

The Teacher's Place in the Moral Equation: *In Loco Parentis*

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Clarifying that public employees are neither appointed nor voted into office, most states' constitutional amendments include definitions distinguishing between public officials and such public employees as teachers. Moreover, by naming the standards of performance and conduct public school teachers must meet, school boards of education provide a structure and set of professional dispositions incompatible with dirty hands dilemmas.¹ Rebecca Lewis nevertheless contends that public school teachers meet the criteria for public life, are therefore subject to codes of public morality, and particularly dirty their hands each time they choose to perpetuate anti-intellectualism by socializing students at the expense of educating them. To make this argument, Lewis overlooks a legal and moral charge fundamental to schools' structures and teachers' professional dispositions: *in loco parentis*. Knowing what *in loco parentis* means; how it relates to public school teachers; how this charge shapes public schools' structures and teachers' dispositions, and why teachers are therefore subject to codes of private morality reveals that dirty hands dilemmas are external to the legal and ethical structures within which teachers work and to the dispositions their *in loco parentis* duties require.

Because *in loco parentis* means "in the place of parents," to realize its full meaning, one must know parents' legal and moral responsibilities and how they transfer to teachers. Although teachers' *in loco parentis* charge was originally imported into America through Blackstone's *Commentaries on the Laws of England* (1765) as a responsibility and protection for teachers feeling the need to administer corporal punishment, when that charge entered school law, it included all three duties Blackstone assigns to parents and transfers to teachers: maintenance, protection, and education.² How did teachers and schools come to hold this awesome *in loco parentis* responsibility, and what does this responsibility mean for public school teachers? To answer these questions, I turn to the history of "pedagogue" and to his *in loco parentis* responsibilities and intensions toward the child(ren) in his care.

Serving as steward, leader, guardian, protector, tutor, teacher, and care-giver, a pedagogue in ancient Greece was a slave assigned to a boy beginning school. As the adult, a pedagogue was to act "with appropriate intention toward the child," to act *in loco parentis*.³ Thus, in a familial relationship with this boy, a pedagogue escorted him everywhere outside the home, assisted him with lessons, taught him social graces, and administered appropriate discipline. Eventually, the pedagogue's responsibilities expanded to include more children, and "pedagogue" evolved to mean "attendance on children."⁴ Historically, in light of their *in loco parentis* charge, pedagogue-teachers maintain, protect, and educate the children in their care. Although one might at first assert that teachers no longer execute these weighty responsibilities, by virtue of their *in loco parentis* charge, American public schools

and teachers have retained these legal and moral responsibilities for over two-hundred years, a charge the United States Supreme Court continues to reiterate and uphold.⁵ Perhaps schools and teachers are only now realizing the full meaning of their duties, for the public in general and parents in particular demand more than they have previously “because other building blocks of society...seem” unable or unwilling “to do what they have historically done.”⁶ How, then, does the schools’ and teachers’ *in loco parentis* charge create a structure and set of dispositions that distinguish schools and teachers from political structures and politicians, subject them to codes of private morality, and ultimately free them from dirty hands dilemmas?

Citing Bernard Williams, Lewis asserts that the structure and purpose of the institution determine the extent to which public officials dirty their hands and that their dispositions should include a “habit of reluctance” (Williams) and “sensitive awareness of the moral costs of injustices” (Lewis).⁷ Given schools’ *in loco parentis* charge, the school structure would, in principle, be home-like, and its purpose would be to maintain, protect, and educate the children within. While in her thought experiment, *The Schoolhome*, Jane Martin poignantly outlines the need for a home-like school structure, by definition that structure should already be reality, for public schools’ *in loco parentis* charge necessarily defines that structure as private and familial rather than public and institutional.⁸ Further, by virtue of their *in loco parentis* roles, teachers, like Greek pedagogues, relate to each child in a familial way so that the intentionality, appropriateness, and responsibility that distinguished the Greek pedagogue also distinguish public school teachers in their roles and services to the children in their care.⁹ By law, teachers’ dispositions are those of good, responsible, well-intentioned parents; by law, teachers do not commit “necessary” injustices because they must harm no child but “protect the student from conditions harmful to learning or to health and safety.”¹⁰ Therefore, teachers’ *in loco parentis* charge situates them within the private realm of morality where their moral and legal focus is to harm no one. Thus, as nation and state act for the public good, enjoining public schools and teachers to act in the place of each parent as they relate to each child, teachers acting *in loco parentis* represent the state as an extension of their *in loco parentis* functions. The predominant focus within codes of private morality æ harming no individual æ ultimately works for the public good.

Why do national and state leaders characterize public schools’ and teachers’ responsibilities as private and familial thereby disassociating them from politicians and the implicit evils of public life? If teachers, like politicians, served within systems that breed dirty hands and if teaching required teachers to understand and accept dirtying their hands as a necessary evil they performed, how could teachers act appropriately, responsibly, and with correct intentions toward each child in their care as good parents would? Although public school structures indeed select for certain moral characteristics as Lewis maintains, understanding and accepting dirtying one’s hands as a necessary evil teachers perform are not among these characteristics. Were teachers not committed to maintaining, protecting, and educating children *in loco parentis*, they would have no reason to remain in teaching, for they neither have nor gain money, neither have nor gain security, neither have nor

gain power, and are typically the nation's scapegoats for most ills in U.S. society. Despite the ills, contradictions, and mixed messages one gets about public schools and public school teachers and despite the many moral decisions teachers face daily, dirty hands dilemmas are not among the ills and moral decisions teachers confront within the public school setting, for their *in loco parentis* charge both necessarily and sufficiently excludes them from confronting dirty hands dilemmas and having dirty hands.

Finally, Lewis surmises that determining where teachers teach would reveal *how* public school teachers are like politicians. Although one might more appropriately determine how "where teachers teach" would reveal *if* teachers are like politicians, the question "where" is nevertheless key to identifying teachers' place in the moral equation. The "where" for all teachers is *in loco parentis*, a location separating teachers from politicians and locating teaching, learning, curriculum, and the physical place of education within a potentially transformative system. Recognizing *in loco parentis* as a transformative location and teachers as agents of change at that location helps one understand how schools' and teachers' *in loco parentis* charge becomes a means for inciting positive change. Embracing *in loco parentis* as the foundation and scaffolding for a philosophy of teaching for transformation and fully executing that charge would transform Martin's thought experiment, *The Schoolhome*, into the reality *in loco parentis* promises: familial relationships within home-like schools. One need not alter the *in loco parentis* school structure but mend it and show parents, teachers, and students how to use its meaning and value positively to move the reality of schooling toward what schooling should be.

1. See Oklahoma Board of Education, "Standards of Performance and Conduct for Teachers," approved March 1992. <<http://sde.state.ok.us/pro/tcert/standardsofPerformance.html>>.

2. William Blackstone, *Blackstone's Commentaries on the Laws of England, Vol. I* (Philadelphia: J.B. Lippincott, 1832), 367-79; J.W. Ehrlich, *Ehrlich's Blackstone* (San Carlos, Calif.: Nourse Publishing Company, 1959), 87-95; and Anthony Conte, "In Loco Parentis: Alive and Well," *Education* 121, no. 1 (Fall 2000); P. Zirkel and H. Reichner, "Is In Loco Parentis Dead?" *Phi Delta Kappan* 68, no. 2, 466-69.

3. Blaine E. Hatt, "Heart In Is Heart of Teaching," *Ecclectica* <<http://www.ecclectica.ca/issues/2002/4/hatt.asp>>, 5; and E. Klein, *A Comprehensive Etymological Dictionary of the English Language* (Amsterdam: Elsevier, 1971), 501, 383.

4. Klein, *A Comprehensive Etymological Dictionary* and *The Oxford Dictionary of English Etymology*, vol 11, ed. C.T. Onions (London: Oxford University Press, 1966, rpt. 1998).

5. See *Abremski vs. Southeastern School District Board of Directors*, 54 Pa. Cmwlth. 292, 421 A. 2d 485 (1980), sect. 1317 of Public School Code of 1949, 24 P.S. -13-1317.

6. Conte, "In Loco Parentis: Alive and Well," 201.

7. Bernard Williams, "Politics and Moral Character," in *Public and Private Morality*, ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978).

8. Jane Martin, *The Schoolhome: Rethinking Schools for Changing Families* (Cambridge: Harvard University Press, 1992).

9. Hatt, "Heart In Is Heart of Teaching," 5.

10. Oklahoma Board of Education, "Standards of Performance and Conduct for Teachers," 1.