

law, like all other law, is constantly evolving and changing so as to reflect the thinking of the times¹; and decisions by courts are made in the context of particular events and circumstances that are never exactly the same. But the prudent

1. For a discussion of this interesting educational and legal controversy, see my "Special Creation and Evolution in the Classroom: Old Wine in New Wineskins?" *School Science and Mathematics*, January, 1977, pp. 47-52.

2. For a comprehensive survey of corporal punishment practices in the various states, see Tobyann Boonin, "The Benighted Status of U.S. School Corporal Punishment Prac-

professional will be well served by these commandments if he internalizes the spirit of the law as a guide to his actions as a teacher—in the classroom, the school, and the community.

tice," *Phi Delta Kappan*, January, 1979, pp. 395, 396.

3. Rennard Strickland et al., *Avoiding Teacher Malpractice* (New York: Hawthorn Books, 1976), p. 6.

4. For a good treatment of changes and trends, see Daniel L. Duke et al., "Emerging Legal Issues Related to Classroom Management," *Phi Delta Kappan*, December, 1978, p. 305-09.

Postnote

The United States is increasingly becoming a litigious society. Disagreements and disputes are more frequently brought to the courts to be settled, rather than being settled face to face by conflicting parties. In recent years, business owners and managers, doctors, and even lawyers have been held liable for various consequences and have been made defendants in malpractice suits. Such situations were almost unknown to their colleagues ten or twenty years ago. While relatively few teachers have been successfully prosecuted in the courts, the trend exists; it is important for teachers—both in training and in service—to be aware of areas of legal vulnerability. Although written in 1979, McDaniel's article is an excellent and compact summary of the legal situation confronting teachers.

Discussion Questions

1. Before reading this article, were you aware that school law governed a teacher's behavior as much as it does?
2. In which of the areas described by McDaniel do you, personally, feel most vulnerable? Why? What can you do to protect yourself from legal entanglements?
3. In addition to federal laws affecting teachers, there are individual state laws as well. Can you identify any laws in your state that affect teachers?

Mrs. Porter and Mr. Kennedy have divided their third-grade classes into reading groups. In her class, Mrs. Porter tends to spend the most time with the students in the slowest reading group because they need the most help. Mr. Kennedy claims that such behavior is unethical. He maintains that each reading group should receive equal time.

Miss Andrews has had several thefts of lunch money in her class. She has been unable to catch the thief, although she is certain that some students in the class know who the culprit is. She decides to keep the entire class inside for recess, until someone tells her who stole the money. Is it unethical to punish the entire class for the acts of a few?

Ms. Phillips grades her fifth-grade students largely on the basis of effort. As a result, less-able students who try hard often get better grades than students who are abler but less industrious. Several parents have accused Ms. Phillips of unethical behavior, claiming that their children are not getting what they deserve. These parents also fear that teachers in the middle school won't understand Ms. Phillips' grading practices and will place their children in inappropriate tracks.

The Nature of Ethical Issues

The cases described above are typical of the ethical issues that teachers face. What makes these issues ethical?

First, ethical issues concern questions of right and wrong—our duties and obligations, our rights and responsibilities. Ethical discourse is characterized by a unique vocabulary that commonly includes such words as *ought* and *should*, *fair* and *unfair*.

Second, ethical questions cannot be settled by an appeal to facts alone. In each of the preceding cases, knowing the consequences of our actions is not sufficient for determining the right thing to do. Perhaps, because Mrs. Porter spends more time with the slow reading group, the reading scores in her class will be more evenly distributed than the scores in Mr. Kennedy's class. But even knowing this does not

58

The Ethics of Teaching

Kenneth A. Strike

tell us if it is fair to spend a disproportionate amount of time with the slow readers. Likewise, if Miss Andrews punishes her entire class, she may catch the thief, but this does not tell us whether punishing the entire group was the right thing to do. In ethical reasoning, facts are relevant in deciding what to do. But by themselves they are not enough. We also require ethical principles by which to judge the facts.

Third, ethical questions should be distinguished from values. Our values concern what we like or what we believe to be good. If one enjoys Bach or likes skiing, that says something about one's values. Often there is nothing right or wrong about values, and our values are a matter of our free choice. For example, it would be difficult to argue that someone who preferred canoeing to skiing had done something wrong or had made a mistake. Even if we believe that Bach is better than rock, that is not a reason to make people who prefer rock listen to Bach. Generally, questions of values turn on our choices: what we like, what we deem to be worth liking. But there is nothing obligatory about values.

On the other hand, because ethics concern what we ought to do, our ethical obligations are often independent of what we want or choose.

Kenneth A. Strike is professor of philosophy of education at Cornell University, Ithaca, N.Y. "The Ethics of Teaching," by Kenneth A. Strike, *Phi Delta Kappan*, October 1988, pp. 156-158. Reprinted by permission of the author.

The fact that we want something that belongs to someone else does not entitle us to take it. Nor does a choice to steal make stealing right or even "right for us." Our ethical obligations continue to be obligations, regardless of what we want or choose.

Ethical Reasoning

The cases sketched above involve ethical dilemmas: situations in which it seems possible to give a reasonable argument for more than one course of action. We must think about our choices, and we must engage in moral reasoning. Teaching is full of such dilemmas. Thus teachers need to know something about ethical reasoning.

Ethical reasoning involves two stages: applying principles to cases and judging the adequacy or applicability of the principles. In the first stage, we are usually called upon to determine the relevant ethical principle or principles that apply to a case, to ascertain the relevant facts of the case, and to judge the facts by the principles.

Consider, for example, the case of Miss Andrews and the stolen lunch money. Some ethical principles concerning punishment seem to apply directly to the case. Generally, we believe that we should punish the guilty, not the innocent; that people should be presumed innocent until proven guilty; and that the punishment should fit the crime. If Miss Andrews punishes her entire class for the behavior of an unknown few, she will violate these common ethical principles about punishment.

Ethical principles are also involved in the other two cases. The first case involves principles of equity and fairness. We need to know what counts as fair or equal treatment for students of different abilities. The third case requires some principles of due process. We need to know what are fair procedures for assigning grades to students.

However, merely identifying applicable principles isn't enough. Since the cases described above involve ethical dilemmas, it

should be possible to argue plausibly for more than one course of action.

For example, suppose Miss Andrews decides to punish the entire class. It could be argued that she had behaved unethically because she has punished innocent people. She might defend herself, however, by holding that she had reasons for violating ethical principles that we normally apply to punishment. She might argue that it was important to catch the thief or that it was even more important to impress on her entire class that stealing is wrong. She could not make these points by ignoring the matter. By keeping the entire class inside for recess, Miss Andrews could maintain, she was able to catch the thief and to teach her class a lesson about the importance of honesty. Even if she had to punish some innocent people, everyone was better off as a result. Can't she justify her action by the fact that everyone benefits?

Two General Principles

When we confront genuine ethical dilemmas such as this, we need some general ethical concepts in order to think our way through them. I suggest two: the principle of benefit maximization and the principle of equal respect for persons.

The principle of benefit maximization holds that we should take that course of action which will maximize the benefit sought. More generally, it requires us to do that which will make everyone, on the average, as well off as possible. One of the traditional formulations of this principle is the social philosophy known as utilitarianism, which holds that our most general moral obligation is to act in a manner that produces the greatest happiness for the greatest number.

We might use the principle of benefit maximization to think about each of these cases. The principle requires that in each case we ask which of the possible courses of action makes people generally better off. Miss Andrews has appealed to the principle of benefit maximization in justifying her punishment of the entire class. Ms. Phillips might likewise appeal to it in

justifying her grading system. Perhaps by using grades to reward effort rather than successful performance, the overall achievement of the class will be enhanced. Is that not what is important?

It is particularly interesting to see how the principle of benefit maximization might be applied to the question of apportioning teacher time between groups with different levels of ability. Assuming for the moment that we wish to maximize the overall achievement of the class, the principle of benefit maximization dictates that we allocate time in a manner that will produce the greatest overall learning.

Suppose, however, we discover that the way to produce the greatest overall learning in a given class is for a teacher to spend the most time with the *brightest* children. These are the children who provide the greatest return on our investment of time. Even though the least-able children learn less than they would with an equal division of time, the overall learning that takes place in the class is maximized when we concentrate on the ablest.

Here the principle of benefit maximization seems to lead to an undesirable result. Perhaps we should consider other principles as well.

The principle of equal respect requires that our actions respect the equal worth of moral agents. We must regard human beings as intrinsically worthwhile and treat them accordingly. The essence of this idea is perhaps best expressed in the Golden Rule. We have a duty to accord others the same kind of treatment that we expect them to accord us.

The principle of equal respect can be seen as involving three subsidiary ideas. First, it requires us to treat people as ends in themselves, rather than as means to further our own goals. We must respect their goals as well.

Second, when we are considering what it means to treat people as ends rather than as means, we must regard as central the fact that people are free and rational moral agents. This means that, above all, we must respect their freedom of choice. And we must respect the choices that people make even when we do not agree.

Third, no matter how people differ, they are of equal value as moral agents. This does not mean that we must see people as equal in abilities or capacities. Nor does it mean that we cannot take relevant differences between people into account when deciding how to treat them. It is not, for example, a violation of equal respect to give one student a higher grade than another because that student works harder and does better.

That people are of equal value as moral agents does mean, however, that they are entitled to the same basic rights and that their interests are of equal value. Everyone, regardless of native ability, is entitled to equal opportunity. No one is entitled to act as though his or her happiness counted for more than the happiness of others. As persons, everyone has equal worth.

Notice three things about these two moral principles. First, both principles (in some form) are part of the moral concepts of almost everyone who is reading this article. These are the sorts of moral principles that everyone cites in making moral arguments. Even if my formulation is new, the ideas themselves should be familiar. They are part of our common ethical understandings.

Second, both principles seem necessary for moral reflection. Neither is sufficient by itself. For example, the principle of equal respect requires us to value the well-being of others as we value our own well-being. But to value the welfare of ourselves *and* others is to be concerned with maximizing benefits; we want all people to be as well-off as possible.

Conversely, the principle of benefit maximization seems to presuppose the principle of equal respect. Why, after all, must we value the welfare of others? Why not insist that only our own happiness counts or that our happiness is more important than the happiness of others? Answering these questions will quickly lead us to affirm that people are of equal worth and that, as a consequence, everyone's happiness is to be valued equally. Thus our two principles are intertwined.

Third, the principles may nevertheless con-

flict with one another. One difference between the principle of benefit maximization and the principle of equal respect is their regard for consequences. For the principle of benefit maximization, only consequences matter. The sole relevant factor in choosing between courses of action is which action has the best overall results. But consequences are not decisive for the principle of equal respect; our actions must respect the dignity and worth of the individuals involved, even if we choose a course of action that produces less benefit than some other possible action.

The crucial question that characterizes a conflict between the principle of benefit maximization and the principle of equal respect is this:

When is it permissible to violate a person's rights in order to produce a better outcome? For example, this seems the best way to describe the issue that arises when a teacher decides to punish an entire class for the acts of a few. Students' rights are violated when they are punished for something they haven't done, but the overall consequences of the teacher's action may be desirable. Is it morally permissible, then, to punish everyone?

We can think about the issue of fair allocation of teacher time in the same way. Spending more time with the brightest students may enhance the average learning of the class. But we have, in effect, traded the welfare of the least-able students for the welfare of the ablest. Is

that not failing to respect the equal worth of the least-able students? Is that not treating them as though they were means, not ends?

The principle of equal respect suggests that we should give the least-able students at least an equal share of time, even if the average achievement of the class declines. Indeed, we might use the principle of equal respect to argue that we should allocate our time in a manner that produces more equal results—or a more equal share of the benefits of education.

I cannot take the discussion of these issues any further in this short space. But I do want to suggest some conclusions about ethics and teaching.

First, teaching is full of ethical issues. It is the responsibility of teachers, individually and collectively, to consider these issues and to have informed and intelligent opinions about them.

Second, despite the fact that ethical issues are sometimes thorny, they can be thought about. Ethical reflection can help us to understand what is at stake in our choices, to make more responsible choices, and sometimes to make the right choices.

Finally, to a surprising extent, many ethical dilemmas, including those that are common to teaching, can be illuminated by the principles of benefit maximization and equal respect for persons. Understanding these general ethical principles and their implications is crucial for thinking about ethical issues.

Postnote

Ethics seems to be making a comeback. We may not be behaving better, but we are talking about it more. Street crime and white-collar crime, drugs and violence, our inability to keep promises in our personal and professional lives: all these point to a renewed need for ethics. Kenneth Strike points out that teaching is full of ethical issues, and it is true that teachers make promises to perform certain duties and that they have real power over the lives of children. This article, however, speaks to only one end of the spectrum of ethical issues faced by the teacher: what we call "hard case" ethics, complex problems, often dilemmas. Certainly these are important, but there are also "everyday" teaching ethics—the issues that fill a teacher's day. "Should I correct this stack of papers or watch 'The Simpsons'?" "Should I 'hear' that vulgar comment or stroll right by?" "Should I read

this story again this year before I teach it tomorrow or spend some time with my colleagues in the teachers' lounge?" "Should I bend down and pick up yet another piece of paper in the hall or figure I've done my share for the day?" Like "hard case" ethical issues, these questions, in essence, ask "What's the right thing to do?" Our answers to these everyday questions often become our habits, good and bad. These, in turn, define much of our ethical behavior as teachers.

Discussion Questions

1. What are the three factors or qualities that make an issue an ethical one?
2. What are the two ethical principles mentioned in the article? Can you give your own examples of classroom situations that reflect these principles?
3. Why do you think there is a greater interest in the ethics of teaching today than thirty years ago?