The Virtues and Limits of Codes in Legal Ethics

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The education reform movement is alive and well in America—for now. As is so often the case in human nature that even great virtues in men and women reside not without certain corresponding faults, the American people’s genius for rallying to the task at hand is sometimes guilty of wandering from crisis to crisis. We do not know how long the nation’s attention will be focused on our schools. And so we must call upon as much effort and as much voice as we can muster while the time is ripe, while the audience is willing and listening, for there can be no reform in American education without the commitment of the American people themselves. With that necessary but perhaps fleeting condition in mind, I would like to outline ten issues of critical importance to education reform. We cannot allow them to slip from our attention.

1. **Content.** What should children learn? What is and what should be the content of every child’s education? What is the knowledge we want a child to have?

These are hard questions, and ones that must not be avoided. Yet too often we do avoid them. If you look at the requirements for elementary and secondary education in many states, you will find that they are very formalistic. They read as if education were simply and primarily the acquisition of skills. But there are other ends to education as well. Our notion of an educated person should be that of someone who possesses certain knowledge as well as certain skills.

For example, we would like students to be able to think critically about political questions. But we should also want them to possess knowledge of certain political truths and certain political convictions. We should want them to grasp the truths of the Declaration of Independence, the Constitution,
and the Federalist Papers. Knowledge matters—specific knowledge matters—and the question of the knowledge children should acquire in elementary and secondary school must be addressed. It cannot be avoided simply by saying they need to learn skills.

2. Teachers. Second, we must ask where our good teachers will come from. How can we honor, reward, and show other forms of public respect for good teachers? We will need many new teachers in America's elementary and secondary schools during the coming decade; some estimate as many as one million. But a pending shortage is only the beginning of the problem. There is also a problem of morale. Teachers tell us in public opinion polls that their image is one of their greatest concerns. Where is the respect shown them? Where is the honor shown them? Where is the gratitude shown them by parents and students? We must make this a national priority.

There are some indications that the teacher pool may be increased by bringing in people who have not prepared specifically for teaching, but whose achievements in other walks of life demonstrate their qualifications. This is a possibility of great importance. Educational reform is taking place all over America right now. We cannot have it go on the shoals because of a shortage of qualified people.

3. Higher Education. What is the quality of higher education? We know its cost, but what is its value? I think it is time to look at higher education with some of the same scrutiny that we have applied to secondary education. Some twenty percent of the people who begin higher education do not finish. One-fifth of all students in their first year of college are enrolled in remedial writing courses, and one-fourth are taking remedial math. What is higher education's real purpose? Certainly, if it is worthy of the name, it must be more than remedial education. It certifies, certainly. It gives people a license. It confers a certain degree of legitimacy in the larger society. But does it reach its stated aims? Are the lofty aims in those college catalogues just statements from men and women who have been dead for hundreds of years, or do we really believe in those aims and ends?

A serious reexamination of the value and quality of higher education is in order. A recent report of the American Association of Colleges said that the undergraduate curriculum in American colleges is in disarray and that the meaning of a baccalaureate degree is unclear. Given the amount of money that is spent by all parties for higher educa-
tion, I believe it is appropriate to ask questions about its purpose and quality.

4. **Common Culture.** What are the elements of our culture? What are the values that we share as Americans, no matter what our background? How should these values be presented in our classrooms? These, too, are questions with which real educational reform must deal. We must try to come to some agreement as to the values and principles all Americans share, whatever our heritage, race or color. Principles like equality, liberty, and the betterment of the human condition are elements of our common culture. Are these principles taught in our schools? Not often enough, it seems to me, and we must be more attentive to them.

5. **Parents.** We must keep the movement for educational reform in the hands of the people—in the hands of elected officials, business and community leaders, and, above all, in the hands of parents. Parents need to become more involved and assume greater responsibility for their children's education. We can have higher standards and higher expectations for the schools. Parents have a right to ask for that. But they also have a right to make the critical choices regarding their children's education. Parents are, after all, children's first and most important teachers. They are indispensable teachers. So we must make sure that education reform is the business of all Americans, not just those in the education establishment.

6. **Principals.** We must give more attention to the hiring and continuing education of principals, superintendents, chief state school officers, provosts, chancellors, and college presidents. But we must pay special attention to principals. In the long life of a community, a principal can be even more important than a mayor. I believe we should be as careful as possible in choosing our principals, and that we should do all we can to help them attain the skills and knowledge they need to do their jobs well. We should develop confidence in them, and should show it by giving them room flexibility, authority and support.

The literature on effective schools indicates that good schools have certain traits in common. One trait found in most effective schools is the presence of a strong leader. Rarely do you find a good school without a good principal. Students at Notre Dame well know what it means to have a strong and able institutional leader. Schools at the elementary and secondary level are no different; they too must have strong and effective leaders.
7. Character. Among other things, education must aim at the development of character. In the end, the moral environment of a school is more important than new buildings or equipment. We must first have confidence in the moral and intellectual authority of our elementary and secondary schools, in our principals and our teachers. Then we must work to maintain that confidence at all costs.

Thomas Jefferson described education as the learning of skills, but he also described it as the development of one's moral faculties. Patricia Graham, dean of Harvard's School of Education, echoed Jefferson last year when she wrote the "the primary responsibility for our schools should be to nurture and to enhance the wit and character of the young." And in the sixteenth annual Gallup Poll of the Public's Attitudes Toward the Public Schools, the American people expressed a similar sentiment. They were given a list of twenty-five possible goals for secondary education and asked to identify the two most important. The goals identified as the top two priorities were, one: teaching our children how to speak and write correctly; and, two: helping our children develop a reliable standard of right and wrong.

There is, then, a consensus about the purpose of education. We must make that consensus explicit in what we do in our schools. There is no avoiding the question of the development of character. The question is whether or not we are conscious about what we are doing.

8. Excellence and Equity. We must remember that educational improvement and educational excellence are goals for all students. We cannot, for example, hold minority students or minority language students to lower standards. It is sometimes argued that the movement to raise standards is an argument against equity and equality. I don't believe that is true. It seems to me that to raise standards and to insist on excellence can only be to insist on helping provide the best education for all.

When educational standards decline, when schools get sloppy, who suffers the most? Not children from the middle class, the upper middle class, or the upper class. These students can often rely on family resources to guide them through school into the work world. But for students who don't have the same resources at home or in the family, school may represent the only real opportunity for future achievement. When standards drop, it is the poor students, the disadvantaged students, who are hurt the most.

9. Common Sense. We have to remember in all the conver-
sations we have about education that it is not, like other things, a dismal science. In education research there is, of course, much left to discover. But education is not an especially mysterious activity. Teaching is in many ways the most obvious and natural thing that an adult can do. Even when we're not trying, when we're least aware of it, we are teaching the young. Child raising is the fundamental political and educational task; people have been doing it for thousands of years, and doing it well using common sense.

Over the course of the last two decades, we have too often ignored common sense in the pursuit of the latest education trends or social fashions. We must, I think, put common sense back into our educational philosophy and practice. We know what works and has always worked. As old-fashioned as they may be, devices such as homework and discipline make good schools and good students. It's time to get common sense back into education.

10. Keeping Reform Alive. We've all heard much about education reform. The Nation at Risk report was out two years ago, and the American people, being an impatient people, want to see our education problems solved. But such problems are not solved quickly or easily, and as we work for reform we must resist two forces. We must resist those who declare premature victory and say the problem is solved, the schools are turning around, and that everything is much, much better. And we must resist the cynics and the dampers, those who say "You can't do anything, what's the point of trying?" To this I think we should respond, "We can do something, we are doing something, and we will stay at it."

Two years ago, through A Nation at Risk and various other reports covered in newspapers all over the country, the American people declared that the United States is in an educational decline. We do not by any means have the problem solved. We are now engaged in the long struggle to get an educational system worthy of our ideals. We still have a long way to go. I hope you will join me in the campaign.