

The Moral Life in Schools

Strike and Ternasky (1993) distinguish between three different ways in which ethics might be applied to education: in the form of ethical deliberation about educational policy (i.e. the role of religion in public schooling, sexual harassment policy), in deliberate moral education (i.e. character education), and in the form of professional ethics (i.e. due process in disciplining). All three ways contribute to the moral life of schools, not just when these ways are purposefully chosen, but also when they are taken without any explicit reference to a moral purpose.

In their observations in eighteen classrooms in six different elementary and high schools, Jackson, Boostrom, and Hansen (1993) have identified eight different categories of influences on the moral life of the school. At least three capture professional practice that

happens in the course of teaching, regardless of whether the practice is intentionally morally purposeful or if anybody is aware of its moral influence. Classroom rules and an educator's facial and bodily expressions in encounters with students are examples of such professional practice.

Acknowledging that it is best to purposefully influence the moral life of schools and to engage in educational practice and decision-making which have an intended influence on the moral life of the school, the central question arises of what 'ethical vision' educators should be guided by in their practice and decision-making. In order to motivate and illustrate a particular ethical vision (one that is founded in the ethics of care), I will consider one particular issue within the moral dimension of schooling, the issue of addressing student-to-student sexual harassment (bullying) through a school-based implemen-

tation or application of a district-wide sexual harassment policy. The issue falls within Strike and Ternasky's first method of applying ethics to education.

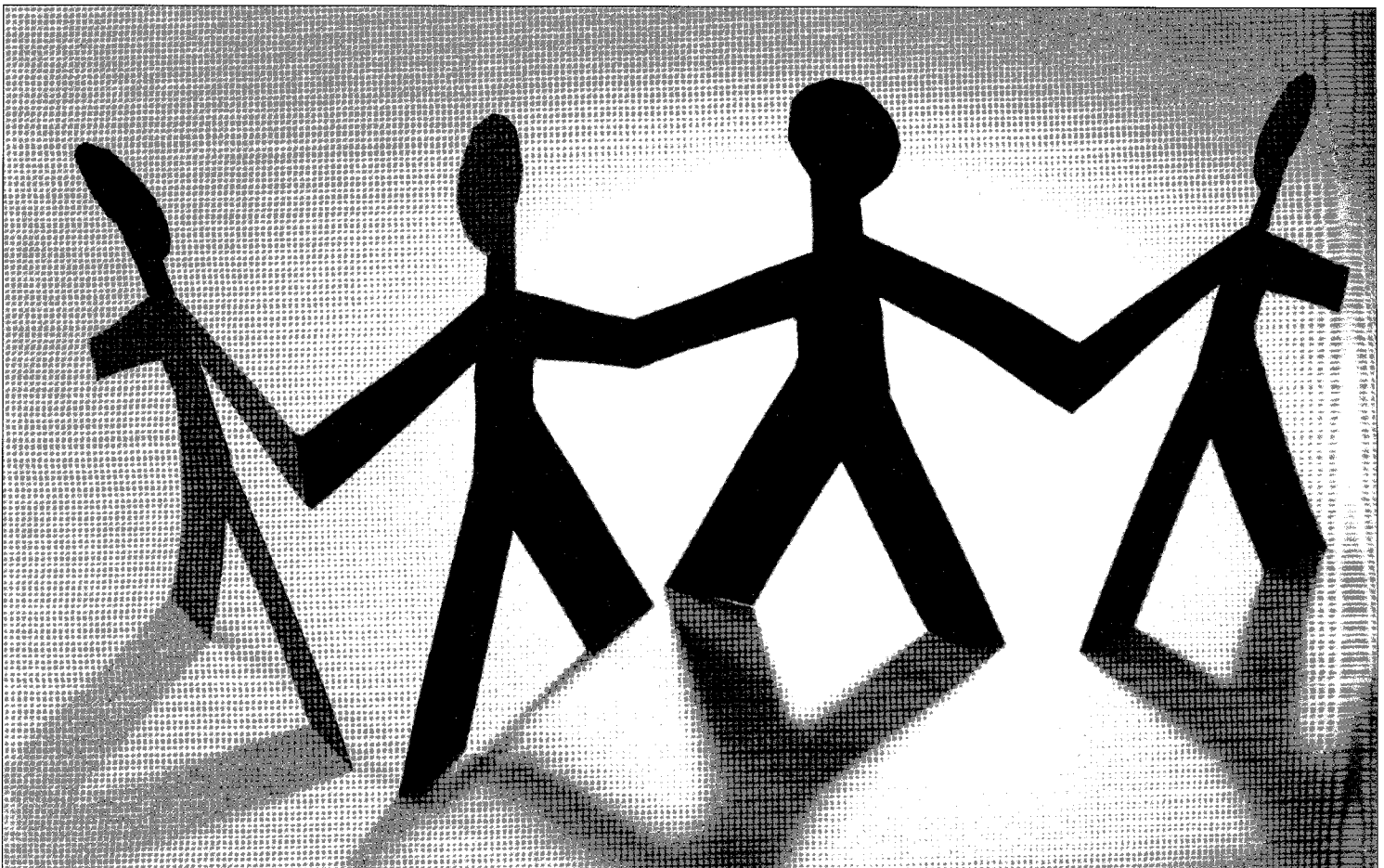
An Approach to an Issue and Its Underlying Ethical View

Chamberlain and Houston (1999) discuss the motivation and rationale of legally oriented school sexual harassment policies in the United States and their use in addressing student-to-student sexual harassment. They point to the "ample evidence that student-to-student harassment exists, and that it adversely affects students educationally, socially, and emotionally" (p. 146), particularly for middle-school age girls (p. 148).

Legally oriented school policies on sexual harassment provide a tool to address bullying behaviour of sexual nature in schools by "naming, providing definitions, and making legally actionable many insidious behaviours which have hitherto been discomfiting, embarrassing, and offensive, yet not legally identifiable" (p. 149). By codifying sexually harassing behaviour and laying out a process of addressing allegations of such behaviour, the policies - similar to the criminal law - assert a general right, the right to a sexual

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harassment free environment, and allows for the enforcement of the right in school-based incidences through an application of the policy to the respective case.

The reasoning behind the practice of addressing student-to-student sexual harassment behaviour seems to be, in principle, identical to the reasoning behind the way other unwanted types of behaviour are addressed in schools, even though it might not be explicitly articulated in such a way. School policies and practices of addressing cheating and disturbing classroom behaviour, for instance, assume rights of others that the respected type of behaviour violates and that are in need of protection. In the latter case it is ultimately the right of the other students to learn undisturbed in class, and in the former, it is ultimately the right to a just (fair) assessment of a student's learning relative to other students learning that are in need of protection. Such school policies and practices draw a line of exclusion according to which certain behaviour, the one that oversteps the line, is not tolerable and requires consequences. All other behaviour is tolerated.

The behavioural duties for students implied in such lines of exclusion are traditionally called negative duties (Kant, 1797/1996; Rawls, 1999), which are duties to refrain from interfering with rights of others. Positive duties, on the other hand, are simplified obligations one has towards the well-being of others. As Gert (1988) points out, the distinction "rests upon the appropriateness of punishing failure to follow [negative duties]...positive duties are really moral ideals; they cannot be obeyed all of the time and hence one should not be forced, only encouraged, to follow them." (p. 277).

Another common feature in school policies and common practices I have referred to can be found in their expected and actual application. Policies and common practices (i.e. disciplining practices) are expected to be applied justly, which is generally understood as equally and with due process. Policies or common practices have only the claimed deterring, 'line-drawing' effect if they are applied predictably, i.e. everybody can expect specified consequences to follow overstepping of the line drawn by the policy or practice.

This view of the prevalent role of rights, negative duties, and a just application of norms in regulating public school life reflects the liberal political philosophy that is the dominating view on public living in liberal democracies (Howe, 1993; Rawls, 1999).

Somewhat simplified to allow for a clearer contrast, in this view humans are seen as morally autonomous individuals with the desire to pursue their own interests (ends) and society as an arrangement between such individuals to allow for such a pursuit. Human beings are autonomous choosers of their own ends, and it is this capacity of humans that deserves the respect and protection through rights, since it is unavoidable that pursuits of different interests by different individuals will interfere with each other. These rights are based on a view of equality between the individuals and, hence, the chosen ends, and protect the pursuit of those ends (freedom from interference), and regulate the cases in which ends or pursuits of those are in conflict. Sometimes the idea of a just distribution of resources (distributive justice) to allow for equal opportunities in the pursuit of chosen ends is included in liberal political philosophy (e.g., Rawls, 1999).

The common practice in schools in form of applying codified policies or ad hoc practices can be seen as exemplification of this autonomy, justice, and equality-based ethical view. Seen as morally autonomous individuals, students are held morally responsible for their doings. Students are treated equally with equal rights and equal obligations. Through the practice resulting out of this view, a particular framework for the moral life in schools is created. The next section will suggest an alternative ethical view, which will result in a different framework for the moral life in schools.

A Different Ethical Vision: The Ethics of Care

The ethics of care was introduced by Carol Gilligan (1982) as an alternative view of moral development and moral maturity to Lawrence Kohlberg's dominant cognitive developmental moral stage theory (1981, 1984). For Kohlberg, a morally mature person is a morally autonomous individual who makes moral decisions based on general principles of justice and human rights. However, based on her studies, Gilligan suggests that many morally mature people (in particular many women) are less likely to frame moral issues in terms of individual rights and applications of moral principles, and more likely to frame them in terms of a concern for the needs of the other in the specific context of the situation and the implications moral decisions have on the relations between the parties involved.

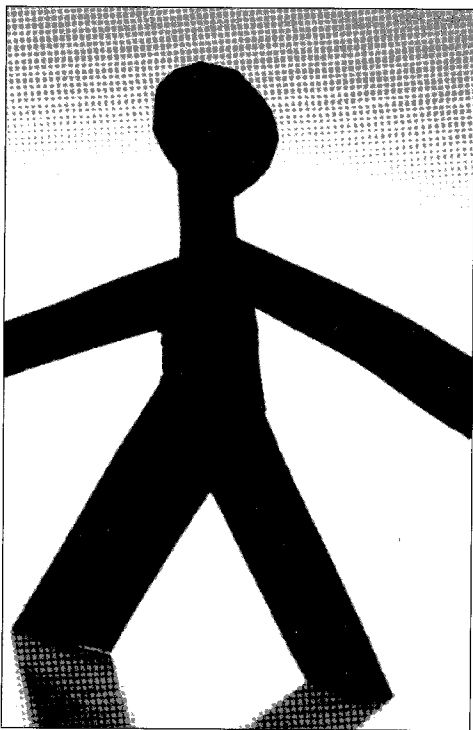
Going beyond the narrow focus of moral dilemma decisions, Nel Noddings (1984) has further developed the ethics of care by acknowledging the moral character of our daily encounters with other people. At the centre of this acknowledgment lies the concept of a caring encounter between people. In a caring encounter between two people (even strangers who meet for the first time), the carer is in the conscious state of giving full attention to the momentary needs of the cared-for and has all his or her motivation to act directed towards the needs of the cared-for. Meanwhile, the cared-for recognizes this attention and motivation in the carer in some form (i.e. through a thank you, a smile, etc.). This last, third aspect is important, because "our goodness and our wickedness are both, at least in part, induced, supported, enhanced, or diminished by the interventions and influence of those with whom we are related" (Noddings, 1996, p. 239), a view that is quite different from the one that regards humans as autonomous moral beings. Caring, and thus morality, is regarded as a lived practice, pervading all aspects of our human experiences, in which building, sustaining, and enhancing caring relationships lies at the centre. The focus is more on positive than on negative duties, and on needs of people rather than their rights, acknowledging that rights are (often) derived from needs.

A care-ethical approach to morality will yield quite a different moral life in schools from the one presented in the previous section. The focus of educational decision-making and practice, and even of the daily encounters between people in the school, would be on building, sustaining, and enhancing caring relations as they come out of caring encounters. This focus requires the perception and consideration of situational and personal particularities rather than the falling back on generalized moral principles. To illustrate the implications of such a view on educational policy and decision-making, I will revisit the sexual harassment policy issue from a care-ethical viewpoint in the next section.

The Issue Revisited

In Chamberlain and Houston's (1999) discussion of school sexual harassment policies in school districts the authors argue that purely legally oriented sexual harassment policies are inadequate to deal with student-to-student sexual harassment in schools. "The policies do not work because schools treat sexual harassment as a legal issue rather than as an educational issue which has legal components." (p. 147) While they recognize a supporting value of legally oriented policies

(p. 149), they identify different shortcomings of legally oriented harassment policies in



addressing student-to-student sexual harassment and suggest a different perspective on the issue.

Legally oriented sexual harassment policies, Chamberlain and Houston argue (p. 151), have not reduced the actual number of incidences of student-to-student sexual harassment. As legal documents, the policies do not cover adequately what should be considered problematic with respect to student-to-student sexual harassment in an educational setting, and they name two such problems. First, they ignore the legally not considered but educationally very significant harm implications in student-to-student harassment through “losses as lowering of self-esteem, or diminishment of comfort level, social status, or emotional well-being” (p. 150). Second, the legal category of a ‘hostile environment’, part of legally oriented sexual harassment policies, is too blunt an instrument to cover harmful environments in educational settings because this legal category “is confusing for administrators, teachers, and students, and it also requires too high a threshold of harm before intervention is warranted” (p. 150).

Chamberlain and Houston identify two problematic assumptions made in legal approaches to student-to-student sexual harassment in educational settings. The first assumption made is that inappropriate, wrong, or even illegal behaviour with respect to sexual harassment will be identified. This,

however, is often not the case because the legal definitions often stand “in direct opposition to the norms, values, and beliefs of a cultural [school] setting when they define as offensive an objectionable the same behaviors that have been ritualized and condoned by local social practices.” (p. 154) These social practices have to be recognized and considered – rather than condoned – in addressing student-to-student sexual harassment.

The second assumption made is that all concerned parties have equal standing in the community, which should allow for claiming redress and reaching reconciliation. This is, however, not the case in an education setting like a middle school culture, in particular between males and females (p. 154). Social relationships with their power of peer pressure and the desire to keep those relationships (“most sexual harassment in schools occurs among classmates and friends” p. 157) stand in the way.

These shortcomings of a legal approach to student-to-student sexual harassment can be addressed, Chamberlain and Houston argue, by taking a care-ethical perspective. Taking this perspective would contribute to a legal-based policy what is often necessary for policies that assign rights to people. The care-ethical perspective would consider the particularities of the context; here, that it is a policy for an educational setting for adolescents. This would allow considering the stage of the social development of the students (p. 159-160). A care-ethical perspective would give consideration to the need to maintain caring relationships, a need that can be in conflict with claiming one’s legal rights. (p. 160) It would also give us a particular perspective on rights, namely “that rights are grounded in the process of communication and meaning making rather than in some abstract legal foundation” (p. 160). Rights and claiming rights always involves relationships with others. (The concern for relationships is not meant to condone or even argue for sustaining problematic including abusive relationships between students, but rather – as a first step – a recognition of the importance of building and sustaining relationships for people in general and adolescence in particular – and that often includes abusive relationships for some people.)

Conclusion

The moral life in schools is affected by daily educational practice and decision-making, as well as policies. For intentional influence on a school’s moral life, teachers and adminis-

trators need to have or develop an ethical orientation or vision on which their practice and policy making can and should be based. Limited to the case of legally oriented sexual harassment district policies, this article argues for a care-ethical orientation as the primary basis for educational practice and decision-making (Courtney & Noblit, 1994), in opposition to the managerial and legal orientations so dominant in school administrative practice and decision-making (Marshall et al., 1996; Regan, 1990).

Simplified, a care-ethical educational practice and decision making 1) puts the building, sustaining, and enhancing of human relations into the centre in recognition of the basic need for such relationships, and 2) recognizes, is perceptive of, and responds to the different needs of different people, being very cautious about responding based on principles like the principle of equal treatment. Caring in the sense of the ethics of care has to be understood as lived practice (i.e. it is to guide a carer’s daily encounters and decision making, and as such it has a tremendous impact on the moral life of schools because direct encounters between people are at the centre of school life).

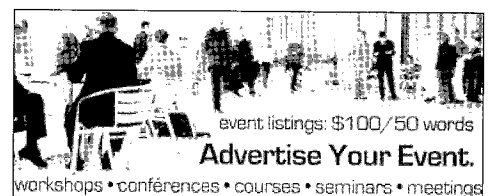
A school-based care-ethical orientation by educators has to recognize organizational and structural constraints on its implementation as set out by formal conditions like school acts and district policies, and by more informal conditions like expectations by senior administrators and by parents (Marshall et al., 1996). Nevertheless, even in the complex social conditions as they exist in educational settings of our society, organizational and structural conditions are set by people.

About the Author

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For a complete list of references, please contact tgf@sfu.ca.



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