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Education policy and ‘free speech’ on race and faith equality at school

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ABSTRACT

Right-wing populists have recurrently created moral panics internationally about the supposed need to ‘protect free speech’ in higher education (HE), and ‘protect children’ from progressive speech in schools. This paper presents the first systematic analysis of how such dynamics function with respect to race and faith equality in a national school policy context. Drawing on a critical post-structural framework, we conceptualise the policy problematisation of *speech* as situated in a wider set of coercion-consent governing strategies used to manage contemporary authoritarian neoliberal contradictions, and to narrow the *speakeability* of anti-racist and faith equality concerns. We present a two-stage thematic and discursive analysis of a corpus of primarily school-focused English policy texts from successive Conservative-led governments (2010–2022). The analysis outlines three main policy strategies which narrow speakability: the defining of ‘good’ schools and citizens with limited/oppositional reference to race equality, the problematising of ‘dangerous’ speech, and the indexing of school/HE subjects who are *truly* vulnerable to political speech. The paper offers an urgent case study of how possibilities for progressive race and faith-based expression are shaped beyond explicitly speech-focused policies, and argues that engagement of the complex governance of speakability offers nuanced possibilities for analysing bans on progressive education internationally.

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Introduction

There is a surprising absence of systematic research on the right-wing use of ideas of ‘free speech’ as a political tool in education policy texts internationally. Given the adult-focused nature of Global Northern moral panics about free speech in universities (Smith 2020; Ward 2022), there has also been little analysis of what distinguishes policy relating to political speech in schools, and between teachers and children/young people. Conservative government politicians in the UK have recently claimed progressive (e.g. anti-racist, transgender-inclusive) movements are ‘cancelling’ free speech in higher education on the one hand, and creating risks for children and/or teachers’ political impartiality in schools on the other (Gillborn, Warmington, and McGimpsey 2022;

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Thorburn 2022; Trilling 2020). Right-wing moral panics are also observable around the teaching of Critical Race Theory (CRT) in France and Australia (Goldberg 2021), and authoritarian policy consequences have emerged in bans on CRT and Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+)-inclusive education in certain US states, and bans on LGBTQ+ inclusive education in Poland, Hungary, and Brazil, amongst other states (Alfonseca 2022; Estellés, Oliveira, and Castellví 2023; Friedman and Farid-Johnson 2022; Kitching 2022).

This paper presents a critical analysis of (1) the positioning of right-wing populist ‘free speech’ politics within education policy discourse; and (2) the specific ways efforts to contain possibilities for anti-racist and faith-inclusive speech in schools function in a national (English¹) school policy context. Below, we unpack the above socio-political and research context, and present the conceptual framing of our research, before moving to an analysis of English policy texts 2010–2022. Focusing on issues of race and faith equality, and engaging Gramscian and Foucauldian critical poststructural tools (Foucault and Smith 1972, 1980; Gramsci, Hoare, and Smith 1971), we argue the policy problematisation of speech needs to be understood as situated in a wider set of coercion-consent governing strategies used to manage authoritarian (neo)liberal contradictions, and narrow the ‘speakability’ of progressive anti-racist and faith equality concerns. Our analysis of Conservative government policy texts for the period 2010–22 identifies three forms of policy strategy that attempt to narrow this speakability in English schools. These are the defining of ‘good’ schools and citizens with limited or even oppositional reference to anti-racist or faith equality concerns, the overt problematising of speech that challenges dominating ‘truths’ about ‘exceptional’ British liberalism, and the indexing of education subjects who are *truly* vulnerable to political speech.

Right-wing populist ‘free speech’ politics, and the inversion of liberty

International research on free expression² in education policy has largely focused on questions about the legal/policy parameters of expression. This includes research on school uniform regulations in the US (DeMitchell and Fossey 2015), on hijab bans in France and Canada (Syed 2013), on religious freedom vis-à-vis LGBT-inclusive education in the UK (Nottingham 2020), and on hate speech regulations in HE campuses (Delgado and Stefancic 1994). Much research on child and youth expression and participation in education is also informed by a socio-legal approach, emphasising the protection and fulfilment of under-18s’ rights under the UN Convention on the Rights of the Child (UNCRC; Gal 2017; Lundy 2007). While analysis of the fulfilment of children’s rights and the limits of expression in education policy is crucial, in the claims discussed below, ‘what is principally at play [...] is not a legal right to speak or freedom from coercion’ (Titley 2020, 11). What is at play – the mobilisation of right-wing populist politics to de-legitimise critical engagement with race and faith equality in schools – is under-researched in terms of its influence on education policy.

Right-wing populists purport to represent ‘the people’ against an elite that has neglected them in favour of a third, often racially or religiously minoritised group (Hussain and Yunus 2021). A key right-wing populist claim circulated across transnational media outlets in recent years is that the unimpeded, public flow of right-wing ideas will defend ordinary people from the alleged decline brought about, or threatened by

woke³ and/or multicultural policies (Mondal 2018; Titley 2020). Characteristic ‘culture war’ claims include:

- Right-wing ideas are allegedly under threat of not being heard due to political censorship caused by hyper-sensitivity of ‘woke’ and/or Muslim groups; (H. C. Davies and MacRae 2023; Mondon and Winter 2020).
- Structural definitions of racism are allegedly too broad, not ‘real’ racism (Lentin 2018), and divisive; leading to panics that white children are being taught about ‘inherited racial guilt’ (UK Parliament 2020).

These ideas align with attempts to mythically portray societies as ‘post-racial’, where race equality and multicultural policies are allegedly unnecessary or unworkable (Bhopal 2018; Warmington 2024). The above allegations deploy *inverted* concepts of positive and negative liberty (Crowder 2023). In Berlin’s (2002) terms, positive liberty refers to mastery of one’s true or ideal self. Negative liberty refers to the absence of deliberate interference with the individual, a key theme in liberal free speech theories (Berlin and Hardy 2002; Mondal 2018). Berlin (2002) largely preferred negative to positive liberty as a core societal value, because of the latter’s susceptibility to inversion by (populist) leaders who claim to understand the people’s true nature and contradictorily force ‘freedom’ on their terms.⁴ But regardless of populist political conditions, the concept of negative individual liberty is also highly susceptible to inversion, when the self is understood in economic terms as a rational, self-interested chooser, meaning the positive liberty concerns of marginalised groups are muted, and ‘free’ speech is meaningful largely for the majority or powerful (Crowder 2023; Hesse 2014).

Framing the issue: problematised speech, and the forces governing speakability

Certainly, focusing on how policy discourse problematises individual liberty-oriented and justice/accountability-oriented ideas about speech on race and faith equality in schools is important. But this focus alone risks reducing policy analysis back to normative, socio-legal questions about the somewhat bracketed areas of individual speech rights, censorable symbols, and citizenship and political education in schools. It may fail to consider how the problematisation of speech is situated within the more complex, wider governance of the ‘speakability’ of progressive anti-racist and faith equality concerns (e.g. institutionalised anti-Black racism, or Islamophobia). We conceptualise the governance of speakability here as the process of wider policy programmes making it difficult for such concerns to be intelligible, valued, and acted upon (Apple and Buras 2006; Ball 1993; Foucault and Smith 1972). We contend it is important to consider how more or less repressive strategies such as bans and warnings around progressive education may be aligned with or ‘balanced’ by a wider mix of policies that seek to produce depoliticised, ‘free’ subjects, and that make other persuasive claims of enabling their negative and positive liberty (Ball 1993; Foucault and Gordon 1980). Additionally, we argue for a focus on how a paternalistic indexing of the vulnerability of various subjects (e.g. university students, children, women) to others’ alleged interference may be used to manage contradictory policy approaches to problematising speech in different education

sectors. For example, Thatcher's Conservative UK government legislated to 'protect free speech' in HE in the 1980s, while paradoxically, intervening on this negative liberty in schools, to 'protect children' from the 'promotion' of homosexuality (Bonnett and Carrington 1996; Smith 2020). Below, we conceptualise these issues via the case of English education policy, providing a framing which we later argue can be extrapolated to other policy territories.

The problematisation of speech in specific education policy conjunctures

The Gramscian concept of conjuncture is useful in situating the policy problematisation of speech within a particular historical context (Gramsci, Hoare, and Smith 1971). A conjunctural analysis (Hall 1979) avoids reducing explanation of a phenomenon to a 'politics as usual' discussion of dominant ideologies and processes in a particular period. Rather, it focuses on 'distinct contradictions, moving according to very different tempos' which are condensed or fused to define a particular conjuncture (Hall 1979, 15). Certainly, the period in which the problematisation of speech has most explicitly surfaced transnationally in recent years has been defined as one of post-2008 'authoritarian' neoliberalism. The aftermath of the global financial crash has been characterised by austerity measures which forcibly curtailed the economic liberty of the working and middle classes (Hier 2019). But there are two nuances we need to consider with this authoritarian neoliberal periodisation as it relates to the problematisation of speech. First, the politicisation of free speech is not reducible to right-wing populist exploitation of purely economic contradictions. A variety of relatively autonomous, longer-term contradictions and perceptions of loss have been raised in the post-2008 conjuncture transnationally, which inform this politicisation (Clarke 2019). These include, to varying degrees in different contexts, an inability to reconcile with processes of decolonisation (e.g. as seen in nativist campaigns for the UK to leave the European Union [Brexit]; Bhambra, Gebrial, and Nişancıoğlu 2018), and perceived losses of patriarchal authority (as seen in backlash to perceived LGBTQ+ gains internationally; Kitching 2022); the latter of which notably focus on protection of children from allegedly threatening others.

Second, centrist governments have also problematised speech in illiberal ways (without populist anti-elite rhetoric) through counter-terror policies. Furthermore, post-2008 UK (and indeed US, Hungary, and Brazil) governments have not solely used coercive education policy strategies (Ball 2021; Kundnani 2017; Neumann 2022). In the UK, Conservatives learned from centre-left New Labour governments' (1997–2010) process of governing by persuading, or consent-building through positive liberty (self-realisation) discourses, and by coercion, through performance management and market responsiveness strategies (J. S. Davies 2012; Gramsci, Hoare, and Smith 1971; Kissell 2023). Specifically, New Labour advanced the normalisation of market principles as central to organising the state, opening up school provision to non-state actors, and opening policy influence and direction up to networks of thinktanks, business and philanthropic groups (Ball and Junemann 2012). They normalised entrepreneurial competition (negative liberty) for schools and individuals as the mode of legitimate rule, with responsibility to manage performance guiding the exercise of authority over schools. The exercise of authority over individuals also involved responsabilisation through discourses of aspiration, encouraging women,

minority ethnic and LGBTQ+ communities to compete, rather than addressing questions of redistribution (Ball 2021; Hier 2019). New Labour enforced statutory duties on schools via the Race Relations Act in 2002 as a response to the depth of (anti-Black) racism in UK institutions. However, in the wake of 9/11 and ‘home-grown’ 7/7 attacks, they gradually deprioritised progressive anti-racist and faith equality concerns, and focused instead on high standards/achievement for all. Moreover, they initiated a counterterrorism strategy focused on responsabilising public and third-sector organisations to participate in Muslim community surveillance. This moved education policy away from plural citizenship and towards ‘British values’, and showed willingness to stigmatise, and clamp down on the civil liberties of Muslims as suspected extremists (Qurashi 2018; Warmington et al. 2018).

This shifting governance of the speakability of race and faith inequalities under New Labour typically relied on the mundane production of self-disciplining, optimised, ‘free’ subjects (Foucault and Gordon 1980; Gramsci, Hoare, and Smith 1971). But tendencies towards the repression of civil liberties emerged via the securitised, practical shaping of subjects to be vigilant to extremism, in the context of a global war on terror portrayed as protecting the West’s exemplary liberalism (Kandemir 2022; Kundnani 2017; Miah 2017). As we explore later, some of these governing strategies were expanded and made more coercive by Conservatives (Ball 2021), partly through revised statutory requirements, non-statutory guidance, and training. But in the context of increasingly popular anti-establishment parties such as the UK Independence Party (Clarke 2019; Mondon and Winter 2020), Conservative leaders often sought to build consent for their policy programmes through affectively charged, populist negative liberty rhetoric of being unafraid to take on orthodoxy to help the vulnerable, and protecting the Britain’s exemplary liberalism from alleged dangerous others.⁵

Methodology

The paper presents the first systematic analysis of policy texts that seek to shape expression on race and faith equality in a national school policy context. We gathered a corpus of texts (guidance, bills, legislation, government policy reports and speeches) for the period 2010–2022. In the context of massive, mediatised flows of polemics on ‘free’ and ‘cancelled’ speech (Titley 2020), our scope necessarily prioritises rhetoric that accompanies, or translates into policy texts that ‘officially’ require, exhort, or encourage certain actions to be taken. We conducted a two-step thematic and discursive analysis of these texts. The majority of texts were identified via a search of a May 2022 snapshot of the Department for Education (DfE) Statutory Guidance for schools, found on the UK Government Web Archive www.nationalarchives.gov.uk/webarchive. Key linked texts such as *Political Impartiality in Schools* (DfE 2022b), the Academies Act (2010) and the White Paper *Educational Excellence Everywhere* (DfE 2016a) were also sourced via the gov.uk/education and legislation.gov.uk websites, respectively. In order to surface distinguishing features of school policies on political expression, we included the only two relevant HE texts on freedom of speech from the period (DfE 2021a; UK Parliament 2023). This manual website search was the most effective search strategy, as online academic database searches – including the government web search tool itself – proved porous and unreliable when it came to yielding relevant results.

Table 1. Topics covered in the texts analysed.

Primary Focus	Bill/ Legislation	White Paper/ Strategy	Guidance (of which is statutory*)	Speech/ Announcement	Scoping Report/ Policy Review
Behaviour			5 (2*)		2
Curriculum			13(5*)	3	4
Equality			2	2	
Pupil development/ British values			4	9	
Speech/ Expression	1		4	7	1
Inspection			8	1	
Mission of Schools/ HE	1	1			1
Safeguarding	2	1	13 (6*)		4

The 173 texts we found were narrowed down for relevance to 89 texts in the areas of *equality*, *curriculum*, *behaviour*, *pupil development* (inclusive of character and social, moral, spiritual, and cultural development), *safeguarding* (inclusive of counter-terrorism and child welfare), *speech/expression* (inclusive of religious expression, the arts, free speech, and political impartiality) and *inspection*. Texts were excluded on the basis that they proved to have distant or tenuous relevance to the above areas, were duplicates, or were relevant to other jurisdictions only (e.g. Scotland). While space does not allow us to list all texts directly analysed, the main topics covered by these texts are indicated in [Table 1](#) below, and all texts cited in this paper are marked with an asterisk in the reference list.

The above texts were divided between the first two authors, and a two-stage analytic process, which we define as thematic discourse analysis, was conducted. The first stage was a thematic analysis (Braun and Clarke 2021), where we generated a codebook to allow us to identify the range of meanings put forward in the texts. To organise the analysis of two separate sets of texts, all texts were first coded using NVivo qualitative software under broad *a priori* categories of equality, freedom, expression, and mission of school/HE. We coded the texts, ensuring a definition was given for each code to facilitate cross-checking of meaning. This process facilitated us to meet or communicate regularly and to discuss and ‘make sense’ of each other’s coding processes. Between us we generated 265 codes. We then examined how these codes were compatible, differed and could be merged, leading to 31 *a posteriori* codes.

Using concept-mapping (Wheeldon and Faubert 2009), we visualised what allowed these codes to thematically relate to each other, and to move beyond relatively thin description or interpretation of chunks of text. We generated three key themes as capturing the prevailing meanings advanced in the texts. The below themes are multi-dimensional, and are the product of our process of interpretation and cross-checking (Braun and Clarke 2021).

- *Vulnerability* refers to forms of vulnerability that policy recognises for expression purposes (protected equality characteristics; children’s need for adult safeguarding)
- *Truth* refers to dominant forms of knowledge and means of achieving that knowledge (facts, open debate, character education, arts and culture) and forms of knowledge

treated with skepticism or hostility (e.g. challenges to narratives of Britain's 'exemplary' liberalism and equality).

- *Good/bad schools* refers to expectations of school and teacher performance, as communicated, e.g. in inspection requirements and outcomes, examination success, and academisation processes. *Good/bad citizens* refers to policy guidance on how to make good citizens (behaviour, character, social, moral, spiritual and cultural development) and how to deal with bad citizens (counterterrorism, school exclusion).

While this thematic overview is useful for understanding the corpus of policy texts, we do not consider it to 'reveal' a cohesive underpinning policy ideology regarding free speech, and further analysis was needed. Drawing on Foucault (1972), and shifting towards a focus on policy as discourse (Ball 1993), we conducted a second-stage analysis of the discursive strategies through which dominant ideas about good/bad schools and citizens, pupil vulnerability, and the truth of British liberalism (e.g. classifications of those at risk; statements of key curricular goals), and how they are brought in relation to one another (e.g. Holocaust education as character development, rather than equality/power studies) to pinpoint the possibilities made discursively available, or closed down for critical engagement with race and faith equality issues. In other words, we map discursive strategies as 'various strategic possibilities' that permit the co-articulation of different policy ideas and approaches and the repeated citation/establishment of an idea in different 'groups of statement' (e.g. the appearance of 'vulnerability' in counter-terror and inspection guidance; Foucault and Smith 1972, 41). This approach allows us to unpack the iterative drawing of problematic relations between these ideas through policy texts.

The analysis that follows, rather than seeking to address every part of this wide range of policy programmes, illustrates key discursive strategies and forms of coercion and consent occurring in each of the above themes. Given the twelve-year period under analysis, it was necessary to spotlight certain key policy shifts and trajectories (e.g. such as the Education Act 2011, or Prevent Duty (DfE 2015)). To ensure our claims about key policy changes were robust, we cross-checked our analysis with nine further policy texts from the period (cited and marked with a double asterisk in the reference list).

Conservative policy 2010–22: governing the speakability of race and faith equality

Narrowing speakability: attempts to form good schools and good citizens

This section analyses the primarily consent-building dimension of English policy discourse which seeks to narrow the speakability of progressive anti-racist and faith equality concerns. Policy in this period amplified New Labour's focus on responsabilising 'good' individuals and schools to perform optimally, and inverting established race equality concerns around achievement and behaviour. Education Secretary 2010–14 Michael Gove's early reforms further displaced central government responsibility for English schools by expanding 'entrepreneurial' academies. i.e. schools either forcibly or voluntarily taken out of local authority control and run by businesses, other schools, faith or other voluntary groups. Gove deployed populist rhetoric to persuade others of his

policies, attacking an alleged elite ‘Blob’ of intellectuals, educators, and local authorities for their ‘orthodoxy of low expectations’ for working class and minority ethnic students (Craske 2021). Prime Minister 2010–16 David Cameron’s ‘Big Society’ rhetoric also attacked Labour’s record on social justice in education, while echoing Thatcherite policy in its emphasis on rolling back the state (Lingard and Sellar 2012).

New Labour measures requiring race equality standards be investigated in school inspections – although variable in impact – were removed under Gove (Ullmann 2009; Warmington et al. 2018). Gove’s (2012) speech to the Association of School and College Leaders proclaimed there is ‘no such thing as an attainment gap’ in certain exemplary, named schools. But alongside this depoliticised, responsabilising language of school autonomy and effectiveness, in a rising Brexit-related context centring discourses of white British victimhood, cross-party policy consensus was gradually built towards inverting established race-related concerns, particularly regarding pupil achievement. The only race/ethnicity-focused cross-party parliamentary enquiries into achievement during the period focused on white working-class children (House of Commons Education Committee 2014, 2021). The first enquiry report conflated a widely popular white working-class identity with the specific population under focus: white British pupils in receipt of Free School Meals. While it did not result in white working-class specific policy measures, the subsequent White Paper *Educational Excellence Everywhere* (DfE 2016a) focused squarely on re-responsibilising schools on class-based achievement gaps, which were racialised in the Brexit-related political imaginary as a white issue. It claimed ‘children from the most disadvantaged backgrounds already achieve the highest outcomes in some schools’, therefore we must not ‘accept lower aspirations for some’, and ‘stretch every child’ (DfE 2016a, 10). Indicating a point of transition from rhetorically ‘speaking against’ progressivism to problematising progressive speech in policy itself (explored in the next section), the second aforementioned cross-parliamentary enquiry recommended finding ‘a better way to talk about racial disparities’ than the concept of white privilege (House of Commons Education Committee 2021).

Despite well-established evidence about the racially disproportionate outcomes of strict behaviour management (Miles 2011; Gillborn et al. 2021), the second law passed by the Conservative-led coalition – the Education Act (2011) – gave teachers increased powers to search pupils for banned items, and ended a notice period requirement for afterschool detention. Paradoxically, the government’s behaviour advisor since 2015 Tom Bennett deployed negative liberty ideas of being freed of the myth of progressive behaviour methods, in favour of being strict: ‘directing students to behave in a specific way is often mischaracterised as an act of oppression. This is both unhelpful and untrue’ (Bennett 2017, 23). In his independent review of behaviour in schools, Bennett claimed:

While good behaviour does include the absence of, for example, vandalism, rudeness and indolence (which we can describe as negative good behaviour, loosely after Berlin’s Two Concepts of Liberty) it also describes behaviour is more broadly desirable (sic). This could mean helping students to learn good habits of study, or reasoning, or interacting with adults, coping with adversity, or intellectual challenges (*positive* good behaviour). (Bennett 2017, 23)

Bennett’s ultimate focus on the positive liberty-enabling role of school leaders stressed their duty ‘to help create in students the habit of self-restraint or self-regulation . . . before students can consider themselves to be truly free’ (Bennett 2017, 23). But this allegedly

positive, responsabilising focus sat ‘in the shadow of coercion’ (J. S. Davies 2012). For example, Education Secretary 2016–18 Justine Greening (2017) noted in response to Bennett (who she appointed), that a reformed National Professional Qualifications framework for aspiring leaders would incorporate ‘evidence-based’ content on behaviour management. Underlining the erasure of race equality concerns from the production of accredited education leaders, the subsequent professional development framework (developed with a range of influential multi-academy trusts and education entrepreneurs; DfE 2020) refers only to special education needs and disability as an issue – and not as one of equal rights *per se* – in addressing behaviour management.

The Conservative’s positive strand of focus on cultivating ‘good’ behaviour is perhaps most consistently exemplified in policy on personal, character development, which is defined in policy terms as focused inward, on individual resilience, rather than outward, on critical notions of the collective good (Vincent 2019). Indeed, our policy text search found a variety of initiatives launched by the government during the period incentivising and praising schools for their focus on character, and encouraging young people to take responsibility in this vein, e.g. developing the capability to overcome challenges through National Citizen Service programme (DfE 2019), and engagement with the national military history through visiting WWI battlefields (DfE 2013). But this activity has also worked symbiotically with more coercive strategies. The revised 2019 government inspectorate (Ofsted) Inspection Framework made ‘personal development’ a core standalone requirement of successful inspection alongside behaviour, focusing on equipping learners:

To be responsible, respectful, active citizens who contribute positively to society; developing their understanding of fundamental British values; developing their understanding and appreciation of diversity; celebrating what we have in common and promoting respect for the different protected characteristics as defined in law. (Ofsted 2019)

We continue to discuss how Ofsted and Equality policy programmes together shape ‘speakability’ in the final data analysis section. But the above illustrates that in the midst of the contradiction of imposition of harsh austerity measures on people’s negative economic liberty, Conservative education policy sought to expand the negative liberty of the ‘personal, protected sphere’ (Brown 2018, 65). It did so by dismantling key democratic and race-related obligations/oversight on schools, and by re-claiming the importance of the family (expanding choice) and traditional values (individual behaviour, character) to positive liberty (self-realisation). This work involved a consent-coercion governing symbiosis that narrowed the speakability of race equality concerns, and implicitly or explicitly spoke back against them (Warmington et al. 2018). As explored in the next section, the ‘fundamental British values’ referenced above became sharpened as a tool for enabling the direct problematisation of anti-racist and faith-inclusive speech.

Problematising speech: preventing dangerous ideas, circulating British liberal truth

In a 2011 speech on countering radicalisation and Islamic extremism, Cameron called instead for ‘muscular liberalism’, which puts an end to ‘passive tolerance’ and is ‘hard nosed’ about the defence of liberty (Cameron 2011). In 2014, the ‘Trojan Horse’ affair,

exploited and led by Gove and the mainstream conservative press, alleged the Islamic corruption of the ‘freedom’ of certain Birmingham (UK) academy schools. This resulted in the introduction of a statutory Prevent Duty on schools, which explicitly forced the problematisation of speech against the fundamental British values of democracy, the rule of law, respect, tolerance, and individual liberty in schools (DfE 2015). Crucially, this legislatively expanded the schools focus from violent extremism to include extremist ideology or beliefs, with further stigmatising consequences for Muslim communities (Farrell and Lander 2019; Miah 2017).

Despite, or perhaps even because of its overt politicisation through the rhetoric of multicultural failure (Cameron 2011), and its clear position as central government control of education sites (HMG 2011), an important consent-building dimension of Prevent education policy is its representation as necessary, and virtually above politicisation. This is worked discursively through its focus on security, personal development through common values, and the representation of violence as located *in* extremists (i.e. *outside* the space of liberal governance). Consent for Prevent is worked organisationally through ‘strengthening’ measures such as staff training to give ‘them the knowledge and confidence to identify children at risk of being drawn into terrorism, and to challenge extremist ideas’, support of the Local Authority Prevent co-ordinators, risk assessments to decide child referral pathways, risk assessments of visiting speakers, and Ofsted monitoring (DfE 2015).

The discourse of free speech and the alleged necessity to intervene on negative liberty to defend against the extreme other is a key strand of consent-building for Prevent. Free speech in this context not designed to be shorn of instrumental objectives. Rather, it is to be channelled as a securitising method by practitioners, and it is a discursive tool to present policymakers as reflexive about accusations of state authoritarianism and Islamophobia. For example, the 2015 school guidance presents free speech as a route to understanding terrorist risk:

The Prevent duty is not intended to stop pupils debating controversial issues. On the contrary, schools should provide a safe space in which children, young people and staff can understand the risks associated with terrorism and develop the knowledge and skills to be able to challenge extremist arguments (DfE 2015, 5)

The reflexive defence against accusations of authoritarianism is clearly visible in certain rhetoric interrelating counter-terror (necessarily intervening on negative liberty) and character and citizenship education (cultivating positive liberty) ideas. For example, in her 2016 speech to Holocaust Education Trust, former Education Secretary 2014–16 Nicky Morgan likened Prevent activity to countering Nazism:

The Holocaust didn’t begin in the gas chambers. It began in the minds of a hateful, ignorant, dangerous few. That’s why my department has been so active in leading the fight against extremism in education and attempts to radicalise young people. [...] Learning about the Holocaust helps to do just that – not just informing young people’s history but helping them to understand the dangers of prejudice, bigotry and intolerance and in doing so making them more tolerant, more confident and more resilient as citizens too. (DfE, 2016b)

This incitement to ‘steel’ young people through the evacuation of historical context is common in political speeches from the period. It is particularly present in curriculum

rhetoric, which represents Britain as both historically/politically innocent, and an exemplary liberal democracy (Bhambra, Gebrial, and Nişancioğlu 2018). For example, a 2017 speech by Ofsted's Chief Inspector 2017-present Amanda Spielman on core civic knowledge interrelates Western civil rights struggles and British values with a vague idea of 'debates':

A strong civic education includes a rich and deep curriculum in subjects such as history, English and geography – to name just a few. Learning, for example, through history lessons about the struggle for democratisation in Europe, or about civil rights through studying American literature. And while we don't necessarily teach these subjects with promoting British Values in mind done well they should encourage those very debates. Through them, pupils should learn how we became the country we are today and how our values make us a beacon of liberalism, tolerance and fairness to the rest of the world. (Ofsted 2017)

The above rhetoric is more celebratory than defensive, predicated as it is on the government's revision of the national curriculum to focus on traditional 'core knowledge' (Craske 2021). Despite the increasing challenges made by decolonising movements to Britain's imperial legacy around this time (Bhambra, Gebrial, and Nişancioğlu 2018), right-wing populism, exemplified by the 2016 Brexit vote and an increasing 'meta-debate on the salience of racism' (Titley 2020, 31) became increasingly influential in government, particularly after Boris Johnson's 2019 appointment as Prime Minister.

Government responses to the major challenge posed by Black Lives Matter (BLM) movements in 2020 were an important point at which right-wing 'anti-woke' politics translated directly into education policy discourse. A Commission on Race and Ethnic Disparities (CRED) established by Johnson in response to BLM claimed there was no evidence of systemic or institutional racism in education, and accused young activists of 'cleaving to a fatalistic account that insists nothing has changed' (Commission on Race and Ethnic Disparities 2021, 233). At this point, the problematisation of progressive speech became an explicit target. In October 2020, Women and Equalities Minister Kemi Badenoch stated in parliament that teaching 'white pupils about white privilege and inherited racial guilt' as fact 'is breaking the law' (UK Parliament 2020). In May 2021, Education Secretary Gavin Williamson (2019–2021) warned school headteachers to be impartial on 'the Israel-Palestine conflict' because of antisemitism concerns (Williamson 2021). In July 2021, Williamson introduced new legislation aimed at more stringently enforcing universities and student unions 'protection' of speech (DfE 2021a; UK Parliament 2023). Focusing particularly on issues of racism and British empire, his successor Nadhim Zahawi introduced guidance on *Political Impartiality in Schools* (DfE 2022b) in February 2022, to remind schools of their duties to avoid political 'bias' under the 1996 Education Act.

The guidelines expanded upon the thin, technical defining of 'debate' in the national secondary curriculum (DfE 2014b), as the art of argumentation. They did so by identifying certain areas that should be considered above debate, such as the need for 'challenging discrimination and prejudice, including racism' (DfE 2022b). However, crucially, the guidelines introduced the problematisation and governance of the space of *potentially* untrue, 'contested' ideas. As one of a number of exemplars provided to schools, the guidance states:

When teaching pupils about racism, teachers should be clear that racism has no place in our society and help pupils to understand facts about this and the law. Where schools wish to teach about specific campaigning organisations, such as some of those associated with the Black Lives Matter movement, they should be aware that this may cover partisan political views . . . Examples . . . include advocating specific views on how government resources should be used to address social issues, including withdrawing funding from the police. (DfE 2022b)

In line with the framing of Britain's liberalism as virtually beyond politicisation, and in line with much right-wing populist sentiment (Lentin 2018), together the above political rhetoric and statutory duties indicates how the only truth policy can derive from anti-racist and anti-colonial struggle is that individual racism is wrong. Knowledge of embodied experience and structural racism is framed as 'partisan', potentially untrue, and an alleged potential threat to (white) children's positive liberty. Thus, the claims to vulnerability of groups identifying structural forms of racism is by definition, undermined by their designation as contested. As we explore further below, the overt problematisation of who is truly vulnerable shares some overlaps and differences with government's agenda to 'protect free speech' in HE.

Indexing vulnerable subjects, and ensuring accountability to the 'truly' vulnerable

In a report preparing for the UK HE Freedom of Speech Bill (now Act) in 2021, Education Secretary Gavin Williamson proclaimed government to be 'on the side of liberty' in HE. Williamson decried those whose claims to vulnerability are unacceptable: those who 'prioritise emotional safety over free speech, or who equate speech with violence', and create a 'creeping culture of censorship' which does not recognise the need for all kinds of ideas, including the 'downright offensive' to flow in the search for transformational ideas (DfE 2021a, 4–5). The rhetoric around the Act focused on individual speech rights/negative liberty, and moral accountability for injurious speech appeared to be almost ignored. However, there are two ways *truly* vulnerable subjects are constituted in the HE legislation and report documents. The first are those fleeing authoritarianism for liberal Britain:

When I was younger, there was widespread consensus that the UK had done the right thing by offering Salman Rushdie sanctuary after he became the subject of a fatwa for publishing 'The Satanic Verses'. It was a mark of our free and liberal society. (Education Secretary Gavin Williamson in DfE 2021a, 4)

In the legislation itself, the second way of constituting truly vulnerable HE subjects is the legal definition of those for whom accountability is due: those subject to unlawful speech which promotes terrorism, offends public order, or stirs hatred on the grounds of race, religion, or sexual orientation (DfE 2021a; UK Parliament 2023).

In line with earlier discussions of speakability, the school-focused policy documents are distinguishable from HE documents in the two additional ways they classify the truly vulnerable: (a) by implicitly prioritising protected equality characteristics of gender and sexuality over others, and (b) by citing universalist notions of age-appropriateness as a consideration for school-based speech. First, Ofsted (2021a) brought forward a new

document on the requirement to teach protected characteristics under the Equality Act (2010) in all schools:

The curriculum should be planned and delivered so that children develop age-appropriate knowledge and understanding during their time at the school. In secondary schools, this includes age-appropriate knowledge of the protected characteristics of sexual orientation and gender reassignment. (Ofsted 2021a)

In theory, the above requirement to ‘teach protected characteristics’ could refer to classroom exploration of race or faith equality. In reality, the above document cites two policy programmes which have been used to pit race and faith against other equality concerns. The language of protected characteristics is drawn from the Equality Act (2010), which replaced the Race Relations Act, Sex Discrimination Act and Disability Discrimination Act, and which informed Ofsted’s earlier removal of requirements to inspect race equality standards (Warmington et al. 2018). The above quoted Ofsted guidance is explicitly designed to support inspection of recent compulsory Relationships and Sexuality Education (RSE) curriculum (DfE 2021b).

Gender and sexuality are circulated as *the* priority, vulnerable protected characteristics in related documents: Ofsted’s (2021b) guidance on the separation of boys and girls (in response to their court case against an Islamic faith school), and DfE efforts to combat gender and sexual violence in *Keeping Children Safe in Education* (DfE 2022a). While this vigilance against gender and sexual inequality appears positive, gender and sexuality have been routinely weaponised in education and judicial discourse as ‘British’ values implicitly lacking in Muslim communities (Kitching 2022; Miah 2017; Vincent 2022). At the same time, actual deep concern for gender and sexuality inequalities in the Equality Act 2010 guidance is limited, due its absence of addressing accountability for harmful, but lawful speech. For example, the guidance advises schools they can ‘expose pupils to thought and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic’ as long as ‘the way in which issues are taught’ does not subject pupils to discrimination” (DfE 2014a, 14). Citing a list of scenarios such as a Jewish pupil objecting to studying the Merchant of Venice, or a boy complaining about having to take a module on feminist thought, this guidance disregards the differing material vulnerability of critics of injurious material.

Second, with regard to age-appropriateness, the *Political Impartiality* guidelines state ‘no subject is off limits [...] as long as it is treated in an age-appropriate way’ (DfE 2022b). The concept of ‘age-appropriateness’ invokes a fictional idea that children go through universal stages of becoming conscious of issues such as race inequality. In reality, Black children in the UK persistently experience adultification, i.e. being viewed as less vulnerable than their peers, and are thus treated more punitively through strict behaviour policies (Commission on Young Lives 2020). Schools are also reminded in the guidance there is also ‘a direct prohibition of partisan political activity’ by those under the age of twelve in schools due to their ‘developmental stage’ (DfE 2022b). It is notable, in the context of the massive discursive labour put into Prevent and FBVs, the engagement of children and young people’s voices is only explicitly required in two sets of policy documents – neither of which directly refer to their free speech. The first is the duty to

ensure ‘the child’s wishes and feelings are taken into account’ (DfE 2022a, 26) when acting on a safeguarding concern. The second is the gathering of evidence from pupils by inspectors on issues such as the quality of teaching, effectiveness of anti-bullying and behaviour policies, the climate of peer respect and feelings of safety in the school (Ofsted 2020, 2021b). As such, children and young people’s expression is required to be solicited only in the instrumentalised context of inviting them to participate in the surveillance of schools and other spaces.

Discussion: policy, speech and speakability in global and local contexts

This paper is the first to systematically address how right-wing populist discourse on political, i.e. race and faith equality-based speech influences and aligns with policy in a national, school context. The direct problematising of speech in English policy is visible in two key policy programmes: counterterrorism and political impartiality. These programmes have distinct centrist and right-wing populist origins (Kurylo 2022). But they share common ground in constructing the necessity to intervene coercively on the negative liberty of the ‘truly’ vulnerable in order to protect their positive liberty, i.e. capacity for self-realisation, from the dangerous other. Both programmes deploy an affective resonance of threat, share practical similarities such as speaker vetting, and evaluation/accountability requirements, and expect the exceptional nature of British liberal democracy to frame equality activities and debate. These similarities are not surprising, as a vague notion of extremism has long been unmoored in counterterrorist governance internationally from specific terror groups to all sorts of ‘attitudes, mindsets and dispositions’ (Kundnani 2017, 148), enabling, in the English case, the expansion of speech governance to ‘contested’ ideas that are allegedly dangerous to vulnerable schoolchildren.

While often coercive in approach, policy which problematises speech in this context also seeks to build consent (J. S. Davies 2012; Gramsci, Hoare, and Smith 1971). It is cautious about potential accusations of state authoritarianism, and thus calibrates its scope. Political impartiality guidance, rather than directly identifying anti-racist movements to be false, introduces the undermining category of the ‘contested’ or ‘potentially’ untrue. ‘Free speech’ and ‘debate’ is encouraged under Prevent but is instrumentalised towards securitisation goals, or is evacuated of socio-political context. Moreover, these programmes are accompanied by official rhetoric, legislation, and guidance which present race and faith equality as characteristics protected by the benign, liberal state, rather than fragile forms of legal recognition that social movements not only struggled to win, but must struggle to uphold in the context of their designation as ‘contested’ groups with ‘partial’ knowledge.

But crucially, these policy moves do not stand alone; we argue such interventions on speech are embedded within a wider, more complex governance of the speakability of race and faith equality issues across policy programmes. The weakening of race equality oversight in favour of the somewhat depoliticised official language of holding schools accountable all children was accompanied by rising, right-wing populist, Brexit-related framing of achievement gaps as a white British concern. These policy and political movements did not translate into white working-class specific measures at national level, potentially as care for the white working class was not the core concern of

austerity-focused Conservative government. Rather, they facilitated a policy climate which allowed later, direct problematisations of progressive speech. But at the same time, much of the policy discourse which narrows the speakability of race and faith equality issues does so persuasively by focusing on cultivating positive liberty, or individual self-realisation, for the ‘good’ child (and school) through a mix of ‘effective’ measures, e.g. instilling traditional values of good behaviour, hard work, and engagement of what ‘modern Britain’ has to offer (Vincent 2019), and prioritising gender and sexual equality in shallow ways over race and faith equality.

‘Protecting free speech’ in HE and protecting schools from progressive speech

The analysis indicates that English school policy discourse is sympathetic to adult/HE-focused free speech policy, in their shared aim to cultivate a sense of ‘civic vigour’, where free-thinking environments correct or pre-empt students’ potential for ‘subjective fragility’ (Tittle 2020, 123–124). However, age-appropriateness and impartiality guardrails on political speech in schools is a point of distinction from adult/HE-focused policy discourse. There are two main effects of ‘age-appropriateness’ as a device functioning to constitute the truly vulnerable in school policy texts. The first, in relation to discussing ‘contested’ issues, is to elide the socio-political conditions of vulnerability facing racially minoritised youth. Second, ‘age-appropriateness’ caters to a majority conservative/right wing concern about the normalisation of LGBTQ+ inclusive education, which sits in tension with the government policy desire to regulate minoritised conservative religious groups considered a threat to ‘British’ values (Kitching 2022; Miah 2017). It could be argued policy distinctions on political speech between schools and HE simply reflects the centuries-old differences in their communicative norms. But any perceived contradiction between ‘free’ and ‘restricted’ speech norms in HE and schools hides similarities between both contexts. As indicated by Prevent policies which apply across the education sector, conservative and certain liberal representations of young people as becoming fully rights-bearing, free-thinking selves when reaching adulthood neglect how disciplinary power subjectifies in specific ways across all communicative contexts of education (Foucault and Gordon 1980; Mondal 2018).

The question of bans: looking to wider conditions of speakability

Right-wing problematisations of progressive speech in education policy transnationally have manifested in varying degrees of coercion, including bans on or de-funding of CRT and LGBTQ+ inclusive education in certain states (Goldberg 2021). It is tempting to reduce the focus of research in these areas to a socio-legal question of speech rights. But a conjunctural analysis demands that we examine the complex balance of economic, social, and political forces, coercion-consent dynamics, and contradictions of negative liberty being mobilised across multiple neoliberal education policy programmes, in order to understand the political possibility of such direct incursions on speech happening (Gramsci, Hoare, and Smith 1971; Hall 1979). For example, at the same time that current Florida Governor Ron DeSantis’ culture war bans on anti-racism, sexuality and gender identity have been vilified, he has been praised by segments of minoritised voters for

substantial expansions of scholarship and school choice programmes allegedly designed to ‘empower’ vulnerable families to escape ‘bad’ schools (Mattox 2023).

The problematisation of speech is thus part of a ‘war of position’ on multiple domains of speakability, whose strategies are not always readily classifiable as repressive (Apple 2006; Gramsci, Hoare, and Smith 1971), and a focus on the problematisation of speech alone can risk a simplistic labelling of education policy regimes as liberal or authoritarian. Indeed, Global Southern governments that may be classified as authoritarian share similarities with Northern states in their translations of right-wing negative liberty rhetoric into policy. For example, Estellés et al. (2023) compare how the Ministry of Education in Bolsonaro’s Brazil publicly opposed students’ ‘indoctrination’ through ‘cultural Marxism and ‘gender ideology’ in schools, while Spain’s Vox party recently won regional battles for ‘a curriculum free of ideologies’ in citizenship, digital and sex education (Estellés, Oliveira, and Castellví 2023, 8). Yet a transnational focus does require us to attend to the different perceived forms of loss that are convertible into certain right-wing populist policies in a given conjuncture (Clarke 2019). While English policy has expanded the negative liberty of the ‘personal protected sphere’ (Brown 2018, 65) by spotlighting school choice, responsibility, and behaviour, Poland, Brazil, and Hungary have in recent years aggressively focused on perceived threats to the heterosexual family and majority religious rights in their state-wide LGBTQ+ curriculum bans (Estellés, Oliveira, and Castellví 2023; Neumann 2022). Alternatively, Conservatives in the UK have maintained Labour’s residual social democratic tendencies in the form of protected equality characteristics, arguably in part because they routinely weaponise them in specific ways (e.g. protecting women and LGBTQ+ communities) to position Britain as a ‘beacon’ of freedom on the global stage (Kitching 2022).

The simplest answer as to why the UK government has stopped short of banning CRT specifically, and the reason it calibrates its scope on free speech may be that the ‘balance of forces’ it contends with may not enable the necessary degree of consent to make such bans happen (Hall 1979). Despite declining policy influence since the Thatcher era (Bonnett and Carrington 1996), teacher unions, professional associations and advocacy groups do significant work (as they do internationally) to resist attempts to curb progressive speech in schools, as seen for example, in responses to the Political Impartiality Guidelines (Begum 2022). But the re-emergence of ‘anti-anti-racist’ policy influence in England (Bonnett and Carrington 1996; Gillborn, Warmington, and McGimpsey 2022), legislative crackdowns on protest (Prime Minister’s Office 2023), a new ban on attending protests during school related to pro-Palestine activism (DfE 2024) and recent revelations that the Department for Education keeps files on its critics’ social media activity (Fazackerley 2023) indicates attempts to impose measures such as outright national bans on anti-racist speech are never beyond the realm of possibility.

Conclusion

This paper has, for the first time, presented an anatomy of the position of right-wing populist politics of free speech within wider education policy. Right-wing free speech populism is nakedly cynical, and has a conjuncture-specific nature which exploits and/or constructs particular political, social, and economic crises. We have argued that the policy problematisation of speech needs to be seen from the perspective of the overall

negative liberty contradictions governance seeks to manage. Rather than focus largely on critique of right-wing populist, affectively-charged rhetoric, our approach has incorporated a broad and deep critical analysis of national policy texts across a variety of fields (counter-terrorism, safeguarding, equality, curriculum, inspection, school governance), using a two-stage thematic and discursive method. We have identified specifically how policy in the English school context seeks to narrow the speakability of race and faith equality concerns through the production of ‘good’ schools and citizens, the calibrated problematisation of ‘free’ speech in the context of Britain’s allegedly exemplary liberalism, and the evaluation of who is truly vulnerable, and thus deserving of accountability for injury. This careful, broad, and deep approach is important for the development of robust approaches to this highly polemicalised field, where binaries of ‘free’ and ‘cancelled’ speech risk drowning out the more mundane, anti-democratic, evolving ways political expression in schools is made (im)possible.

While noting the distinctions between child-focused school and adult-focused HE policy trends relating to political speech, we have also demonstrated the sympathy these policy domains share. This sympathy is significant for schools and youth, because the HE policy demand that offensive ideas be explored and debated neglects youth experiences of racism and religious intolerance prior to adulthood. In turn, the requirement to present socio-political issues in ‘age-appropriate’ terms in schools entirely negates the different trajectories young people experience with respect to race, faith, and intersecting inequalities. While we view official policy statements and policy enactments as discursive rather than *a priori* separate, hierarchical entities, this paper will support further empirically and conceptually rigorous policy translation and enactment research on school-based political speech within and across diverse global education policy contexts. In particular, we are keen for this work to support analyses of constellations of more or less coercive school policy approaches, to help understand the futures of neoliberalism, democracy, and resistance.

Notes

1. While some of the policy texts we analyse apply to all four UK jurisdictions (e.g. counter-terrorism duties), school policy is largely devolved and our focus is on England, by far the most populated UK nation.
2. The term ‘expression’ is used here to denote forms beyond spoken or written language, e.g. clothing, demonstrations, music, art, prayer.
3. Davies and MacRae (2023) trace the history of the term ‘woke’ from its origins in pre-World War II African American vigilance against racist persecution, to contemporary BLM activism, to the separate commodification of ‘wokeness’ by corporate marketing, and its use as a slur by right-wing commentators to signify progressives’ intolerance and irrationality.
4. Berlin’s preference for negative liberty was also based partially on a downplaying of colonised subjects’ desires for emancipation from Western liberal democracies (Hesse 2014).
5. While we limit our scope to ‘official’ policy texts, the period 2010–22 saw the rise of some key influential education policy networks including thinktanks, pressure groups and special advisors to government (Ball 2021; Lingard and Sellar 2012). Gillborn et al. (2022) map certain individuals within overlapping networks as moving closer to the centre of government influence during the period, including those committed to racist views of intelligence (IQists), authoritarian educators focused on strict discipline, and anti-anti-racists.

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