

STUDENT EXPRESSIONS IN AND ABOUT SCHOOL: BETWEEN LEGAL AND EDUCATIONAL DISCOURSE**L. Perry-Hazan**Department of Leadership and Policy in Education, Faculty of Education,
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Every expression is an accommodation between an expressive interest and a censorship constituted by the field in which that expression is offered (Bourdieu, 1993: 90). This article deals with the conditions that constitute school as a unique field that generates discourse. State laws and regulations forbid expressions that involve self-destructive behavior or collide with the rights of others. However, other expressions are regulated by school codes or by ad-hoc decisions of school officials. These expressions are the focal point of the article.

American courts have discussed the question of freedom of expression in school at length. An analysis of the decisions shows that they do not present a consistent line of argument. In certain cases, the doctrine of freedom of expression is too broad. When students mock their teachers in the digital world, the courts struggle to find justifications for educational reactions because limiting such expressions involves content-based considerations, the Internet is an off-campus medium, and the disruption to the functioning of the school is hard to prove. In other cases, the doctrine of freedom of expression is too narrow. When students express religious messages during school-sponsored activities, the courts sometimes silence their voice by differentiating between such activities and personal expressions.

This paper suggests a new doctrine that is based on the child's right to participate outlined in Article 12 of the Convention on the Rights of the Child. Using American cases as illustrative case studies, the paper argues that a child's right to participate in his or her educational setting may be realized in various ways, ranging from "voice" to different levels of "choice," and including certain controversial expressions. The suggested doctrine combines legal narratives of children's rights with educational narratives that reflect the unique character of the discourse in and about school.

Reference:Bourdieu, Pierre (1993). "The Censorship", in *Questions in Sociology*.