Free speech fashion in high schools

FREE SPEECH FASHION IN HIGH SCHOOLS: SOME INSINUATIONS

Free speech is a basic feature of free societies. But free societies in our contemporary world are also plural societies. People with different, often conflicting, beliefs, lifestyles, sexuality or ideologies live and work together under constitutions, laws and statuses that seek to promote equality as well as freedom for all. Often these features of our societies find conflicting expressions. Take the case of a T-shirt with the inscription " Homosexuality is Shameful" worn by Tyler Harper, a high school student, to express opposition to his school's accommodation of gays and lesbians.

This is a typical example of what is happening in the larger world— the conflict between legality/constitutionality and morality, secularity and religiosity, conservatives or right wing and liberals or left wing, etc. In this case, however, the subjects may be considered minors and as such require school authority's censorship or parental control. Harper's action was therefore seen as a violation of dress code of the school and was also inflammatory. This was the school authority's stance, which was later affirmed by a court of law. What are the implications of the court verdict? Free speech is embodied in the Bill of Right contained in the First Amendment to United States Constitution. Every citizen is covered by this constitutional proclamation. The same proclamation is interpreted by courts, the Supreme Court as in the case of Joseph Fredrick's banner carrying the words " Bongs Hits for Jesus" and a District Court in Harper's case, to pass controversial judgments. In Harper's case the question is whether the inscription on the T-shirt really ' injurious' and ' derogatory' to homosexuals or not. Harper's way of expressing his belief was provoked by school authority's action. Thus he intently wanted to pass the message to the

school authority while condemning the action of others, whose actions do not necessarily directly affect the essence of his being in school. As such it can be interpreted to be an affront to the minority status of homosexuals in the school. By stopping him from wearing the T-shirt, actually an infringement of his freedom, the court is protecting the rights of other students, who are more vulnerable in the school community and the society at large. Thus, the courts judgement is not an arbitrary infringement of rights but defensive infringement.

Should the school authority restrict the exercise of freedom of speech in schools? As a training ground should it restrict the practice of the values that sustained the American state? The school is legally backed to control the exercise of constitutionally proclaimed rights in discharging its ' moral' and institutional responsibilities. The Supreme Courts judgment on Frederick affirms this. In fact in the case of Harper, the school authority was strangely defending the right of the vulnerable and those whose actions are considered in some quotas as immoral. Thus schools should as much as possible be shielded from the politics that usually haunt the larger society to the extent that judgements of courts are easily pre-emptively politicized.

On balance, it seems thus that Harper' action and the court's vis-a-vis the school authority's response are attempts at prettifying the Bill of Right. They also blur the line between individual rights and respect of other peoples' rights. Certainly, the school authority must be empowered to control inanity of students especially when their actions are capable of directly or indirectly infringing on the rights of others. While the school is part of the larger public, it must be protected from undue political permeation.

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