

SOCIETY IN CHANGE

EDUCATIONAL AND
SOCIAL PERSPECTIVES

EDITED BY

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Society in Change

Educational and Social Perspectives

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From the Editors

Despina Karakatsani, Jarosław Kinal, Mariola Kinal

Contemporary social sciences and humanities operate within a space of intense epistemological, institutional and cultural transformations that redefine both the objects of analysis and the tools used to study them. Globalisation, technological acceleration, transformations of the welfare state, the reconstruction of collective memory and the erosion of traditional forms of political representation create conditions in which older explanatory paradigms prove insufficient. The present collective volume seeks to capture selected aspects of these processes through a set of studies which, although situated in different thematic fields, share a common analytical perspective: an attentiveness to the mechanisms of social, institutional and cultural change in Europe at the turn of the twenty-first century.

The opening text by Orfeas Alexios Xanthoulis contributes to a growing body of literature on the transition of the university from the Humboldtian model to the so-called neoliberal university. The transformation reconstructed in this chapter encompasses, among other things, the redefinition of academic autonomy, the recasting of the relationship between research and teaching, the increasing dominance of managerial tools and the intensification of external quality-control mechanisms. The author argues that the “world of knowledge” – understood as a space for the production of autonomous, epistemically motivated knowledge rooted in the academic ethos – is gradually being supplanted by a “world of interests” dominated by the logics of efficiency, measurability, competitiveness and standardisation. This shift is part of a broader process of institutional rationalisation, characteristic of the European higher-education reforms following 1999, and it results from a combination of comparative policy, indicator regimes and structural economic pressures.

The chapter by Andrzej Chudnicki and Anna Chudnicka introduces an important normative and diagnostic theme concerning contemporary models of educational support. Drawing on statistical data and on the legal framework regulating the education of students with special educational needs, the authors describe a phenomenon they term transinstitutionalisation – the transfer of institutional logic from care and therapeutic

systems into mainstream education. Embedded in critical perspectives drawn from disability studies and the sociology of medicalisation, the study shows that contemporary education policy, despite its declared shift toward an inclusive model, continues to reproduce mechanisms of selection and segmentation, reinforcing a diagnostic-therapeutic understanding of educational difficulties. The growing share of students with formal diagnoses appears not so much as evidence of genuine epidemiological change as of the cultural and institutional adaptation strategies pursued by schools, parents and experts. The chapter thus contributes to debates on the crisis of “education for all” and highlights the tension between declared and operationalised inclusion.

Carolina Ferraro then analyses nostalgia as a force that constitutes contemporary political identities. Working with the conceptual frameworks of Hannah Arendt, Milan Kundera and Zygmunt Bauman, she reconstructs the theoretical vocabulary that explains how the past becomes a political resource activated under conditions of crisis of authority, destabilisation of symbolic structures and erosion of traditional interpretive frames. Her reading of the television series *M: Son of the Century* offers an example of the performative reworking of the past, in which audiovisual media not only represent history but also reinterpret it and inscribe it within current identity narratives. Bauman’s notion of Retrotopia serves as a diagnostic instrument for understanding how nostalgically constructed visions of the past compensate for deficits of the future and uncertainties of the present. The chapter shows that nostalgic imaginaries can function as forms of political mobilisation, sustaining or reconfiguring the meanings attached to historical events.

Paraskevi Alexandrou’s chapter on Gender Equality Plans makes a significant contribution to the analysis of structural inequalities in higher education. The studies she synthesises consistently argue that, despite a marked increase in the participation of women in academic life, universities remain gender-hierarchical organisations. Although Gender Equality Plans are designed as instruments of structural change, they are frequently subjected to the logic of instrumental implementation, shaped by funding requirements or the pressures of European programmes. Weak support structures, limited resources, the absence of in-depth data analysis and an organisational culture grounded in informal norms that favour the reproduction of inequalities all suggest that gender-equality policy must be embedded much more deeply in institutional missions than is currently the case. The chapter also demonstrates how strongly European higher

education is shaped by contradictory logics, oscillating between the declaration of equality and structures that perpetuate the privilege of certain academic groups.

Jaroslav Kinal's chapter on technological determinism speaks to the renewed interest in the relationship between technology and social change. The author reconstructs both historical and contemporary varieties of determinism – from historical materialism, through classical media theory, to platformisation and artificial intelligence – showing that the simple thesis “technology drives history” is at once attractive and problematic. He argues that today's leading analytical models (the Social Construction of Technology, Actor-Network Theory, sociomaterial approaches) advocate relational accounts in which technologies do not unilaterally determine societies but co-create networks of interaction with them. The chapter is a useful reminder that technology is simultaneously a material and a symbolic phenomenon, embedded in culture, legal systems and user practices.

The volume concludes with a chapter by Andrea Di Carlo on *parrhēsia* in the United States and the jurisprudence of the Supreme Court. Drawing on Michel Foucault's late writings - in particular *The Courage of Truth* - the author argues that civil-rights activists in *New York Times Co. v. Sullivan* (1964) and the secondary-school pupils in *Tinker v. Des Moines* (1969) embodied *parrhēsia*, the courageous practice of telling the truth at one's own risk. Drawing on the conceptual vocabulary of Foucauldian Cynicism and biopolitics, the chapter contrasts the rights-expansive jurisprudence of the Warren Court with the disciplinary turn of the Burger Court, and reads *Bethel School District v. Fraser* (1986) as a constitutional carveout that recalibrated the boundaries of acceptable speech in the school environment. The chapter thereby links a Foucauldian analytics of power with a careful legal-historical reconstruction of First Amendment doctrine, and brings to the volume a perspective in which philosophical and juridical vocabularies illuminate one another.

Taken together, the texts collected in this volume offer a multifaceted diagnosis of contemporary social change, showing that institutions, technologies, collective memory and educational practices are sites of constant negotiation and dispute. The volume is an attempt at an interdisciplinary engagement with these phenomena, animated by the conviction that an adequate understanding of the present requires a combination of theoretical perspectives, empirical contexts and critical reflection on the mechanisms of change.

Chapter 1

Reconfiguring the University: From the “World of Knowledge” to the “World of Interests”

Orfeas Alexios Xanthoulis

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Introduction

Returning to traditional academic values such as institutional autonomy (Niemczyk and Rónay, 2023) and academic freedom (Pianezzi et al., 2020) in 2025 may not strike the reader as a novel undertaking; one might even suspect it of belonging to the genre of “analysis for dummies.” Yet it is hardly possible to ignore that, both at the European level (see, for example, the most recent legislative initiatives concerning higher education, discussed in Brent, 2023; EUA, 2024; European Commission, 2025, pp. 306–317; McKie, 2025) and globally (the cutting of research funding for political reasons under the Trump administration being only the most conspicuous example, see Cornwall, 2025; Harvey, 2025; Rosenberg, 2025), we are once again confronted with the erosion of the theoretically idealised image of the university - a development that compels a renewed reflection from first principles. At the same time, despite the markedly “competitive” and “externally controlled” character that has been promoted in recent decades as the desirable status quo of academic life, the imperative of safeguarding fundamental aspects of the academic enterprise has not vanished as a value (Council of Europe, 2025; EUA, 2025; Kalweit, 2025; Rieu, 2022). Building on these observations, the present paper aims to contribute to the ongoing debate about the changing role of the university up to the present day. The analysis is conducted by means of an in-depth literature review (Paré and Kitsiou, 2017; Snyder, 2019). At its core lies the tension between two opposing paradigms: the university as a “world of knowledge” and the university as a “world of interests” - terms inspired by Neave (2006). The “world of knowledge” designates the

classical framework of the university, close to Humboldt's theoretical conception (Hohendahl, 2011), grounded in the ideal of intellectual autonomy and in the pursuit of "knowledge for the sake of knowledge itself" (Piller, 2020). The "world of interests," by contrast, refers to a university increasingly shaped by neoliberal imperatives such as accountability, applied science, efficiency and performance (Jongbloed, 2015; Kupriyanova et al., 2018; Sorzano et al., 2014). The chapter first sets out the core characteristics of the "world of knowledge" university and then turns to the challenges that arise within the "world of interests" framework. The principal focus of the latter section is European higher-education policy with regard to quality assurance and the consequences such policies have for the reconfiguration of the university's role and for the changing priorities governing the production and dissemination of scientific knowledge. From this vantage point, the university appears not only as the birthplace of scientific knowledge but also as a mirror of shifting societal values and power relations. The chapter concludes by arguing for renewed engagement with the theoretical roots of the university and for a rethinking of its institutional role in the light of contemporary social and political challenges.

From the World of Knowledge...

When the university is considered as a "world of knowledge" (Neave, 2006) in relation to Humboldt's idea of *Wissenschaft* (Ash, 2006; Hohendahl, 2011), science is held to operate independently of external influences, constituting a form of intellectual activity that contributes to society precisely by remaining autonomous from it. In simpler terms, Humboldt's notion of *Wissenschaft* emphasises that scientific pursuits are not confined to the practical application of knowledge in social contexts; they extend to a deeper intellectual autonomy that allows scholars to contribute to society while preserving a measure of detachment from social pressures (Reble, 2008). The concept of *Wissenschaft* thus encourages a holistic understanding of science as a free and autonomous pursuit of knowledge - a pursuit that can exert significant influence upon society precisely because it preserves its intellectual integrity (Rassis, 2004). With regard to the role of the state vis-à-vis the "world of knowledge" university, the state's task is to create an environment that fosters the pursuit of knowledge, ensuring that the university acts as a "lighthouse" of intellectual freedom and contributes to the broader well-being of society (Elton, 2008). Within this framework, the university is more than a centre of education: it becomes a symbol of intellectual autonomy and of cultural and cognitive

development. From this perspective, the university is not merely an educational institution but the embodiment of the concept of *Bildung* (Sorkin, 1983). It functions as a space where the pursuit of knowledge is shielded from external pressures, cultivating an environment in which the academic community can flourish independently.

Within this framework two core academic values can be identified, both of which remain arguably relevant today: institutional autonomy and academic freedom. Institutional autonomy entails (Bennetot Pruvot and Estermann, 2018; de Boer and Enders, 2017; Neave, 2012) the self-governance of the university and a collective responsibility for its internal affairs, with the academic community itself playing a central role in administration. The principle of autonomy underscores the idea that members of the academic community ought to have a predominant influence on the institution's decision-making processes. Governance and management of academic institutions, conducted within the bounds of university administration alone, are of paramount importance to institutional autonomy. Furthermore, the ethical framework of shared responsibility - extending beyond the boundaries of individual roles - is vital (Lackner, 2024).

Closely related to institutional autonomy is the concept of academic freedom. Academic freedom (Proctor, 1991; Wittrock, 2006) can be defined as the freedom of teaching and learning together with the protection of the right to articulate and advance scientific truths in the public sphere. The notion of freedom is also bound up with the very practice of scientific research - that is, with the pursuit of “pure” science and its enrichment through the discovery of new knowledge, even when the findings stand at odds with established societal or political norms. Linked to this is the temporal dimension of academic work. Within academia, the permanence and stability of research staff are seen as conditions that provide the necessary time frame for teaching, study and research (Neave, 2006). This so-called “time freedom,” often associated with the notion of “slow science” (Stengers, 2018), is essential for fostering an environment in which scholars can engage fully with their disciplines, conduct rigorous research and make a substantial contribution to the advancement of knowledge. It affords academics the time required for quality work, for exploring and deepening their research questions, and for undertaking long-term projects that may not yield immediate results but nevertheless contribute substantially to scholarly dialogue (Berg and Seeber, 2016; Vostal, 2015). A further parameter of academic freedom stems from Humboldt's vision and concerns what he termed “unity”: the indissoluble relationship between teaching and research

(Albritton, 2006). On this view, research and teaching are not merely interrelated practices but operate in a condition of reciprocity, each benefiting from the other (Anderson, 2004). “Unity,” as a value, rests on the conviction that scholars benefit from active involvement in teaching and that, conversely, teaching becomes more creative and qualitatively richer when conducted by individuals actively engaged in research (Teichler, 2014). The principle of unity reflects a holistic approach to academic life, in which the symbiotic relationship between teaching and research is regarded as a precondition of a flourishing academic environment (Albritton, 2006).

...to the World of Interests

Since the first signs at the start of the 1960s (Hohendahl, 2011) - and, more intensely, from the end of the twentieth century to the present (Trow, 2007; Wheelahan, 2022) - the academic core sketched above has become less central to higher education, displaced by another set of characteristics centred on economic rationality, external evaluation and quality assurance (Pabian et al., 2011; Smit and Hessels, 2021). Quality assurance, as a practice, may be defined as the systematic process of monitoring and evaluating a product or service to ensure that it meets specified requirements (Sadler, 2012). It is characterised by structured procedures and evaluation patterns based on standardised, objective criteria for measuring scientific performance (Henkel, 1998). The term “quality assurance” emerged in the early twentieth century, but it was not until after the Second World War that it gained prominence in the industrial sector, initially in the United States and subsequently in other major industrial powers (Hamid et al., 2019; Kayyali, 2024). The industrial sector, driven by the constant demand for greater productivity, found itself compelled to develop a more systematic and resilient quality-control system (Barone, 2023). The result was the establishment of objective and quantitative measures designed to prevent defects and to optimise the quality of marketable products, as well as to control the entire product lifecycle from manufacturing to distribution and consumption (Ahmed, 2010).

This pattern of product evaluation soon emerged in higher education as well. From the 1960s onwards (Kayyali, 2024) several factors began to exert significant pressure on the higher-education sector. First, the massification of higher education led to a rise in student numbers and, consequently, to an increase in academic and administrative staff. These developments expanded the operational needs and public expenditure of universities (Trow, 2007). At the same time, the volume of scientific information

increased rapidly, raising concerns about the consistency and effectiveness of academic work (de Solla Price, 1971). These circumstances generated the need to establish systems of external control and to make universities accountable to state institutions (Henkel, 1998; Trow, 2007). In short, the framework for evaluating educational programmes, research output and other administrative functions came to be set by external evaluation bodies rather than by the internal organs of the university (de Boer and Enders, 2017).

Quality assurance was first introduced legislatively into higher education in the United States in 1965 (Rhoades and Sporn, 2002). The relevant legislation established a series of external evaluation criteria for the certification and funding of higher-education institutions, criteria designed and implemented by external accreditation bodies (Dougherty and Natow, 2020). The U.S. external-evaluation system was subsequently adopted internationally, serving both as external validation of an institution's quality and as a precondition for funding. In Europe, external evaluation gained traction from the 1980s and even more so from the late 1990s onwards (Rhoades and Sporn, 2002). The Bologna Process (1999–) is a sequence of initiatives aimed at creating a unified European Higher Education Area, characterised by shared standards and criteria to which higher-education institutions are required to adhere (ENQA, 2024; Shams et al., 2012). To facilitate the design and implementation of these criteria, each member state established a quality-assurance agency operating on the basis of ENQA standards (ENQA, 2022; ESG, 2015).

Turning to the political and economic context, the absence of a uniform pattern across diverse European systems does not preclude the identification of a discernible convergence of trends in higher-education policy in recent decades. A noteworthy illustration is the so-called European Paradox (Dosi, 2006). The notion was introduced by the European Commission in 1994 to describe the perceived inability of European research achievements to be standardised and exploited as resources by government, business and industry (Albarrán et al., 2010). The Paradox rests on the observation that, although European higher-education institutions occupy a leading role in achieving global scientific excellence, a marked weakness has been identified in converting that excellence into innovation, development and productive use of knowledge capital (Herranz and Ruiz-Castillo, 2011; Ruiz-Castillo, 2019). This weakness is particularly pronounced in comparison with higher-education systems such as those of the United States and China (Huber, 2016). To address the Paradox, the so-called knowledge triangle was proposed (Maassen and Stensaker, 2011): a project linking scientific research,

cognitive training and innovation, with the aim of integrating world-class research with industrial competitiveness through optimal strategy, investment in innovation and convergence between the public and private sectors (Borlaug and Aanstad, 2018; Unger et al., 2020). The Bologna Process provided the institutional framework for this new economic and political direction (Gornitzka, 2007). Its primary objective, from the late twentieth century to the present, has been to align the higher-education systems of all European Union member states with the demands of the labour market and the evolving requirements of industry (Grek and Russell, 2024; Keeling, 2006). The new value framework that emerged in research and education through these processes encompasses such terms as quantification, standardisation and visible results (Westerheijden and Kohoutek, 2014). At the same time, this novel condition introduced and entrenched “quality” and its “assurance” as central objectives (Hamid et al., 2019). A further critical observation is that the “quality” of education and research is now treated as “measurable” in evaluative terms (Kreiner, 2016) - a shift that has precipitated profound transformations in the nature of academic research, with a marked emphasis on values such as utility and applicability (Cherney, 2015). In parallel, nation-states have chosen to strengthen their control over higher education, regarding it as a crucial domain of external intervention through which to pursue specific policy goals (Wittrock, 2006). Thus the role of the state has shifted from protector of the university to “trustee” of societal interests (Neave, 2012, pp. 25–35); on Neave’s account, the state obliges universities to adapt and ultimately to engage directly with the specific interests dictated by what is understood as “society.”

The introduction of the idea of the state as trustee of societal interests has led to the establishment of a robust accountability framework within the academic community and in the production of scientific work. Universities are held accountable to their respective national governments, which assume the role of external evaluators (Deem et al., 2007; Norn and Sigurdardottir, 2024). Consequently, the role of the university has been transformed from an autonomous centre of knowledge to a more outward-looking institution, actively engaged in addressing needs and challenges defined externally by the state-evaluator and the market (Wu, 2021). In this political and economic context, higher-education institutions are moving towards a new framework of knowledge production that emphasises connection with the economic system and treats the market as a powerful new factor in academic life. To that end, contemporary universities place significant emphasis on attracting resources from national, supranational and private entities, in

order to develop research deemed useful and directly applicable - a requirement that has been identified as a key priority (Hohendahl, 2011).

At this point, however, it is necessary to specify the nature of the university's coordination with external factors and processes. Marketisation, defined as the process by which the state introduces market principles into non-market institutions in order to enhance their efficiency, has become a dominant trend across many fields of social action, higher education included (Newman and Couturier, 2001). Marketisation in higher education (Howard et al., 2022; Jiang and Sun, 2015) is predicated on competition, with the aim of transforming universities, schools, departments, disciplines and individual academic actors into competitors for prestige (or impact) and for limited resources. Growing dependence on external - and often non-state - sources of funding is thus becoming an important catalyst of the broader transformation taking place in higher education. This form of privatisation, closely linked to market-oriented reforms, introduces elements of competition, efficiency and profit-seeking into the traditionally public sphere of education (Bleiklie, 2018). Changes in funding structures, combined with the implementation of external oversight through evaluation processes, alter the dynamics of governance and accountability and further embed market principles at the core of higher-education institutions (Dobbins and Knill, 2014). Within this configuration, universities are charged with continually diversifying their resources and reshaping their institutional profile, including activities, programmes, courses and services. The result is what Giroux and colleagues (2016) call the managerial university, characterised by centralised decision-making (Teichler, 2013), hierarchical management and the professionalisation of administrators (Norn and Sigurdardottir, 2024), the prioritisation of financial management - including the search for funding and the cutting of costs, even at the expense of academic staff (Gilbert, 2021; Whitsed et al., 2025) - and a pronounced attention to metrics and rankings for purposes of "quality assurance" (Welsh, 2020; Wilbers and Brankovic, 2021).

Marketisation also affects the autonomy and the very processes of scientific research. Funding sources guided by market-oriented objectives tend to favour applied research projects with short-term results, decisively shaping the orientation of academic enquiry (Rahal et al., 2023; Vidovich and Currie, 2009). This shift has significant implications for the pursuit of knowledge: it directs research priorities towards immediate, practical applications and away from the purely intellectual pursuit of academic research (Mechoulam and Citton, 2013). It is also crucial to acknowledge that the predominance

of applied research has produced an unavoidable imbalance in the development of scientific disciplines, with a marked overweight of the applied sciences - particularly the STEM fields (Mazzocchi, 2019; Olmos-Penuela et al., 2014; Sabharwal, 2013). Conversely, disciplines that emphasise the production of academic knowledge with limited practical application - particularly the social sciences and humanities - are subject to continuous institutional downgrading (Sivertsen, 2016). Closely related is the time pressure for the continuous production of scientific work. As universities seek to survive while remaining accountable to external stakeholders, they place greater emphasis on research productivity and on measurable results. This situation pushes research activity toward a model governed by market logics (Vogopoulou et al., 2023). The result is a scientific-industry model that prioritises impact rather than the substantive outcome of the research process (Ellis et al., 2014; Franck, 2019). The industrialisation of research, in turn, has shifted the time available for processing new knowledge: with quantity taking priority over quality, the focus moves towards producing information rather than research material proper (Franck, 2019). A further issue concerns the treatment of researchers as expendable labour, compelled to work on short-term projects under time pressure - circumstances that may produce psychological and physical exhaustion, with no guarantee of continued membership in the scientific community (Harney et al., 2014; Rahal et al., 2023). Heightened attention to research productivity also entails the prioritisation of research over other academic activities (Carvalho and Diogo, 2021). With regard to the “teaching–research unity” discussed above, recent decades have witnessed a radical separation of teaching and research within universities. The new dichotomy has gradually given rise to positions and contracts dedicated solely to teaching and, correspondingly, to others dedicated solely to research, contributing to the formation of multiple academic roles (Locke, 2014). The consequence is the emergence of discrepancies in the way the two practices are treated and a transformation of the structural role of their synergy (Carvalho and Diogo, 2021).

Rethinking the Institutional Role of the University

Although holding universities accountable to the state while encouraging a market orientation is meant to increase efficiency and impact, this configuration poses serious challenges to the “core characteristics” of institutional autonomy and academic freedom. From a critical perspective on the dominant university model, and borrowing the title of the well-known film *Back to the Future* (cf. Liston, 2014), it is possible to

rethink the higher-education institution as truly open to society and oriented to knowledge - public and democratic in form rather than managerial, and crucially not accountable to the state in instrumental terms (Gready and Jackson, 2025; Kromydas, 2017). The theoretical foundation of the university rests on the principle that a public sphere should exist in which the unfettered production and dissemination of ideas can flourish (Liston, 2014). Scientific knowledge deserves the name primarily when it serves critical reflection and the public good (Safner, 2020), and when it is produced freely, without manipulation by private profit or state diktat (Painsi et al., 2025). This is the very meaning of the university as a self-governing public institution: one whose work is determined by its autonomous decision-making, in which the academic community as a whole deliberates in the spirit of freedom, equality and mutual agreement (Zgaga, 2012). The university can also be reimagined as one that institutionally supports scientific research even when its results are not immediately marketable (Hormio and Reijula, 2024). As universities evolve into industrialised entities responsive to the demands of the knowledge economy, it becomes imperative to foster the balanced development of different scientific disciplines so as to preserve the balanced representation of distinct yet equally important values in contemporary society (Baum and Bartkowski, 2020; Eykens et al., 2021). Finally, the university can be reimagined as an institution that provides long-term employment for research staff - that is, secure long-term contracts and stable working environments for both research and teaching - as a guarantee of stability and of the time required for high-quality research and teaching. This issue is particularly pressing for early-career researchers and for scholars without long-term contracts, who are required to deliver intensive teaching and research within tight deadlines while continually demonstrating their value in a highly competitive and precarious environment, throughout their academic development (Harney et al., 2014; Menard and Shinton, 2022; Rahal et al., 2023; Raith, 2025; Xanthoulis, 2025).

Conclusion

In sum, the academic values of institutional autonomy and academic freedom - discussed in the preceding sections - characterise the very theoretical essence of academic life. They underline the importance of self-governance and shared responsibility within the academic community, the safeguarding of intellectual pursuits from political, social and economic pressures, and the necessity of temporal stability for effective teaching, learning and research. This condition has nevertheless been deeply unsettled, with the

first signs visible in the 1960s and even more pronounced in the past two decades, as the very idea of the university has been reconfigured. The “world of interests” institution can be described as accountable to multiple institutional stakeholders, while at the same time seeking to sustain its finances in response to the demands of an emerging culture of marketisation and external evaluation. As universities adjust to contemporary policy dynamics, the central goals of enhanced productivity, effectiveness and demonstrable measurable results come to the fore, reshaping the conduct of research according to the applicability of its outputs. In opposition to these problematics, the university can be rethought as a knowledge-to-knowledge institution: autonomous, genuinely open to society and at the same time a vehicle for new scientific ideas oriented to the development and sustainability of society. Within such a framework, the research objectives of higher-education institutions should not be defined primarily by their utility to the market or by the measurability of research outputs. In view of the multilevel and interdisciplinary character of the contemporary research environment, the very concept of utility needs to be redefined: it should be regarded as the foundational principle that supports the balanced development of all scientific disciplines. Such a redefinition would foster the symmetrical representation of different yet equally significant scientific endeavours, contributing to all aspects - social, environmental, economic and technological - of contemporary society. Hand in hand with this reorientation must go the provision of secure environments and long-term contracts for research staff, ensuring the time required for the delivery of quality research and teaching. In a continually changing societal context, it is essential to consider these arguments so that the core values and goals of the “world of knowledge” university may again be regarded as a normative horizon, rather than as a mere point of view or a nostalgic memory of the past.

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Chapter 2

Quality Education for All? Between Medical and Social Models in Approaches to Students with SEND

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Introduction

Inclusive education has become one of the key challenges of contemporary education policy. Ensuring high-quality education, equal opportunities and lifelong learning for all has been recognised not only as a fundamental human right (Convention on the Rights of Persons with Disabilities) but also as a component of Sustainable Development Goal 4 (UNESCO, 2017). It is widely accepted that mainstream schools should become inclusive, high-quality educational spaces, accessible to all students regardless of their needs, abilities, level of functioning or social status (Fernandez-Villardón et al., 2020; Liasidou and Symeou, 2018).

The implementation of the “education for all” idea entails a departure from the previously dominant psychomedical model of disability, which treats disability solely as an individual deficit. This model relies primarily on specialised therapeutic interventions; diagnosis serves a segregating function, assigning students to specific forms of support such as special schools or therapeutic classes. Experts play the central role, focusing on the child’s deficits and assuming that the child must adapt to existing educational standards. As a result, the model legitimises the existence of special schools and perpetuates exclusionary practices. Scientifically verified methods are preferred, preceded by a nosological diagnosis of disorders or disabilities in accordance with the DSM and

ICD classifications. The ultimate goal is therefore to remove the disorder or limitation (Zubrzycka and Wojnarska, 2025).

Since the mid-twentieth century, the social model of disability has been gaining ground. It rests on the assumption that the situation of a student is shaped not by individual limitations but primarily by social and institutional barriers. The priority is the elimination of obstacles to participation in education and the provision of high-quality teaching for all, without the need to design separate programmes for selected groups. Teachers, students and parents collectively participate in the process of adapting educational space and methods.

The central element of this approach is functional diagnosis based on the ICF - the International Classification of Functioning, Disability and Health - which permits a comprehensive view of human health, taking into account biological, individual and social aspects, as well as the influence of the environment on daily functioning. At the same time, the ICF does not address phenomena unrelated to health, which result mainly from social and economic factors (WHO, 2001).

At present, the biopsychosocial approach - which combines elements of the psychomedical and social models - is generally considered the most adequate. It takes into account the biological, psychological and social determinants of student development, combining diagnosis based on the DSM-V and ICD-10 classifications with functional diagnosis grounded in the ICF and ICF-CY. In practice, this entails the implementation of integrated forms of support (psychological, pedagogical, environmental), the use of universal teaching design, the systematic training of teaching staff and a multidimensional evaluation of the effects of support. The model promotes the creation of genuinely accessible and equitable education, founded on a partnership-oriented engagement with diversity and on a recognition of its developmental potential (Bastra, van Roy and Thoutenhoofd, 2021).

The process of moving away from the segregated model of education for students with disabilities is linked to the idea of deinstitutionalisation. UNICEF (2010) defines deinstitutionalisation as the entire process of planning the transformation and downsizing of residential institutions or their closure, while providing other types of diverse childcare services based on human-rights standards and focused on results. In theory, this means creating an open, inclusive system in which children with disabilities

can learn alongside their peers in mainstream schools, receiving support in their place of residence.

Practice, however, shows that, instead of providing real support within the community, transinstitutionalisation often occurs - that is, the transfer of the medical model of disability and its segregation practices into mainstream institutions and into the daily lives of people with disabilities. Special institutions are replaced by other forms of segregation, such as special or inclusive classes in which students have limited access to the full curriculum, or separate groups in daycare centres (Cienkus, 2022). The role of care institutions is frequently taken over by hospitals, prisons or rehabilitation centres. Young people with social and mental difficulties continue to function under highly controlled conditions even after formally leaving such places - for example, in supported-living apartments operating under strict supervision. A further form of transinstitutionalisation is the assimilation of students with disabilities into mainstream schools without appropriate adjustments. In such cases, it is the student who, despite the existing barriers, must comply with the school's requirements. The same process can take the form of a "pseudo-institutionalisation" of local communities, when schools, counselling centres and support organisations begin to function according to institutional logic, focusing on control, selection, diagnosis and labelling rather than on real support and participation. Transinstitutionalisation is also perpetuated in social perception. Even in nominally open environments, children with disabilities experience stigmatisation, exclusion and constant supervision; examples include situations in which a student is required to be accompanied by an assistant, follows an imposed individual education plan or does not have full access to classroom activities (Mussell and Evans, 2023).

Transinstitutionalisation is reinforced by the process of medicalisation, understood as the tendency to frame social, educational and developmental problems in medical terms and entrust their resolution to specialists (Conrad, 1992). Despite the intensive promotion of inclusive education and a substantial body of research confirming the higher effectiveness of integrated programmes (Van Herwegen et al., 2022), the belief that therapeutic interventions are the primary form of support continues to prevail in practice. This is reflected in educational policies, social expectations and everyday school practices. As a consequence, systemic problems are transferred to the individual and interpreted in terms of their deficits (Conrad, 1992).

Medicalisation is perpetuated by institutions and professionals as well as by parents and the media. The process is also reinforced by teachers who, given their professional

training and the lack of alternative tools, most often refer students for diagnosis (Woolfson, 2025). As a result, diagnostic-therapeutic logic overshadows environmental approaches and responsibility for students' difficulties is shifted from the systemic to the individual level. This in turn reinforces the conviction that diagnosis is a prerequisite for access to help and to a “better” school (Timimi, 2010). Diagnosis becomes a necessary condition for obtaining support, but it simultaneously promotes stigmatisation and isolation, especially among children from marginalised groups (Fish, 2022; Daniel, 2025; Cullen et al., 2020). Parents of children with ADHD and ASD emphasise that schools more frequently expect students to “normalise” than they adapt the environment to the students (Petrina, 2006; Bastra, van Roy and Thoutenhoofd, 2021).

Method

The aim of the study was to determine the extent to which the contemporary model of educational support promotes the inclusion and deinstitutionalisation of students with special educational needs (SEN) - including children with disabilities, those at risk of social maladjustment and the socially maladjusted. The study also sought to verify whether the objectives of the educational reform, including the development of inclusive education, are being effectively implemented in practice. It was assumed that the effective implementation of inclusive education should lead to a gradual decrease in the number of students referred to institutional forms of special education.

The analysis covered legislative and organisational changes in the education system concerning students with SEN; quantitative data on the dynamics of the SEN student population in 2013–2024 (statistics from the Ministry of National Education and the Central Statistical Office); data on the number of students receiving home schooling in 2015–2024; and reports from supervisory institutions, including the Supreme Audit Office (NIK), the Ombudsman for Children (RPD) and the Ombudsman for Civil Rights (RPO).

The study was based on desk research. Official education statistics (Ministry of National Education, Central Statistical Office), legal documents regulating the support system (education acts and ministerial regulations) and reports from public and supervisory institutions were used. These materials were compiled and subjected to comparative analysis in a diachronic perspective, which made it possible to capture the

dynamics of changes in the number of SEN students and the directions in which the educational support system in Poland developed in 2013–2024.

Analysis of Results

The entry into force of the Act of 14 December 2016 - Education Law (Education Law, 2016) - brought about significant changes to the education system. Alongside organisational changes (notably the abolition of lower secondary schools), the rules for supporting students with special educational needs were also reformed, including solutions conducive to inclusive education. This was a response to the obligations arising from the UN Convention on the Rights of Persons with Disabilities, ratified by Poland in 2012 (UN, 2006), and in particular its Article 24, which guarantees the right to inclusive education on an equal basis with others. The new regulations made it possible, among other things, to create inclusive and therapeutic classes in mainstream schools, to introduce individualised educational pathways (ZŚK) and to require that the conditions of examinations be adapted to the needs of students with SEN (Regulation of the Minister of National Education, 28 August 2019).

The Regulation of the Minister of National Education of 9 August 2017 (Regulation of the Minister of National Education, 9 August 2017) set out in detail the rules for providing psychological and pedagogical assistance, expanded the catalogue of forms of assistance by introducing classes developing emotional, social and learning competences, and broadened the group of recipients of speech-therapy classes.

The Regulation on the conditions for organising education, upbringing and care for children and young people with disabilities, those who are socially maladjusted and those at risk of social maladjustment introduced an obligation to prepare a Multidisciplinary Assessment of the Student's Functioning Level (WOPFU) and, on its basis, to develop an Individual Educational and Therapeutic Programme (IPET). The way in which teams of teachers and specialists work was modified so as to take into account not only the difficulties but also the strengths of students. In the same year, a new Regulation of the Minister of National Education of 7 September 2017, on decisions and opinions issued by adjudication teams operating in public psychological and pedagogical counselling centres (Regulation of the Minister of National Education, 7 September 2017), streamlined the procedures for issuing opinions and decisions and emphasised the need for functional diagnosis attentive to the child's potential and to environmental needs.

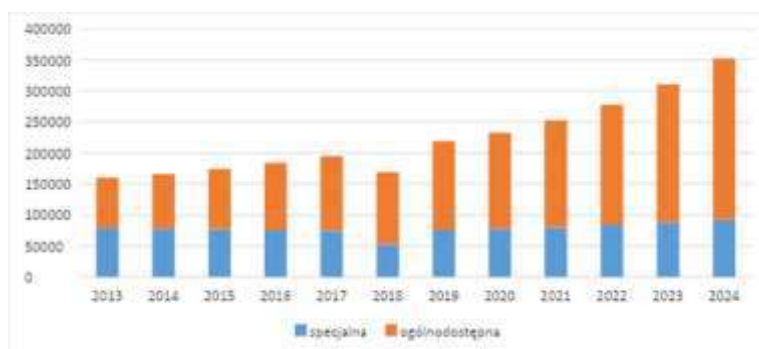
In 2022–2023, the organisation of specialist employment was also reformed. Standards were introduced specifying the minimum number of full-time positions for psychologists, special educators, speech therapists and therapists in proportion to the number of students (Regulation of the Minister of Education and Science, 22 July 2022). At the same time, limits on class sizes for children with autism and multiple disabilities were regulated, and the rules of financing were changed so that the level of subsidies depends on the number of hours of classes actually conducted (Regulation of the Minister of Education, 18 December 2024).

Quantitative Analysis

Between 2013 and 2024 the number of students with SEN increased by 192,325. The largest increase was recorded after 2018, following a brief decline related to changes in the regulations concerning certification and the organisation of psychological and pedagogical assistance.

During the period in question, the number of SEN students in mainstream schools more than tripled (a 320% increase), while in special schools it grew by 17%. As a result, the percentage of SEN students attending special schools fell from 49% in 2013 to 26% in 2024. Detailed data are presented in Table 1.

Table 1. Number of students with SEN in special and mainstream schools, 2013–2024



Source: own elaboration based on data from the Ministry of National Education and the Central Statistical Office.

The structure of special schools has changed. In 2013 the largest groups in special schools were students with mild (32%), moderate and severe (29%) intellectual disabilities, and with multiple disabilities (20%). Mainstream schools were dominated by

children with mild intellectual disabilities (30%), motor disabilities and aphasia (15%) and autism (14%). By 2024 this structure had shifted. In special schools, the largest group consists of students with multiple disabilities (40%), while the proportion of students with mild and moderate intellectual disabilities has decreased to 20% and 15% respectively. In mainstream schools, students on the autism spectrum predominate (45%), followed by those with motor disabilities and aphasia (17%), multiple disabilities (13%) and mild intellectual disabilities (12%). The share of certain groups in special education remains high: 94% of students with social maladjustment, 86% of students with moderate and severe intellectual disabilities and 68% of blind students attend special schools. Conversely, children with aphasia and autism are more likely to attend mainstream or inclusive schools. At present, students with autism and multiple disabilities together account for 58% of all SEN students, and at the same time 80% of them benefit from individual or home schooling - an indication that schools face particular difficulties in organising effective support in classroom settings.

Conclusion

The analysis shows that, following Poland's ratification of the UN Convention on the Rights of Persons with Disabilities in 2012 and the reform of education law, the education system underwent significant organisational and legal changes that created the conditions for more accessible and inclusive education. Quantitative data indicate that between 2013 and 2024 the number of students with special educational needs (SEN) steadily increased in mainstream schools, with the largest growth occurring after 2018. It must, however, be emphasised that this process is not synonymous with real inclusion and does not amount to a departure from institutional forms of education and care for children and young people with disabilities. Detailed data show a persistently high level of institutionalisation, especially among students with social maladjustment, with moderate and severe intellectual disabilities and among blind students.

Changes in the law have also led to a transformation in the structure of diagnoses: the proportion of students with intellectual disabilities has decreased while multiple disabilities have become the dominant category. In mainstream schools, the previous predominance of students with mild intellectual disabilities has been replaced by the predominance of students on the autism spectrum. At the same time, there is a growing number of children diagnosed with autism and significant multiple disabilities who are referred to individual or home schooling.

Although the formally binding support system promotes inclusive education, in practice it does not break with the logic of special education. The 2016 reform and subsequent legal changes increased access to support and changed the structure of education for SEN students, but they did not lead to the genuine deinstitutionalisation of special education. What is more, institutional logic is now permeating mainstream schools.

Real inclusion requires a departure from the diagnostic-therapeutic model. It demands implementation of the principles of universal teaching design, the development of teachers' competences for working with diversity and systemic support for families and schools. The current funding system, tied to the number of support hours, encourages the proliferation of diagnoses rather than the consolidation of universal teaching solutions; the absence of any mechanism for evaluating the effectiveness of specialists' work creates the risk that methods of unproven scientific effectiveness will be employed. Support should be available not on the basis of diagnosis, but as an integral component of an educational environment that supports all students.

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Chapter 3

Nostalgia and Political Identity. Analysing *M: Son of the Century* through Arendt, Kundera and Bauman

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M: A Case of Retrotopia

This article uses the television series *M: Son of the Century* as a case study to explore the intersection of historical narrative and political identity. The series, directed by Joe Wright, was adapted from Antonio Scurati's novel *M. Il figlio del secolo* (Scurati, 2018). My analysis is grounded in the theoretical perspectives of Hannah Arendt (1906–1975), Milan Kundera (1929–2023) and Zygmunt Bauman (1925–2017). The adaptation vividly illustrates what Bauman calls Retrotopia: a nostalgic longing for a reconstructed past that usually serves conservative ideological purposes. *M: Son of the Century* is, indeed, an example of Retrotopia. Before analysing the series as such, I provide some contextual details on the British director Joe Wright, on the novel that inspired the series, and on its author. Wright, known for films such as *Atonement* (2007) and *Pride and Prejudice* (2005), approached the adaptation with the aim of exploring Mussolini's rise to power through a performative and immersive narrative style. In an interview with *The Guardian*, he explained that he hoped to allow the audience at moments to be seduced by Mussolini and excited by what he was doing (Oltermann, 2024). Published in 2018, Antonio Scurati's novel traces Mussolini's rise to power between 1919 and 1925, blending history with fiction. The book opens on 23 March 1919, the day the *Fasci di combattimento* (Italian combat leagues) were founded, and closes with Mussolini's speech to the Chamber of Deputies on 3 January 1925, marking the establishment of the regime after the political

crisis triggered by the murder of Giacomo Matteotti (a prominent socialist opposition leader). *M.* quickly became a literary phenomenon, sparking a broad cultural debate both nationally and internationally. Scurati was awarded the *Premio Strega* in 2019 for the first volume of a planned tetralogy on Mussolini, which has since extended to five volumes (Scurati, 2018, 2020, 2022, 2024, 2025). The book also gave rise to considerable public debate in Italy, including controversy over Scurati's comments on the government at the time. In April 2024 RAI (the Italian state broadcasting company) cancelled his Liberation Day monologue, provoking criticism, a journalists' strike and a wider debate over media freedom (see, e.g., *Corriere della Sera*'s decision to publish the speech in full).

I have chosen *M.* as a case study not only because of its content but also because of the way Mussolini - reinvented as the character *M.* - is represented through innovative narrative and media techniques, particularly in its adaptation as a high-profile television series on the international platform and producer Sky, which significantly enlarges its cultural reach and impact. The series thus constructs a Retrotopian vision of the past: an emotionally charged narrative that turns political history into spectacle. The case deserves special attention because it does more than depict history; unlike the novel, the series conveys it through a highly performative medium, which enhances both immediacy and interpretive force. As Guy Debord argued in *La Société du spectacle* (Debord, 1967), modern society increasingly experiences reality as mediated performance. For Debord, the spectacle is not merely a mediation but the hegemony of the commodity system together with its new techniques of domination - mass media, advertising and consumer culture - through which meaning and power are constructed by images and stagings. This perspective sheds light on the performative dimension of *M.*

In 1967, in a book entitled *The Society of the Spectacle*, I showed what the modern spectacle was already in essence: the autocratic reign of the merchant economy, having attained an irresponsible sovereignty, together with the whole set of new techniques of government that accompany this reign (Debord, 1992: 8).

While Debord's insights illuminate the spectacle-like dimension of the series, my analysis will be grounded primarily in key works by Hannah Arendt, Milan Kundera and Zygmunt Bauman. These thinkers offer a framework for understanding how *M.* recasts Mussolini as a figure who speaks to the present, transforming history into a performative, affective medium. Arendt (1961) emphasises how a "void" emerges when individuals feel disconnected from the present, particularly during crises, undermining both personal experience and collective political action. Kundera (2003) shows that nostalgia is not harmless but a form of ignorance that idealises a past that never truly existed, obscuring

historical complexity. Bauman (2017), in turn, describes the early twenty-first century as an age of nostalgia, in which Retrotopia - an idealised vision of the past - becomes a source of comfort and a projected solution to contemporary problems. The following sections explore these concepts in depth, tracing their relevance to the narrative strategies and cultural impact of the series.

Conceptual Tools for Interpreting *M*.

Authority and Freedom in Hannah Arendt

M. can be analysed from a variety of perspectives, depending on the aims of the investigation. In what follows I argue that *M*. is an example of Retrotopia. Before turning to Bauman's elaboration of that term, however, it is important to set out a complementary conceptual framework - namely, the concepts of past, future, authority, freedom and the "void" developed by Hannah Arendt in *Between Past and Future* (Arendt, 1961). My analysis of *M*. is structured by reference to this Arendtian toolkit (see Bassi, 2018, on Arendt's critique of violence as a central component of her polemic with the Western philosophical-political tradition). Arendt's volume consists of a preface and six essays: *Tradition and the Modern Age*, *The Concept of History: Ancient and Modern*, *What Is Authority?*, *What Is Freedom?*, *The Crisis in Education* and *The Crisis in Culture: Its Social and Political Significance*. I focus primarily on *What Is Authority?* and *What Is Freedom?*, which examine the rupture of historical tradition, the changing nature of authority and the challenges of political and personal freedom (Arendt, 1961). In the preface, future and past are described as forces: the past "presses forward," while the future "drives us back into the past" (Arendt, 1961: 10–11). On this view, the present appears as a "gap" in time. Arendt considers the political context of her own era: when the "thread" of historical tradition is broken, our ability to grasp political causality becomes distorted, and the past risks losing its grounding influence on present action (Arendt, 1961: 14). That gap appears wider today than in Arendt's time, not least because society develops at a rapid pace and the instruments of civil and political life are constantly changing, while the production of rapidly obsolescent information is excessive. The present can be defined as a non-temporal space in which past events and future possibilities interact. As Arendt suggests, in order to understand the present one must enter into the tension between past and future.

Misunderstanding the interaction between past and future produces a “void,” a detachment from the present in which the individual turns to the past and presents it almost as an idealised future. Retrotopia, on this reading, is at once a tension, a disposition and an ideal. This shift occurs especially in times of crisis, when authority collapses or freedom is threatened. According to Arendt, the “void” affects not only personal experience but also collective capacity to act and think politically, since we have lost the habits, frameworks and forms of guidance that would allow deeper reflection on political causality and historical continuity (see Jalušič, 2021, on Arendt’s concern with ruptures in tradition). In *What Is Authority?*, Arendt argues that the very concept of authority has become obscured in its contested meaning, because we can no longer draw on authentic shared experiences (Arendt, 1961: 91). The term *auctoritas* derives from the verb *augere*, “to augment”; authority therefore consists in the ongoing reinforcement of a foundational order rather than in the imposition of force (Arendt, 1961: 121–122; cf. Antaki, 2006; Breen, 2007).

Without authority, and without the recognition that its source transcends the power of those in office, societies face fundamental challenges of living together. The absence of authority means living without the stabilising frameworks of tradition, sacred beginnings or universally accepted behavioural norms, leaving communities to confront the basic problems of collective life without guidance (Arendt, 1961: 141).

The absence of authority thus deprives communities of the stabilising framework of tradition and shared norms and leaves room for the “void” described above. In such contexts violence may occur, but Arendt does not equate it with authoritarian rule. She distinguishes authoritarian rule, which remains restrained by law, from tyranny, which is determined by the arbitrary will of the ruler. She also distinguishes authority from the imposition of violence - which arises when power is shaken and which can destroy power but never create it (Bassi, 2018). Authentic politics, by contrast, is grounded in collective action and shared discourse, with freedom inseparable from this dimension (see Ferraro, 2023; Gambetti, 2005).

In *What Is Freedom?*, Arendt distinguishes political freedom from freedom of will or simple choice (Arendt, 1961: 151). Political freedom is the capacity to initiate something new; it is therefore not an optional feature of politics but its very *raison d’être*. The Augustinian formula “*Initium ut esset, creatus est homo*,” which Arendt invokes (Arendt, 1961: 167), emphasises the human ability to bring something into being in a political space in which individuals interact freely (Kattago, 2013; Cavaliere, 2016; Kerekes, 2022).

Politics is the realm of new beginnings, even if today we struggle to recognise it as such and people often do not perceive contemporary political life in this way. For Arendt, the beginning of politics involves the transformation of the familiar into something new. Attention to the present is therefore essential for mapping communal relations and for understanding the link between past and future. In sum, a selective reading of Arendt's essays foregrounds the "void" between past and future: a void that arises when authority collapses and the present becomes politically indecipherable, even if the link between authority and freedom remains intact. The discussion now becomes more complex, since the way the past is perceived in the present can lead to nostalgia. This nostalgia does not fill the void but remains superficial. We can now turn to Milan Kundera, in order to examine how such nostalgia can become a form of ignorance that adversely affects the subject's perception of time.

Nostalgia and Ignorance in Kundera

If, as Hannah Arendt argues, the collapse of authority creates a void between past and future, it is precisely in times of crisis that this void becomes most visible and most unsettling. The "void" searches for something that can restore a sense of direction. One of the ways in which this happens is through nostalgia. Nostalgia promises continuity and familiarity where uncertainty prevails; it offers the assurance that the past can still provide meaning in the present. Yet nostalgia cannot truly heal the rupture in our human conception of politics. As Milan Kundera shows, nostalgia may be a substitute, an emotional reworking of memory that distorts rather than clarifies our relation to time. In *Ignorance* (Kundera, 2003), he shows that memory is shaped as much by what we forget as by what we remember and that the longing for a lost world can become a form of ignorance (see also von Kunes, 2019; Teti, 2020; Bona, 2023). His reflections invite us to see nostalgia not as an innocent emotion but as a powerful cultural force capable of reshaping collective memory. Nostalgia, far from being a harmless sentiment, is a self-sustaining emotion intimately linked to suffering - as Kundera notes at the beginning of his book. The word, derived from the Greek *nostos* (return) and *algos* (suffering), captures the profound pain of longing for something lost or unreachable. While many European languages reduce this feeling to a longing for home or homeland (English "homesickness," German *Heimweh*), the original concept is broader, encompassing a general unfulfilled desire to return. Different languages nuance the experience differently, distinguishing between a general feeling of nostalgia and the more specific longing for a particular place or time. In this context, Kundera offers an etymological insight:

In Spanish *añoranza* comes from the verb *añorar* (to feel nostalgia), which comes from the Catalan *enyorar*, itself derived from the Latin word *ignorare* (to be unaware of, not know, not experience; to lack or miss). In that etymological light, nostalgia seems something like the pain of ignorance, of not knowing (Kundera, 2003: 6).

On this account, nostalgia is framed as a form of unawareness or disconnection that can obscure the complexity of reality and lead to mythologised pasts that never truly existed. Kundera also reflects on the temporal dimension of nostalgia, observing that the strength of nostalgic longing does not necessarily correlate with the volume of time already lived. He considers the saying - “The more vast the amount of time we’ve left behind us, the more irresistible is the voice calling us to return to it” - to be false (Kundera, 2003: 77). On the contrary, nostalgia is often strongest in early youth, when past experience is relatively scarce. Nostalgia thereby becomes a recognition of the fleeting nature of time and a profound awareness of moments as they are first lived. It involves not only longing for the past but also an intense, sometimes disorienting awareness of the temporal dimension of life - highlighting the interplay between memory, perception and the emotional intensity of early experiences (Doloughan, 2004). Kundera illustrates this with the memory of a young girl at the end of her first romantic relationship in high school:

That feeling, that irrepressible yearning to return, suddenly reveals to her the existence of the past, the power of the past, of her past; in the house of her life there are windows now, windows opening to the rear, onto what she has experienced; from now on her existence will be inconceivable without these windows (Kundera, 2003: 78).

Recalling Arendt’s “void” between past and future - the temporal gap created when authority collapses - Kundera’s depiction of nostalgia can be read as a response (see Danyali, 2022; da Costa Barcellos, 2022). Nostalgia fills that void, albeit imperfectly, by orienting the subject toward a past that exerts emotional and epistemic power. Yet, as Kundera observes, the danger lies in misremembering:

We will never cease our critique of those persons who distort the past, rewrite it, falsify it, who exaggerate the importance of one event and fail to mention some other; such a critique is proper (it cannot fail to be), but it doesn’t count for much unless a more basic critique precedes it: a critique of human memory as such (Kundera, 2003: 123).

Nostalgia can thus illuminate the past but also mislead, by creating co-resonances between past and present that are emotionally compelling yet potentially distorting. Nostalgia can momentarily collapse the present into the past, offering consolation or

pleasure but risking detachment from the temporal reality of the now. In this sense, Kundera's nostalgia is a double-edged response to the Arendtian void: it restores a sense of continuity and identity, but it also highlights the fragility of human memory and the constant challenge of reconciling past and future (Behler et al., 2021). In short, Kundera invites us to reflect on how nostalgia can be rooted in ignorance and how easily the past can be mythologised when it is no longer remembered through lived experience but reconstructed through emotion, performance and media. The longing for a bygone era conceals the often violent character of historical processes.

The link between Kundera's *Ignorance* and Bauman's concept of Retrotopia lies in the way nostalgia functions in contemporary politics. Crucially, much of today's right-wing political rhetoric is based on precisely this mechanism: it draws strength from a Retrotopian longing for an idealised past, often divorced from historical fact yet emotionally resonant (Elgenius and Rydgren, 2022). Recognising the close link between nostalgia and ignorance is essential if we are to resist these narratives and to address the political use of memory in the present.

Reconciling Security and Freedom in Bauman's Retrotopia

Reading Arendt's void alongside Kundera's conception of nostalgia paves the way for Bauman's concept of Retrotopia. While Arendt emphasises the gap between past and future and Kundera shows how nostalgia can both comfort and mislead, Bauman identifies a broader social manifestation of this longing. He describes the early twenty-first century as an "age of nostalgia," a time in which utopian visions of the future have faded but people continue to yearn for an "abandoned past." This phenomenon he calls Retrotopia.

Retrotopia, the title of a recent work by Bauman, evokes the idea of an age of nostalgia in which the future is demonised and a questionable revaluation of the past is undertaken. This type of inverted utopia, according to the author, derives from the negation of the classical utopia and is based on the insurmountable risk inherent in every decision and on the uncertainties it entails when attempting to reconcile, in postmodern society, security and individual freedom (Maceratini, 2018: 80; my translation).

Unlike utopia, which projects hopes and longings into the future, Retrotopia turns backwards, idealising a lost or irretrievable past as a source of comfort and orientation. When the future is depicted as a place of corruption and catastrophe, returning to the past appears the most sensible political path. Retrotopia is in this sense driven by the

desire to recover what has been lost - security and freedom - through an idealised vision of history (Bauman, 2017: XIX). Bauman's *Retrotopia* opens with reflections on the failure of the state to maintain control over legitimate violence. In today's globalised world, that power has become detached from politics, leading to a shift in authority away from fixed territorial structures (Bauman, 2017: 11). This is a form of crisis of authority that produces tendencies resembling a return to a Hobbesian world - that is, to a pre-Leviathan state characterised by disorder and a war of all against all. Faced with such insecurity, Bauman observes that individuals seek refuge in tribalism, which differs sharply from genuine community. Tribalism is, in fact, a return to an era of extreme individualism. If the insecurity generated by the crisis of state power has created a void that now demands to be filled, this void is addressed politically through nostalgia. The past is reinterpreted to justify sovereigntism and nationalism, becoming a product consumed in the service of present-day political ideology. The community of individuals - already, in mass society, transformed into a crowd - is now turned from a crowd into a public (Bauman, 2017: 19). This shift, accelerated by the Internet, intensifies tendencies already present in the televised symbolic environment. Despite the growing power of media conglomerates, the persistence of regulated pluralism remains crucial in guiding the reinvention of the public sphere (Bauman, 2017: 22; Habermas, 1989). Without such safeguards, politics - once deprived of the power to shape the future - tends instead to relocate to the realm of collective memory: an infinitely more manipulable and manageable space (Bauman, 2017: 55). This mechanism was exploited historically by fascist ideology, but in the present case it goes beyond fascism as a historical and political category and paves the way for what Eco calls *ur-fascism* (Eco, 2018; Gavroche, 2024). Eco's *ur-fascism* identifies recurring traits in fascist movements - the invocation of a mythical past, the fear of diversity, the obsession with tradition - and Retrotopian nostalgia provides fertile ground for the kind of appeals that Eco describes as the fragmented, sometimes contradictory elements of fascist ideology. Crucially, Eco's concept of *ur-fascism* is fluid, adapting to different conditions in order to sustain itself. It is precisely this adaptability that ensures its continued relevance: *ur-fascism* is not tied to Mussolini's Italy or Hitler's Germany but is a prototype that can function in, and permeate, any body politic.

It was Italian fascism that convinced many European liberal leaders that the new regime was carrying out interesting social reform and that it was providing a mildly revolutionary alternative to the Communist threat. Nevertheless, historical priority does not seem a sufficient reason to explain why the word *fascism* became a

synecdoche, a term that could be applied to different totalitarian movements. This is not because fascism contained in itself, in their quintessential state, all the elements of any later form of totalitarianism. On the contrary, fascism had no quintessence. Fascism was a fuzzy totalitarianism, a collage of different philosophical and political ideas, a beehive of contradictions (Eco, 2018, cited in Gavroche, 2024).

Critical Analysis of *M: Son of the Century*

Having outlined the conceptual framework through Arendt's notion of the void, Kundera's exploration of nostalgia and Bauman's diagnosis of Retrotopia, we can now turn to *M.* - a protagonist whose fictional trajectory epitomises this dynamic. As Gianpasquale Santomassimo (2025) observes, the series is undeniably effective and destined for considerable success. Giovanni De Luna, historian and journalist, has noted in *La Stampa* that it respects the essential historical truth: fascism was a profoundly violent phenomenon, brought to power with the complicity of the king, and Mussolini himself was an opportunist (Santomassimo, 2025).

M. is not only the central character of the series but also a narrative case study of Retrotopian longing. His personal and political history reflects the way memory, history and ideology are reconfigured in the present through an idealised past. The character has been deliberately designed to heighten this effect - through stylistic choices, recurring motifs and the evocation of Italy's turbulent political landscape of the period. The series presents the key events not as distant history but as lived experience, dramatised in a way that blurs the line between memory and myth. This is reinforced by the characterisation of the protagonist: *M.* is portrayed less as a historically accurate figure than as a symbolic condensation of Retrotopian impulses, embodying both the longing for order and the ambivalence of freedom. The adaptation thereby becomes more than a retelling of facts; it is an interpretive staging in which style, narrative rhythm and political resonance combine to present *M.* as a figure hovering between nostalgia and ideology.

M. reintroduces a figure such as Benito Mussolini not as distant historical memory but as a character who speaks directly to the present. The series thereby acquires a social and political function. The effect is reinforced by the unusual way the protagonist is staged: *M.* often appears as omniscient, addressing the audience directly with a blend of the charisma of a TV host and the self-awareness of a social-media influencer. This choice preserves the didactic tone of the series. He moves through the scenes while the action unfolds behind him, as if history itself were reduced to a backdrop for his performance.

One particularly striking scene depicts a political congress that feels more like a hard-rock concert; the atmosphere is electric and, at the end, the protagonist even performs a kind of stage diving, underscoring the theatricality of the moment. At times - especially in his parliamentary appearances - he seems to channel a modern media-politician rather than Mussolini. Santomassimo (2025) also emphasises a more serious point regarding the early fascist movement:

Fascism (like all European fascisms, for that matter) was a movement of very young men who had not fought in the war but had lived in its myth, and who now fought what they saw as the internal enemy, while awaiting the external one that many of them would later encounter (Santomassimo, 2025; my translation).

Beyond these stylistic choices, the series raises broader cultural questions. It appears to tap into a kind of Retrotopia - a nostalgic fantasy often indulged by pseudo-intellectuals who long for a time when moral clarity seemed possible. This is the world of certain talk-show regulars and bestselling authors who romanticise the past, mourning a lost era in which it was easy to identify the enemy, take a stand and imagine one's sacrifice being remembered with honour. One major absence stands out: society itself. We see fascists, parliamentarians, communists, socialists and a few isolated workers, but the broader social fabric is missing. The unpredictable dynamics of everyday life and the way society in its complexity shapes individual choices and political decisions are largely absent - leaving the historical reconstruction closer to a stylised set piece than to a lived reality. This omission is particularly striking given that, historically, the masses played a fundamental role in sustaining totalitarian regimes (Habermas, 1989). In *M.*, however, the director grants them little space: citizens are almost entirely absent and the characters who do appear remain closely tied to Mussolini. Instead, through highly theatrical techniques, the series shifts the focus onto aesthetic and sensory effects, producing a scenic interplay that moves in multiple directions yet remains centred on *M.* himself.

M. Il figlio del secolo is not only a film about Mussolini, but a film about the very nature of power, about its capacity to seep into the cracks of a fragile society. It is a work that invites reflection not only on the past but also on the present, on how easily history can repeat itself when fear and anger become political tools. The film does not offer easy answers, nor does it seek to rehabilitate or simplistically condemn; rather, it raises uncomfortable questions: who allows dictators to exist? How much of historical fascism is still alive in the dynamics of contemporary power? (Bruno, 2025; my translation).

Conclusion

M: Son of the Century is more than a historical drama; it is a cultural artefact that demonstrates how contemporary societies remember, reinterpret and consume the past. Through the lens of Retrotopia, the series presents a seductive vision of history in which moral boundaries are sharply drawn, struggles are romanticised and complexity is sacrificed for dramatic effect. Drawing on the insights of Zygmunt Bauman, Hannah Arendt and Milan Kundera, this analysis has shown how the series transforms history into meticulously staged fiction that prioritises spectacle over context, emotion over nuance and myth over reality. The case of *M.* invites reflection not only on the historical period depicted but also on the broader ways in which history is mobilised in the present, drawing attention to the risks of reducing collective memory to aestheticised, simplified narratives. From an Arendtian perspective, the series illustrates how modernity often disrupts continuity with the past, creating a void that calls for fabricated narratives to restore meaning. Political and historical complexity is flattened into staged confrontations, rendering history performative rather than instructive. Kundera's notion of ignorance deepens the analysis: memory is shaped more by what is forgotten than by what is remembered. *M.* tells a selective, emotionally charged story and produces a consumable version of the past that favours *pathos* over ambiguity and nuance. Finally, through Bauman's concept of Retrotopia, the series reveals a longing for an imagined past in which moral clarity and political heroism seem attainable. In this way it offers viewers the comfort of a simplified, binary world and reminds us how nostalgia can shape - and sometimes distort - our understanding of history and the present.

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Chapter 4

Gender Equality in Higher Education: The Role of Gender Equality Plans in the Light of Recent Empirical Data

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Introduction

Education is a dynamic and ever-evolving sector at a global scale. Higher education in particular is continuously being transformed in response to new economic, social and technological changes (Leathwood and Read, 2009). The concept of “neoliberal globalisation” is exerting a powerful influence on the present and future of universities worldwide and is compelling them - together with governments - to adhere to organisational instructions that support capital and the labour market. This ideology embodies a capital-centred mindset of governance which has led universities to focus on increasing enrolments, with the aim of enhancing participation and producing more skilful and competent graduates. The process can be characterised as a commercialisation of higher education (Gao, 2021), with educational products and programmes designed to boost competitiveness. Naidoo (2007) similarly observed that the conceptualisation of higher education as an industry oriented toward competitiveness - and as a profitable service to be marketed on a global scale - has begun to obscure the social and cultural objectives that define it as a public and common good. This form of global competition has decisively influenced higher-education institutions, generating various forms of bias and exclusion in the sector. The most significant interventions in this area have come from feminist scholarship (Blackmore, 2020), which has carefully examined exclusionary mechanisms in higher education, gender stereotypes and prejudice, and racialised perceptions in academia.

Without doubt, neoliberalism, the feminist movement, university-ranking indicators and, more recently, COVID-19 have significantly influenced women's participation in universities, which has increased rapidly in recent years. These developments do not, however, imply the absence of gender biases, obstacles and challenges (Araneda-Guirriman, Sepúlveda-Páez, Pedraja-Rejas and San Martín, 2023).

Universities are structured around organisational rules in which categories such as “advantage–disadvantage,” “control–exploitation,” “action–emotion” and “meaning–identity” have been formed through the separation of male/female and masculine/feminine (Acker, 1990). Given this gendered nature, gender equality in academia has become a primary objective. The persistence of gender-related challenges has prompted academic leaderships to adopt more “fluid” and “neutral” strategies aimed at eliminating gender-based violence and challenging stereotypical perceptions. Admittedly, the past two decades have been marked by significant progress and encouraging steps in these areas (Drew and Canavan, 2020).

Since 2015 the European Union has supported the implementation of Gender Equality Plans (GEPs) as a means of promoting structural change in academic and research institutions. GEPs focus on identifying and addressing gender bias, setting targets and monitoring progress. They are designed to align with three key objectives: removing obstacles to women's professional development, addressing gender imbalances in decision-making and strengthening the integration of gender perspectives in research. The European Institute for Gender Equality defines a GEP as “a set of commitments and actions that aim to promote gender equality in an organisation through a process of structural change” (European Institute for Gender Equality, 2022). A GEP is therefore a systematic and strategic instrument that sets priorities and concrete objectives, together with the specific measures to be adopted in order to advance gender equality within higher-education institutions. Several fundamental conditions must be met if such an equality is to be realised in universities and other research organisations (European Institute for Gender Equality, 2022). These so-called success factors fall into four areas: support and collaboration; gender-equality structures; an evidence-based approach; and a balance between clear objectives and flexibility. Support and collaboration involve raising awareness and creating networks both within and beyond the organisation, and stakeholder involvement in the design and implementation of GEPs is crucial in fostering commitment. Each university should establish a properly resourced gender-equality body whose dual task is to coordinate and monitor institutional efforts. The evidence-based

approach is essential, as it relies on the collection of sex-disaggregated and intersectional data to monitor and assess the current situation, on the basis of which new measures can be designed. Finally, there must be a balance between clear objectives and flexibility - that is, between tailored institutional goals and the capacity to adapt to new evidence.

In *Diversity's Promise for Higher Education*, Daryl Smith (2024) emphasises that diversity and equality must be central to an institution's mission rather than mere values to which lip service is paid. According to European Commission statistics (2024), women represent 44% of researchers in higher education across Europe. The *She Figures 2021* publication (European Commission, 2021) highlights that, at the highest level of academia, women hold only 26% of full-professorship positions. Women are also less likely to be employed as scientists and engineers, with their share reaching 41%, and they are under-represented in self-employed professions in science, engineering and ICT, where they account for only 25%. Although there is near parity at doctoral-graduate level (48% women, 52% men), strong disparities persist across scientific fields: women doctoral graduates in ICT represent only 22%, while in education and in health and welfare they reach 67% and 60% respectively. In some countries, such as Greece, women remain under-represented overall, accounting for 35% of academic staff - well below the European average of 41% (European Commission, 2019).

Many researchers have observed that hidden barriers indirectly hinder women's advancement (Teelken et al., 2019). Informal norms - not immediately visible because they lie beneath formal organisational requirements of equal opportunity - frequently push women into positions of high workload and uncertain prospects. In recent years, for example, many women in higher education have taken up management positions in several countries, which at first glance appears positive and has indeed produced encouraging results; however, this shift coincides with the decline in prestige of administrative positions and with the dominance of a business-oriented ethos in higher education (Clavero and Galligan, 2021). The same shift has changed the preferences of men in academia, who tend to avoid such positions for lack of prestige and to focus instead on academic excellence. Women, in turn, have ended up with greater workloads, more precarious positions and a lower place in the academic hierarchy, thus consolidating a gender norm and an epistemic injustice. The progress that has been made is undeniable, but a number of difficulties - and a number of "glass ceilings" - still confront women in academia.

According to the European Commission's Gender Equality Strategy 2020–2025, the primary goals are equal participation, equal pay, strategic engagement for equal advancement and the reduction of gender-based violence. The United Nations Sustainable Development Goals report (2022), in Goal 5, also clearly states that gender parity in leadership and equal participation in decision-making should be achieved at a global scale by 2030. A further report worth noting is that of UNESCO (2022), which targets in particular the marginalised groups in academia, calling for the creation and implementation of inclusive educational practices and the removal of existing barriers to accessibility, participation and advancement in higher-education institutions.

Overall, gender equality in higher education must be regarded as a complex matter of the utmost importance. The combination of so-called neoliberal globalisation with deeply rooted stereotypes and persistent prejudice continues to shape the academic culture surrounding the advancement of women in higher-education institutions. European initiatives and tools such as Gender Equality Plans, Gender Equality Strategies and overarching frameworks such as the Sustainable Development Goals have, however, made significant strides toward breaking the “glass ceiling.”

Objective

This chapter aims to present and synthesise data from recent studies in order to provide an overview of the role of Gender Equality Plans in shaping an equal academic culture. In doing so, it offers a holistic perspective on the progress achieved through the adoption and implementation of GEPs and on the challenges that higher-education institutions continue to face in their application.

Research Questions

To serve the chapter's objective, the following research questions have been formulated:

RQ1: What positive changes have Gender Equality Plans brought within European universities?

RQ2: What are the main challenges in the implementation of Gender Equality Plans within European universities?

Research Method

This literature review synthesises data from recent articles drawn from multiple databases. The materials were collected and analysed in order to answer the research questions and were subsequently organised. As Snyder (2019) argues, when the aim is to gather evidence concerning a specific research area and to provide an overview, the literature review is an appropriate methodological tool. The approach was chosen accordingly, as the goal of the present review is to provide an overview of the implementation of GEPs in European universities together with the principal challenges associated with their adoption.

RQ1: Positive Changes Brought by Gender Equality Plans in European Universities

In recent years, many studies have addressed the role of GEPs in higher-education and research institutions and the changes they have brought about across European universities. GEPs are implemented in European universities both on the basis of the relevant national legal frameworks and through European programmes and initiatives such as Horizon Europe. Notably, countries that have incorporated the adoption of GEPs by universities into their national policies include Iceland, Italy, Germany, Switzerland and Belgium. An important European programme since 2013, complementing legislation on the implementation of GEPs by universities, was EGERA, in which the University of Lausanne participated. The project provided an international framework of support and compliance with national legislation, contributing significantly to the formalisation of GEPs (Sangiuliano and Cortesi, 2019). Other notable initiatives include the GenderTIME, STAGES and GARCIA programmes. The cooperation of national legal frameworks with international policies through European projects has significantly strengthened member states' commitment to ensuring equality and to formulating relevant policies within universities and research institutions.

A particularly important development associated with the adoption of GEPs is the creation of the European GEAR tool by the European Institute for Gender Equality (EIGE) (European Institute for Gender Equality, 2022). EIGE has developed this framework to support and promote gender equality in academic and research institutions. The tool provides step-by-step guidance and practical advice to assist institutions in designing and implementing equality practices while addressing challenges and

promoting inclusion. Its primary objectives concern strategic areas including equality in scientific careers, gender balance in leadership and decision-making, and the integration of the gender dimension in research and training through specific methodologies and educational practices. The aim is to ensure equal treatment and advancement of men and women in academia and gender balance across the various university bodies. The GEAR tool encourages universities to use measures such as gender audits and regular assessments, gender-sensitive recruitment and promotion policies, and training programmes designed to raise awareness of gender-equality issues. The guide has been adopted by many countries and a wide range of European universities, including the University of Bordeaux (N8 Research Partnership, n.d.) and Università Vita-Salute San Raffaele in Italy (Università Vita-Salute San Raffaele, n.d.) for the 2022–2024 GEP cycle. Importantly, even countries at an early stage of equality-plan implementation, such as Bulgaria and the University of Plovdiv, use GEAR as a methodological framework both for designing the action plan and for its implementation and evaluation (Doneva, Gaftandzhieva, Somova and Mileva, 2019).

The European GEPARD project's analysis of 36 GEPs from European universities - including partners such as the University of Silesia (Poland), the University of Miskolc (Hungary), the European University of Cyprus, the University of Malta, the University of Salzburg (Austria) and others - reveals several positive developments in the promotion of gender equality through GEPs (Navarra et al., 2025). Central to these projects is an emphasis on the concepts of “gender” and “women,” pointing to a focused effort to address gender-related challenges in academia. A notable finding is the strong correlation between increased gender-awareness initiatives and increased student participation, suggesting that educational programmes focused on gender issues positively influence student engagement. The study also highlights the importance of promoting work–life balance and of fostering an organisational culture that genuinely supports gender equality. Finally, it points to a growing interest in adopting innovative methods and considering cross-sectoral collaboration in gender-equality projects, reflecting the multidimensional character of inequality and the need for integrated strategies with tangible outcomes.

Aggregated data from several European higher-education institutions confirm the positive steps that have followed the adoption of GEPs. European countries are at different stages of implementation, but GEPs are gaining ground holistically as more and more institutions integrate them into the core of their structure and operation. A coherent and conclusive report by Sangiuliano and Cortesi (2019) showed that

universities have adopted GEPs in direct compliance with EU-funded projects such as Horizon and with national frameworks and regulations. Northern Europe - including countries such as Switzerland and Germany, and the Belgian region of Flanders - was the first to officially implement GEPs through national laws and regulations. Other countries, such as Portugal, have relied mainly on external stakeholders and co-funded programmes. The implementation of GEPs has strengthened processes of recurrent internal assessment (e.g. at the universities of Lausanne, Dortmund, Ferrara and the University of Iceland), giving institutions the opportunity to track and refine their strategies as needed. Evidence from the universities of Milan, Luleå and Radboud further suggests that fields such as STEM and the health sciences - traditionally male-dominated - have implemented targeted interventions in their GEPs aimed at reducing gender gaps. The Polytechnic Institute of Porto, the University of Trás-os-Montes e Alto Douro, and the University of Beira Interior have focused their GEPs on teaching strategies, research and student engagement. An interesting finding is that universities such as Turin, Padua, Lausanne and Dortmund have created an inclusive GEP for the entire institution rather than separate plans for individual departments.

Other evidence (Naciti, Noto, Pulejo and Vermiglio, 2024) reveals further positive changes resulting from the adoption of GEPs. The proactive participation of stakeholders such as the Pro-Rector for Welfare and Gender Policy and the Technical Coordination Unit of Strategic Planning, Management Control and Reporting was found to be pivotal in legitimising the process and securing broad support. The synergy of national and international incentives significantly enhanced stakeholder participation. The authors also observed a shift in stakeholder attitudes, with growing recognition of gender equality as a principle to be applied not only in policy documents but also in day-to-day university operations - a shift essential for long-term change. The evidence-based approach yielded a clear picture of gender gaps and representation within the institution, while a structured framework for positive actions was developed by setting targets over a three-year horizon, providing a roadmap for future improvement.

The adoption and implementation of GEPs in European universities has produced significant changes in the content of education and in the learning experience, fostering gender-sensitive environments. In many countries, gender issues are being mainstreamed into curricula in order to recognise gender not simply as a social issue but as a fundamental category of analysis and knowledge. A characteristic example is provided by the University of Jyväskylä in Finland, which has developed and published Common

Recommendations on Inclusive and Diversity-Sensitive Teaching (University of Jyväskylä, 2023). The document is based on an extensive study of national and institutional policies, legislative frameworks and university practices regarding the integration of diversity in higher education and offers ten key recommendations for creating gender-sensitive and inclusive teaching.

A recent empirical study conducted at four major German universities - Charité Berlin, Friedrich Schiller University Jena, Ludwig-Maximilians-Universität Munich, and the University of Cologne - found that the integration of Gender Medicine into the academic curriculum has had measurable positive effects (Wortmann, Haarmann, Yeboah and Kalbe, 2023). The study, conducted from April to July 2021 and involving 750 male and female medical students, confirmed that the systematic integration of the gender dimension into medical education significantly contributed to raising students' awareness of gender-related issues. Participants showed a heightened recognition of the importance of gender differences in health and care and an improved understanding of how gender stereotypes shape both patient expectations and professional identities in the healthcare field. One of the main conclusions is that the teaching of Gender Medicine helped to reduce stereotypical perceptions of gender roles and to deconstruct the prejudices associated with gender identities in medical discourse and practice.

Further evidence from Portuguese universities (Lopes, Santos, Ferreira, Monteiro and Vieira, 2024) shows that the integration of GEPs has clearly produced positive changes despite the early stage of their implementation. The researchers focused on the heightened awareness of gender-sensitive content across curricula and on the positive impact in the field of women's and gender studies. There is a discernible optimistic attitude toward such gender-sensitive content, paving the way for epistemic recognition.

Taken together, the evidence indicates a strong commitment to gender issues across European institutions, with more and more universities adopting GEPs in an active and effective manner. Despite the differing stages of implementation across European countries, the future appears promising in terms of coherent and recurrent monitoring and adaptive strategies grounded in evidence and gender sensitivity. National legal frameworks combined with European initiatives such as Horizon Europe constitute a powerful collaborative tool for equality and structural change within institutions. In addition to national policies, there has been a marked increase in the number and variety of stakeholders involved in the design, implementation and assessment of GEPs, ensuring a more multidimensional approach and a more gender-sensitive academic

culture. GEPs are thus becoming a fundamental component of university operations and a pillar of a more equitable, fair and inclusive academic culture.

RQ2: Main Challenges in the Implementation of Gender Equality Plans

While considerable academic interest has focused on the changes that GEPs have brought to universities and to the academic culture, less attention has been paid to the obstacles and challenges that arise in their implementation - a process requiring continuous monitoring.

Coherent and stable strategic planning is the cornerstone of the initial phase of adopting a gender-equality policy, and many institutions display a degree of resistance to equality issues in academia. Roos, Mampaey, Huisman and Luyckx (2020) analysed five GEPs from Flemish universities and found that the expected results of gender-equality initiatives are often unspecified in temporal terms and frequently appear as deliverables without clear time frames or deadlines. Their analysis also showed a tendency to attribute existing inequality in academia to external factors - strong social constructions or the inherent complexity of the concept of gender - that is, to shift responsibility away from organisational structures and from the institutions themselves, downplaying their active role. Measurable targets within specific time frames are sometimes regarded as too intrusive or strict; measures and initiatives without specific time frames, generalised actions and structural changes without measurable indicators tend to be preferred.

The design and implementation of GEPs is a thorough and demanding process requiring continuous monitoring; coherent strategic planning is a precondition. Evidence from the GEP analysis at the University of Messina (Naciti, Noto, Pulejo and Vermiglio, 2024) shows that universities with a large number of faculties find it difficult to reach agreement and to achieve consensus, since their decision-making structures are often decentralised. The lack of alignment may produce a largely symbolic plan, without specified and tailored equality goals. The authors also observed considerable difficulties with data collection, as the various data sources are not connected or integrated, creating a substantial risk of misinterpreting, overlooking or duplicating gender-related evidence. A further challenge - closely linked to the previous one - is that gender as a topic is multidimensional. Quantitative administrative data must be carefully complemented with information on individual behaviours, perceptions and qualitative analyses for an accurate

diagnosis of institutional needs and effective inclusion in the GEP. The findings should then be translated into clear goals and future objectives, with specific Key Performance Indicators for ongoing monitoring.

As regards the evidence collected for the survey conducted at higher-education institutions in Portugal (Lopes, Santos, Ferreira, Monteiro and Vieira, 2024), the researchers note that the implementation of GEPs is still at an early stage and that the field of feminist studies remains underdeveloped and not properly integrated into curricula. The role of GEPs has elicited diverse perspectives within academic communities, articulating tensions between policy theories and actual practices, and between strategic goals and academic autonomy. The authors also point to a lack of gender expertise and of financial resources to support GEPs, with most activities undertaken in a short-term horizon and without permanent committees or training on gender-related issues.

The shortage of financial resources and gender-specific human resources has been widely acknowledged as a key obstacle to achieving gender-equality goals (Ciaputa, Sekula, Krzaklewska and Warat, 2023). Activities, workshops and staff trainings foreseen in GEPs frequently lack adequate funding, and there is often insufficient qualified staff to deliver them. Many GEPs include actions that are deliverables tied to specific projects of limited duration and not integrated into the long-term strategic plans of universities - a fact that hinders sustained progress and the formation of a strong internal culture (Navarra et al., 2025). A similar situation can be observed in Greece, where there is a gap between EU commitments and national strategies for equality, on the one hand, and what actually takes place in university classrooms, on the other. A lack of gender expertise, generalised training programmes without specific structure, and a generally neutral level of commitment to gender equality on the part of students and teaching staff - neither actively supporting nor actively neglecting it - were the principal findings of Kitta and Cardona-Moltó (2022). The ELIAMEP policy brief for 2024 further notes that, although all 24 Greek public universities and many research centres now have gender-equality programmes, the lack of financial and human resources risks reducing those programmes' contents to paper exercises - to a missed opportunity (Anagnostou, 2023).

Further data from the GEP of the Institut de Ciències del Mar in Spain led Donoso López, Garcés and Torrecilla (2024) to identify shortcomings in data collection comparable to those reported in Portuguese universities. This barrier creates a risk of producing over-generalised or insufficient conclusions and of compromising the

formulation of an effective and meaningful gender analysis within the GEP. Finally, the authors note a high dependence on the voluntary contribution of members of the European Equality Task Force, which suggests a lack of internal motivation and limits the accuracy and effectiveness of the GEP.

In sum, the effective implementation of GEPs in European universities involves many challenges and obstacles requiring careful consideration. From the design phase through to evaluation, the processes are complex and demand clear strategic planning and robust monitoring mechanisms. Generalised actions without clear time frames or measurable objectives, decentralised decision-making structures and a lack of coordination are among the principal weaknesses. Insufficient funding and the absence of specialist personnel in gender issues are two of the most pressing challenges, with several countries - particularly in Southern Europe - still in the early stages of adopting and implementing such plans. The data also show that many GEPs are products of European projects that are short-term and that fail to evolve into long-term strategies for sustainable progress and for strengthening internal cultures of equality. Structured strategic planning, adequate funding and strong internal motivation to create permanent mechanisms are fundamental steps toward a meaningful culture of equality in higher-education institutions.

Discussion

Gender equality is a rapidly developing field across Europe. The introduction of GEPs has produced several positive outcomes, including improved gender balance in leadership roles, heightened awareness of gender issues in universities and the incorporation of gender-sensitive content into academic curricula. European countries, however, occupy different stages of progress with respect to the availability of resources, internal institutional motivation, levels of gender expertise and the variability of GEP implementation. The European higher-education landscape is therefore marked by diversity and complexity. Southern European universities tend to face greater challenges, including decentralised decision-making, limited funding, weaknesses in data collection and interpretation, and insufficient internal motivation. There is a strong need for a systematic and sustained approach to the implementation of GEPs, and gender equality should be treated as a genuine commitment rather than a “tick-box” process designed to meet the deliverables of EU-funded projects. Overall, the design and implementation of GEPs are sophisticated processes that require careful monitoring, inclusivity,

performance indicators and regular qualitative assessments if they are to achieve substantial impact on academic curricula and on academic institutions themselves.

Conclusion

GEPs represent a vital instrument for the promotion of gender equality in higher education and a cornerstone for the development of a more robust culture of equality in academia. Significant progress has been achieved across European universities - improved gender balance in leadership roles, increased awareness of gender issues, the development of guidelines for non-sexist language and the integration of gender-sensitive content into educational programmes and curricula.

It is nevertheless undeniable that universities continue to face many challenges in the effective implementation of GEPs. Despite the considerable progress achieved, important problems demand careful handling and immediate action: weak internal motivation, fragmented decision-making, a shortage of gender expertise and insufficient grounding in gender studies, limited financial resources and short-term deliverables driven primarily by the requirements of EU-funded projects.

To achieve a deep culture of equality, universities must move beyond compliance-based adoption of strategies and directives. The re-gendering of academic curricula, accountability mechanisms, sustained investment in expertise and long-term policy and strategic planning are all essential building blocks for a stronger, more genuinely equal university.

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Chapter 5

Technological Determinism as a Factor in Changing Social Behaviour

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Introduction

Technological determinism is a foundational yet contested concept within the interdisciplinary study of social change, communication and technological innovation. At its core, it posits that technological development is the principal engine of societal transformation - shaping not only the tools and systems with which we interact but also the very structures of human relationships, institutions and cultural values. From the mechanisation of production during the Industrial Revolution to the proliferation of algorithmically governed digital platforms in the twenty-first century, technology has played a pivotal role in reconfiguring how individuals and societies operate, communicate and evolve (Smith and Marx, 1994; McLuhan, 1964).

The thesis of technological determinism is often summarised in the proposition that “technology drives history.” The perspective is, however, far from monolithic. It encompasses a range of interpretations, from rigid doctrines of “strong” technological determinism - in which technology is viewed as an autonomous force acting upon society - to more nuanced “weak” forms that acknowledge cultural, political and economic mediation (Williams and Edge, 1996). Despite criticism, the appeal of determinist explanations persists, particularly as contemporary technologies appear to exhibit agency-like characteristics, increasingly autonomous functions and a vast influence on behavioural and institutional change.

Recent technological developments - the rise of artificial intelligence (AI), big data, digital surveillance infrastructures and the ubiquitous role of platform-based applications

in everyday life - have reinvigorated scholarly and public interest in technological determinism. They raise critical questions: To what extent are societal norms and behaviours shaped by technological systems? Do emerging technologies possess the capacity to act independently of their designers and users? And how can we critically evaluate the social consequences of technological innovation without resorting to reductionist or deterministic thinking?

This chapter addresses these questions by offering a comprehensive examination of technological determinism as both a theoretical framework and an interpretive lens for understanding social change. The discussion draws on interdisciplinary sources from media studies, the sociology of technology, communication theory and the philosophy of science. It aims to historicise the concept of technological determinism, elaborate on its theoretical variants, critically assess its explanatory power and explore its relevance for understanding contemporary technological transformations.

The argument proceeds in several thematic sections. The next section traces the historical evolution of technological determinism, from its conceptual roots in classical social theory to its elaboration in media and communication studies. The following section presents the theoretical landscape, distinguishing between strong and weak determinist positions while engaging with alternative frameworks such as the Social Construction of Technology (SCOT), Actor-Network Theory (ANT) and sociomaterial approaches. Subsequent sections explore contemporary discourses - platformisation, algorithmic governance and AI - to demonstrate how determinist logic continues to inform both academic inquiry and policy rhetoric, and provide illustrative case studies of technological influence in such areas as digital communication, mobile connectivity, educational technology and journalism. The final sections present a critical evaluation of the limitations and ideological uses of determinist thinking and propose integrative models that better capture the co-constitutive relationship between technology and society.

By adopting a critical, historically informed and multidisciplinary approach, this chapter does not seek to vindicate technological determinism in its classical form. Rather, it aims to recover the heuristic value of the concept while advocating a more relational and reflexive understanding of how technologies shape - and are shaped by - social life.

Historical Origins of Technological Determinism

The origins of technological determinism can be traced to the intellectual currents of the nineteenth and early twentieth centuries, when industrialisation and scientific discovery began dramatically to alter the organisation of labour, governance and daily life. Although the deterministic notion that technology drives historical change had been implicit in various Enlightenment-era philosophies, it was the emergence of large-scale technological systems - and the ensuing societal transformations - that rendered such thinking more explicit and systematic.

One of the earliest and most influential theorists to argue that technology plays a decisive role in shaping society was Karl Marx. Although Marx is often classified as an economic determinist, his materialist conception of history grants a prominent role to the “forces of production” - including technological tools and labour techniques - in structuring the “relations of production” and, by extension, the social order (Marx, 1867/1990). In *Capital* he describes the “means of labour” as key instruments in transforming both economic relations and the consciousness of workers. His account is, however, more nuanced than is often acknowledged: he did not ascribe autonomous power to technology but situated it within a broader framework of class struggle and historical materialism (Feenberg, 2002).

Later interpretations of Marx’s work, particularly deterministic readings, came to emphasise the role of technology as an exogenous force precipitating successive historical stages - from feudalism to capitalism to socialism. Although contested, this reading laid the groundwork for viewing technological innovation as a driver of societal change.

A century after Marx, Marshall McLuhan brought renewed attention to the media not merely as channels of communication but as forces that restructure human perception and social interaction. In *Understanding Media: The Extensions of Man* (1964), McLuhan famously declared that “the medium is the message,” arguing that the very form of a medium - print, television, digital - has more profound social consequences than its content. McLuhan’s vision was steeped in determinism: new media technologies were seen as shaping consciousness and culture in ways that often exceeded human intentionality. He thereby exemplifies what has come to be called media determinism, in which technological form takes a causal role in societal transformation (Chandler, 1995).

The Industrial Revolution of the eighteenth and nineteenth centuries provided fertile ground for deterministic thinking. The rapid emergence of factories, mechanised labour

and transport systems led many observers to conclude that technology was fundamentally reshaping society economically, politically and culturally. Social theorists such as Émile Durkheim and Max Weber examined the implications of these changes, although with less emphasis on technology as an autonomous force.

Many popular and policy discourses of the period nevertheless embraced the idea that machines and tools were the vanguard of progress and modernity. Mechanisation was celebrated not only as an economic imperative but as a civilisational mission. The narrative of technological progress came to legitimise colonial expansion, industrial capitalism and bureaucratic governance, embedding deterministic assumptions in political ideology (Headrick, 1981).

The era also gave rise to dystopian and sceptical responses. Writers such as Samuel Butler, in *Erewhon* (1872), warned that machines could one day surpass and dominate their human creators. Such concerns echoed the fears of autonomy and control that would later become central to twentieth-century critiques of technological determinism.

In the twentieth century, theories of media and communication added further depth to the determinist tradition. Scholars such as Harold Innis and Walter Ong built upon McLuhan's insights to argue that the dominant communication medium of an era - oral, written, print or electronic - has profound implications for the structure of knowledge, authority and culture. Innis (1951) distinguished between time-biased media (e.g. stone, oral tradition) and space-biased media (e.g. paper, print), suggesting that societies organised around different media developed distinct political and institutional forms. Ong (1982), in *Orality and Literacy*, examined how literacy fundamentally altered modes of thought, enabling abstraction, logic and individualism.

Theoretical Frameworks: From Strong Determinism to Sociomaterial Approaches

The Social Construction of Technology (SCOT) approach, developed by Trevor Pinch and Wiebe Bijker, offers a strong corrective to determinist accounts. SCOT scholars examine how technologies are stabilised through closure and consensus among relevant social groups. The development of the bicycle in the late nineteenth century, for example, involved competing designs and functions until one version became dominant through social agreement, not technical superiority (Pinch and Bijker, 1984).

The SCOT approach demystifies the view of technology as autonomous and instead highlights how power relations, institutional agendas and cultural preferences shape technological pathways. Although sometimes criticised for underplaying material constraints and non-human agency, SCOT has been instrumental in shifting the analytic focus from technology as cause to technology as consequence of social negotiation.

Actor-Network Theory (ANT), developed by scholars such as Bruno Latour, Michel Callon and John Law, extends the critique of determinism by rejecting the very distinction between technological and social actors. Within ANT, agency is distributed across human and non-human elements within networks. Technologies, texts, institutions and people are all treated as actants - entities capable of making a difference (Latour, 2005). A key premise of ANT is that there is no essential separation between society and technology; rather, the two co-emerge through networks of relations. The introduction of a speed bump, for example, does not simply slow traffic; it actively shapes driver behaviour, legal discourse and infrastructure planning. On this view, the speed bump is not just a tool but a participant in the social order.

While ANT avoids the pitfalls of determinism by decentralising agency, it has been criticised for its political neutrality and its reluctance to engage with normative questions (Winner, 1993). Even so, it provides a powerful conceptual vocabulary for analysing the co-construction of technology and society, particularly in complex systems such as digital platforms, smart cities and algorithmic governance.

More recent developments in the study of technology - particularly those influenced by feminist theory, posthumanism and new materialism - advocate sociomaterial perspectives that dissolve the binaries between subject and object, social and technical. Scholars such as Karen Barad, Donna Haraway and Lucy Suchman argue that humans and technologies are intra-actively co-constituted (Barad, 2007; Haraway, 1991). Sociomateriality holds that material arrangements (algorithms, code, hardware) are neither passive nor secondary to human activity; they actively configure possibilities for interaction, knowledge and meaning-making. The view is particularly valuable for the study of digital environments, where boundaries between organic and artificial, physical and virtual, are increasingly blurred.

Posthumanist approaches challenge the anthropocentric bias of both determinist and constructivist paradigms by highlighting non-human agency and entangled subjectivities. In AI-human interaction, for example, decisions may emerge from an assemblage of

data, algorithmic inference and human input, making it difficult to attribute agency to any single actor. By moving beyond both determinism and voluntarism, sociomaterial and posthumanist theories offer a framework for understanding the distributed, contingent and emergent nature of technological change.

The theoretical landscape surrounding technological determinism thus reveals a rich and contested field. While early accounts emphasised the autonomy and inevitability of technological influence, more recent theories stress interaction, mediation and co-construction. From strong determinism and substantivism to SCOT, ANT and posthumanist approaches, scholars have increasingly recognised that technology does not operate in a vacuum: it is both shaped by, and constitutive of, social practices, political structures and epistemological frameworks.

Contemporary Discourses: Platformisation, Algorithms, Surveillance, AI

In the twenty-first century, technological determinism has taken on new forms amid the rise of digital capitalism, algorithmic systems and ubiquitous computing. Although deterministic claims are often implicit, many contemporary discourses about digital technologies reflect the belief that these systems inherently reshape human behaviour, disrupt institutions and produce irreversible change. Four domains illustrate the persistence of determinist thinking: platformisation, algorithmic governance, digital surveillance and artificial intelligence.

Platformisation refers to the increasing reliance on digital platforms to mediate social, economic and cultural activity (Helmond, 2015; van Dijck, Poell and de Waal, 2018). Platforms such as Facebook, Google, Amazon and TikTok have evolved beyond applications: they are now infrastructures that underpin much of modern life, setting the conditions under which communication, commerce, labour and leisure occur.

From a determinist perspective, the platform model restructures social interactions through its inherent logic of data extraction, modularity and scalability (Plantin et al., 2018). The design of platforms encourages particular forms of engagement (likes, shares, reposts) that in turn shape user behaviour and self-presentation. Instagram's interface, for example, privileges visual content and algorithmic visibility, incentivising users to adopt particular aesthetic norms (Bucher, 2018). Platforms exercise both functional and symbolic power: functionally, by mediating access to services and visibility; symbolically,

by shaping cultural norms around interaction, identity and value (Couldry and Mejjas, 2019). This infrastructural power supports a form of soft determinism, in which technologies set affordances that deeply influence - but do not absolutely dictate - behaviour. Critics nonetheless argue that users can and do resist platform logics through subversive practices such as meme culture, protest hashtags and platform migration (Gillespie, 2018), demonstrating that, while platforms are powerful, they are not omnipotent (Mansell and Steinmueller, 2020).

Algorithmic governance involves the delegation of decision-making to automated systems, increasingly common in fields such as public health, finance, policing and content moderation. Algorithms now play a central role in managing populations, distributing resources and predicting behaviour (Beer, 2017; Yeung, 2018), depending on datafication - the transformation of human activities into quantifiable data points. Determinist interpretations often portray algorithms as neutral, efficient and inevitable solutions to complex problems. Predictive policing tools such as PredPol, for example, are deployed under the assumption that crime patterns are stable and discoverable through data analysis, sidelining sociological factors such as poverty and systemic bias (Brayne, 2017). The opacity of algorithms - the “black-box” problem - further complicates human oversight: when individuals are denied loans, flagged for risk or prioritised in search results, it is often unclear who or what is responsible (Pasquale, 2015), creating a system of diffused causality that echoes strong determinism. Critical scholarship, however, increasingly highlights the politics of algorithms: far from neutral, these systems embed the assumptions, values and goals of their designers (Noble, 2018), and their framing as objective masks ideological underpinnings such as surveillance capitalism and behavioural control (Zuboff, 2019).

The widespread deployment of digital surveillance technologies has intensified concerns about technological determinism, particularly in relation to control, autonomy and social sorting. Surveillance is no longer limited to state intelligence or CCTV cameras; it is embedded in everyday life through smartphones, apps, wearable devices and connected infrastructure. Surveillance systems rely on predictive analytics to forecast behaviours and assign probabilities to future actions. In sectors ranging from insurance to education to immigration, individuals are increasingly governed by anticipatory logics that treat future behaviour as both knowable and actionable (Andrejevic, 2020), creating a deterministic framework in which the past is presumed to determine the future, often without recourse to appeal or transparency. From a Foucauldian perspective, digital

surveillance represents a form of disciplinary power that reshapes subjectivity: individuals internalise norms and modify behaviour in anticipation of being watched, producing a self-regulating citizenry (Foucault, 1977). This mirrors Ellul's earlier concerns that technological systems reconfigure ethical and moral life, often without explicit consent. Surveillance technologies also disproportionately target marginalised populations, exacerbating structural inequalities (Eubanks, 2018) - technologies that promise efficiency and fairness frequently reproduce historical patterns of discrimination, adding a critical political dimension to technological determinism: it is not simply that technologies drive change, but that they do so in ways that reflect and reinforce existing power hierarchies.

The rise of artificial intelligence (AI) and machine learning represents a new frontier in discussions of technological determinism. AI systems are capable of performing tasks once reserved for humans - recognising speech, composing text, diagnosing diseases, driving vehicles - fuelling both utopian and dystopian predictions about the future of society. Determinist rhetoric is particularly common in popular media and industry discourse, where AI is often depicted as an unstoppable force that will inevitably transform labour markets, governance and even consciousness (Brynjolfsson and McAfee, 2014). Phrases such as “the AI revolution” or “the rise of the machines” imply a trajectory independent of human decision. Scholarly critiques nevertheless emphasise that AI systems are shaped by training data, design decisions and implementation contexts: the apparent autonomy of AI is often an illusion sustained by narratives that obscure the labour and infrastructure behind these systems (Crawford, 2021). Rather than displacing humans, AI more often augments or reconfigures human labour, producing new forms of human-machine co-agency (Suchman, 2007). Such co-agency challenges simplistic determinist accounts: agency is not a zero-sum game but is distributed across sociotechnical assemblages, and ethical design, participatory governance and regulatory intervention can steer AI development toward socially desirable outcomes - again suggesting that technological futures are not preordained but contingent and contestable.

Case Studies

While abstract theory provides conceptual clarity, empirical case studies reveal how technological determinism manifests itself in lived experience. The following examples - public discourse, identity formation, mobile connectivity, educational technology and journalism - illustrate both the appeal and the limitations of determinist interpretations.

Public Discourse and the Internet

The internet has radically altered how public discourse is formed, maintained and contested. In its early phases, many scholars and activists saw it as a democratising force that would decentralise access to information and enable new forms of civic engagement (Castells, 2001; Rheingold, 1993). The “digital public sphere” promised to weaken traditional gatekeepers - mainstream media, state institutions - and empower grassroots voices. From a determinist perspective, these structural transformations were viewed as inevitable consequences of the internet’s affordances: low cost of entry, speed of dissemination and global reach. Social-media platforms, blogs and comment sections were presumed to inaugurate a “networked democracy” (Shirky, 2008). As the internet matured, however, more critical evaluations emerged. Rather than simply enabling open dialogue, digital platforms have been found to foster echo chambers, algorithmic polarisation and disinformation (Pariser, 2011; Sunstein, 2017). Platforms such as YouTube, Facebook and X promote content on the basis of engagement metrics, not accuracy or civic value - a logic that, while technologically driven, has deep social implications, reshaping norms of truth, authority and deliberation. Such outcomes are not, however, technological necessities; they result from platform-design decisions, business models predicated on the attention economy and weak regulatory frameworks (Gillespie, 2018).

Identity and Social Media

Social-media platforms such as Instagram, TikTok and Snapchat play a significant role in the construction and performance of identity, particularly among young people. They mediate how users present themselves, receive validation and negotiate belonging (boyd, 2014; Marwick, 2013). Determinist narratives often suggest that social media inevitably lead to narcissism, performative culture and superficial relationships; popular commentary tends to claim that the design of these platforms - focused on likes, comments, filters and curated content - promotes inauthenticity and psychological distress (Turkle, 2011). There is some empirical support for these concerns: studies have found links between social-media use and anxiety, body-image issues and depressive symptoms, particularly among adolescents (Twenge and Campbell, 2018). Such findings, however, risk conflating correlation with causation. More nuanced research shows that social media can also foster creativity, social connection and political activism (Papacharissi, 2010). Online identity is not passively shaped by technological features but

is co-constructed through user agency, peer networks and cultural scripts. Users adopt, adapt and at times resist platform norms - engaging in subversion, irony and refusal (Highfield and Leaver, 2016). Identity is best understood as an ongoing negotiation between technological structures and individual or collective meaning-making.

Mobile Connectivity

The proliferation of smartphones has transformed the temporal rhythms and spatial practices of everyday life. Mobile devices collapse boundaries between public and private, work and leisure, local and global. Notifications, instant messaging and location-based services foster a culture of perpetual contact and temporal immediacy (Licoppe, 2004; Greenfield, 2006). From a determinist standpoint, mobile technology generates new social norms - expecting constant availability, eroding downtime and accelerating daily routines (Crary, 2013). These interpretations often overlook how users negotiate their relationships with mobile technology: while some embrace hyper-connectivity, others practise digital detox, notification management or contextual withdrawal (Lupton, 2015). Mobile technology serves different functions in different cultural and socioeconomic contexts: for some it is an instrument of mobility and empowerment, for others a source of surveillance and control (Donner, 2015).

Educational Technology

The adoption of digital technologies in education - learning-management systems, virtual classrooms, AI tutors, data dashboards - has prompted a rethinking of pedagogy, curriculum design and the role of the teacher. Proponents of EdTech often present these innovations as transformative, offering personalisation, scalability and efficiency (Selwyn, 2016). Many policy documents and corporate narratives display a clear deterministic assumption: technology will improve learning outcomes, democratise access and replace outdated models of instruction. During the COVID-19 pandemic, such views intensified as remote learning became a necessity rather than an option. Critical research, however, reveals a more complex picture: EdTech can reproduce inequalities through disparities in access, digital literacy and parental support (Williamson, 2020). Surveillance features embedded in many platforms raise concerns about student privacy and autonomy, and the role of the teacher is often diminished to that of a facilitator or data manager rather than a critical and relational figure. Technological determinism in education tends to prioritise innovation over pedagogy and metrics over meaning; educators and scholars

increasingly advocate for human-centred, ethically informed and culturally responsive uses of educational technology (Facer and Selwyn, 2021).

Journalism

Digital technologies have profoundly disrupted journalism. The rise of social media, automated news generation and personalised content delivery has changed how news is produced, distributed and consumed. Traditional gatekeepers have lost control, while platforms dominate audience access and advertising revenue (McChesney, 2013). Determinist accounts often frame these shifts as a technological inevitability - as if the internet must lead to fragmentation, misinformation and the decline of professional journalism. The very term “post-truth” implies that digital platforms erode the foundations of objective knowledge (McIntyre, 2018). Such conclusions oversimplify the political economy of news. The crisis of journalism is not solely technological but also institutional, economic and ideological: platform monopolies, declining public funding and editorial pressures have all contributed to the erosion of media trust (Carlson, 2020). Tools such as AI and blockchain are also being explored to improve transparency, fact-checking and reader engagement. Determinism fails to account for how journalists, readers and institutions actively adapt to and resist technological change; a more reflexive framework foregrounds the co-evolution of technology, media ethics and public trust.

Critiques and Limitations of Technological Determinism

Although technological determinism has played a significant role in shaping academic inquiry and public discourse on technological change, it has also been the subject of substantial criticism. Scholars across sociology, media studies, science and technology studies and philosophy have challenged the explanatory adequacy, political neutrality and normative implications of deterministic thinking. The principal criticisms can be grouped under four headings: the overemphasis on technology as an independent causal agent; the neglect of human agency and cultural diversity; the ideological and political uses of determinist narratives; and the promotion of technological solutionism.

One of the most persistent criticisms is the reductionism of determinist thinking - its tendency to explain complex social phenomena by attributing them primarily or exclusively to technological factors. Such accounts often underestimate the roles of political institutions, economic systems, historical contingencies and cultural values in

shaping social change (Williams and Edge, 1996). They frequently operate through a linear logic: technology is invented, adopted and produces change. Empirical research, however, consistently shows that technological change is non-linear, iterative and subject to feedback loops. The introduction of new technologies often produces unintended consequences - both positive and negative - that cannot be predicted from technological properties alone (Tenner, 1996). A narrow focus on technology risks misunderstanding what is changing and why: the direction, speed and effects of any transformation depend on legal frameworks, social norms, user communities, market forces and regulatory regimes.

A second major limitation is the neglect of agency, both individual and collective. By portraying technology as an autonomous force, determinism downplays the role of human decision-making, interpretation and resistance. The same mobile-phone application may be deployed for activism in one country, surveillance in another and entertainment in a third - divergent uses that reflect not the deterministic power of technology but the situated agency of users and the affordances provided by specific social environments (Wajcman, 2004). By ignoring such variability, deterministic accounts tend to produce universalising narratives that fail to register difference, especially in global contexts where technological infrastructures intersect with inequalities of access, literacy and political rights (Couldry and Hepp, 2017).

Technological determinism is also a theory that can function ideologically. By framing social change as the inevitable result of technological progress, determinist narratives depoliticise controversial issues, presenting them as natural or unavoidable rather than as subjects for democratic debate (Feenberg, 1991). Such logic is frequently used to justify deregulation, labour displacement, surveillance expansion and austerity. When companies automate jobs and argue that “the robots are coming,” they often shift responsibility from human decision-makers to a supposedly unstoppable tide of innovation (Morozov, 2013); governments may adopt surveillance systems while claiming that security threats or technological advances leave them “no choice.” Determinism thereby masks power dynamics and moral choices, functioning as what Winner (1986) calls a mythology of progress: it presents historical trajectories as natural and unchallengeable, foreclosing critical discussion of alternative technological futures.

Closely linked to the ideological critique is technological solutionism - the belief that social problems can be solved primarily or exclusively through technological innovation (Morozov, 2013). Educational inequalities are increasingly addressed through digital

platforms, apps and data analytics, while underlying issues such as funding disparities, pedagogical frameworks and social-support systems receive less attention; environmental crises are frequently met with technological optimism (geoengineering, carbon capture) rather than critical reflection on consumption patterns and economic models. Solutionism is seductive because it aligns with both market logic and public fascination with innovation, but it reinforces a deterministic worldview in which technology is treated as both cause and solution - leading to technocratic governance in which technical experts and private companies wield disproportionate influence and public accountability is weakened (Sadowski, 2020).

A Revised Understanding: Integrative Models of Change

The criticisms outlined above call for alternative models that can capture the complexity, contingency and multidirectionality of technological change. Several integrative frameworks address this need: sociotechnical-systems theory, affordance theory, co-evolutionary models and intersectional approaches to digital inequality. Together, they provide a more robust basis for understanding how technology mediates and is mediated by social life.

Sociotechnical-systems theory, originating in research at the Tavistock Institute in the 1950s, holds that technologies are not isolated artefacts but components of larger systems that include organisational structures, cultural norms, human actors and institutional rules (Trist and Bamforth, 1951). Sociotechnical systems are best understood as assemblages of interdependent elements: any change in the technical subsystem (a new machine or piece of software) interacts with and is constrained by the social subsystem (norms, practices, power relations). Technological change is therefore always context-sensitive and subject to local negotiation and adaptation (Bijker, Hughes and Pinch, 1987). The perspective has been applied to digital governance, health informatics and workplace automation: in each case, the outcome of technological implementation depends not solely on the artefact but on the sociotechnical context into which it is introduced.

Affordance theory, originally developed by ecological psychologist James Gibson (1979), refers to the actionable possibilities that an object or environment provides. Applied to technology, it asks what a technology enables or constrains in relation to specific users, tasks and contexts (Norman, 1999; Evans et al., 2017). Rather than asking,

“What does this technology do?” the question becomes, “What does this technology afford in this situation, for these users?” Twitter, for example, affords public broadcasting, but also private messaging, hashtag activism and trolling - depending on how users engage with it and the norms that govern its use (boyd, 2014; Bucher and Helmond, 2018). Affordances are neither determinative nor entirely open; they exist at the intersection of design and practice, allowing for a comparative analysis of technology across different social settings.

Co-evolutionary models emphasise the reciprocal and iterative relationship between technology and society. Rather than treating technology as an independent variable acting upon a passive social world, co-evolutionary theories hold that the two evolve in tandem (Rip and Kemp, 1998; Dolata, 2013). The emergence of the smartphone has altered communication habits, workplace expectations and family dynamics; these social changes have in turn influenced the design and features of smartphones, prompting tools such as screen-time limits, focus modes and wellness trackers. Co-evolutionary thinking is particularly valuable for understanding long-term processes and systemic transformations, drawing attention to path dependencies, feedback mechanisms and the emergent properties of sociotechnical systems.

Intersectional and critical digital-studies perspectives further refine integrative approaches by emphasising how the effects of technology are mediated by structural inequalities of race, gender, class, ability and geography (Noble, 2018; Eubanks, 2018). Such frameworks reject the idea of a universal user or standard technological effect, foregrounding how different groups experience technologies in unequal and asymmetrical ways. Algorithmic bias in facial-recognition software, for example, disproportionately misidentifies people with darker skin tones - an outcome not of technical failure alone but of historical and institutional racism embedded in datasets and design processes (Buolamwini and Gebru, 2018). Access to digital technologies remains uneven across the globe: while deterministic narratives often assume ubiquitous connectivity and digital literacy, many communities face infrastructural, economic and linguistic barriers, producing what scholars term the “second-level digital divide” - not only who has access, but how that access is used and what benefits accrue (van Dijk, 2020). Incorporating intersectionality into the analysis of technology ensures that questions of power, justice and inclusion remain central.

Conclusion

Technological determinism has long held a central - if controversial - place in debates about the relationship between technological innovation and social change. From early materialist theories to contemporary analyses of digital infrastructures, the idea that technology acts as a primary agent in shaping human behaviour, institutional structures and cultural practices continues to animate scholarly inquiry and public imagination. This chapter has shown, however, that the explanatory power of technological determinism is limited unless it is situated within broader frameworks that account for context, agency, power and inequality.

Historically, determinist perspectives emerged in response to profound technological disruptions - the printing press, industrial mechanisation, mass media. These theories captured the transformative power of innovation but often fell into reductionist traps, ignoring the social conditions that produce and mediate technological effects. As shown through the works of Marx, McLuhan, Ellul and others, the deterministic tradition has provided valuable insights but has also required significant theoretical refinement and critique.

The chapter has traced the evolution of technological determinism through its conceptual distinctions - strong versus weak - and examined competing and complementary frameworks: technological substantivism, the Social Construction of Technology, Actor-Network Theory, sociomateriality and posthumanism. These frameworks challenge the linear and causal assumptions of classical determinism, offering more nuanced models of how technologies are embedded within and emerge from sociotechnical systems.

In applying these debates to contemporary discourses, the chapter has shown that technologies such as social-media platforms, algorithmic governance systems, surveillance architectures and artificial intelligence are not simply tools or drivers of change but parts of complex relational assemblages. They shape and are shaped by institutional logics, political economies, user practices and cultural narratives. The deterministic logic that continues to surface in media and policy discourse - “technology will inevitably produce X” - must be met with critical scrutiny.

Through a series of empirical case studies, the chapter has illustrated how technological systems affect identity, time, education, journalism and public discourse. Each case underscored the importance of moving beyond simple causal models to a grounded analysis of mediation, resistance, appropriation and contestation. From the

reorganisation of social time by mobile technologies to the crisis of journalistic trust in a platform-dominated information landscape, the effects of technology are always contingent, variable and entangled with broader societal dynamics.

The limitations of technological determinism have likewise been made plain. By overemphasising the role of technology, deterministic accounts obscure human agency, ignore cultural variation and serve ideological purposes - particularly in neoliberal and technocratic contexts. The deterministic narrative that “technology made us do it” depoliticises ethical debates, justifies harmful policies and renders invisible the structures of power that underpin technological development and deployment. In response, the chapter explored integrative models - sociotechnical-systems theory, affordance theory, co-evolutionary frameworks and intersectional approaches to digital inequality - that allow scholars and practitioners to examine not only what technology enables or constrains but also how it interacts with political, institutional and cultural systems.

Future research and action should focus on ethical design, sustainable innovation, decentralised infrastructures and epistemic justice. The question is no longer simply whether technologies determine society, but how societies might deliberately determine the kinds of technologies they wish to create, govern and inhabit. In short, technological determinism remains a valuable starting point for understanding the profound ways in which innovation interacts with society, but it must be supplemented - and often supplanted - by models that account for complexity, contingency and human values. As we navigate an increasingly digitised and interdependent world, the challenge is not only to describe how technologies change us but also to ask how we might change technology to better serve the needs of people and the planet.

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Chapter 6

Parrhēsia in the USA: Social Movements and the Supreme Court

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Abstract. The purpose of this article is to analyse a series of landmark Supreme Court decisions, spanning from the Warren Court to the Burger Court, in order to demonstrate a fundamental shift in students' First Amendment rights. I show how a self-assertive and courageous vindication of individual rights, exemplified by Foucault's notion of *parrhēsia* - bold truth-telling that carries inherent risks - gradually transitioned into a more conservative, biopolitical governance under the Burger Court. First, I highlight how civil-rights activists in *New York Times Co. v. Sullivan* and the students in *Tinker v. Des Moines* embodied *parrhēsia*, taking courageous stands to shape American society amid the Vietnam War and the civil-rights movement. I then demonstrate how the Burger Court weakened *Tinker* and Warren-era precedents, thereby enacting a more rigorous biopolitical governance. In the landmark decision *Bethel School District v. Fraser*, the Supreme Court upheld a conservative understanding of students' rights, enacting a carveout to *Tinker* for lewd and sexually-laden speeches. The Moral Majority, the Reagan presidency and the powerful conservative influence on American life brought about a judicial recalibration that still affects school life.

Keywords: Warren Court, Burger Court, Sullivan, Tinker, Fraser, parrhēsia, biopolitics.

Introduction

Under the leadership of Earl Warren (1891–1974) Chief Justice from 1953 to 1969, the Supreme Court of the United States (henceforth: SCOTUS) handed down leading decisions on a wide range of societal issues. The Court banned government-sponsored school prayers in *Engel v. Vitale* (1962) (Dierenfield, 2007), and overhauled the voting

system in *Baker v. Carr* (1962) by applying the principle of “one person, one vote” (Gardner, 2002; the Court applied the rationale of *Baker* to *Reynolds v. Sims* and *Wesberry v. Sanders*, both decided in 1964). Furthermore, the Court held in *Miranda v. Arizona* (1966) that law enforcement must inform suspects of their constitutional right to silence before interrogation. The *Miranda* rights have been popularised through television series and remain an abiding presence in the public consciousness (Berk-Seligson, 2009; Wing, 2023). In summary, the Warren Court (1953–1969) was in tune with the civil-rights movement. Ronald J. Krotoszynski correctly notes that Chief Justice Earl Warren and his colleagues did more to advance the project of equal citizenship than any court, state or federal, before or after - whether in the area of freedom of speech, equal protection or substantive due process - and that they redefined, in a radical way, the relationship of the citizen to the state (Krotoszynski 2002: 1056).

The societal change instigated by the Warren Court began to face resistance and a conservative shift in the 1980s. Under the stewardship of Chief Justice Warren E. Burger and then Chief Justice William H. Rehnquist, SCOTUS handed down conservative decisions. Although the legacy of the Warren years was not entirely undone, both courts nonetheless weakened some of its most significant decisions. The presidencies of Richard Nixon, Ronald Reagan, the Bushes and Donald Trump significantly reshaped SCOTUS jurisprudence. Justin Driver claims that President Reagan initiated “an overdue restoration of authority” (Driver, 2018: 113); what Reagan demanded was “to restore good old-fashioned discipline” (Driver, 2018: 113). Since the 1980s, this pattern has been a common feature of Republican-appointed Courts, even more so under the Roberts Court, which has consistently ruled in favour of religious initiatives - producing what Idriss Fassassi has aptly labelled a “hypertrophy” of the religious in order to trump the Establishment Clause in favour of the Free Exercise Clause of the First Amendment (Fassassi, 2024; see also Stratton, 2025).

This assessment of SCOTUS and some of its landmark decisions, from the 1960s up to contemporary jurisprudence, allows us to outline the central argument of this article: that SCOTUS crystallises two essential notions in Michel Foucault’s oeuvre, *parrhēsia* and biopolitics. *Parrhēsia* is the key feature of the Warren Court and its commitment to societal advancement. Biopolitics - the government of the population - is, by contrast, the key feature of the conservative jurisprudence of SCOTUS, where discipline, order and the return of religion are essential features of conservative judicial philosophy. The article proceeds in three parts. Part I outlines the Foucauldian notion of *parrhēsia* and the way

Cynicism embodies it. Part II re-examines two landmark cases of the Warren Court, *Sullivan* (1964) and *Tinker* (1969). I show how activists and secondary-school pupils embody Cynicism and provide a powerful example of *parrhēsia*. I also highlight two carveouts to *Sullivan* from the Burger Court: *Branzburg v. Hayes*, in which the Court held that there is no constitutional reporter's privilege before a grand jury, and *Gertz v. Robert Welch, Inc.*, which refused to apply the actual-malice test from *Sullivan* to private individuals. In doing so, I illustrate the conservative turn in SCOTUS jurisprudence and how it weakened *Tinker*.

Part II proposes a biopolitical assessment of a landmark decision of the Burger Court that directly impinged upon secondary-school pupils' First Amendment rights. In *Bethel School District v. Fraser* (1986), the Burger Court weakened the *parrhēsiastic* thrust of *Tinker*.

Part III concludes and re-emphasises the core argument of this contribution: the evolution of SCOTUS jurisprudence on First Amendment cases, encompassing both progressive and conservative decisions. Ultimately, I argue that *Fraser*, as a carveout to *Tinker*, has significantly reshaped the US legal landscape and undermined students' First Amendment rights.

1. Michel Foucault and Parrhēsia

Towards the end of his life, Michel Foucault shifted his focus from power–knowledge relations to ethics and truth-telling. In this regard, Faustino and Ferraro are right in noting that the late Foucault developed “an ancient and ‘ethical’ turn” (Faustino and Ferraro, 2020: 3). Foucault wrote on *parrhēsia*, *isēgoria* and Cynic ethic in his final course of lectures at the Collège de France, *The Courage of Truth* (1983–1984; henceforth: *TCT*).

1.1. Parrhēsia and its Relevance for Activism

In his course lecture *The Government of Self and Others* (1982–1983), Foucault claims that *isēgoria* amounts to the equality of speech - the possibility for any individual, provided of course that he is part of the *demos*, to have access to speech - and is the right to speak, to give one's opinion in a discussion or a debate (Foucault, 2010: 151). One practises *isēgoria* whenever one comments upon something or discusses something with friends or family. As Espejel Mena and Guerrero Olvera (2025) claim, *isēgoria* is the strategy that grants every citizen the right to speak. Strictly speaking, this would correspond to the Free Speech Clause of the First Amendment to the United States Constitution (more on this

below). *Parrhēsia*, by contrast, is something similar but different at the same time. It involves telling the truth under difficult and troubling circumstances. In *TCT*, Foucault describes *parrhēsia* as risking one's life by telling the truth, risking one's life in order to tell the truth, and risking one's life because one has told the truth (Foucault, 2011: 234).

In *TCT*, Foucault re-emphasises the problems associated with *parrhēsia*. On Foucault's account, in such circumstances:

the subject must be taking some kind of *risk* [in speaking] this truth which he signs as his opinion, his thought, his belief, a risk which concerns his *relationship with the person to whom he is speaking*. For there to be *parrhēsia*, in speaking the truth *one must open up, establish, and confront the risk of offending the other person*, of irritating him, of making him angry and provoking him to conduct which may even be extremely violent. So it is the truth subject to risk of violence (Foucault, 2011: 11).

Both passages need unpacking in order to achieve a better understanding of what *parrhēsia* is and involves. First, *parrhēsiasts* say everything; they take responsibility for their actions. Second, according to Zachary Simpson, they have to possess “tremendous courage,” (Simpson, 2012: 101) because what they say or do could have unpleasant consequences, even involving the risk of death (Simpson, 2012). Third, they do not speak because they have a constitutional right to do so. Thus, they do not practise *isēgoria*; they say something that will imperil their lives. There is a clear hierarchy between *parrhēsiasts* and their interlocutors. The latter exercise more power than the former, and so they know what they are risking. As Renea Frey pithily puts it, *parrhēsia* “disrupts the status quo” (Frey, 2024: 1).

Parrhēsiasts belong to a specific political category: political militants. Such militancy manifests itself, in Foucault's description, as a visible, recognised, established organisation that seeks to assert its aims and dynamic in the social and political field - a militancy that no longer hides itself in secret sociality but appears and gains recognition in trade-union organisations and political parties with a revolutionary function (Foucault, 2011: 184). Any movement of social protest, any revolutionary leader or activist, takes a chance: they expect that their protests or vindications could be met with anger or could even cause them to die, but they remain committed to their causes. *Parrhēsia* is rooted in a Hellenistic philosophical school, namely Cynicism. Ancient Cynicism makes truth the real reason to live: choosing certain codes of behaviour - eating in public, uttering questionable words in the open - involves rejecting long-standing principles or values in order to conduct a life based upon specific values. It is not a relativist approach to life

but a very austere mode of living, since the Cynics want to part ways with a society in which they cannot live.

Indeed, the Cynic view of life as the irruptive, violent, scandalous manifestation of the truth is and was part of revolutionary practice and of the forms taken by revolutionary movements throughout the nineteenth century. Revolution in the modern world was not just a political project; it was also a form of life - or, more precisely, it functioned as a principle defining a certain mode of life (Foucault, 2011: 183–184).

The Cynics reject common values because they believe that those values do not constitute their lives. As a consequence, activists reject the values of their time. This is the case because they believe those values are not adequate or do not mirror the beliefs of a country as a whole. De Freitas (2025) appropriately claims that the Cynics consider themselves to be an absolute sovereign. It is possible to argue that civil-rights and political activists in the United States in the 1960s are contemporary Cynics. It is now important to draw some preliminary conclusions about Cynicism and the way it influenced *parrhēsia*:

- 1) *Parrhēsia* involves speaking truth to power. One is cognisant of what is at stake when undertaking certain actions or codes of behaviour. This is different from *isēgoria*, the constitutional right to freedom of speech.
- 2) *Parrhēsia*, this instance of risky truth-telling, is closely associated with the Cynic ethic. Cynics rejected conformism and traditional values to conduct a life different from long-standing customs. As Foucault claims, remnants of Cynicism can be found in political activism and militantism, since both question the status quo and social conformism.
- 3) The United States, in the 1960s, witnessed the actions of the new Cynics - civil-rights activists and secondary-school pupils opposing the Vietnam War.

In the next section, two leading decisions of the Warren Court - *New York Times Co. v. Sullivan* (1964) and *Tinker v. Des Moines Independent Community School District* (1969) - will be re-examined by framing civil-rights activists and the Tinker siblings as *parrhēsiasts*. This will offer a new interpretation of both cases as involving active Cynicism.

2. Sullivan and Tinker: SCOTUS and Parrhēsia

2.1. Sullivan and the Civil-Rights Activists

New York Times Co. v. Sullivan (1964) is a SCOTUS landmark decision in the field of freedom of the press. The case arose out of the civil-rights movement and began as a libel suit. This section will also show how civil-rights activists are better described as *parrhēsiasts*.

Two civil-rights activists, A. Philip Randolph and Bayard Rustin, supported by the entertainer Harry Belafonte, spent \$4,800 on a full-page advertisement in the *New York Times* (henceforth: *Times*), titled “Heed Their Rising Voices,” which was meant to draw attention to the enduring disenfranchisement of Black Americans in the Deep South (in this case, Alabama). The advertisement was specifically designed to “appeal for funds to assist Martin Luther King, Jr. with legal fees” (Powe, 2000: 304). Reports on violence towards Black students made headlines all over the country, but Montgomery police commissioner L. B. Sullivan claimed that the *Times* had defamed him in its reports. As Lewis and Ottley (2014) have noticed, Sullivan’s strategy was a key feature of the Southern response to reports full of bias and unfairness. SCOTUS took up the Sullivan complaint, with Sullivan being sure he would win at the high court (Powe, 2000: 307). As Samantha Barbas claims, Sullivan’s lawyers had to prove that the supposedly defamatory statements implicated Sullivan such that his reputation would be impugned (Barbas, 2024). However, a unanimous Court reversed the judgment of the Alabama Supreme Court, since he had not been able to prove that the *Times* had defamed him.

From a legal point of view, *Sullivan* has become a landmark decision because, as noted by Bruce E. Johansen, it created a new standard against which it is possible to assess whether libel had actually occurred - the actual-malice standard (Johansen, 2024). According to the *Sullivan* standard, public figures must clearly show that they have been libelled before bringing charges. Writing for a unanimous Court, Justice William J. Brennan, Jr. argued that the case had to be considered against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open, and that it may well include vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials (*New York Times Co. v. Sullivan*, 1964).

The Burger Court, however, changed its approach to freedom of the press by creating a carveout: reporter’s privilege is unconstitutional. Whereas *Sullivan* allowed the press to criticise public figures without risk of libel, in the landmark decision *Branzburg v. Hayes* (1972) the Burger Court placed limits on other aspects of journalistic freedom. The Court held that there is no constitutional reporter’s privilege and that journalists may not

refuse to reveal their sources before a grand jury. Although the essence of *Sullivan*'s libel standard has not changed, such a ruling risks creating a chilling effect on the free flow of information.

In the landmark decision *Gertz v. Robert Welch, Inc.* (1974), the Burger Court further refined the rights of private individuals. Whereas *Sullivan*'s actual-malice standard sets a high bar for public individuals, the *Gertz* Court did not extend this stringent test to private individuals. Instead, it allowed each state to set its own standard of fault for libel suits brought by private citizens, even when the speech involved matters of public concern (though still restricting punitive damages unless actual malice was proved). *Branzburg* and *Gertz* marked a major shift in journalistic freedom by establishing a constitutional carveout between freedom of the press and compelling state and government interests. After describing this shift in the Burger Court's jurisprudential philosophy, I now further expand on *parrhēsia* and civil-rights activism.

It should be borne in mind that Foucault argues that militants dare to tell the truth. They do so because they want to change the status quo and, in doing so, they risk their lives. Militants always risk their lives, since they make uncomfortable statements that undermine the security of people in power or, generally speaking, of people higher in the social hierarchy. This is what happened in the case of the civil-rights movement. The activists, like those involved in *Sullivan*, knew very well what they were doing, what they wanted to achieve and the risks they were ready to take to advance the fight for civil rights in the South. Foucault is very clear about militants' behaviour:

Militancy as bearing witness by one's life in the form of a *style of existence*. This style of existence specific to *revolutionary militancy*, and ensuring that one's life bears witness, breaks, and has to break with the conventions, habits, and values of society [...]. *Going after the truth, manifesting the truth, making the truth burst out to the point of losing one's life* or causing the blood of others to flow [...] (Foucault, 2011: 184–185).

Activism has thus become a full-fledged style of existence, since the default mode of action is always fighting against social injustice. It is in this context of bold truth-telling that a crucial outcome emerged: the end of impunity for top public employees, as affirmed by *Sullivan*. The actual-malice standard defined by the majority opinion is designed to uphold the rights of those who, until that moment, had been egregiously wronged by institutions. Samantha Barbas is right in claiming that the complex rules of *New York Times Co. v. Sullivan* were crafted by Justice Brennan to extricate the civil-rights movement and the *Times* from the threat posed by the Alabama libel suit, and that it is

likely the Court would not have intervened in the law of libel - nor would it have pursued its sweeping approach - had the case not emerged from such dramatic facts (Barbas, 2024).

No wonder that Justice Brennan wrote that a free press needs “the breathing space” (*New York Times Co. v. Sullivan*, 1964) - the necessary relief to work in a fully democratic state. Without militantism, there might not have been a *Sullivan* decision, since the Court might have deferred to state legislatures to deal with libel (Lewis and Ottley, 2014). The Warren Court abides by Foucault’s contention that militantism breaks away from social conformism and from long-standing principles reminiscent of the pre-civil-rights era. In his formidable biography of Chief Justice Earl Warren, Jim Newton aligns with what Foucault said in *TCT* about militantism, claiming that *New York Times v. Sullivan* freed the press to pursue its momentous coverage of the civil-rights movement and greatly strengthened national debate in other areas as well; the point of *New York Times v. Sullivan*, he argues, was the same as the point of the stall in the sit-in cases - to keep civil rights alive - and it succeeded (Newton, 2006: 324).

Foucault would have enthusiastically hailed SCOTUS and *Sullivan* as a compelling example of *parrhēsia*. Elsewhere, I have claimed that *parrhēsia* is indeed the strategy employed by activists “to denounce racism, structural inequalities, and demagoguery” (Di Carlo, 2024). Mary Anne Franks, in her recent and compelling examination of the role of *parrhēsia*, builds upon Foucault by claiming that it allows fearless speakers to use speech to challenge power and to vindicate the rights of the oppressed (Franks, 2024: 78).

It is also important to note that *Sullivan* ranks high among the best SCOTUS decisions. Steven Shiffrin highlights the fact that the decision ended “the censorial aspects of the law” and made it easier for citizens to criticise the powerful. Owen Fiss, in a similar manner, claimed that the decision modernised the intellectual foundations of free-speech traditions that have ensured the vibrancy of American democracy. As far as metrics are concerned, Cross and Spriggs (2010) have claimed that *Sullivan* is the fifth case out of twenty-five by legal-relevance score (999850).

The next section will focus on another leading decision of SCOTUS from 1969, *Tinker v. Des Moines Independent School District*. Whereas in *Sullivan* the protest centred on the South, *Tinker* centred on the Vietnam War.

2.2. The Tinkers' Black Armbands and Their Opposition to the Vietnam War

Tinker involves secondary-school pupils' free-speech rights. Although it enhanced protection for pupils' First Amendment rights, the *Tinker* Court had to strike a balance between the rights of free speech and legitimate institutional rights (Dayton and Tarhan, 2021). The main purpose of this section is to demonstrate how the *Tinker* siblings exemplify Foucault's account of Cynicism and *parrhēsia*. Kathryn Schumacher gestures towards *parrhēsia* at school by claiming that *Tinker* initiated the "students' rights revolution" (Schumacher, 2019: 7) and that the 1969 decision opened the floodgates for lawsuits concerning the constitutional rights of students (Schumacher, 2019: 2). As will be shown in this section, Foucault would have claimed that the secondary-school pupil has become the new Cynic.

Before examining *Tinker*, however, it is necessary to discuss another leading case involving secondary-school pupils' rights, *West Virginia State Board of Education v. Barnette* (1943). Marie and Gathie Barnett ("Barnette" was a misspelling in the court papers) had refused to recite the Pledge of Allegiance and salute the flag. The school expelled the two children and their parents lodged a complaint with SCOTUS, alleging that the school had violated their First Amendment rights. SCOTUS, in an opinion penned by Justice Robert H. Jackson, sided with the family. Emphasising the role of the First Amendment Free Speech Clause, Jackson maintained that if there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein; and that if there are any circumstances which permit an exception, they did not occur to the Court (*West Virginia State Board of Education v. Barnette*, 1943).

Marie and Gathie Barnette were the *parrhēsiasts* knowingly taking their chance. Foucault aptly summarises their action: *parrhēsia*, he says, is the courage of the truth in the person who speaks and who, regardless of everything, takes the risk of telling the whole truth that he thinks, but it is also the interlocutor's courage in agreeing to accept the hurtful truth that he hears (Foucault, 2011: 13).

The Court held that, even amid nationalism and the Second World War, the government could not compel secondary-school pupils to abide by nationalistic and patriotic ceremonies such as the Pledge of Allegiance or saluting the national flag. Susan

Dudley Gold re-emphasises this point by claiming that *Barnette* established that the First Amendment forbids the government from compelling Americans to participate in symbolic speech, such as a flag salute (Dudley Gold, 2014: 15). *Barnette* was a portent of what was to come in the 1960s, at the peak of another war - the one in Vietnam.

In 1965, in order to protest against the Vietnam War, John Tinker (15 years old), his sister Mary Beth Tinker (13 years old) and their friend Christopher Eckhardt (16 years old) decided to wear black armbands. This caused an uproar within the school, prompting E. Raymond Peterson, a school administrator, to take action. Peterson claimed that, under school regulations, even the mere wearing of armbands caused “a disturbing situation within the school” and that schools were “no place for demonstrations” (Johnson, 1997: 6). The school was ready to organise debates on the war but it would not allow any kind of protest. With the school having curbed freedom of speech, the Tinkers and Eckhardt petitioned SCOTUS to denounce the curtailment of their First Amendment rights. As Justin Driver accurately claims, *Tinker* would eventually culminate in the Supreme Court’s most consequential student-rights opinion in its entire history (Driver, 2018: 89). Writing for a 7–2 majority, Associate Justice Abe Fortas wrote that, in our system, state-operated schools may not be enclaves of totalitarianism; school officials do not possess absolute authority over their students; students in school as well as out of school are “persons” under our Constitution, possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State; in our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate, nor may they be confined to the expression of those sentiments that are officially approved (*Tinker v. Des Moines*, 1969).

Fortas goes on to write what is perhaps the most important and famous consideration in his opinion: that First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students; and that it can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate (*Tinker v. Des Moines*, 1969).

The majority’s opinion also laid out the constitutional standard for establishing whether school speech is unprotected - the substantial-disruption test. In brief, the school is allowed to prohibit speech if it disrupts its activity (Cupps Dickler, 2007).

Secondary-school pupils enjoy the same First Amendment rights as everybody else does at school. Schools are not venues of passive learning but must actively teach. If

necessary, pupils are also allowed to protest or disapprove of what is going on around them. This is the essence of *Tinker*: the black armbands prove that public schools must teach pupils the need to be self-conscious of their environment and what is happening in the country. They should not be empty vessels but should be ready to take chances, to speak truth to power. In other words, *parrhēsiasts* have to question conventions or, as Foucault claims, they question the currency (*nomisma*) - “currency” here being understood as a synonym of “habits,” since currency and money operate like habits: they do not change unless decisions are made to do so. The term *nomisma* also alludes to *nomoi*, “laws,” long-lasting principles akin to habits. In *TCT* Foucault claims that the principle of altering the *nomisma* is also that of changing the custom, breaking with it, breaking up the rules, habits, conventions and laws - and that this is very likely how it was received and understood, whatever the original meaning of the expression (Foucault, 2011: 242).

By breaking the currency - the system, the rules, the values of a given society - *parrhēsiasts* live a scandalous life, in the sense that they abide by their own rules. Their rejection of long-standing principles and values means that they are going to create something new. This is what the Tinkers and Eckhardt had done by wearing the black armbands. They had questioned and then rejected the values of US society by attacking one of the most important initiatives in the field of foreign policy, the Vietnam War.

The Tinkers, Eckhardt and the Barnette sisters had become the embodiment of twentieth-century Cynicism - a Cynicism that refutes the currency of its times by creating a new one. Arianna Sforzini re-emphasises the role of Cynicism by claiming that the Cynics live a “transgressive life” (Sforzini, 2014: 146). The Tinkers, the Barnettes and Eckhardt agreed to a transgressive life, since they wanted to fulfil the societal programme of the civil-rights movement, supported by the decisions of the Warren Court.

Having focused extensively upon the Warren Court and its jurisprudence, it is important to consider the role played by judges as outlined by the Italian jurist Emilio Betti (1890–1968). In his *Interpretazione della legge e dei suoi atti giuridici: Teoria generale e dogmatica* (*Interpretation of the Law and its Juridical Acts: General and Dogmatic Theory*; the work has yet to be translated into English, so the titles and excerpts here are translations), a landmark work of juridical hermeneutics originally published in 1944, Betti distinguishes between nomogenesis and the heterogeny of purposes (Betti, 1971: 112ff.; see also Carratta, 2020). On Betti’s account, nomogenesis underscores the moment at which the legislator designed a specific piece of legislation. However, heterogeny is more important, since it highlights “an ulterior meaning acquired by a specific law the moment it becomes

established within the legal system” (Betti, 1971: 168). The Warren Court’s approach aligns strongly with Betti’s notion of heterogeny: the law is effective the moment it begins to show its effects upon the legal system as a whole. Betti re-emphasises the importance of the actuality of law in *Teoria generale dell’interpretazione* (1955; *A General Theory of Interpretation*), arguing that, in the juridical interpretation of a valid piece of legislation, one cannot re-examine the original meaning of the norm: one has to go a step further. This is so because the norm, instead of losing the cogency of its original drafting, retains its primacy in the legal system of which it is a part; it is therefore bound to influence the legislative process and to impact on the ratification of the law (Betti, 1955: 35; the translation has been slightly amended to adhere to the syntactic conventions of English).

The decisions of the Warren Court reflected the seismic changes in American society. Betti’s advocacy of going a step further in his juridical hermeneutics fits into the way the high court was interpreting the Constitution between the 1950s and the 1960s.

2.3. Sullivan and Tinker: Final Remarks

This is a summary of the key points of this section.

The Warren Court actively supported the civil-rights movement and those who wanted to alter America’s societal landscape significantly. We have shown how civil-rights activists and secondary-school pupils opposing the Vietnam War fulfil the requirements of Foucault’s *parrhēsia*, since they take chances by telling the truth to somebody in a position of authority. To bolster this argument, two leading decisions of the Warren Court have been re-examined: *New York Times Co. v. Sullivan* (1964) and *Tinker v. Des Moines Independent School District* (1969). We have shown how the activists in *Sullivan* took their chances and risked their lives to stand up to Alabama police officials and the libel suits they brought. SCOTUS sided with them and their fight against structural injustice. I have argued elsewhere that *parrhēsia* is the political strategy used by minorities (Di Carlo, 2024).

In *Tinker*, the Tinkers and their friend Christopher Eckhardt challenged school regulations and administrators in order to tell the truth about the Vietnam War. The school believed their wearing of the black armbands was disruptive and dangerous to the learning environment. SCOTUS, however, held that even secondary-school pupils enjoy the same First Amendment rights that adults do.

We have shown how the activists and the Tinkers embody a twentieth-century version of Cynicism, since both rejected the rules and customs of the time to embrace new values. Ultimately, we have contended that Emilio Betti's juridical hermeneutics effectively accounts for the progressive decisions of SCOTUS under the leadership of Chief Justice Earl Warren.

As Part II will show, however, the Burger Court was more conservative than the Warren Court. The Burger Court handed down the landmark decision *Bethel School District v. Fraser* (1986), holding that the *Tinker* test did not apply to the disruption caused by lewd and obscene words. This decision weakened *parrhēsia* by creating new carveouts to pupils' free speech, effectively aligning with a rigorous biopolitical governance, where discipline and order were prioritised over open debate.

3. Michel Foucault and Biopower

3.1. *Biopolitics and Disciplinary Power*

Michel Foucault delivered his courses at the Collège de France between the 1970s and the 1980s on the subject of power relations. He is also the author of the landmark four-volume *History of Sexuality* and wrote a foundational work on the societal functions of the prison, *Discipline and Punish* (1975). Foucault's name is usually associated with his key notion of biopower as outlined in the first volume of the *History of Sexuality* (*The Will to Knowledge*) and his courses at the Collège de France *Society Must Be Defended* (1976–1977) and *The Birth of Biopolitics* (1978–1979). This section focuses on the definition of biopower, organised around the anatomo-politics of the human body and the biopolitics of the population (Foucault, 1978: 139). The former was about the disciplining and the optimisation of the body's capabilities, the parallel increase of its usefulness and its docility, and its integration into systems of efficient and economic control (Foucault, 1978: 139). In other words, the anatomo-politics of the human body - or disciplinary power - was geared towards optimising bodies in order to make them more efficient and obedient. Biopolitics, by contrast, was less pervasive and intrusive: it deployed "interventions and regulatory controls" (Foucault, 1978: 139). Such controls focused upon making life more amenable to being controlled and managed through strategies such as public hygiene. Life, and not death, now takes centre stage (Foucault, 1978: 137–138). In the next section, disciplinary power will be described in more detail.

3.2. Disciplinary Power

In his landmark work *Discipline and Punish* (henceforth: *DP*), Foucault described the transition from a system of power based upon terror and fear to one based upon productivity and optimisation - disciplinary power. In the third chapter of *DP*, Foucault expands upon disciplinary power. On Foucault's account, disciplinary power includes the strategies which made possible the meticulous control of the operations of the body, which assured constant subjection and imposed upon them a relation of docility–utility; it is rather a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat or imitate one another, support one another, distinguish themselves from one another according to their domain of application, converge and gradually produce the blueprint of a general method (Foucault, 1977: 136, 138).

As Giuseppe Campesi notes, the body is modelled and shaped in such a way that it has become “malleable [...] usable depending upon political demands” (Campesi, 2011: 102). The body has become a totalising machine to be exploited and refined depending on the circumstances. The body is *made*, tailored to specific conditions. Biopolitics, by contrast, involves something quite different - namely, the government of the population as a whole.

3.3. Biopolitics

Biopolitics, as has been shown in section 3.1, is about policies carrying out a complete and thoroughgoing management of life. Nothing must be left out, since biopolitical strategies enhance life and treat death as a necessary by-product of such techniques. In his course lectures *Society Must Be Defended* (henceforth: *SMBD*), Foucault claims that biopolitics deals with the population, with the population as a political problem (Foucault, 2003: 245). Biopolitical strategies target the population at a more general level; they are concerned with “the processes of man-as-species” (Foucault, 2003: 247). Biopolitics targets the population as a whole, as a unit to be managed, while disciplinary power targets individuals to make them more obedient and productive.

4. Burger and Rehnquist: A Substantial Disruption of Tinker

4.1. The Burger Court: An Overview

After Chief Justice Earl Warren had notified President Lyndon B. Johnson of his intention to step down as chief, Johnson expected to appoint Justice Abe Fortas, who had authored the majority opinion in *Tinker*, as his successor. Fortas was compelled to resign owing to a political faux pas. This paved the way for President Richard Nixon to appoint Warren Earl Burger as Chief Justice (1969–1986). Although more conservative than the Warren Court, SCOTUS under Burger’s leadership issued landmark decisions, such as *Lau v. Nichols* (1974), which demanded supplemental instruction for non-Anglophone secondary-school pupils; *Roe v. Wade* (1973), which made abortion a constitutional right; *Batson v. Kentucky* (1986), which required a racially diverse jury pool; and *Frontiero v. Richardson* (1973), which struck down sex discrimination in benefits.

Casual observers might argue that nothing had changed after the Warren era. The Burger Court and its jurisprudence were, however, starkly different from its predecessor’s. Galloway (1987) penned a thoroughgoing assessment of SCOTUS under Burger. It is possible to discern four periods: a transitional period (1969–1972), in which the Court shifted from liberal to conservative dominance; the heyday of the Nixon Court (1972–1977), a period of conservative dominance; a more moderate period (1977–1982); and a final period of conservative dominance (1982–1986).

This is remarkably different from the Warren era, where the reliable conservative John Marshall Harlan II and the moderate Potter Stewart had been unable to make a difference. Nixon’s appointees (Burger, Rehnquist, Blackmun and Powell) tilted the Court to the right. After all, the Chief Justice himself was very vocal about his agenda. In 1967, during his commencement address at Ripon College in Wisconsin, Burger spoke about a problem that, “like war, will affect every American and hang over every home and lurk at every dark corner . . . the problem which we might call *crime and punishment*”; he complained about how difficult it was “to convict even those who are plainly guilty,” and lamented court decisions and legislative enactments “which have enlarged the protections of a person who is accused of crime,” citing delayed and lengthy trials, too many appeals, and retrials in which defendants are tried and re-tried while those convicted are given “almost unlimited procedures to attack [their] conviction or seek reduction of [their] sentence” (cited in Graetz and Greenhouse, 2016: 15).

Burger’s opposition to *Miranda v. Arizona* - one of the hallmarks of the Warren Court, decided in 1966 - is palpable. The speech is indicative of how SCOTUS would confront cases dealing with procedural issues concerning the rights of inmates or arrestees. Burger had already made his views clear in an article entitled “Who Will Watch the Watchman?”

in which he criticised the suppression doctrine which, in its day-to-day operation, systematically excludes evidence obtained by illegal methods, regardless of the probative value or reliability of such evidence. One basic rationale for it has been that this action, drastic as it has been, was necessary to deter illegal police practices; the definition of what is not legally permissible has steadily expanded, especially in recent years, but the deterrence of police illegality has remained fairly constant as the most frequently asserted basis for the doctrine (Burger, 1964).

Burger is criticising the purpose of what would become the *Miranda* decision - namely, reining in police abuses and setting procedural safeguards for the accused. Had Burger been Chief Justice, *Miranda* would never have seen the light. For Burger and Nixon, there was now just one phrase: law and order. President Nixon stated that by law and order he meant peace at home, and peace in the world; he meant the containment of violence, whether by armies, mobs or individuals (cited in Cheliotis, 2024). Law-and-order solutions had to address robbery, theft, assault, rape, rioting, and civil-rights and anti-war demonstrations (Cheliotis, 2024: 7); such disarray, on Nixon's account, was causing moral decadence and social malaise (Cheliotis, 2024: 7). Nixon therefore promised to address these issues by enhancing police manpower, boosting police patrols in "trouble spots," and doing away with what he portrayed as the excessive due-process constraints that kept prosecution and conviction rates low (Cheliotis, 2024: 7).

The president was very vocal when he claimed that American society had been plagued by a deterioration of respect for the rule of law all across America that could be traced directly to the spread of the corrosive doctrine that every citizen possesses an inherent right to decide for himself which laws to disobey and when to disobey them (Cheliotis, 2024: 8).

The quotes from the Chief Justice and the president are biopolitical. It is essential to target certain elements of the population in order to protect it from the supposed effects of those wanting societal changes and more equality in the USA. Burger criticises the lack of disciplinary power under the Warren Court: there is no longer any respect for hierarchy or adherence to police authority. There is only anomie, not malleable bodies.

Nixon, similarly, centres on the population as a whole, which is now plagued by decadence and suffering. He goes so far as to say that police operations and their response to societal disarray should not take *habeas* relief into account; the country is in dire straits and the police have to be insulated from any due-process clause. Without a biopolitical

intervention, the USA will decay at the hands of civil-rights activists, hippies and pacifists. Nixon's biopolitical concerns also foster a moral panic: if the societal ills are not cured and the unwelcome elements of US society are not reined in, then the country will rot. Unbeknownst to them, Foucault in *SMBD* argues something similar by suggesting that society can only be shielded by achieving an overall equilibrium that protects the security of the whole from internal dangers (Foucault, 2003: 249). Nixon and Burger were indeed pondering internal dangers in their statements.

The political and juridical views of the Chief Justice hail from this background, as did the juridical underpinning of the majority opinion in his leading decision *Bethel School District v. Fraser* (1986). SCOTUS defined a carveout for curtailing pupils' First Amendment rights, namely obscene and lewd speeches.

4.2. Fraser: Chipping Away at Tinker

Despite *Tinker's* affirmation of pupils' speech rights, the regulation of expressive conduct at school remained a fraught and complex issue. *Fraser*, by contrast, should be considered from a Foucauldian viewpoint owing to the issues of obscenity and innuendo mentioned in 4.1.

In the second part of *The History of Sexuality 1: An Introduction*, "The Repressive Hypothesis," Foucault dwells upon schools and their invitation to talk about sex, writing that the sex of children and adolescents has become, since the eighteenth century, an important area of contention around which innumerable institutional devices and discursive strategies have been deployed; it may well be true that adults and children themselves were deprived of a certain way of speaking about sex - a mode that was disallowed as being too direct, crude or coarse - but this was only the counterpart of other discourses, and perhaps the condition necessary for them to function: discourses that were interlocking, hierarchised and all highly articulated around a cluster of power relations (Foucault, 1978: 30).

Discussions on sexuality were apparently forbidden or frowned upon, but this was not actually the case. The policing of sexuality itself produced more discourse on this topic and, as a consequence, also generated a wide array of mechanisms to keep sexuality in check. Lewdness, obscenity and innuendo fall into this dynamic of discourse production and punishment. The process establishes a clear hierarchy of discourses,

defining what is allowed and what is disallowed within specific institutional settings. Such a framework informs the theoretical background for analysing the *Fraser* decision.

On 26 April 1983, Matthew Fraser, a pupil at Bethel High School in Spanaway, Washington, made a speech to endorse fellow pupil Jeff Kuhlman as a candidate for school representative. Fraser had been chosen to deliver the speech because of his oratorical skills. His speech got him into trouble:

I know a man who is firm. He's firm in his pants; he's firm in his shirt; his character is firm. But most of all, his belief in you, the students of Bethel, is firm. Jeff Kuhlman is a man who takes his point and pounds it in. If necessary, he'll take an issue and nail it to the wall. He doesn't attack things in spurts. He drives hard, pushing and pushing until finally he succeeds. Jeff is a man who will go to the very end, even the climax, for each and every one of you. So vote for Jeff for [student government] Vice President. He'll never come between you and the best our high school can be (cited in Driver, 2018: 108).

The speech, intentionally lewd and suffused with innuendo, got Fraser suspended from the school. The school administrators claimed that he had infringed upon the school policy based on the *Tinker* test. While acknowledging the lewdness of his speech, Fraser claimed that the school had violated his First Amendment rights. SCOTUS agreed to review his case and sided with the school staff. The *Fraser* Court drew a distinction between its decision and *Tinker*. Marcus-Toll (2014) contends that *Fraser* involved sexual content while *Tinker* involved a political message. As a consequence, SCOTUS held that Fraser's speech was unprotected because of its content. Writing for the majority, Chief Justice Burger did not deviate from his statements as described in 4.1. He wrote that fundamental values of habits and manners of civility essential to a democratic society must, of course, include tolerance of divergent political and religious views, even when the views expressed may be unpopular; but these fundamental values must also take into account consideration of the sensibilities of others, and, in the case of a school, the sensibilities of fellow students; the undoubted freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against society's countervailing interest in teaching students the boundaries of socially appropriate behaviour (*Bethel School District v. Fraser*, 1986).

The Chief Justice's opinion re-emphasises his social conservatism and the need to adhere to socially sanctioned values. As a consequence, the phrase "fundamental values" steps remarkably away from *Tinker*. As shown in 2.2, Justice Fortas had written that schools are not barracks; they are not totalitarian institutions, but they have to consider pupils to be "persons," not human beings who are malleable and prone to optimisation.

Burger, by contrast, claims the opposite: while tolerance and the advocacy of controversial views are vital, there are nonetheless boundaries that must be set. The Chief Justice is closer to Foucault's anato-mo-politics than to the *parrhēsia* embodied by civil-rights activists in *Sullivan* and the bold behaviour of the Tinkers. The substantial-disruption test designed by the *Tinker* Court does not, on this view, cover any kind of behaviour that is inappropriate or not in line with what is socially acceptable.

An undeterred Chief Justice doubles down on the primacy of shared values, claiming that, under the First Amendment, the use of an offensive form of expression may not be prohibited to adults making what the speaker considers a political point, but it does not follow that the same latitude must be permitted to children in a public school; it is a highly appropriate function of public-school education to prohibit the use of vulgar and offensive terms in public discourse; nothing in the Constitution prohibits the states from insisting that certain modes of expression are inappropriate and subject to sanctions; and the inculcation of these values is truly the work of the school (*Bethel School District v. Fraser*, 1986).

Burger's paternalism is undisputed. The school now has to teach what language or phrases ought to be used in public discourse. *Tinker* has been significantly undermined: unless the speech was likely to cause substantial disruption, then it would be protected. The Chief Justice moves the goalposts - language is not neutral and a certain type of language, a lewd and vulgar one, is not protected under the First Amendment. This is, as Justin Driver claims, "a First Amendment exception for student speech of a sexual nature" (Driver, 2018: 110).

Fraser confirms Foucault's argument about the invitation to discourse (in the original French, Foucault used the verb *inciter*, which is rendered here as "invite" to avoid ambiguity with the "incitement" of *Brandenburg v. Ohio*, 1969). The problem is not so much sexuality *per se* as the myriad ways it is possible to invite discourse and to punish vulgar discourses or innuendo. The First Amendment carveout for sex-laden speech fits into this context. Foucault raises a thought-provoking point: what if this approach to sexuality is "economically useful and politically conservative?" (Foucault, 1978: 37). The USA, the bulwark of unregulated speech, is nonetheless extremely squeamish about sexual content. The *Fraser* Court bears out this notion quite clearly. How can such a free and barely regulated society be so prudish about sex? Because such speech is not socially acceptable. This Court handed down its decision at the height of the Reagan era, when the religious right and similar conservative movements had captured public opinion and

won voters over with a promised restoration of discipline and morality. As Melinda Cooper argues, Reagan's deployment of family-values rhetoric ultimately accounts for this decision (Cooper, 2017: 22).

Burger, in his majority opinion, pits two types of secondary-school pupils against each other: on the one hand, Fraser and his lewd language; on the other, the fellow pupils who were shocked by his words. He thereby reproduces another Foucauldian notion, state racism. In *SMBD*, Foucault claims that state racism is a type of racism that society directs against itself and its own products (Foucault, 2003: 62). Matthew Fraser and like-minded pupils, on Burger's account, are unwelcome in a society that needs to rediscover traditional values and discipline. They do not fit because their values clash with those of the public-education system which, in Burger's words, must inculcate the habits and manners of civility as values in themselves conducive to happiness and as indispensable to the practice of self-government in the community and the nation (*Bethel School District v. Fraser*, 1986).

SCOTUS, under Chief Justice Burger's leadership, had thus completely obliterated *parrhēsia* in favour of social conformism and the strict regulation of speech that the *Tinker* Court undoubtedly would not have accepted.

Conclusions

In this article, I have demonstrated two starkly different judicial hermeneutics. On the one hand, the Warren Court and its emphasis on societal progress championed rights-expansive decisions such as *Sullivan* and *Tinker*, expanding the freedom of the press and pupils' First Amendment rights. On the other hand, the Burger Court and its emphasis on order and Reagan-era traditional values embodied a starkly different approach. With *Branzburg*, it ruled that there is no constitutional reporter's privilege. With *Gertz*, it weakened the *Sullivan* standard. With *Fraser*, the Court undermined the emancipatory promise of *Tinker* and restricted pupils' First Amendment rights in favour of hierarchy and traditional values.

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