In your experiences, did you find that Dr. Campbell undermined your teaching?

Marshall: She encouraged us to think critically, allowed for different opinions, and helped us see how what we did might or might not support students' literacy development.

Defendant's attorney: Do you feel prepared to teach?

Marshall: Yes, I do. I know how to assess and meet my students' needs. I am constantly observing my students and adjusting my teaching and their learning opportunities.

Prosecutor: Did she provide you evidence from scientific research that supported certain practices over others?

Marshall: Dr. Campbell encouraged us to question all practices and not accept research evidence as anything but a lens through which to consider possible options.

Prosecutor: So she did not support certain best practices?

Marshall: Yes and no. She helped us develop our understanding of the possibilities and limitations of a variety of practices that we might adapt to use with our students.

Prosecutor: How well do your students perform on the proficiency test? To restate, how many fourth graders did not pass the reading test last year?

Marshall: About 45% did not pass the test.

Prosecutor: How well did your school do prior to last year?

Marshall: About the same.

Prosecutor: Is your school enlisting any special programs to help your students do better? If so, what?

Marshall: Yes. We have adopted a program that we must all teach that is closely aligned to the test.

Prosecutor: Is it considered a best practice?

Marshall: I don't consider it to be one, but the district has said it is.

Prosecutor: Were you prepared by Dr. Campbell to teach this best practices program?

Marshall: No, not directly.

Prosecutor: Will students perform better on the test as a result of using this best practice?

Marshall: The district thinks so. But I don't believe in the test.

Prosecutor: Did Dr. Campbell contribute to your distrust of the test?

Marshall: Yes. She encouraged our use of other types of assessment.

Prosecutor: Thank you, Ms. Marshall. No more questions.

The defense called as its last witness Dr. Magi, a very tall man in his late 50s.

Defendant's attorney: Can you describe your position?

Magi: I am a professor of literacy at State University and am currently president of a national organization dedicated to the professional development of literacy teachers. The organization has a membership of over 40,000.

Defendant's attorney: What is your view and the view of the organization of some of the developments in the field such as high-stakes testing, the selection and imposition of best practices, and the Reading Excellence Act?

Magi: My view and the organization's view is that the Reading Excellence Act's definitions of reading, research, and, in turn, best practices, are limited. Our organization has developed several resolutions that address our concerns.

Defendant's attorney: Can you describe the resolutions?

Magi: The resolutions state that we do not support either a national or state legislative body mandating a particular approach or methodology for teaching reading in classrooms or teacher preparation programs. We have indicated in our resolutions that learning is enhanced through multiple points of view and experiences and is severely curtailed under teaching conditions and practices that limit and restrict experiences. We have two resolutions opposed to the use of high-stakes assessment. We and the other major professional organizations involved in literacy education are especially opposed to the use of tests as the sole determinant of students' progress.

Defendant's attorney: Do you have other concerns about the Reading Excellence Act?

Magi: Yes. We have expressed concerns that the activities of groups such as the reading panel often do not seriously incorporate the voices and lived experiences of particular groups and individuals, and therefore often reproduce the dominant culture rather than questioning and transforming it.

Defendant's attorney: How important is it to have teachers and preservice teachers question or critique best practices and school reform initiatives?

Magi: I would view it as an imperative, as would our professional organization.

Defendant's attorney: For what reasons?

Magi: Many so-called best practices will not meet the needs of various students at different times. True best practices are not prepackaged, but involve careful crafting of ways to engage students and help them become strategic. I am committed to developing qualified professionals who have a repertoire of strategies and who have the ability to question, critique, and adjust what they do.

Defendant's attorney: Thank you. No more questions.

The prosecutor moved toward the witness.

Prosecutor: Dr. Magi, it was my understanding that your professional organization supported the standards efforts in the language arts and reading.

Magi: Yes, we did.

Prosecutor: Are you suggesting that we should now drop standards and not expect teachers to be accountable?

Magi: Yes and no. We agree that standards should inform teachers and students, but we do not agree that they should be used as prescriptions for practice. We are concerned that the standards and high-stakes testing have created a form of test-driven teaching. In terms of accountability, we see the legislation of certain practices over others as imposing a form of accountability that undermines teachers' ability to use their professional judgment.

Prosecutor: Should teacher preparation courses ensure that prospective teachers know the reading and language arts standards?

Magi: They should examine them critically.

Prosecutor: No more questions.

The defendant's attorney indicated that she did not have any more witnesses. The judge invited both attorneys to make their closing statements.

Prosecutor: We have a responsibility to our children to ensure that their guardians are responsible caregivers. Teachers and teacher educators are among their guardians, and their behaviors need to be scrutinized to ensure that our children are given the care and support that they deserve. This is particularly relevant to literacy education. Our teachers and teacher educators are responsible for teaching in ways that are proven to support literacy development. The defendant is a teacher educator who failed to exhibit the behavior that the legislation defines as appropriate practice.

While the defendant's attorney may want to cast aspersions on the national panel and the level of support for the definition of reading and scientific research, the support for the Reading Excellence Act mandating these definitions was quite broad. In turn, the state has used the definition of reading and scientifically based reading research to form guidelines for reading programs and is requiring teacher education programs to prepare teachers in practices aligned with these guidelines. These guidelines specify a definition of reading and reading research that should guide teacher educators in how they prepare teachers.

The defendant's behavior—premeditated, self-serving, and lawless—is worthy of a reprimand for failure to meet teachers' needs for certification and for its effect on teachers' abilities to meet the needs of their own students. The case against Dr. Campbell involves a situation in which she has stepped outside the bounds of academic freedom. While the university policy affords academic freedom, responsibilities come with the privilege. As the policy states, "Academic freedom carries with it correlative academic responsibilities. The principal elements include the responsibility of teachers to.... Refrain from persistently introducing matters that have no bearing on the subject matter of the course.... Work with appropriate individuals and bodies to provide optimal conditions conducive to the attainment of the free search for truth and its free exposition.... Differentiate carefully between official activities as teachers and personal activities as citizens, and act accordingly."

In the public interest, and in the interest of students, Dr. Campbell was obliged to follow the guidelines for teacher education determined by the state board of education, which had adopted the panel's definition. Her criticisms of practices should have remained a personal and private matter.

Defendant's attorney: This case involves questioning the professional integrity and behavior of a scholar, Dr. Helen Campbell. She is being questioned based upon government mandates that challenge not only her professional judgment, but also the very essence of academic freedom. Is the case a situation in which the U.S. government, the state, and a subset of reading professors wish to limit the professional prerogative of a teacher educator who is committed to the professional

development of teachers? Should professionals be tied to a definition of reading arising from legislation that meets only the special interests of a subgroup of individuals? A professional needs to be engaged in ongoing critical examinations of definitions of reading, practices to teach reading, and reading research. I agree with the prosecutor that reading is important, but I would suggest that it is too important to be subjected to an unexamined definition. It would seem a strange contradiction, indeed, to simply accept a definition when teacher educators have a responsibility to help teachers make keen professional judgments to ensure that students in their care learn to read and write.

Overnight, Dr. Campbell's ideas and perspective are challenged. She is accused of sabotage for staying true to her ethical judgment. What she has done is in the interests of preparing teachers to meet the diverse needs of students. She is within the bounds of her academic freedom as defined by her First and Fifth Amendment rights under the U.S. Constitution.

The prosecutor's own witnesses described the exclusion of certain groups in the development of these definitions. One of the major professional organizations devoted to literacy education has criticized such legislative actions as limited. Rather than admonish Dr. Campbell, I would recommend that she be applauded for helping teachers adopt a critical stance for judging the motives and merits of various literacy practices.

Dr. Campbell views herself as having a moral obligation to encourage teachers to evaluate their practices and the reform efforts of schools. She confesses that she abides by a kind of oath to ensure that the practices of teachers and schools are crafted to meet the needs of students. She is not alone in her views of the problems. I want to remind you that her behavior is consistent with the resolutions passed by two of the largest professional organizations most closely aligned with her field. The stakes are higher than the exoneration or reprimand of Dr. Campbell. The control of literacy carries enormous political clout as well as economic advantage whether the profit be book sales, curriculum control, or tenure. Let us not subvert the professional judgment of teacher educators. What will be next? A law that specifies one and only one best way to raise a child or the best and only way to be a juror?

Ladies and gentlemen of the jury, I believe that Dr. Campbell has an ethical obligation and legal right to heighten the critical awareness of teachers in the ways she has done and for which she is on trial. As you contemplate your verdict, consider your child or a child that you know and ask yourself this question: Doesn't that child deserve a teacher who has developed his or her own professional judgment? If your answer is yes, then I would encourage you to exonerate Dr. Campbell.

The defense attorney rested her case. The judge directed the jury, and court was adjourned pending jury deliberations.

Discussion of the issues

The fictionalized account of Dr. Campbell is intended to represent a host of individuals who have experienced some of the political pressures associated with such developments. While they may not have experienced the trauma of a court case, there are individuals who have been accused of insubordination when they did not comply with preset standards, did not use a model curriculum, or failed to advocate certain teaching practices.

Certainly, in the drama I suggest that the actual outcome of the court case may revolve around issues of academic freedom and, in turn, issues of subjugation and entitlement of freedom of expression and public responsibility. While university faculty in the United States have a history of being afforded more academic freedom than K–12 teachers, teacher educators may find their rights to express their views challenged. In some states, teacher educators have lost the freedom to select certain books, and their eligibility to offer workshops to teachers has become contingent upon their allegiance to certain views, including methods. Teacher educators are finding themselves judged in terms of (a) whether their course content is aligned with assumptions about the public good derived from a definition of reading and (b) criteria for scientifically based reading research and best practices of the Reading Excellence Act.

The pressure for teacher education programs to conform may be heightened in an effort to respond to the criticisms directed at them, especially their failure to prepare teachers to meet their students' needs and for their isolation from school change efforts. Increasingly, the accreditation of these teacher education programs depends on their compliance with state and federal licensure guidelines and their support for schools. Although

universities have historically served as the stage for discussions or demonstrations for social change, they have also been agents of conformity to certain cultural values, including those defined by federal guidelines or incentives. In turn, teacher educators may find themselves, as Dr. Campbell did, receiving less support from their institutions than they might hope.

In the drama, widespread support for Dr. Campbell was not forthcoming from her colleagues. In actual universities, some colleagues might simply be avoiding conflict, while others are likely to support the advent of the Reading Excellence Act and even some form of admonishment of Dr. Campbell. In a 1997 e-mail message to members of the Society for the Scientific Study of Reading, Charles A. Perfetti described the Reading Excellence Act as embodying "a long overdue recognition that educational practice will benefit from the use of reliable research." Linnea Ehri, who became a member of the National Reading Panel, suggested we should rally behind these developments. She stated the following in an e-mail message to the National Reading Conference electronic mailing list (October 29, 1997):

> We in the literacy research community presently hold the attention of legislators like we have never held it before. We ought to come together and work towards turning this attention into something that will benefit teachers, schools, and students. If the fighting, name calling, and discrediting of other researchers by personal attack continue, if we do not direct our energies towards reasoning and evaluating the evidence, then no one will gain, and we will all end up looking foolish. A bill that suits everyone in every detail is impossible. Compromise is inevitable. Isn't it better to have some literacy programs in operation than none, even though the instructional approaches taken might not be exactly as you would wish?

Consensus may also involve a form of capitulation and assume that groups are convergent in their beliefs. To achieve such an allusion, representatives known for their eclecticism are preferred participants. In fact, consensus can be used as a tool that contributes to misrepresentation of agreement—especially if certain voices are excluded from key discussions or if an a priori set of conditions excludes anything other than foregone conclusions.

Unfortunately, this misrepresentation has occurred in conjunction with the standards movement and other initiatives such as the National Research Council committee report on beginning reading (Snow, Burns, & Griffin, 1998). For example, Daniels (1994) and Petrosky (1994), who have both been part of various standards projects, have expressed concerns that the powerful and partisan forces involved in setting standards have excluded their voices. Daniels stated, "these grownups will not allow us to sit at their big table unless we support their views or the conclusion is a foregone conclusion—or both" (1994, p. 49). Or as Petrosky (1994) stated, we are not invited to speak at the table because of our unpopular views. To sit at the table, one must be invited and must agree to agree. Certainly the appeals for and methods for reaching and using consensus need to be scrutinized lest they misrepresent the extent to which those interests are served. Consensus can be a form of submission or even the antithesis of progress—especially progress tied to goals that will ensure consideration of multiple perspectives.

Acknowledging the misuse of consensus, the National Council of Teachers of English (NCTE) made a significant shift in position with a 1999 resolution that stated, "While majority rule and consensus reflect the appearance of democratic practice, they often do not seriously incorporate the voices and lived experiences of particular groups and individuals, and therefore often reproduce the dominant culture rather than questioning and transforming it." NCTE resolved to proactively reexamine the relation of dominant forms of language, knowledge, and culture toward the democratization of expression, articulation, and access; to seek broad participation questioning dominant forms of language, knowledge, and culture; and to produce new kinds of thinking about difference.

As the drama suggests, the professional organizations seemed to be uncertain whether to censure or support these developments. Take, if you will, the advent of standards for teaching the language arts. Both the International Reading Association (IRA) and NCTE assumed a leadership role in developing a set of standards that were later dismissed by the funding agency that supported their development. In terms of the advent of the National Reading Panel, while IRA has pursued some changes in the original bill, the Association is faced with a

conundrum in terms of whether to oppose the advent of findings derived from a definition of reading and reading research that many in the field view as problematic or to do what it can to serve as a resource to support the effort. More recently, NCTE seems to have made significant shifts in its position. For example, it has supported resolutions and statements (on diversity, high-stakes testing, and government intrusion and imposition on classroom practice) that suggest opposition to some of the assumptions that undergird such mandates.

Roller (2000) provided a lengthy explanation and chronology of events from the perspective of IRA's involvement in these developments. As Roller noted, IRA initially argued for some changes in the Reading Excellence Act and in how members of the National Reading Panel would be appointed. IRA was successful in gaining a shift in the definition of research, but unsuccessful in changing the definition of reading or the composition of the panel. However, once the bill passed, IRA decided to do what it could to "ensure a quality implementation" (Roller, 2000, p. 632).

Unfortunately, the National Reading Conference (NRC) seems to have been stymied by a history of trying to avoid or ignore the politicization of research. In some ways, NRC positioned itself as a group that had yet to come face to face with the ideological tenets that undergird the political position of being or claiming to be nonpolitical.

As the case of Dr. Campbell suggests, the forced alignment of constructivism or critical theoretic ways of knowing to the norms of traditional empiricism is not surprising or new. Since the inception of social science research, the norms and conventions emanating from traditional research values have been the standard. Despite some support for alternative modes of knowing, especially at conferences, the norms of those in power mattered when it counted, at least in the most revered research journals. Most journals have always restricted submission to articles that use traditional conventions (e.g., American Psychological Association style), which have their roots in traditional empiricism. Journal submissions thus have to be aligned with more positivistic approaches to research and knowledge construction rather than other ways of knowing (Bazerman, 1988; Nelson, Megill, & McCloskey, 1987). Essentially, the advent of legislation defining literacy and science in restrictive ways perpetuates the subordination or displacement of noncompliant "subalterns."

The reality is that other ways of knowing were never fully accepted and have always been subordinated within the field. Indeed, support for multiple definitions of reading and reading research may, in hindsight, be conceived of as spaces within larger spaces—unfortunately, the larger spaces seem to subsume the smaller to create a kind of heterotopia (as detailed in Sheehy, 1998; drawing upon Foucault). Just as constructivists have developed their own networks within the dominant paradigm, so do occupants of heterotopic spaces build their own geopolitical networks. Sheehy (1998) stated,

> As renters of space, teachers and education professors would always presume that their positions will be produced differently in discourse and would, thus, make use of opportunities that arise in the cracks. Knowledge would be treated as it is situated—within webs of power. (p. 316)

In order to find a moral ground that supersedes the law, literacy educators and researchers may need to develop an ethical equivalent to the Hippocratic oath—a guiding principle related to the relationship between the law and ethics not unlike that suggested by the American Medical Association (AMA). As AMA ethics guidelines suggest in attempting to clarify the relationship between law and ethics, "ethical obligations typically exceed legal duties...that is...ethical responsibilities should supersede legal obligations" (American Medical Association, Code of Ethics, updated June 1994, available online: http://www.ama-assn.org/ethics/ethics.html). Throughout its history (and despite the recent pressure to adopt an economic management model of health care), the medical profession has remained committed to the patient's right to receive care and the physician's responsibility to provide that care.

Perhaps a consideration of ethics in literacy education might become a moment in history that will prompt us to reimagine ourselves as literacy educators who offer one another mutual professional respect around support for all learners.

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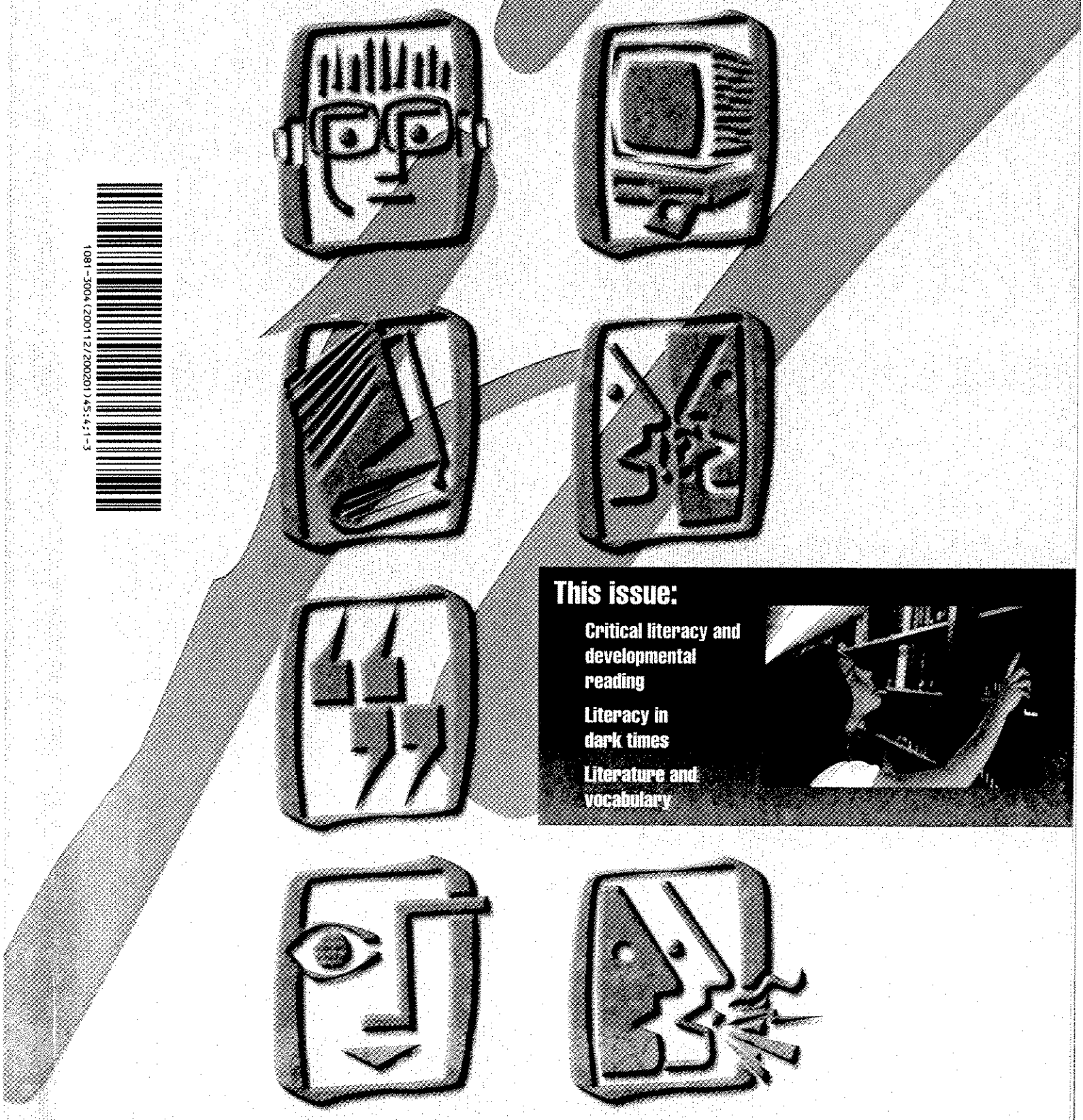

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