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Controversial Issues in Research

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Background and purpose

Citizenship education is concerned with an exploration of fundamental values in society. Focusing on controversial issues may motivate students and, as they learn to handle tensions and conflicts, their practical training in citizenship will be enhanced. The issues addressed, however, may be sensitive and even threaten the integrity and identity of individuals and groups during the educational process. Citizenship education focuses on questions that may be controversial and as such cause tensions or conflicts that must be dealt with by social scientists. The existence of controversy is both a consequence of the topic area in itself and of the pedagogical methods that are commonly used.

Citizenship education encompasses values and value conflicts and this may pose research problems that a student needs to be prepared for. Research on topics related to citizenship may require consideration of controversial issues. In this booklet we aim, briefly, to address the connection between research about citizenship and - by examples chosen from different disciplinary contexts and from several countries - the main obstacles and opportunities that controversial issues may produce in research. In so doing we provide different perspectives with the aim of stimulating research students to reflect on their own work.

Following a brief introduction we discuss the ways in which issues may be deemed controversial and reflect on the impact that this may have in a research situation. We then provide a selection of examples that illustrate some of the problems that may occur when research is controversial. In the final section of the booklet we provide some concluding questions based on these illustrations.

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SECTION 1: What is controversial?

Facts, figures and objectivity

In the social sciences a commonly expressed view is that there is no objective research or neutral facts about society. Research questions are always raised from a particular perspective and choices concerning which theory and methods to use when answering the research question are likewise congruent with a specific perspective, be it conditioned by the scientific tradition in the discipline, the department, the views of the funding party, of gatekeepers on the research field or of other influential parties. On whose knowledge base or interests are research questions formulated and analytical paths chosen? Whose voices are heard in the research and whose are muted? How is communication from informants interpreted? How - and in line with whose purpose - may the research conclusions be made relevant for action, for instance in a school context?

One could, from a scientific point of view, argue that any research project is acceptable as long as the research is conducted with scientific rigour (i.e. that the researcher follows the established norms on methodology and ethics within the discipline). The matter of objectivity is then a question of well conducted versus poorly performed research. Raising these questions (as well as any answers) may, however, cause conflict both within the scientific community and in the interaction between researchers and other actors such as informants, funding agencies, publishers, interest groups and the general audience. These conflicts are often mirrored in media debates about controversial research.

In research on citizenship obvious examples that may be raised in such a discussion include the more or less openly stated normative standpoints underlying the goals of citizenship education and the ways in which the position of child/pupil is understood in relationship to that of adult/teacher and how agency and interaction is made visible in this relationship. In addition to these examples of questions that may be generated by research on citizenship education, we can look at some issues embedded in citizenship itself.

Moral issues

Several moral and ethical issues arise during research on citizenship since there is a close connection with the nature of rights. Civic education is about people's attitudes and behaviour in interaction with one another relating to norms and values which may be linked to religion and political ideologies. Further, citizenship may relate to the distribution

of the values of the (welfare) state, a political project. The political aspects of citizenship also encompass the discussion about participation as opportunity and/or obligation and issues about limitations to participatory rights in the political process as well as in interaction with various power holders. Political questions are crucial: who is a citizen and which citizenship rights are seen as appropriate for which categories of people, considering for instance age, competencies, biographical factors, etc.?

All these issues may cause tension between actors involved in a research process who may take different political standpoints and disagree with views of society that are mirrored in the theoretical framework of the researcher or in the views appearing, for instance, in the school curriculum, teaching material etc.

Identity issues

Citizenship may also be concerned with forming collectives such as national, local or global identities. Cultural heritages, norms, values and beliefs about, for example, a common history or common destiny may form the basis for these identities which may conflict (e.g. the identity of the majority and the ethnic minorities). History teaching is an obvious target for such conflicts.

Processes of collective identity building (for instance national identity through the school, or religious identity through the church) can also create strong conflicts with individuals who do not recognize themselves as fully part of the given collective identity and consciously follow an individual identity.

In research these issues appear as questions about the way the researcher identifies and ascribes identities as part of the research process such as in forming the research question, drawing a sample of informants or choosing other data sources and in the usage of linguistic labels for different categories of people in the research reports.

Power orders

From a structural perspective societies encompass a number of different orders of power based on various categorizations of the population such as social class, gender, ethnicity, race, age, disability, sexual orientation, etc. These categorizations may to a varying extent be applied to the individuals and groups involved in a research process and hence make related stereotypes salient in processes constructing the identity of the self and others. In research this may be interpreted in terms of normality and deviance, power and

powerlessness, distribution of opportunities and hindrances, discrimination, exclusion-inclusion and marginalization, just to mention a few of the value loaded concepts involved.

Again some may argue that this calls for reflection on the ideological-political position of the research project. Does the author of the project support the status quo or suggest societal change? To whom may the results become a resource and give opportunities and to whom will the results mean risks of increased exclusion and discrimination? In order to be able to predict and cope with negative reactions to research it is necessary to consider how such power orders, societal norms, values and the taken for granted understandings of society have an impact on how research is funded, published and whether the results are accepted as valuable.
We are attracted to – but not entirely convinced by - a characterisation of citizenship as given by Heater and Oliver (1994). We give this below to establish a framework within which our questions about citizenship research can be considered.

> Individuals are citizens when they practise civic virtue and good citizenship, enjoy but do not exploit their civil and political rights, contribute to and receive social and economic benefits, do not allow any sense of national identity to justify discrimination or stereotyping of others, experiences senses of non-exclusive multiple citizenship and, by their example, teach citizenship to others (p. 6)

SECTION 2: Controversial issues in research

Five vignettes from different countries and academic disciplines

Researching Controversial Issues in Citizenship Education
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In England in 1986, following an artificially generated and politically driven controversy in which Baroness Warnock accused teachers of unprofessional behaviour, a law was passed which included greater restrictions on what teachers could say and do. The clear message was that left wing teachers had to be prevented from attempting to indoctrinate pupils. Warnock asserted in the high profile Dimbleby lecture that: 'there is no parent of school age children who does not have an educational horror story to tell'. Despite failing to produce any convincing evidence to support her argument, sections 44 and 45 of the Education Act (number 2) of 1986 declared that partisan political activities should be banned from primary schools and that in secondary schools when political issues were discussed there was a need to ensure a 'balanced presentation of opposing views'. Subsequent legislation incorporated these restrictions.

It is doubtful that significant numbers of teachers ever attempted to indoctrinate pupils, nor, if they had tried, that they would have been successful. Research has consistently shown teachers use a variety of teaching methods in order to develop students' capacity to think and act intelligently (e.g. Stradling, Noctor and Baines, 1984; Gaspar, 1985; Davies and Thorpe, 2003; Davies and Hogarth, 2004). As such it is necessary to ask why such disturbances such as that described above ever occur. There are several points that need to be considered and could form the basis of future research. The examples of research questions shown below are important because failure by a teacher to understand and act in ways that are deemed as appropriate will lead to significant difficulties.

- *Research question: 'what is controversial and how do teachers identify controversial issues?'*

A controversial issue is probably most clearly seen as one that divides a society due to the generation of conflicting explanations and solutions based on alternative value systems (Stradling et al, 1984). However, it is difficult to recognize a controversial issue and especially to see in advance those issues that will cause teachers trouble. Academic controversies (e.g. 'was Hamlet mad?') are normally safe

ground but where, precisely, does one cross the line into something more risky? Is it when an issue is made into a propositional statement (e.g. a teacher is not merely discussing the right to protest but proposing to young people that particular forms of protest are acceptable)? Is it the perceived extremity or sensitivity of the issue (normally sex and death are seen as being more problematic than most other matters) or the *number* of people who are seen as occupying a particular position (if only a minority believe something then some would ask if it is in reality controversial). The issues that arouse passionate responses will probably vary within and across communities and across time, with new issues appearing (e.g. debates about new technology) or the same issues are discussed in new ways (e.g. sexism is now discussed in ways very different from those used in the 1950s). Teachers need to be seen as operating appropriately with all learners. Researchers who achieve greater clarity in these uncertain areas can help.

- *Research question: 'what teaching methods can be used to teach controversial issues?'*

  Teachers will often want to use controversial issues because they provide motivational material for learners, illustrate important aspects of contemporary society and offer opportunities for the development of understanding of concepts and the practise of key skills such as argument. Stradling developed guidance for teachers suggesting that they rely on different strategies: objective (relying on facts), neutral (valuing all opinions); balanced (playing 'devil's advocate' by asking questions and presenting alternatives to whatever is presented in a debate); and, committed (arguing a case against which learners can hone their skills of discussion). This advice was included in the 1998 Crick report which laid the foundations for the citizenship education curriculum currently in use in England. But do teachers actually still use these methods more than 20 years after the initial research findings? Do different teachers tend to use different blends of methods and if so what does that look like? Do they use different approaches for different learners, topics and at different times of the year and day? And, if so, why? And are some of these methods more or less effective than others?

- *Research question: 'what boundaries exist for researchers who are exploring controversial issues?'*

  Many associations (e.g. British Education Research Association) have developed guidelines for the ethical conduct of research. There are commonly accepted 'rules' about, for example, not conducting research covertly and not exploring sensitive issues in ways that might harm respondents. This is

important and necessary and yet still problematic and worthy of further research. The rhetoric of research that will create new knowledge is immediately limited if one can only research certain topics. The idea that informed consent is always necessary seems odd when it is often the case that revealing the research question prejudices the results that are obtained. There is a need to find ways to gain access gather and analyze data and report in ways that are ethical. Yet some of the guidance available for researchers is little more than series of platitudes and research is needed in this field to clarify and develop our understandings.

Good teaching is often bound up with a use of controversial issues: consensus does not always excite learners or help them to understand. Good research is often controversial: if it were not then we would learn little. There is scope for researchers to engage in many complex and challenging areas and there is a need to clarify the boundaries of what is and can be done by teachers and how research itself can be conducted.

Scientific nullity versus social category: the case of the concept of 'race' in developmental psychology

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Promoting smooth relationships among individuals and tolerance of cultural, ethnic and 'racial' differences is an obvious need in our increasingly heterogeneous societies. Prejudice and negative derogatory attitudes resulting in intergroup conflicts have been seen across the world for many centuries, and these problems remain unresolved at the start of the 21st century. Despite the efforts that politicians and social scientists have invested over the last century in developing policies for the reduction of prejudice, there is an obstinate and dramatic persistence of inter-ethnic prejudices, discrimination and conflicts (Enesco and Navarro, 2004, p. 93).

Developmental psychologists have for many decades researched ethnic or 'racial' issues demonstrating the sustained importance of these matters in a wide range of societies. Most of this work has taken place in contexts that are obviously ethnically diverse. As with those other questions in social sciences that are directly and specifically concerned with citizenship matters like age or gender, 'racial' issues often generate ethical dilemmas or controversial topics for researchers.

Indeed, currently there is a debate about the use of the term 'race' and its ethical and social implications. It is well known that this term, widely accepted as a genetically relevant term only a couple of generations ago, has been shown to have no scientific base (Cavally-Sforza, 1995). However, in modern societies the word 'race', in spite of having lost its scientific legitimacy, is now used as a social – not a biological - category that defines groups in popular discourse. In some countries the word is also used in scholarly research and public policy contexts (Hirschman, 2004). This new concept of 'race' as Hirschman affirms does not have a logical basis and 'works in societies that have only recently emerged from under the shadow of official racism' (op. cit. p. 408).

If the concept of 'race' not only lacks a scientific basis, but also has derogative connotations due to the historical subordinate relationships between groups, why is it still used in social sciences research? Developmental psychology researchers dealing with the origin and nature of the intergroup processes that lead to the acquisition of beliefs of prejudice, stereotypes and discrimination come up against controversial questions related to this concern. On the one

hand, the use of *racial* terms in the field of intergroup attitudes has become so discredited that in the past decade psychological literature substituted them or used them as interchangeable with '*ethnic*'. However, this solution, perhaps arising from the desire on the part of researchers to be politically correct is, according to some, inappropriate. They argue that 'race' and associated terms such as 'Whites', 'Blacks', and so on, are social categories usually based on distinctions drawn from physical appearance (skin colour, eye shape, physiognomy), whereas ethnic terms such as 'Africans', 'Hispanics' or 'Asians', are social categories that refer to distinctions based on cultural markers such as language, religion, traditions, national origin, and so on (Frable, 1997). Therefore, individuals' internal awareness and experience of 'race' and ethnicity may refer to differing aspects of identity: one pointing at superficial physical traits, the other at characteristics that may be *less visible* at first sight (belief systems, values, customs, etc.). The use of racial terms in the psychological literature has become so controversial that the majority of contemporary definitions of ethnic identity make no direct allusion to the physical features that often co-variate with different ethnicity or, at least, those that people usually *associate* with different ethnic groups (Enesco & Navarro, p. 94).

On the other hand, examination of recent literature suggests that a different view is starting to emerge. There is an increasing tendency to mix up the terms: racial and ethnic; racial/ethnic; races/ethnicities, etc., and to explain explicitly that although it is recognized that the terms are conceptually distinct, young children do not seem to make a distinction between them. Since the main purpose of developmental research deals with children's perceptions of [ethnic/racial] discrimination, stereotypes, attitudes, etc. of intergroup relations *their* own terms should be the core concepts guiding the research (Brown, 2006). In that sense, researchers *should* use the social categories described by children.

The above discussion provides insights into some of the challenges for those undertaking research into *citizenship*. For those who see themselves as thoughtful analysts of children's perceptions about intergroup relations and wish to develop appropriate attitudes about equality, fair treatment and rights, is it ethically acceptable to use a social category like 'race' as a measure guiding their investigations?

Is age controversial and does it present problems for researchers?

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Research always needs to categorize and in research on citizenship education categorizations are both part of the subject area and embedded in the research situation. The teacher – pupil relationship is a common focus of interest in educational research, constructed as these social roles are, as parts of the organization of education. Other educational research chooses to focus on only one of the categories teachers and children respectively or embraces other categories as well such as parents. In social science research, generally, it is common to focus on the distribution of opportunities and hindrances, such as exclusion or inclusion among different categories of participants in the field of study. These are matters that are highly relevant to citizenship education.

The processes of categorizations are mostly addressed in the literature on research methods in discussions about the choice of informants (i.e. sampling). As an ethical problem the issue of researcher – informant relationship is frequently commented upon. A problem in this research field, however, is that 'age' as a concept is rarely theorized in the methodological discussions (Närvänen and Näsman, 2006, 2007). The meaning of age is often taken for granted by both the informants in research and the researcher. Age and ageing are often seen as simple 'common-sense' terms understood as being to do with biology and chronology. Linked to childhood and youth it implies a developmental future oriented perspective on children. Qvortrup has talked of this conceptualization of children as 'not-yets'(1994). Children are 'not yet' adults, 'not yet' competent or mature and hence have to be taught, fostered, controlled, protected and cared for by adults during the childhood years. Children are 'human becomings' (Qvortrup, 1994).

The primary education system is a consequence of this understanding of children, as is the part of it called citizenship education. This perspective on the child has also dominated research especially in disciplines such as psychology and pedagogics, which hence in writings about children reproduce this view and contribute to its reproduction in society as a whole. This way of categorizing children by age and the age based stereotypes that are thereby set in motion, contribute to form the conditions of children both in terms of norms about what is normal and deviant respectively and in terms of access to scope for action and resources. Childhood is the most detailed age regulated life phases. The practices in teaching and the organization of the school system are to a high degree developed on age based norms and rules.

Children may be on time or off time. They may be late developers or prematurely developed. The behaviour that is expected, allowed and wanted from children as well as that which is seen as deviant, forbidden and unwanted is also related to ideas of differences according to an age ladder which we could label ageist. This characterization also takes the form of measurement instruments that are used to follow the developmental curves of the children as they are given credits, step by step, according to age based norms of achievement.

This understanding of children and the childhood life phase could further be understood in relation to the life course as a social institution. The life course forms an age order of power where the life phases in the middle are dominant. Hockey and James (1993) talk about the 'ideological dominance of adulthood' which according to Turner (1989) is based on participation in the labour market. People in the middle age-bands see themselves as contributing to society while children and old people are dependants. This positioning of the adults as superior to other age groups gives them the privilege of interpretation, especially of the needs, rights and obligations of the other age categories.

The age order may, however, vary by time and place. In Europe, as well as elsewhere, views about children and childhood have changed. In the school system concepts like 'active learning' and the debate about the contested concept 'socialization', point to a change in the view of the pupil from a passive object of teaching to an active learner. In social science research the last few decades have seen a change in the view of children in research, towards a greater emphasis on children's agency and participation. This mirrors the general change in the discourses on children in society, found also in the development from the Declaration of the Rights of the Child, where children are objects of adult responsibility to the Convention on the Rights of the Child which combines a view on the child as vulnerable with that of the child as actor. This increasing stress on children's participatory rights is a process of democratization and could be addressed in citizenship education as well as in research. The research student, the teachers and the parents all belong to the dominant category of the age order. What impact might this have on research? A reflection on the meaning of age as part of the taken-for-grantedness both in the research field and the research process has relevance. Does research on citizenship education contribute to the empowerment of children as stated in the UNCRC, or rather contribute to the reduction of their scope for participation. Questions to ask during the research process could be:

- Is the age difference between researcher and children reflected upon?
- Are the voices of adults heard, respected and understood to a higher extent than those of children?
- Is the risk of the researcher and the adults in the field forming age-based alliances addressed?
- Are children approached in a way that minimizes the risk of intimidating them and losing relevant data because of age stereotypes?
- To what extent are children offered the opportunity to comment upon the researcher's collection, registering and interpretation of data?
- How are the voices of children represented in the research report? How is the language in the text positioning children compared to adults?
- To what extent are children presented in a homogenizing way or considered as diverse and as individuals?
- To what extent are the conclusions from the research and their implementation developed with consideration of the interests and the social positions of children in relation to age?

The compelling nature of research paradigms: the case of competition

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Science does not constitute an isolated enclave within social reality. One way in which society as a whole influences science is through the influx into science of problems from the world outside science. Researchers are not isolated from these processes and the main trends and paradigms of research established by the most influential among them may exert a decisive influence on what is researched and in what way it is researched. Several studies show that research grant applications and papers sent to scientific journals are edited and changed in the direction of the mainstream opinions of the discipline in question (Allwood, 2003).

The history of research on competition after the Second World War is an example of this kind of internal scientific bias. It was Morton Deutsch who started to do extensive experimental research on competition and published his 'paradigm establishing' work in 1949. His work had a significant social message. As a young man he joined the US Air Force and flew 30 bombing missions against the Germans. Although he had no doubt of the justness of the war he was appalled by its destructiveness. Therefore he devoted his doctoral dissertation to issues of war and peace, specifically to understand the fundamental features of cooperative and competitive relations and the consequences of these different types of interdependencies in a way that would be generally applicable to the relations between individuals, groups and nations (Deutsch, 1999). Deutsch's work was also motivated by his Marxist background and had a clear political message in the era of Cold War.

After he published his ground breaking study on competition and cooperation, these phenomena – maybe almost without other example in the history of psychology – were symbiotically handled in social and educational psychology. They have been conceptualized as two extremes of a single behavioural dimension or polar opposites. Related to the tendency to dichotomize competition and cooperation has been the assumption in most of the literature in psychology and education that competition is a destructive force that should be eliminated as much as possible from the environments in which children and adolescents grow i.e. from schools (Fülöp, 2007; Fülöp et al, 2006). Kohn published his national bestseller 'No contest: the case against competition' in 1980. Although totally unscientific in nature, the book has been quoted by well established social scientists all over the US. On the other hand, the cooperative learning

movement that was initiated originally by Deutsch, but further developed by his students David and Roger Johnson (1989, 1999) resulted in hundreds of studies demonstrating the superiority of cooperation over competition, what I would call the 'Beauty and the Beast' paradigm. If somebody dealt with the question of competition or cooperation it was basically guaranteed that the results fell within the scope of this paradigm.

From the beginning of nineties however there has been a paradigm change towards a less dichotomic concept of competition and cooperation, and a less biased and less 'black and white' attitude towards them. The new paradigm of 'competition and cooperation as partners' started with Deutsch (1990) announcing that in his work he viewed cooperation and competition as idealized psychological processes, dichotomizing them, but also suggesting that they are rarely found in their 'pure' form in nature, but, instead, are found more typically mixed together. Most forms of conflict can be viewed as mixtures of competitive and cooperative processes and, further, the course of a conflict and its consequences are heavily dependent upon the nature of the cooperative-competitive mix. Deutsch's announcement appeared in 1990 and coincided with the collapse of the socialist system in East-Central Europe. The socialist system was not based on competition and, at least at the ideological level, emphasized cooperation. The poorly functioning state-controlled economy of the socialist block and the lack of a democratic political system with no competition among different political actors made at least questionable the notion that competition leads only to negative consequences. Suddenly a new research trend appeared that emphasized that e.g. the most effective behaviour in situations of conflict is a combination of competitive and cooperative tactics (Van de Vliert, 1997). Research results increasingly indicated that competition and cooperation should not be viewed as mutually inconsistent. Such dichotomization is now seen as irreconcilable with biosocial theories of human behaviour that emphasize the subtle interweaving of cooperation and competition as strategies used by individual primates and humans (Chapais, 1996; Charlesworth, 1996).

 New research results appeared proving that cooperation combined with competition leads to the highest level of task enjoyment and also higher levels of performance than pure cooperation (Tauer & Harackiewicz, 2004). Carnevale and Probst (1997) published their new research stating that highly competitive people are able to be highly cooperative in certain circumstances; the title being 'Good news about competitive people' referring to the prejudicial depiction of competitive people in the previous literature.

In the last fifteen years the main focus of research has not been the comparison of cooperative and competitive processes, but the differentiation among different kinds of competitive processes, in order to define those conditions that promote constructive and prevent destructive competitive processes (Fülöp, 1992; Tjosvold, 2003). Another line of research revealed that there are significant cultural differences in the conceptualization of the competitive process such as, for example, the concept of the rival (Fülöp, 2004).

Science, like any other social system, can be characterized by group dynamic processes. The conservative tendency, that aims at maintaining and protecting the already existing research paradigm that proved to be successful can conflict with the need for change and development. According to Campbell (1994) the main interest of science is to minimize those psychological and social psychological processes that can hinder the scientific mission of revealing new knowledge. The research paradigm that ruled the field of research on competition for forty years and produced many research results actually blocked the possibility of forming a more differentiated and scientifically more valid picture about competition. It required a historical-political change related to major ideologies and a personal statement by a dominant and decisive figure in competition research to establish a new era of research, in which gradually a new picture appeared related to competition.

Political constraints on historical research: A recent European case

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There are issues which are the object of controversy among the scholars within a discipline, and issues which are the object of controversy among scholars and the rest of the society, notably concerning politics. The latter involve academic disciplines in very different ways: Mathematics, for instance, is likely to raise little public debate about a theorem; History, on the contrary, is, without doubt, the discipline most exposed to political and societal control and bias because the past is a battlefield regarding identity and the development of consensus. Thus historians are constantly under social and political pressure, and their freedom of research and teaching is often at risk. Examples of this pressure are very numerous, and can be found in every nation state. I deal here with one case study which is important for the purposes of this booklet because it is currently at stake in Europe. During its session of 19-20 April 2007, the Council of the European Union adopted a framework decision on the fight against racism and xenophobia[1], a decision which is very worrying for the freedom of historical research.

This framework decision is the result of an initiative launched at the beginning of January 2007 by the German Justice Minister, Brigitte Zypries[2], who, in the context of Germany's presidency of the European Union, wanted to bring about the successful completion of a process which began in 2001[3] involving all the Member States of the European Union in legislation to criminalize the denial of genocides, notably the Holocaust; as is already the case in Germany, Austria and France. This initiative has provoked a great deal of negative response. The political commentator Timothy Garton Ash, writing in The Guardian on 18 January[4] argued that this initiative, however well-intentioned, 'is very unwise… [and] it would further curtail free expression - at a time when that is under threat from many quarters'. The German historian Eberhard Jäckel, in an interview on 1 February with Deutschlandradio[5] also asserted that the denial of the

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[1] www.consilium.europa.eu/cms3_applications/Applications/newsRoom/related.asp?BID=86&GRP=11698&LANG=11&cmsId=352

[2] www.eu-info.de/deutsche-europapolitik/deutsche-eu-praedidentschaft/eu-praesidentschaft-deutsch-minister/Zypris-Buergerrechte-staerken/

[3] For the history of this process, see http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=it&DosId=169885

[4] www.guardian.co.uk/Columnists/Column/0,,1992756,00.html

[5] www.dradio.de/dkultur/sendungen/kulturinterview/588968/

Holocaust was 'a stupid thing to do' which did not need to be punished unless it incited hatred; and could be combated more effectively by information. In Italy a huge debate took place[6] when the Italian Justice Minister, Clemente Mastella, immediately followed his German counterpart in proposing a law for Italy to criminalize Holocaust denial[7]. Against this initiative, more than 200 Italian historians signed a petition[8] refusing it for the following reasons: because it would provide deniers with 'the opportunity to present themselves as defenders of freedom of expression'; because in its efforts to impose historical truth, the State would expose this truth as losing all legitimacy; and because laws criminalizing incitement to violence, incitement to racial hatred, and the praising of crimes against humanity already exist in Italy. In the face of such universal opposition, Mr. Mastella fundamentally changed his bill by eliminating all references to Holocaust denial and by limiting it to imposing tougher penalties on those who 'disseminate ideas of racial superiority'[9].

Minister Zypries' proposal has nevertheless continued on its course at the European level[10], and will be realised through this framework decision, which applies not only to racist and xenophobic remarks and the denial of the Holocaust, but also to 'publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in the Statute of the International Criminal Court (Articles 6, 7 and 8)' (page 23). Each Member State is required to adopt matching legislation which makes provisions for a penalty of between 1 to 3 years' imprisonment.

One must immediately notice the vagueness regarding the judicial powers to decide which historical events form part of the crimes named above. The Holocaust is, of course, not included, since it has been subjected to the Nuremberg Trials. As far as the International Criminal Court is concerned, it is only allowed to judge crimes committed after 1 July 2002, when its statute came into force. Therefore, one assumes that for the other crimes, the decisions will be taken by the tribunals on an *ad hoc* basis, as was the case for Rwanda or the former Yugoslavia; with decisions taken by ordinary

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[6] See the press review at
www.sissco.it/ariadne/loader.php/it/www_sissco/dossiers/negazionismo/rassegna_stampa/
[7] www.giustizia.it/ministro/com-stampa/xv_leg/19.01.07.htm
[8] www.sissco.it/ariadne/loader.php/it/www_sissco/dossiers/negazionismo/appello/
[9] Cfr. www.giustizia.it/ministro/com-stampa/xv_leg/25.01.07.htm
[10] For documents relating to the public hearing of the European Parliament on 19 March 2007, see:
www.europarl.europa.eu/meetdocs/2004_2009/organes/libe/libe_20070319_1500_hearing.htm#

national judges or by legislative representatives. In addition, the concept of 'grossly trivialising' remains very vague and, as a result, can be abused very easily. This framework decision, even if it remains outside of the stated normative framework, is also concerned with crimes of totalitarian regimes: it considers them to be 'deplorable' and envisages encompassing this norm after a 'public European hearing' organised by the Commission (p. 25). The aim of this hearing remains technically undefined, though one may speculate that it will consist in drawing up a list of historic events which will form part of specifically stated crimes.

This framework decision stands within the context of the French *memorial laws* [*lois mémorielles*]: firstly the Gayssot Law in 1990, concerned with the denial of the crimes pursued at Nuremberg; then, a law of 2001, which recognised the Armenian genocide during World War I, a law that was reinstated in 2006 with norms criminalising denial; the Taubira Law in 2001, on the treatment of African slaves; and the Mekachera Law in 2005, on the subject of French colonialism. These laws stirred up strong protests among French historians, notably the *Liberté pour l'Histoire* [*Freedom for History*] petition in 2005, which received 1000 signatures[11], and demanded that they be totally repealed, with the assertion that 'in a free State, it is not within the power of either Parliament or the judiciary to define historical truth'. The very serious danger that these laws pose to the freedom of historians' research is clearly illustrated by the case of the French historian Olivier Pétré-Grenouilleau, author of the essential text on the slave trade *Les traites négrières,* against which the French Collectif des Antillais, Guyanais, Réunionnais lodged a formal complaint based on the Taubira Law, for having asserted that the Atlantic slave trade did not constitute genocide. The complaint, which also called for Pétré-Grenouilleau to be expelled from the university, was finally retracted by the Collectif in February 2006 under intense protests from French historians.

All this shows the dangers that similar legislation represents. Although it is borne out of the necessary and just fight against racism and xenophobia, it affects - via a series of conceptual shifts – issues which are solely those concerned with historical research. On the contrary, it is necessary for historians and politics to remain autonomous, each in his own domain. Politics can decide which political use of history best serves its own ends, by instituting official memorials, for example; but it must not interfere - with the aid of judicial powers - in the work of historians.

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[11] A dossier covering this appeal and all the *memorial laws [lois mémorielles]* can be found on the website: www.histoire.presse.fr/petition/sommaire.asp ; see also the statement of René Rémond, *Quand l'Etat se mêle de l'histoire*, Paris, Stock, 2006.

SECTION 3: Questions to consider when evaluating research in relation to controversial issues

The vignettes above illustrate controversial issues in research within different disciplines and in different ways. We would like to end this booklet with a few questions to reflect upon in the process of starting a project that will lead to a research thesis.

- To what extent do the ways in which citizenship as a research topic is controversial also make your research controversial?

- What kind of impact might this have on your research process and how could any subsequent problems be addressed?

- How do such problems appear in the process of choosing the focus of a thesis?

- Is it possible to highlight such problems during the research process or is there a tendency to avoid or even openly limit such an approach?

- If the choice of focus is determined as a result of an external bias which of the issues at stake is avoided?

- To what extent will your choice of approach mean that there is a risk of the research being biased?

- To what extent is your research supported by supervisors when it comes to handling conflicts and emotional problems that arise during the interaction with the field or with parties in society at large?

- What kind of support might you find in the international scientific community to assist the decision making process during your research?

- Will your choice of question and approach be approved by funding and publishing agencies?

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