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In Loco Parentis: A Cliché Begging for Analysis in the Contemporary Pedagogy

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Abstract

The success or failure of any educational system in the world largely depends on the teachers, for they are seen as the hub of educational system. There is therefore no doubt that the services of teachers in schools are indispensable and critical to the nation's future, and the kind of individuals required of the society. Apparently, the issue of teacher-student relationship has become a prominent concern across various levels of education in Nigeria, in recency; specifically taking a conscientious view at the gargantuan record of failure of students, attitudes and exposure of graduates, directionlessness of the National Policy on Education, amongst others. The methods employed in this study include speculative, analytical and prescriptive methods. These methods were employed for the purpose of reflection, clarification of words and concepts, and prescription. The study further attempted an analysis of 'In Loco Parentis', semantically – for justification of meaning and clarification of purpose. The study argued for inclusion among teachers, students, parents, administrators, members of the community, and further stressed that education must be seen as what is worthwhile to those who are committed to it, that is, teachers, parents and learners. Also, the process and end-process of education must be seen as 'meeting of minds' and 'personal encounter', as rightly argued by R. S. Peters and Martin Buber.

Keywords: In Loco Parentis, Pedagogy, Education, Analysis, Philosophy

Introduction

The essence of governance all over the world is to provide a sense of direction through good policy formulation and implementation for the people to find their way in life. In line with this, Nigeria's policy on education provides for qualitative education, which is comprehensive, functional and relevant to all her citizens. The difference however, with other advanced systems is in how to achieve this goal. It is also agreed that quality of education as a goal is not an end in itself, but the pursuit of the goal will determine how soon the attainment of the goal will be

successful. Nevertheless, the significance of education to the growth and development of a country makes different nations of the world adopt different systems. Therefore, the system of education a nation adopts determines the level of its development and the rate of such development depends strongly on the policies developed, adopted and practised to achieve a balance in both physical growth of the nation and the general well-being of the citizens. One might want to ask at this point: what then is education? Or what is the importance of education in every society?

Formal Education

Education has been described globally as a potent instrument for introducing and sustaining social change in human societies, as well as shaping its destiny. Apart from serving as a vehicle for enhancing upward social and economic mobility, education is regarded as a key to social reconstruction¹. The contributions of education to the development of society and the individual cannot be underrated, and that is why both developed and developing countries all over the world perceive education as a device for the advancement of both individual and national development. This developmental tenet is suffixed in the education policy document of Nigeria². This stated various stakeholders' concern in formal education, which might be borne out of the perceived problems, are likely to affect it, as well as the implications such problems could have on the management and administration of education. Aspects of such problems as perceived include intentional absenteeism of teachers, nonchalant attitude of teachers towards students, teachers' ineffectiveness and disconnectedness between secondary school students and their teachers. There is therefore an urgent need to really look into the future of our nation's education vis-à-vis the challenges ahead, with a view to achieving effectiveness, quality and relevance in the entire system in order to keep abreast with international standards. By discussing the challenges ahead, managers, administrators and teachers, must be aware of their enormous tasks and be able to provide solutions to the problems currently threatening the system.

The success or failure of any educational system, whether in developed or developing nations of the world, depends to a large extent on the teachers, because they form the hub of educational system. There is therefore no doubt that the services of teachers in schools are indispensable and critical to the nation's future and the kind of individuals that society wants. The quality of the future citizens of a country thus depends on the quality, competence and practices of the teachers - the application of positive classroom pedagogy therefore becomes critical. One of the most important aspects of schools is the application of pedagogical knowledge into a classroom-oriented plan of action, which constitutes the most essential fabric upon which the success of the school, its administration, and the entire democratic and pedagogical process rests upon. The application of classroom pedagogy could only be achieved in an environment where the learners are free to interact among themselves and their teachers.

¹ Fakunle F. A. (2017). Influence of job satisfaction on job performance among academic staff in tertiary institutions in Ekiti State. Unpublished master's thesis, Ekiti State University, Nigeria, 12-13

² Federal Republic of Nigeria, National Policy on Education, Nigeria. 2013, 1-3

Is Nigerian Education Worthwhile?

A close assessment of activities in schools today has revealed that, students are made to suffer undue exploitation by school heads in both private and public schools in the name of enrolment fees and assurance of success in their examination. This they do in collaboration with the ministry officials who are supposed to inspect and monitor activities in schools to ensure standard compliance. In like manner, students are being surcharged in a number of ways in tertiary institutions either in the name of dues that are not accounted for, forced students to purchase reading and other learning materials at exorbitant rates or on services of which staff are being paid for as assigned responsibilities and official provisions made by the respective institutions. All these lead to lowering of the academic ability of students. In view of the prevalence of examination malpractices and other related irregularities in schools at all levels this day, the interest and habit of reading, procurement of books and other skills development materials has drastically dwindled among a number of students³. A pertinent question at this point will be: is education something worthwhile if and only if, the students are not aptly considered as expected?

The National Policy on Education states that the purpose of teaching and learning should be to produce highly motivated, conscientious and efficient classroom activities for all levels of education in Nigeria⁴. This is to encourage the spirit of enquiry and creativity in both teachers and students; to help them to fit into the social life of the community and society at large and to enhance their commitment to national objectives; to provide teachers with the intellectual and professional background adequate for their assignment and to make them adaptable to any changing situation; and to enhance teachers' commitment to the teaching profession, not only in Nigeria, but also applicable to other countries of the world. However, as observed, these stated teaching and learning objectives seem difficult to be achieved. It appears as if students' engagement in classroom activities and students' motivation for better productivity in secondary schools in Nigeria are still far from expected. For instance, to consider the secondary level of education in Nigeria, the academic performance of these students has become a great concern to all education stakeholders in recent times, as this can be seen in the gargantuan record of failure in public examinations, especially in compulsory basic subjects such as English and Mathematics. The annual release of the West African Examinations Council (WAEC) results has contributed to the public's condemnation of the entire education system in Nigeria because of the rate of graduates with poor results. In addition, many employers of labour have cried out many a time about the graduates produced in our tertiary institutions as they seem incapable and incompatible for the responsibilities they are employed for. The question here is: do we need to wait for a problem to exist or emerge before we provide possible measures to prevent any loopholes?

It could also be raised if teachers in schools today are effective and efficient, or if these teachers see teaching as a profession, as argued by Akinpelu⁵. Many a time, a professional teacher or

³ Ifenkwe, G. (2013). Educational development in Nigeria: Challenges and prospects in the 21st century. *Universal Journal of Education and General Studies*, 2(1), 007-014.

⁴ Fakunle F. A. (2017). Influence of job satisfaction on job performance among academic staff in tertiary institutions in Ekiti State. Unpublished master's thesis, Ekiti State University, Nigeria, 12-13

⁵ Akinpelu, J. A. (1981). *An Introduction to Philosophy of Education*. London: Macmillan Education Ltd

educator is not one who knows how to teach per se, but he who understands the ‘do’ and ‘don’t’ of his/her students and apt to teach in turn⁶. Hence, one of the most important factors to be considered solely depends on the teacher-student relationship, the quality and competence of teachers, amongst others⁷. Teachers have been said to play a crucial role in academic performance and educational attainment, because the teacher is ultimately responsible for translating policy into action and principles based on practice during interaction with the students⁸. The future of the learners thus lies in the hands of the teachers, as what they teach the children forms a great impact in their lives because they have a role of training the children intellectually and morally. In stressing the importance of education, it is a human right that should be accorded to all human beings solely by reason of being human. Thus, the relationship that exists between teachers and students is symbiotic, as each of them needs the other, and this calls for a cordial relationship.

Buber’s Concern for Education

Peters once described education as both meeting of minds and process of personal encounter – emphasis is ours⁹. This personal encounter, which is to affect human relationship, is expected to be experienced by learners in the process of education. Therefore, personal agents, that is, teachers and learners of the educational process must strive to develop appropriate knowledge, so as to achieve the purpose for which the school is established as a learning institution¹⁰. This is similar to the words of Martin Buber when he recognised that, ‘all real living is meeting’¹¹.

The meeting involved isn’t just between two people or between someone and the world. Buber believed that every particular ‘Thou’ is a glimpse through to the eternal ‘Thou’. In other words, each and every I-Thou relationship opens up a window to the ultimate Thou¹². For the purpose of clarification, Buber in his parlance identified two forms of relation, which are I-It (involves distancing) and I-Thou (involves relation). In I-It, differences are accentuated, the uniqueness of ‘I’ is emphasized. Here, the ‘I’ is separated from the self it encounters. Buber believed that there had been a movement from relation to separation, that there was a growing crisis of being or existence in ‘modern’ society. He believed that the relationship between individuals and themselves, between people, and people and creation was increasingly that of I-It. As a result, it was becoming more and more difficult to encounter God¹³. However, in the later works of Buber, he associated I-Thou relationship to that of a genuine educator and his pupil. To him, the teacher who wants to help the pupil to realise his best potentialities must intend him as this

⁶ Akinpelu, J. A. (2003). *Ethics and the Teaching Profession in Education this millennium: Innovations in theory and Practice*. Ayodele, S. O; Bamisaye, O.; Nwazuo, I. A. and Okediran, A. (Eds). Ibadan: Macmillan.

⁷ Ekundayo, H. T., Omodan, B. I. & Omodan, C. T. (2018). Dynamics of organizational behaviour: a case of principals’ activities and teacher effectiveness in secondary schools in Ekiti State, Nigeria. *The International Journal of Humanities & Social Studies*, 6(8), 225-332.

⁸ Ibid.

⁹ Buber, M. (1958). *I and Thou* 2e, Edinburgh: T & T. Clark. Translation: R. Gregory Smith.

¹⁰ Bamisaiye, O. A., Meroyi, S. I. (2014). Ethical Considerations in Teacher-student Relationship. *Nigerian Journal of Educational Philosophy*, Vol. 25, Number 1

¹¹ Ibid.

¹² Kaufmann W. (1978). *I and Thou*, Martin Buber: A New Translation with a Prologue ‘I and You’ and Notes. Charles Scribner’s Sons. New York.

¹³ Ibid.

particular person, both in his potentiality and in his actuality. He further added that, the teacher or educator must know him not as a mere sum of qualities, aspirations and inhibitions; he must apprehend him, and affirm him as a whole. But this can only do if he encounters him as a partner in a bipolar situation (involving or having both parties at the same time – the teacher and the taught). And to give his influence, unity and meaning, he must live through this situation in all aspects not only from his own point of view but also from that of his partner. Thus, he must practice the kind of realisation that ‘I’ calls embracing¹⁴.

The conflation of both Buber’s ideas and Nigerian educational system cannot be undermined, as it is seen in his I-thou thought, where he considered what a model teacher should look like in order to bring about the actuality and potentiality of his or her learners be it in the classroom setting or the outside setting. This calls a fortiori for the most reason why this paper is declared necessary for public viewing.

Analysis of ‘In Loco Parentis’ in the Contemporary Pedagogy

‘In Loco Parentis’ is a Latin word which literally translates to ‘in the place of the parent’. Simply, the concept refers to the legal responsibility of a person or organisation taking on some of the functions and responsibilities of a parent. Originally derived from the English common law, it is applied in two distinct areas of the law¹⁵. Firstly, it allows institutions such as colleges and schools to act in the best interests of the students as they see fit, albeit not allowing what would be considered violations of the students’ civil liberties. Secondly, this doctrine can provide a non-biological parent to be given the legal rights and responsibilities of a biological parent they have held themselves out as the parent. Apparently, different scholars have defined the concept in heights and sundry; it is in this view that this study seeks to examine various positions held by such scholars.

Black defines it as being ‘in the place of the parent; charged, factitiously with a parent’s rights, duties, and responsibilities’¹⁶. Claassen also sees it as – in the place of the parent¹⁷. Those who have been entrusted by the parents with the custody and control of children under age are said to stand ‘In Loco Parentis’ to the children. People who are acting ‘In Loco Parentis’ are inter alia teachers and hostel staff. However, while considering the subject ‘In Loco Parentis’, three related concepts shall serve as the basis for this analysis, albeit the discussions might be done concurrently in some cases. Firstly, the concept of education; secondly, the idea of ‘a teacher being in the place or stead of the parent’, and thirdly, the interaction or relationship that occurs between family and school or between the teacher and the parents. Therefore, in this section, emphasis will be laid on education, the teacher and the interaction of the teacher or school to the parent, or that of the parent to the school. What is education? Why is education needed to be analyzed in this section again? Of what purpose is education to man and woman? Is there a need for relationship or interaction in education or in the school? Why is the teacher or the school acting as the stead for the parent? These aforementioned questions shall therefore serve as the basis for the analyses.

¹⁴ Ibid.

¹⁵ Black, H. C. (1983). Black’s Law Dictionary St. Paul : West Publishing

¹⁶ Ibid.

¹⁷ Claassen, C. J. (1976). Dictionary of Legal Words And Phrases. Durban : Butterworth.

The concept of education has been defined by different scholars and philosophers. Ducasse noted that it comes from the Latin word ‘educere’ meaning to ‘lead out’, or ‘bring out’¹⁸ while Schofield denied that, it is ‘educare’, which means to ‘form’ or ‘train’¹⁹. Nevertheless, the incongruity is not of concern but the content therein. Thus, if education was primarily noted to have risen from the aforementioned two Latin words to mean – ‘lead out’, ‘bring out’, ‘form’, ‘train’, then, it could be assumed that, interaction must have occurred between the content and the teacher or between the teacher and the taught. How do one bring out or lead out the potentials in another if such person fails to recognise the *dasein*²⁰ in the words of Heidegger? By the words of Plato, he views education as that training (though, education is not the same as training – emphasis is ours) which is given by suitable habits to the first instincts of virtue in children, when pleasure and pain are rightly implanted in non-rational souls²¹. The particular training in respect of pleasure and pain which leads you to hate what you ought to hate and love what you ought to love. Thus, there must have been interaction before one can develop in learners such training that would enable them to function as considered by Plato.

Schofield posited education as the process of nourishing or rearing; the process of bringing up; and the manner in which a person has been brought up; the systematic instruction, schooling or rearing given with the aim of preparation for the work of life, and also the whole course of scholastic instruction which a person has received²². However, the argument is that, a teacher who is saddled with the responsibility of bringing up a child must strive to develop a right form of relationship towards the learners. For one to be a parent or to be regarded as father/mother, it is highly expected of him to be aware of what happens in his or her family, *sine qua non* a teacher in the stead of a parent must learn to develop the right relationship in order to bring out or prepare such learners for life. Hence, education, be it formal, informal or non-formal, becomes effective if and only if, a strong ‘agodic’ relationship or bond exists between the two participants, the educator and the taught.

Corollary to the above, a variety of societal spheres such as family, church and school, is instrumental in guiding the taught to adulthood. The interaction among these societal relationships or spheres is determined by the fact of sphere sovereignty. For instance, ministers of the church or mosque are all educators in the course of dealings with their members and others who need guidance. Education therefore occurs within a variety of interacting societal spheres. Ultimately, the primary task of each of these educators should be determined by the primary task of the societal relationship in which the person functions. Education in the parental home is therefore qualified by the primary task of loving and nurturing care for the children as family members (the ethical aspect of reality), whereas education at school is qualified or characterised by logical analytical activity (the analytical aspect of reality).

¹⁸ Ducasse, C. J. (1958). What Can Philosophy Contribute to Educational Theory? In: J. Park (Eds.) *Selected Reading in the Philosophy of Education*, London, Macmillan, 1-15.

¹⁹ Schofield, H. (1972). *The Philosophy of Education*. London, George Allen and Unwin, P. B. Buber, London: Peter Halban.

²⁰ *Dasein* means the nature of being, presence, here-ness, suchness, essence e.t.c. See Heidegger’s *Being and Time* for further reading

²¹ Plato. (1943). *The Republic*. New York: Books, Inc

²² Schofield, H. (1972). *The Philosophy of Education*. London, George Allen and Unwin, P. B. Buber, London: Peter Halban.

The difference between the respective leading functions (primary tasks) of the parental home (i.e. nurturing care) and of the school (i.e. analytical processes) result in a concomitant difference between the competence area and authority sphere of parents on one hand, and of teachers on the other hand, regardless of the fact that they find themselves involved with one and the same child. Aptly because of the difference between the competence areas and authority spheres of parents and teachers, a teacher as educator can never ‘take the place’ of the parent as primary educator of a child. The educative task of the school as a societal sphere, and thus of the teacher, is typically qualified by the school’s primary task of teaching-learning, i.e. by analytical processes. Thus, the ‘In Loco Parentis’ can be best described as the interaction between two societal spheres, e.g. those of the school and the family. The family is regarded as the primary societal sphere since education commences within the context of the family. The school is regarded as a secondary societal sphere since the child is entrusted to it by the primary societal sphere of the family. The school, and therefore also the teachers, operate within well-defined juridical parameters, which provide them with a great deal of independent discretion in the education (as qualified by teaching/instruction) of the child within the context of the school as a societal relationship.

Against this background, as well as against the background of the school as an independent societal relationship in its own right, the teacher has the task, as determined by his/her duty of educative teaching (i.e. of regulating or managing the processes of teaching-learning), of performing the following duties: to discipline pupils – maintaining discipline in school can therefore be described as being of a peculiar character especially when compared with the maintenance of discipline in the family and the state; to take care of the physical and mental well-being of pupils whilst they are under the teacher’s supervision – the teacher is also under the obligation to provide custody for the pupil for the time that he is entrusted to the teacher. There is a duty of care on the teacher for the physical and mental protection of the pupil. This duty of care can also be derived from the teacher’s obligation to his associate, the parent, to provide a safe environment where the intellectual development, resulting from teaching, can be maximal; to organize and manage the parent-teacher partnership in order to enhance the teaching-learning processes of the pupil/learner. As was previously explained, the aims of teachers and parents converge in the fact that their efforts are continually focused on the education of one and the same child. Parents and teachers thus have a shared interest, i.e. the welfare of the child, despite the fact that the child assumes different statuses when involved with the parent or involved with the teacher. Their shared focus on the child, and concern for the well-being of the child, result in an unavoidable teacher-parent relationship, which should be cherished and promoted by both teachers and parents. In the school context (i.e. the teaching-learning context), the teacher is expected to maintain and promote this teacher-parent relationship.

Conclusion

For further studies, two of the three criteria identified by Peters shall be considered germane and relevant to the analysis of ‘In Loco Parentis’ and the theoretical framework of Martin Buber’s I-Thou. Firstly, education implies the transmission of what is worthwhile to those who

are committed to it²³. For education to imply what is worthwhile, the teacher, parents and learners must develop a right form of relationship or commitment to make it work. Secondly, education must involve knowledge and understanding as well as some kind of cognition, which are not inert. And for one to develop such knowledge and understanding in learners, there must be emphasis on the activeness of relationship in every dialogue. Thus, the degree of prudence legally expected from the 'In Loco Parentis' person, is basically that of the diligent paterfamilias (the diligent father of a family).

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²³ Peters, R. S. (1973). Ethics and Education. London, George Allen and UNWIN