

Faculty of Education

Assignment Cover Sheet



Unit Co-ord./Lecturer	Dr. David Moltow	OFFICE USE ONLY
Tutor:(if applicable)		
Student ID	094021	Assignment received:
Student Name	John Middendorf	
Unit Code	EMT602	
Unit Name	Ethics, Education and Teacher Identity	
Assignment Title/ Number	Final Essay	
Word Count	3000	

I declare that all material in this assignment is my own work except where there is clear acknowledgement or reference to the work of others **and** I have complied and agreed to the University statement on Plagiarism and Academic Integrity on the University website at www.utas.edu.au/plagiarism *

Signed: *John Middendorf*

Date: June 18, 2010

*By submitting this assignment and cover sheet electronically, in whatever form, you are deemed to have made the declaration set out above.

Assessor's feedback:

Assessor's Signature (optional) :

Assessment:

Dated:

Part 1: Ethical Dilemma

"Children are behavioural opportunists." This generalisation was emphatically and repeatedly expressed in the teacher's lounge by a colleague teacher during my practical teaching experience in my third term at the University of Tasmania. The colleague teacher was expressing his worldview on behaviour management, and encouraged explicit threats of consequences as the primary means to maintain order in the classroom (categorically stating, "children *only* respond to consequences"). Not surprisingly, when I observed his Year 8 mathematics classroom, characterised by direct instruction interspersed by silent individual work, there was little disorder, but the somber atmosphere seemed to me to be void of creativity (an essential learning value in my worldview). The teacher exemplified strong moral character and was an effective leader in the school, and though his assertions did not directly challenge the Code of Professional Ethics, the conversation encouraged other teachers to express negative attitudes about particular students, and the ensuing narrations had the potential to influence individual teacher-student relationships as well as adversely affect the school climate.

The Code of Professional Ethics for the Teaching Profession in Tasmania (Teachers Registration Board, 2006) identifies five principal values which members of the teaching profession value: dignity, respect, integrity, empathy, and justice. As values, each of these can be variously interpreted and prioritised. Sometimes these values conflict and create an ethical dilemma. The negative views of students expressed by teachers "behind closed doors" become an ethical problem if the effects of the discussion have the potential to affect the attitudes of oneself and other teachers, as each participant of the conversation is posed with choices as to how to interpret and respond and thus incrementally affect the school behavioural climate, with teachers and students as stakeholders in the outcome.

The link between teacher attitudes and student's educational growth is both intuitive and well documented. If a teacher has a positive and confident attitude about learning, it is natural that the students will be more likely to model a positive and confident approach in the classroom. Conversely, the impact of negative attitudes upon individual self-efficacy and performance has been well demonstrated in the social investigations of Phillip Zimbardo's (2007) Stanford prison experiment (with university students), and Jane Elliot's (2006) brown eyes/blue eyes discrimination experiment (with second grade students). In

both these cases, the dramatic and adverse change of individual attitudes based on an arbitrarily imposed power-differential attitude is almost immediate. Demanet and Van Houtte (2012) discuss the "Pygmalion Effect" (the notion of the self-fulfilling prophecy) and its mirroring effects: the teacher's attitude affects students, but also the student's attitude toward the teacher affects the teacher's effort and pedagogy. Clearly this feedback loop can quickly transform the socioemotional climate of a classroom to an equilibrium based on the collective values. Ultimately it is the teacher, as leader of the classroom, who has the professional responsibility to raise the bar by adaption and possession of the appropriate attitude for the maximum potential for learning. As the above mentioned studies show, attitudes, though nominally based on an individual's core values, are not static and can be influenced by external factors. For teachers, the school climate of behavioural management is a critical component of their pedagogy, as they both contribute to, and are influenced by, the climate.

In the case of the generalisation provided by the colleague teacher, there are various responses. The generalisation can be discounted outright, as expressed by Murphy, Clifton and Garavan (1999):

The Pygmalion concept mandates that trainers do not make generalised assumptions about learners... Instead it demands an approach of the trainer that is open-minded to the potential for growth in all individuals (p. 249).

Alternatively, the generalisation can be ignored. But knowledge of the effect of attitude ethically demands a response. A deeper response requires analysis of the actual statement. Shapira-Lishchinsky outlines four lenses from "which contemporary educational dilemmas can be viewed: the ethics of justice, the ethics of critique, the ethics of care, and the ethics of profession" (Shapiro and Stefkovich, as cited in Lischinsky, p. 649). At its root, the generalisation of children as behavioural opportunists appears to be grounded in the ethics of justice and notions of utilitarianism. Notwithstanding the lack of respect for the individual student, to consider, and expect, all children to be behavioural opportunists is to preemptively counter behavioural deviations with consequences that apply broadly. The defending argument might be that the resulting classroom is just from the standpoint that learning is equitably distributed. On the other hand, the same lens of justice offers an argument that the bounds on collaboration and creativity arising from preemptive behavioural consequences is unjust. However, as with many ethical arguments within the

same lens, there will rarely be full agreement and reconciliation due to the individual baseline interpretation of the value itself.

An alternative response is to reframe the argument within a different ethical lens. The ethics of justice and the ethics of caring are often juxtaposed and contrasted as a dichotomy, as French and Weis (2000) infer in a paper entitled, "An Ethics of Care *or* an Ethics of Justice" (emphasis added). In the dichotomy, the justice view is defended as "placing a premium on individual autonomous choice and equality" (French & Weis, 2000, p. 125) and attacked when rigidly framed as authoritarian, while the caring view is defended as prioritising social cohesiveness and attacked when framed as overly lax and permissive. Yet none of these extreme views are accurate, nor is the dichotomy, and it can be argued that the two ethical frameworks are coherently aligned when both lenses are at their optimal focus. In the ethical situation described here, the ethics of care provides a mediating balance to a sweeping generalisation about student motives: since a generalisation about any group lacks the empathetic concern for the individual, confirmation--"the act of affirming and encouraging the best in others" (Buber, as cited in Noddings, 2012, p. 239)--provides a basis for response. Trust, Nodding (2012) notes, is required for confirmation. Thus, an ethical response to a toxic teacher lounge discussion about misbehaviour can be to counter with examples of teacher-student trust.

Of the possible responses outlined above, I would choose to counter with specific instances of teacher-student trust, with the purpose both to affirm my own teaching ideals and values, and to help balance any detrimental affective attitude changes to the school climate as collectively represented by the teaching staff. It is ethically the "right" thing to do because it highlights the fallacy of the generalisation without compromising professional relationships and provides a moderating pathway to an alternative view of student behaviour.

Part 2: Duty of Care

A duty of care situation, which did not proceed to litigation, is mentioned in the ANZELA Conference Proceedings (Australia & New Zealand Education Law Association, 2010):

Hewet (1980) – A 15 year old student drowned on a school outing to Kangaroo Island, South Australia. She was wading in the ocean when she and other students

were caught by an undertow (sic) and swept out to sea. There was a sign
“Swimmers - Beware of Undertow” at the entrance to the beach (p. 231).

The legal determination of negligence due to a breach of the duty of care involves a myriad of factors, and we will hypothetically consider the variables that might have been involved in this unfortunate incident.

Churchill et al. (2011) cites four dependencies of liability in negligence actions: duty, breach, harm, and causation. Each of these, in turn, can be variously interpreted and debated in a court of law. The duty is clear: as it was a school excursion, a teacher-student relationship existed, and the student was owed a non-delegable duty of care by the supervising teacher(s). Harm is also evident: the drowning of the student. The two factors of interest in this case is whether breach occurred and whether the breach was the cause of, or contributed to, the harm.

For the purposes of analysis, we will assume a single supervising teacher with ten students, per the requirements of the Department of Education and Children's Services (1997), and that the teacher had the required Certificate 2 Public Safety and Aquatic Rescue qualification, but did not "ensure appropriate safety equipment (was) available to assist with or affect a rescue if required" (p. 126). We can also assume that swimming was not the main purpose of the excursion, as Kangaroo Island is known as a wildlife sanctuary with a number of national park areas with educational values (Department of Environment and Natural Resources, 2012).

We will consider five factors to consider breach: foreseeability, probability of harm, gravity of harm, cost and practicality of preventing harm, and justification of running the risk of harm (Churchill et al, 2011). Notwithstanding that the sign warned of "undertow", and that the cause of the student being swept to sea was presumably a rip current (a rip current is not an "undertow" [UNSW, 2008]), the sign provided adequate warning to both the teacher and the students as to the danger of that particular shoreline, thus the foreseeability of the harm was reasonably evident and was not far-fetched or fanciful. A reasonable person would have foreseen the risk.

The calculus of negligence depends on the remaining aspects of breach, and whether the teacher met the standard of care which the duty imposed. The probability of harm would

be dependent on the student's swimming experience, knowledge of rip currents, as well as the conditions present that day. There are too many unknown variables for this facet of the analysis, but let us assume that the teacher warned the students to only wade (not swim) in the water, lessening the probability of harm. The gravity of the harm "should the risk eventuate" (Churchill et al., 2011, p. 526) is drowning, and is present anytime water is involved. The cost and practicality of prevention of the harm relates to having the required life saving equipment on hand. Finally, it is likely there was no educational justification for running the risk of harm, as we have assumed the purpose of the excursion was to study wildlife or visit natural landscapes.

Because of the foreseeability, the lack of the proper life-saving equipment as required by Department of Education and Children's Services (1997) for excursions involving ocean swimming, and the likelihood that there was no justification for running the risk, it is highly probable that a court would find the teacher's duty of care was breached, and that a reasonable person would have ensured that the students did not enter the water.

Furthermore, it is also clear that there is a causal relationship between the breach and the harm. A variable in this case might arise in the contributory negligence of the student due to the obviousness of the risk (the sign's warning of undertow); the student's age and capabilities would be taken into consideration. It is difficult to speculate as to the percentage of contributory negligence in this case as tort law in Australia is largely based on precedents and the details of the Civil Liability Act varies from state to state.

Part 3: "All schools should be fully inclusive. Discuss."

Inclusion is, quite simply, the antithesis of exclusion and segregation within an environment of diversity. Educational inclusiveness derives from inclusive values, and revealed in globally accepted policy documents. In 1948 the United Nations declared education as a universal human right, and "directed to the full development of the human personality" (United Nations, 1948, Article 26). This concept was refined in 1989, when the diverse educational needs of children were recognised as "achieving the fullest possible social integration and individual development" (UNCRC, 1989, Article 23). In Australia, inclusive educational values are codified in several acts and declarations. Specific to disabilities, the *Disability Discrimination Act 1992* proscribes educational discrimination by requiring full educational access and curricula that would not "exclude the person from participation" (AustLII, Section 22, 1992); this is further codified in the *Disability*

Standards for Education 2005 which prescribes student participation "on the same basis" (AGD, 2006, Section 2.2.3). Inclusive education, however, does not solely target children with disabilities as it is a much broader value that considers the full range of diversity inherent in the idea that each individual possesses a unique combination of cognitive, physical, and affective abilities.

More recently, the *Department of Education's Review for Funding for Schooling*, inclusive education is considered "a human rights imperative for all people to be able to develop their capabilities and participate fully in society" (DEEWR, 2011, p. 107). A common theme in each policy statement¹ is the inference that the inclusive classroom is a precondition for a participative society, and is realised by "welcoming diversity" and "eliminating the barriers to full participation" (United Nations, 2005, p. 15-17). This paper will argue that the import of inclusive education derives from a theory of justice which prioritises the development of individual autonomy in order to provide the environment for authentic participation in education and society.

At the 1990 *World Conference on Education for All* in Jomtien, Thailand, education for all was declared a social responsibility with an aim "to further the cause of social justice" (United Nations, 1990, p. 11). Though empirical evidence can be presented on the benefits of inclusiveness, its rationale must stem from deeper moral considerations. Inclusiveness not only promotes social justice, but it can be argued that it is also an *a priori* condition of a fair and just society. Diversity is innate to the human condition--each of us is born with a diverse array of talents and abilities; Rawls calls this the "natural lottery" (Rawls, 1971, p. 71). In considering the nature of justice, Rawls provides a metaphorical thought experiment, the "original position of equality" (Rawls, 1971, p. 12). In the original position, rational agents, prior to the existence of society with each agent representing an individual, agree on society's basic structure. Each agent is under the "veil of ignorance" (Rawls, 1971, p. 19)--agents do not know the specific qualities and attributes, nor even the era of existence, for whom they are making the agreement. When

¹ Also of note is the Melbourne Declaration (MCEETYA, 2008), which seeks "to provide all students with access to high-quality schooling that is free from discrimination" (p. 4) and the promotion of two goals. The first goal is to create equity and excellence by providing "access to high-quality schooling" that "contributes to a socially cohesive society" (p. 7). Each component of the second goal, that "all young Australians become successful learners, confident and creative individuals, and active and informed citizens" (p. 8), incorporates inclusive values: successful learners "collaborate, work in teams, and communicate ideas" (p. 8), confident and creative individuals "relate well to others and maintain healthy relationships" (p. 9), and active and informed citizens "participate in Australia's civic life" (p. 9).

agreement is reached by the agents, the veil of ignorance is lifted and the terms of the agreement perpetuate. Among other libertarian aspects such as freedom of speech and thought, Rawls argues, fair equality of opportunity would be inherent in the agreed structure.

Before we consider further implications of Rawls' theory specifically in terms of individual educational entitlements, we can contrast it with other moral frameworks inherent in modern liberal democracies. Mill's utilitarian framework, "the greatest amount of good for the greatest number" (SEP, 2009) provides little guidance because "each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override" (Rawls, 1971, p. 3). Likewise, the Kantian "categorical imperative", which guides moral maxims based on consideration of its universal application (e.g. "I will not lie because if everyone lied, there would be no trust") is more suited toward provisional moral choices as it directed towards defining broader relationships among autonomous rational agents. And the Golden Rule², normally expressed as "treat others as you would be treated," presupposes that others would like to be treated as "you", and furthermore only provides vague guidelines on moral perspectives involving long-term dynamic processes such as inclusion. An empathetic derivation of the Golden Rule, "put yourself in another's shoes," is more apropos to a moral conception of inclusiveness, but is still problematic as identifying another's true qualities and potentials--their "shoes"--can be opaque and possibly indecipherable in individuals who might be developing in singularly unique ways.

Empathetic considerations, when coalesced with Rawls' original position, on the other hand, provide guidance on specific fairness conceptions. Prior to the "unveiling", when Rawls' hypothetical agents consider the situation of individuals who might otherwise be marginalised within a classical utilitarian framework, the "fair equality of opportunity" would naturally involve providing each individual with the required resources to attain their full autonomous potential and personal identity. This differs from the previously discussed moral frameworks because it is not exclusively reciprocal, as it involves a continuing one-way relationship among those who have not yet attained independent thought and action in a typical way (and require ongoing support in this realm), as well as additional support and resources for those with exceptional capacities. Because of the

² The Golden Rule is sometimes considered a special case of Kant's categorical imperative.

empathetic considerations, the ethics of care (Noddings, 1995) becomes antecedent to, and incorporated within, the concept of justice.

The prioritising of resources for autonomous potential is also a shift from social Darwinian meritocracy concepts that are prevalent in our society--it is not just the *initial* equality of opportunity that is important, but an *ongoing* process built into the society's structure. This is expressed in educational policy statements:

Inclusion involves a particular emphasis on those groups of learners who may be at risk of marginalization, exclusion or underachievement. This indicates the moral responsibility to ensure that those groups that are statistically most "at risk" are carefully monitored, and that, where necessary, steps are taken to ensure their presence, participation and achievement in the education system. (United Nations, 2005, p. 16)

In liberal political theory, the educational theories of Piaget, and the moral development of Kohlberg, autonomy--"the capacity to be one's own person, to live one's life according to reasons and motives that are taken as one's own" (SEP, 2003)--is progressive. People are born free and therefore autonomous (Rousseau, 1762/2008), but the development of autonomy cannot occur in the absence of society, as to be autonomous means that one self-directs their place *within* society (in contrast to heteronomy, where one is subjected to the will of another). The development of autonomous potential, therefore, *requires* authentic participation, and must be considered a priority in society's structure and in the educational preparation of individuals.

By preferencing the development of autonomy as a guiding principle of education, inclusiveness, a shift from mere integration (United Nations, 2005), necessitates the design of the classroom to be fluid and based on respect of the specific needs of its members. Valued membership and social integration are key aspects of the inclusive classroom, and it is the school's duty to eschew discrimination by incorporating all individuals in this process. Therefore, all schools should be fully inclusive in order to provide greater dignity and individual identity of all members of our society through the development of autonomous potential.

REFERENCES

- Attorney-General's Department [AGD]. (2005). *Disability Standards for Education 2005 plus guidance notes*. Retrieved from http://www.deewr.gov.au/Schooling/Programs/Documents/Disability_Standards_for_Education_2005_pdf
- Australia & New Zealand Education Law Association. (2010). *ANZELA 2010 Conference Proceedings*. Retrieved from: <http://www.anzela.edu.au/>
- Australasian Legal Information Institute [AustLII]. (1992). *Disability Discrimination Act 1992*. Retrieved from: http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s22.html
- Churchill, R., Ferguson, P., Godinho, S., Johnson, N.F., Keddie, A., Letts, W., Mackay, J., McGill, M., Moss, J., Nagel, M.C., Nicholson, P., & Vick, M. (2011). *Teaching: Making a Difference*. Milton, QLD: John Wiley & Sons.
- Department of Education, Employment and Workplace Relations [DEEWR]. (2011, December). *Review of funding for schooling: Final report*. Accessed from: www.schoolfunding.gov.au
- Department for Education and Children's Services, Government of South Australia. (1997). *Camps & excursions: Guideline for schools and preschools*. Retrieved from: www.decd.sa.gov.au
- Department of Environment and Natural Resources. (2012). Kangaroo Island. Retrieved from: http://www.environment.sa.gov.au/parks/Find_a_Park/Browse_by_region/Kangaroo_Island
- Department of Treasury. 2002. *Review of the law of negligence*. Retrieved from <http://revofneg.treasury.gov.au/content/home.asp>
- Elliot, J. (2006). *Jane Elliot's blue eyes brown eyes exercise*. Retrieved from: <http://www.janeelliott.com>

Freeman, S. (2011). Ethical principles revisited. *Journal of Professional Counselling Practice, Theory, and Research*, 38(3), pp. 49-61.

French, W. & Weis, A. (2000). An ethics of care or an ethics of justice. *Journal of Business Ethics* 27, pp. 125-136.

Ministerial Council on Education, Employment, Training and Youth Affairs [MCEETYA]. (2008). *Melbourne Declaration on Educational Goals for Young Australians*. Retrieved from <http://www.mceetya.edu.au>

Murphy, Daragh; Campbell, Clifton; Garavan, Thomas N. (1999). The Pygmalion effect reconsidered: its implications for education, training and workplace learning. *European Journal of Training and Development* 23(4/5) pp. 238-250.

Noddings, N. (1995). Teaching themes of caring. *The Education Digest*, 61(3). p. 24-28.

Noddings, N. (2012). *Philosophy of Education*. Westview Press: Philadelphia, PA.

Pagliano, P. & Gillies, R.M. (2012). *Inclusive Teaching Practices*. In Ashman, A., & Elkins, J. (Ed). *Education for inclusion and diversity* 4th ed. (p.159). Forest, NSW: Pearson Education Australia.

Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.

Rousseau, J. (2008). *The Social Contract*. New York: Cosimo. (Original work published 1762)

Shapira-Lishchinsky, O. (2011). Teacher's critical incidents: Ethical dilemmas in the teaching practice. *Teaching and Teacher Education* 27. pp. 648-656.

Stanford Encyclopaedia of Philosophy [SEP]. (2003). *Autonomy in Moral and Political Philosophy*. Retrieved from: <http://plato.stanford.edu/entries/autonomy-moral/>

Stanford Encyclopaedia of Philosophy [SEP]. (2008). *Original Position*. Retrieved from: <http://plato.stanford.edu/entries/original-position/>

Stanford Encyclopaedia of Philosophy [SEP]. (2009). *The History of Utilitarianism*. Retrieved from: <http://plato.stanford.edu/entries/utilitarianism-history/>

Teachers Registration Board (2006). *Code of professional ethics for the teaching profession in Tasmania*. Retrieved from: <http://www.trb.tas.gov.au>

United Nations. (1948). *The Universal Declaration of Human Rights*. Retrieved from <http://www.un.org/en/documents/udhr/>

United Nations. (1990). *World Declaration on education for all: Framework for action to meet basic learning needs*. Retrieved from: <http://www.unesco.org/en/efa/the-efa-movement/jomtien-1990/>

United Nations. (2005). *Guidelines for inclusion: Ensuring access to education for all*. Retrieved from: www.unesco.org/education/inclusive

United Nations Committee on the Rights of the Child [UNCRC] (1989). *Convention on the rights of the child*. Retrieved from: <http://www2.ohchr.org/english/law/crc.htm>

University of New South Wales [UNSW]. (2008). *Don't get sucked by the rip*. Retrieved from: <http://www.surfrescue.com.au/main/beach-safe/rip-currents/>

Zimbardo, P. G. (2007). *The Lucifer Effect: Understanding how good people turn evil*. New York: Random House.