

The Four Ethical Commitments in Educational Administration

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ABSTRACT: This article follows from a previous article where the authors offered that a single school of ethical thought is not sufficient to produce the deep understanding necessary for an administrative decision-maker to arrive at an ethical decision which supports her or his personal and public integrity. In particular, this article applies an interactive ethical matrix composed of four commitments, personal conscience, relational reciprocity, common ethical principles, and professional convictions with constraints. The authors argue that these form a multi-frame analysis, and provide the facts and decision of a Canadian legal case to demonstrate how such an ethical analysis is best suited for the attainment of personal and professional integrity amongst educational decision-makers.

RESUMÉ: Cet article fait suite à un article précédent dans lequel les auteurs déclaraient qu'une simple école de pensée éthique n'était pas suffisante pour offrir au décideur administratif la compréhension absolue qui lui est nécessaire afin de parvenir à une décision éthique soutenant son intégrité personnelle et publique. Dans ce papier, on utilise particulièrement, une configuration interactive éthique composée de quatre engagements qui sont ; la conscience personnelle, la réciprocité relationnelle, les principes courants éthiques et les convictions professionnelles sans facteurs limitatifs. Les auteurs maintiennent que ceux-ci forment une analyse de forme multiple et qu'ils fournissent les faits et décision d'une affaire juridique canadienne. Ceci, afin de prouver combien une telle analyse éthique est la mieux adaptée chez les décideurs scolaires pour qu'ils atteignent leur intégrité personnelle et professionnelle.

Introduction

In today's world one is assaulted with the view that ethics is in the eyes of the beholder and because decision making seems to be culturally relative the task of ethical discernment becomes a purely subjective exercise, unchallengeable by others. However, in the public square and within public institutions some warrant or justification is required of decision-makers and with only the subjective perspective decision-makers can be left in a state of ataxia wondering how to justify certain administrative decisions which seemingly have ethical overtones. In the end, is it just to be a question of effective political persuasion of the stakeholders? If that is the case than ethical discernment may be replaced by Madison Avenue's dream-makers. Clearly, more is required than mere persuasion to reach an ethical warrant for administrative decisions which affect the lives of people and the integrity of institutional purposes and administrators.

We offer the proposition that educational administrators who face ethical decisions are wise to consider four commitments in their ethical deliberations: a) personal conscience, b) relational reciprocity, c) common ethical principles, and d) professional convictions with constraints. We suggest that these commitments comprise a matrix of four interactive and complex ethical frames of reference and that these ways of knowing offer decision-makers a better chance at understanding the deep nature of ethical dilemmas they face. Hence, we suggest that by engaging all four of these commitments, administrators have a better chance of promoting their own personal and professional integrity than within a single frame of knowing. Effectiveness of personal integrity is marked by peace of mind, a sense of self-esteem, and a sense of coherence in actions, beliefs, and knowledge. Professional integrity is evidenced in truth-telling, consistency, fairness, accountability, care for others, and provides a justifiable warrant to constituents in the public square for one's administrative decisions.

This article is divided into three parts. Part I describes, in brief, the four commitments. Part II provides the facts, decision, and a subsequent ethical analysis of *Morin v. Regional Administration Unit #3* (Morin, 2002). This Part offers that a consideration of the four commitments evidences how a decision was arrived at by the school principal and as supported by the school board was in concert with the four commitments but rejected by the court.

Part III offers an explanation of the four commitments as a matrix and how the matrix framework may be used by decision-makers to

assist in ethical discernment. This is achieved by reframing the ethical dilemma to better understand the multiple social and personal realities within which the constituents live their day-to-day lives. The article concludes that to arrive at a warranted, ethically sound, and defensible decision in the private sphere and public square, enhances the decision-maker's sustaining of personal and professional integrity.

Part I

Explaining the Four Commitments

There are several approaches to ethical decision making. The following four interdependent means of ethical deliberation are offered as helpful (although not exhaustive) descriptions of commitments for ethical decision making with integrity: a) personal conscience, b) relational reciprocity, c) common ethical principles, and d) professional convictions with constraints. When considered holistically, we suggest that these commitments represent a reasonable, responsible, and balanced set of ethical content with which to adjudicate the decisional challenges of educational administration than any one might provide if considered in isolation.

Commitment to Personal Conscience

Cowardice asks the question, "Is it safe?" Expediency asks the question, "Is it politic?" But conscience asks the question, "Is it right?" And there comes a time when one must take a position that is neither safe, nor political, nor popular but because conscience tells one it is right. (M.L. King, 1963)

The word conscience has many meanings. Some ancients believed it to be a daemon (Apuleius, n.d.) which like a golden compass interpreted a human's actions to the gods. Conscience has been portrayed as an interactive set of qualities of the human mind: emotion, conceptualization, experiences, a capacity, or as a progressive learning of conceptual steps in recognizing justice (Kohlberg, 1981) with an emphasis on gender and the ethic of care (Gilligan, 1982); the result of tension between the trials of childhood and adulthood which are governed by a psychological mechanism – the super ego (Freud, 1923); as part of the innate nature of being human (Bauman, 1993), self-defined through personal choice (Sartre, 2007); comprised of an innate

tendency towards the good and informed by one's life's experiences, one's community, and reason, shaped by the virtue of prudence, in movement towards an eternal logos (Aquinas, 1274/1948, ST 79, 12, 13; I-II 19, 5, 6; 94, 1, 4, 6; Keyes, 2006, p. 194); and as a function of the human brain (Carey, 2007; Gerard, 1942; Bachem, 1958).

The voices of these ancient to contemporary authors vary on the existence and source of the human conscience but agree on three things. First, humans face situations which demand that they choose on some basis between what they consider good and bad, right and wrong, virtuous and vicious, proper and improper. Second, humans have an inner mechanism to discern. Third, most people would wish to choose the good, right, virtuous, proper; however defined, which is a basic human tendency. What constitutes "the good" becomes the issue for the individual's antecedent conscience. Those choices and the choice to act or not to act comprise the tapestry of the person's personality and personal integrity which, in turn, illustrates to others whether one is trustworthy, consistent, fair, just, kind, honest in dealings with others, reasonable, and prudent which constitutes the person's public integrity.

In sum the decision-maker's antecedent conscience seeks the good by basic human orientation but requires information to determine what the good, right, virtuous, and proper in any given case. It is at that point that the voice of personal conscience enters into an internal, discursive, reflective, dialogue which leads us to the second commitment, relational reciprocity.

Commitment to Relational Reciprocity

Buber (1965) described the ideal of "relations as reciprocity." His work speaks to us of two fundamental types of relationship, "I-It" and "I-Thou." The former may be viewed as the "I" seeing the "It," as the means to an end or that which is acted upon or with, for a purpose. In other words, a subject and object relationship. The latter formulation is concerned with the recognition of the inherent dignity of the Other (or Thou or another I) with intrinsic value for and in herself or himself. However, the crucial aspect of Buber's theory is not the persons, or a generalized statement such as Kant's (1785/1997) categorical imperative, but rather the nature of the relationship itself. The essence of the nature of the relationship may be found in a deep and abiding respect for the nature of the one with whom I am in relationship. It is only in such a relationship that the "I" is fully realized. "I-Thou"

relationships are inherently relational and, we argue, part of the ethical matrix which is foundational to a school leaders approach to ethical decision making. Whether or not this analysis leads to the equivalent of Habermas' (1991) ideal speech condition and communicative rationality is open to question, however, it does not appear that a person needs to be in direct communication with another person to act with relational reciprocity.

It is true that leadership has much to do with influence and the chemistry of relationships between and among people. When discussing ethical decision making, there is a tendency by some to focus on the nature of the ethical challenge or conflict, the content of ethical thinking, the outcomes desired, and the context within which a decision must be made. These are important factors but we suggest that they ought not to displace the importance of reflecting on how we see ourselves, the people implicated in educational decisions, and the nature of our relationships.

It is possible to dehumanize our service as leaders to become merely crass servants to person-less causes. As the Reverend Martin Luther King stated with reference to segregation in the United States, "Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an 'I-it' relationship for an 'I-thou' relationship and ends up relegating persons to the status of things" (King, 1963). We must be committed to the foundational view that people matter. We can decide in submission to political forces, follow paths of least resistance, or acquiesce to the psychologically more comfortable (i.e., compromise to fear, trivialize persons, or dehumanize ourselves) and lose the majesty of our purposeful, relational work in the best interests of children, youth, and communities. In short, the extremes of selfishness and selflessness are both to be avoided. We need to come through ethical decision making with respect for ourselves, as leaders, and as persons intact; and, equally, to afford respect and dignity to those persons involved, implicated, or affected by our decisions.

If we expand Buber's initial two relational states to four, the "it-it" relationship (where the leader places low value on him or her self and others) results in disassociation, isolation, de-personalization, discontinuity, and senseless decision-making (Robinson, 2005, p. 128). The "it-thou" relationship (wherein the leader imputes a low value to him or herself but a high value to the "Other" person(s) in the relationship) results in unhealthy fusion and co-dependence by the leader such that he or she may be inclined to unthinkingly conform,

make decisions based on likelihood of personal validation. This self-less and self-denigrating approach steals away personal and professional autonomy together with the courage to actually lead. The "I-it" relationship (wherein the leader holds to a high value of self and a low value for others) results, as stated above, in a leader treating others as means, as objects of manipulation, or as instruments for selfish or institutional purposes rather than as fellow persons with dignity, volition, and worth. Buber and others (i.e., Balwick, King, & Reimer, 2005, pp. 27-49) commend a commitment to relational reciprocity, as exemplified in the "I-Thou" formulation. It is in that sense that the decision-maker experiences the *special relativity* of the Other's experience or potential experience and her or his personal meaning or significance of the administrative decision. It is that meaning and significance learned through relational reciprocity that will be carried by the decision-maker into the interior room where the decision will be made. It is there that the personal conscience (antecedent) of the decision-maker interacts with relational reciprocity.

In colloquial words, when making ethical choices a leader ought to be committed to entering into relationships where the goal is described in terms of mutual wins based upon mutual respect, mutual appreciation, and mutual growth. The extremes of dominance (I-it relations), disassociation (it-it relations), and dependence (it-thou relations) are avoided through a commitment to highly valuing Self and the Other, exhibited through relational reciprocity.

In sum, relational reciprocity gives life to what is the good, right, and virtuous and to the strivings of the personal conscience to attain. Moreover, as the iterative, reflective interior dialogue proceeds, the process becomes *generative in nature* going beyond simple resolutions offered by a mere single frame of reference.

Commitment to Common Ethical Principles

An argument is often made by some that there are no core common ethical principles, as such all are culturally generated. However, here is the rub. The argument for educational administrators is not that such principles are universal for humanity, but rather that in relationships with others one cannot have public integrity, and hence retain one's leadership position, unless others have good and sufficient reasons to believe that the decision-maker will: keep her or his promises; will decide with fairness amongst supplicants when their interests collide;

will, when justice demands it, make an unfair but just decision, and will, in accord with fundamental fairness, listen to all sides of an issue. The content of the language may vary in each culture, but the necessity of the implementation of the ethical principles is fundamental to the relationship between the persons in leadership roles and those who are willing to be led. The essence of the principles are derived from the leader choosing the commitment to *relational reciprocity*, the choice to make that decision is based in *personal conscience*, and, in part, the manifestation of leadership is the application of common ethical principles. The result of this process is the enhancement of both the private and public integrity for the decision-maker.

For example, at the Aspen Summit (1992/1993), an assembly of leaders with responsibilities for many of the key public and not-for-profit organizations that serve the interests of children and youth in the United States, it was declared that certain "core ethical values ... form the foundation of a democratic society, in particular, trustworthiness, respect, responsibility, justice and fairness, caring and civic virtue, and citizenship. These core ethical values transcend cultural, religious, and socio-economic differences" (Josephson, 1992, p. 1). Ethical leaders display honesty, integrity, promise-keeping, and loyalty; they recognize and honor each individual and group of people as having the right to autonomy, self-determination, privacy, and dignity; they are responsible; they are fair; such leaders are also caring; and they acknowledge their civic and professional duty to contribute to the overall public good (Walker & Donlevy, 2006). Profession core ethical values may be considered fundamental to the stewardship and the social contract implied in being a professional.

In sum, the commitments to personal conscience, relational reciprocity, and commitment to common ethical principles are indeed necessary for the decision-maker's personal and professional integrity but, arguably, they are not sufficient as for particular undertakings idiosyncratic to a profession there are unique responsibilities to specific parties. It is to the area of professional commitments in education that we now turn.

Commitment to Professional Convictions

The idea of the common good is not new but its meaning has varied throughout time. The ancients offered the idea that the common good resulted from a cultivation of the virtues and a legislatively good

political order in the furtherance of the polis (Aristotle, 350 B.C.E) and that the individual owed service to the state not associated with mere self-aggrandizement (Cicero, 44 B.C.E./1913; Miller, 1996). Aquinas (1274/1948) offered that "since all contraries agree in something common, it is necessary to search for the one common cause for them above their own contrary proper causes (I 49, 3; cf. I 2, 3; II-II, q. 58, 7 ad 2; Keys, 2006).

In later years, the rationale for the common good was formulated as the giving-up of freedoms one might have in a hypothetical state of nature in order to avoid the "nasty, brutish, and short" life of an animal in the wild (Hobbes, 1651). Later, the concept was roughly articulated as the "greatest good for the greatest number" (Bentham, 1996; Mill, 1975) or as minimal state interference on the individual's freedom of action enabling the operation of the "invisible hand" for the betterment of society (Smith, 1776/1904), or the fostering of individual autonomy free from the strictures of an oppressive society (Rousseau, 1782/1980).

In the modern world the definition of the common good is divided between two competing views – liberalism and communitarianism. Some might argue that the modern debate is, or ought to be, ontological rather than procedural (Taylor, 1989); but a debate it certainly has become. Fortunately, the idea of the common good, if not the content of that concept or the priority of its components, as expressed in public education is not fundamentally at issue in the public square.

School leaders pursue the common good by promoting and safeguarding the interests of students, parents, support staff, teachers, and other professional and community leaders. They secure conditions that make probable the provision of the best human services possible for all. They possess passionate convictions concerning what constitutes quality learning, teaching, and leadership. With these convictions educational administrators influence the direction of education and make representations that promote the delivery of the highest quality education possible. Educational leaders work in diverse local contexts and their richly arrayed backgrounds contribute varying expressions of professional convictions. Former United States President, L.B. Johnson is reputed to have said, "What convinces is conviction. Believe in the argument you are advancing. If you don't, you are as good as dead. The other people will sense that something isn't there, and no claim of reasoning, no matter how logical or elegant or brilliant, will win your case for you."

Of course, the variety of educational and experiential backgrounds will affect each educational leader's development of social, psychological, and educational skills and attitudes. Varying vocational experiences, styles, preferences, and personalities together with different processing mechanisms for perceiving, reasoning about, and evaluating spiritual, intellectual, emotional, volitional, and intuitional data will be evident. These differences will be obvious in the healthy variety of expressions of professional convictions. Professional convictions adjust in their expression to cultural and/or individual values constructions but are typically rooted in universal and universizable warrants and rationale. Leaders exhibit humility by listening to others and refining their convictions, where warranted, as well as by their courageous articulation of defensible and well-considered professional convictions. This plurality of professional convictions is an asset to professional associations and school organizations as these differing gifts, talents, and passions are valued and allowed to contribute to the refinement and ongoing renewal of shared values within the profession.

We take the position that the existence of the institution of public education manifests, *ipso facto*, the belief in a common public good, regardless of the particular articulation of the components or priority of that concept. Further, we suggest that there are certain professional constraints which extend that concept.

Most professional educational leadership organizations have codes of conduct that constitute explicit commitments to their constituents, ensuring the public that members will meet the standards of the code. These documents vary in their form and substance, but generally state that professional members will endeavor to be good citizens and hold themselves to high ethical standards. Members are expected to honor democratic ideals and the laws of the land. Usually social consciousness, commitment to service, and the exercise of civic duties are emphasized. The codes generally include reference to a commitment to self-discipline and the pursuit of ethical excellence through diligence and preparedness. Through these codes, members are usually charged with the responsibility of upholding the honor and dignity of their profession in all their actions and relations with pupils, colleagues, school board members, and the public. Consistency of actions and relations is important to the ethical performance of the member leaders. The concepts of public trust; impartiality in execution of policies, rules, and regulations; respect of persons; professional courtesy in intentions and relations with other organizations; truth-telling and non-deceit;

obligation to commend where appropriate; guardianship of public education and effective school administration; and care and candor in difficult employee situations are repeatedly found in such school administrators' codes of conduct.

Professional constraints, in the form of written and unwritten codes, remind both school leaders and their constituents that they have accepted the responsibility to keep abreast of current developments in education and to contribute to the growing body of specialized knowledge, concepts, and skills. Sustaining leading-edge professional knowledge and competencies are regarded by many codes as ethical responsibilities. Meeting the educational needs of students is an ethical expectation that may include functions such as protecting, providing resources, exercising sensitivity to individual differences, and providing for the equitable distribution of educational goods and opportunities. As indicated, conventional codes of conduct usually prohibit anything that would interfere with the independent objective judgment of an educational leader, such as: commercial ventures which might take away from a leader's full-time concern to their school system; conflicts of interest; and the inappropriate use of confidential information.

If an educational decision-maker cannot in good conscience accept the professional commitments or is unwilling to enter into a reciprocal relationship with those affected by decisions and cannot evidence behavior which manifests an acceptance of common ethical principles, then she or he ought to reconsider her or his chosen career. It is the integral relationship of the four ways of knowing what is ethical, expressed as commitments which allows the educational administrator to act with personal and professional integrity and to exhibit *bona fides* in decision-making in the public square.

Having conceptually delineated the four commitments, we now move to their application in the life worlds of educational administrators, as manifest in Canadian case law.

Part II

Decision and Analysis

Part II deals with the Morin case and presents the facts and reasons for the court's decision with an ethical analysis using the four recommended commitments. The case concerns itself with a teacher's right to freedom of expression in the classroom and, according to the court, its inappropriate restriction by a school board.

The Morin Case: The Facts & Holding

In 1986 Mr. Morin began teaching a grade 9 French Immersion class at Birchwood Junior High School in Prince Edward Island. He completed the year and began his second year as an untenured teacher at the same school although there was some concern expressed that he may have been better placed within a high school. During that second year on April 6, he was impressed with a BBC documentary which dealt unfavorably with American Evangelism entitled "Thy Kingdom Come, Thy Will be Done" and showed it to a grade 9 class with the intention that it would stimulate debate and inquiry. The vice-principal of the school received phone calls from several concerned parents regarding the showing of the documentary and hence Mr. Morin was advised by the vice-principal to not proceed with further showings or related activities until the school principal returned to the school to discuss the matter. Mr. Morin agreed to the moratorium. He later met with the principal and was advised that the latter had concerns which included, "how the project would affect those children of fundamentalist parents in the school, whether the project was age appropriate, and the apparent lack of detailed planning as to the project itself" (Morin, 2002, para 23). The principal followed-up with a letter to Mr. Morin stating, "the British documentary used will not form part of the language arts program at Birchwood Junior High School" (para 25). What followed was an escalation of events between Mr. Morin and the school principal, supported by the school board, which involved the Prince Edward Island Teachers' Federation. During that time, a curriculum committee determined that the project was acceptable, but "wanting in preparation, review of prerequisite skills, presentation, and evaluation ... [further it was] questionable regarding the concerns of students and parents sensitivity to the topic and the provision of an alternate assignment" (para 33). The school board generally agreed with the committee's findings and stated, "until such time as its mode of presentation is altered to the satisfaction of both teacher and principal, with the concurrence of the Superintendent of Programs" (para. 33) the project was on hold.

Mr. Morin took the position that, amongst other things, his freedom of expression as guaranteed under section 2(b) the *Canadian Charter of Rights and Freedoms* (Charter, 1982) had been breached by the Board's decision. He sought recourse, through an application for judicial review to quash the Board's decision, at the Prince Edward Island Supreme Court – Trial Division. At trial, all of Mr. Morin's arguments were

dismissed. Mr. Morin subsequently appealed to the Prince Edward Island Supreme Court – Appeal Division; arguing many things, amongst which was his claim that his section 2(b) *Charter* right to freedom of expression had been breached. The school board took the “position on appeal ... that the appellant [Morin] as a teacher had no right of free expression protected by section 2(b) of the *Charter*” (Morin, 2002, para 49). The majority in the Court of Appeal held against Mr. Morin on all issues save his *Charter* right to freedom of expression. The Court first addressed the issue of whether teachers had a right to freedom of expression.

On this matter, the majority considered with approval the commentary of Chief Justice Johnson of the United States District Court in *Parducci v. Ruthland* where he addressed academic freedom stating that “the right to teach, to inquire, to evaluate, and to study is fundamental to a democratic society” (pp. 354-355). Moreover, the Court of Appeal approved the comment by Sharpe (1987), which was affirmed by Madame Justice L’Hereux – Dube in *Committee for the Commonwealth of Canada v. Canada*, which spoke of the values which underlay protected expression,

We can trust no government to know the truth. Those who purport to legislate the truth invariably turn out to be tyrants. The marketplace of ideas argument prescribes an open process precisely because we cannot agree on what is the truth. (cited in Sharpe, 19987, p. 236)

The Court pointed out that “surely teachers engaged in their profession of teaching can’t be found to have no right to free expression, while advertisers have such a right, and even prostitutes carrying out their profession have such a right” (Morin, 2002, para. 58).

Given the above the Court held,

There is no foundation for an argument that because a teacher is under the supervision and direction of a principal, he has no free expression rights – everything he does is subject to control by the principal, whether reasonable or not ... those laws which limit rights of expression must be justified under section 1 [of the *Charter*]. ... Surely principals don’t have authority greater than the law. (Morin, 2002, para 72)

Applying the legal test to be applied for freedom of expression in the *Morin* case, the Court first noted that *expression* must be so in both content and form with an attempt to convey meaning in that,

Attempting, through the film and assignment, to communicate certain information and opinions that would stimulate discussion and challenge his students. ... It is an activity that is expressive of the appellant's [Morin's] beliefs in what is an appropriate topic and an appropriate vehicle for his teaching activity. (Morin, 2002, para 56)

Second, the Court sought to "determine whether the purpose or effect of the government action in question [the School Board's decision] was to restrict freedom of expression" (para. 18). In that regard, the Court separated purpose and effect. If the decision maker's purpose was to control "a meaning either by directly restricting the content of expression or by restricting a form of expression tied to the content, its purpose trenches upon the [*Charter*] guarantee"(para. 20).

The Court found that the actions of the Board produced an effect which not only unduly restricted academic freedom but also produced censorship chill on teachers in the Province of Prince Edward Island (paras. 64-65). Moreover, the Court found that the Board's decision deleteriously effected students as there was "a right of students in a democratic society to have access to free expression by their teachers – encouraging diversity, critical thinking and vigorous debate" (para. 67). The majority of the Court concluded that,

The values underlying the guarantee of freedom of expression are implicated in the circumstances here, so the actions of the principal and vice principal and ultimately the school board, had the effect of suppressing the appellant's [Morin's] constitutional right to freedom of expression under s. 2(b) of the *Charter* and are violations of that right. (Morin, 2002, para. 112)

In sum, the majority of the Court found that the decisions of the principal, vice-principal, and School Board were not warranted. However, it is very important to state that the school board and principal did not argue that Mr. Morin's rights to freedom of expression had been restricted but that to do so was permitted under section 1 of the *Charter*. As the court stated,

Normally the Court would at this point review the evidence ... to determine whether or not the impugned actions were justified [under section 1 of the *Charter*] in the instant case ... the issue does not arise because the respondent [the school board] took the position that no s.1 argument was necessary. (para. 114)

The dissent at the Court of Appeal took another view formulating the issue as "the issue of the parameters of the teacher's right to freedom of expression within the classroom of a public school system" (para 213).

Citing the leading Supreme Court of Canada case, *Irwin Toy Ltd. v. Quebec (Attorney – General)*, the dissent answered question one of the test in the affirmative, as had the majority, in that what was at issue was expression as defined in law. However, the dissent found that in part two of the test, the purpose of the decision by the principal and supported by the school board was not to restrict Mr. Morin's rights but rather,

The principal's role was to provide leadership in the delivery of the curriculum, supervise all staff and to evaluate the programs and the staff ... the purpose of the action taken for and on behalf of the respondent [school board] was to fulfill this mandate and not to restrict the appellant's [Morin's] right to free speech. (Morin, 2002, para 227)

Moreover, although the dissent held that the effect of the principal and board's action would *prima facie* seem to be a restriction,

The appellant had the burden of identifying the meaning he sought to convey by the form of expression and, in addition, by showing that the action of the respondent [school board] restricted his ability to convey that meaning ... he had to show the expressive action furthered at least one of the values underlying the protection afforded free speech. (para 229) ... [Those are] ... the search for truth, the maintenance of the democracy, and the promotion of self autonomy. (para. 234)

Analysis of Case

In Morin (2002) it appears from the judgment that the school principal was the prime decision-maker in forbidding the showing of the documentary, and that the further activity for those students who had already seen it, was at the crux of this analysis. It is for that reason that this analysis will focus upon his decision.

The ethical issue for our purposes may be stated as, What actions, if any, should the principal have taken regarding the presentation of contentious material by a teacher in a class when its presentation and subsequent discussion with students would upset certain students and their parents resulting in a disruption of the school?

Personal conscience. The voice of personal conscience is not, for our purposes, that "voice within" which tells the individual to act as she or he is, but rather a voice that calls upon the person to act as she or he should be. The former personality asks, "What do I believe and thus what should I do?" The latter asks, "What ought I believe, regardless of

what I can rationalize, and, thus, do?" The latter indicates a higher level of ethical discernment than the former.

In the Morin case, it is unknown if the principal rationalized his decision by the use of secondary reasons put forward to the board and others, including the board of reference and various levels of court, as the justification for his decisions. This is not to say that the principal acted against his conscience but only that notwithstanding a general sense of desiring the good the personal conscience can err in its determination of that good as it is perceived by others. In the Morin case, the only legal question was breach of a Charter right, not whether the breach was saved by section 1 of the Charter. It is our belief that if section 1 of the Charter had been argued by counsel for the school board, the restriction on Morin's fundamental freedom of expression would arguably have been upheld. If that had been the eventual outcome in court the principal's decision would have been seen as warranted and validated his consequential conscience.

Relational reciprocity. The facts of the case seem to indicate that Mr. Morin was seen not as an individual who was seeking to broaden the students' critical awareness and skills nor one who was dedicated to this task, but rather as an obstreperous teacher who failed to comprehend the socio-political impact upon the principal and the school if the exercise was to proceed as planned. If this analysis is correct, Mr. Morin was being treated as the "It" in relationship to the principal's "I". It is difficult to see the restraining of Mr. Morin as something other than a means to prevent controversy within the school community and to lessen the political pressure on the school's administration. However, it would be patently unfair to not mention that Mr. Morin's position seems to have been that the principal and the school board should be treated as the 'It' in the relationship. One wonders what would have been the case if Mr. Morin had not sought a litigious resolution of the case but had rather striven to respond reasonably to the concerns of the curriculum committee and then sought permission from the school administration to proceed. That result is unknown but if this analysis is correct then it is illuminating to note that when both parties in a disagreement see each other as "It," the result may only be rancor and possible litigation.

Common ethical principles. Whatever the philosophical arguments which argue against the existence of common ethical principles, there is no doubt that school administrators are assessed by their staff and others on the basis of, at least in part, the administrators' sense of justice, fairness, procedural due process, loyalty to employees and

colleagues, and their stewardship of the school as a healthy, productive, and nurturing environment for learning and living. It is arguable that the principal, in forbidding the showing of the documentary sought to protect Christian fundamentalist students from derision and further hoped to prevent a disruption to the school community which he felt would result from the ensuing controversy. Subsidiary arguments such as student readiness, and pre- and post-planning for the teaching of the topic, along with assessment preparedness, may have been considered, but it appears from the judgment, and to these authors, that the substantive reasons were as aforesaid.

However, it can be argued that the principal failed to consider the common ethical principles of loyalty as that applied to his teaching staff and Mr. Morin. Moreover, Mr. Morin's right to personal autonomy in his topic of choice and choice of tools for his teaching was breached. That right is surely not absolute but as the Court of Appeal found, it was inappropriately restricted by the principal in this case. It is clear that the principal followed the principles of procedural justice in allowing for and participating in an examination of the documentary and the projected teaching materials through his participation in the Curriculum Committee's examination of the same; yet there is the appearance of his acting merely *pro forma* in those actions. The decision was made and appeal procedures were not about to upset it; but rather to endorse it as to say "a fair hearing was provided to Mr. Morin."

One has to wonder if the principal seriously considered the stewardship which was his for those who worked within the school and the institution of education which seeks to respectfully challenge the accepted ideas in society through the pedagogy of critical thinking.

In sum, the principal's sense of loyalty to his staff and allowing for their autonomy was indeed at stake. However, the common ethical principles are not absolute in themselves. As above, the principal was entitled to consider reasonable restrictions on those principles within the context of the school including; but not restricted to the fact that Mr. Morin had implicitly accepted such reasonable restrictions when he accepted the contract of employment with the school board. Indeed, when he applied to the Province for his teaching license he gave assent to those restrictions. If the forgoing is true, then the issue becomes one of what limits might be implied in Mr. Morin's autonomy and by implication the principal's loyalty? Here we suggest that Section 1 of the *Charter* speaks clearly in saying,

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The *Charter* arguably provides a glimpse at what the Canadian community holds as commonly held reasonable limits upon values such as personal autonomy, as illuminated by the application of section 1 to section 2 rights such as, freedom of conscience, religion, thought, belief, opinion, and expression. If this is so, and the restriction was demonstrably justifiable as it was provided for in the school act of the province, then the school principal's restriction on Mr. Morin's actions was in concert with the commonly held values of society. We suggest, as above, that as this argument was not made before the Court of Appeal, and thus could not be heard by that Court, the principal failed to find support for his position which we reiterate that, in our opinion, would have won the day for him. In other words, the failure of the school board to argue, in the alternative, that although Mr. Morin's *Charter* right to freedom of expression had been breached, Section 1 of the *Charter* saved the principal's actions leaving the court with little room to find other than the breach itself. The dissent's argument appears weak at best, in claiming the values which may be claimed in reference to freedom of expression, or as the dissent called them "speech," have been restricted by law.

Therefore, within the ethical frame, common ethical principles, it appears that the principal's actions were acceptable notwithstanding the decision of the majority of the Court.

Professional convictions. The professional convictions of the principal in the Morin decision seem to be less than adequate. This frame requires that the educational leader safeguard not just the institution but also those who work and study within it. The leader of a professional community owes to those whom she or he serves the conviction that she or he will act towards the creation of a positive, supportive, purposeful working environment. Arguably, in failing to support and work conscientiously with Mr. Morin, the principal failed to live up to the professional convictions which Mr. Morin and others could reasonably expect from him.

Professional constraints relate to the restrictions on one's personal and professional lives which professionals willingly accept in order to don the mantel of public service. This acceptance implies a willingness to accept an objective code of behavior as the *quid pro quo* for the

personal benefits and responsibilities to others which accrue from the position. In the Morin case, the principal implicitly chose to be bound by that code of behavior which ensured impartiality and independence in his decision-making regarding public education, as he was the guardian at the gate. He was to ensure that the education system sought to encourage critical thinking skills and to challenge, respectfully, the *status quo* in society if that was the path a teacher sought to travel in class. It seems apparent that the honor and dignity of the profession of teaching and the institution of education could reasonably expect that whatever a decision-maker's personal opinion of a challenging subject and notwithstanding any political pressure put upon that administrator, the trust in his or her objective, independent thought regarding what was best for the students, teachers, and the institution would be of major concern in a decision which affected those parties.

It seems possible, and the Court of Appeal seemed to agree, that the school principal was swayed in his decision, at least in part, to forbid the showing of the documentary due to pressure put upon him by a group of parents in the school. It is offered that this reaction to that pressure was contrary to the generally accepted code of professional school administrators that they will serve the students and teachers and the institution of education and that they ought not be swayed by the ephemeral but vociferous voices of those who would seek to restrict critical thinking on certain topics.

Summary of the Case in Point

The Morin case exemplifies the ethical conundrums and dilemmas which face educational administrators at different levels of decision-making. In Morin (2002), the decision-maker appears to have failed to consider common ethical principles, relational reciprocity, personal conscience, and professional convictions and constraints in arriving at his decision. In other words, the principal seems to have simply, and perhaps, justifiably, reacted to the political pressure put upon him by a set of concerned parents.

An analysis of ethical situations which have played themselves out in the courts allows for a "post-game" review with a referee (the courts) providing an authoritative resolution of the issues. However, what does an educational administrator do when faced with a problem which is at hand or developing to a crisis point? How might the four commitments assist her or him in better discerning the realities of the participants

and the circumstances which ought to figure into making an ethical decision? In that respect we offer the four commitments as an ethical matrix to assist in that process.

Part III *The Matrix*

The matrix composed of the four commitments is not a recipe or simple step-by-step process to view the contextualized situation facing decision-makers. If it were so it would be no more than a sausage making machine used for cursory self-justification and to assist in the persuasion of others that one has considered the facts and that the results which flow therefrom produce a justifiable conclusion.

Rather, we suggest that the operation of the ethical matrix is similar to the dynamic interrelationship of chess pieces, as opposed to the less dynamic example of checkers. In chess, one piece has many possible moves and in turn interacts with other pieces which each have their own multiple possible moves which in turn inter-relate and affect each other which produce multiple possible overall effects within a particular time frame within a contextualized situation on the chessboard. In ethical decision making – as in chess – this lack of certainty can produce a sense of ethical ataxia in the decision-maker due to an apparent incommensurability of the decisions which each commitment frame suggests. In particular, a common ethical principal such as telling the truth may be curtailed in its fullness as the decision-maker may be restricted by professional constraints from revealing all of the relevant facts, for privacy or litigious reasons, to third parties. Further, within the relational reciprocity frame the decision-maker may conclude that a particular administrative action would be so personally debilitating to a person, and those innocents close to her or him, that another course of action is advised, yet, due to professional convictions, the harsher measure must ostensibly be applied.

Is it sufficient that the decision maker can say that the four commitment frames have been considered and thus the decision is legitimate as it has been thoroughly thought through? Arguably not. The interactive nature of the matrix involves the decision-maker becoming involved in an interior discursive dialogue within her or his own personal conscience in listening to and seriously considering the voice of each of the four commitments in reaching a decision. However, that resulting decision is *generative in nature*; whereby a creative decision

may emerge which is different from that offered by a single frame or by a combination of frames simpliciter.

Arguably, this is possible only because – as the decision-maker moves from frame to frame – she or he carries the cognitive and affective affects of the previous frames in the psyche, similar to Einstein's (1905) concept of special relativity. The end result should evidence commensurability, not necessarily between all of the commitments, but rather between the personal and professional integrity of the public decision-maker.

The decision-maker can therefore say, "My actions are consistent with my beliefs, which are in accord with the best knowledge available to me at this time." In other words, "I am acting with personal integrity and can therefore claim peace of mind in knowing that my decision speaks from both my mind and my heart." Her or his personal conscience rests in the belief that the good was sought and that through relational reciprocity, the experiential positions of those involved and affected by the decision were understood as best as possible. Both personal and professional integrity have been achieved.

The decision-maker can also legitimately and with conviction claim that the decision was based upon common ethical principles such as fairness and justice, and is also consistent with professional mandates. As a result, she or he should feel comfortable standing accountable in the public square – ready and able to provide a rational, consistent, and justifiable warrant for the decision. In other words, the decision-maker has manifested public integrity.

Concluding Remarks

This article has illustrated the power of the four commitments which comprise the decisional inter-active matrix effects upon the decision-maker, involving both an interior reflective dialogue as the decision-maker moves from frame to frame carrying with her or him the experiential understanding of each frame and maintaining those understandings throughout the dialogue. It is only in that manner that one frame of reference will not dominate the interior discussion of the decision-maker, leading to either an over personalized or de-personalized result.

We would be remiss if we failed to say that along with Canada's cultural mosaic there is a values mosaic in society which often paints one group as the children of the light or children of the dark. We argue

that the attraction to ethical monism is not healthy in a pluralistic democratic society, nor is it prudent for an educational administrator, nor does it serve the common good in education (Donlevy, 2004). In order that such an administrator effectively maintains both personal and professional integrity while "shooting-the-white-waters" of public discourse, more than one set of ethical values is required. It is at the moment of decision, we hope, that the four commitments and the process of moving through the ethical frames will *in toto* result in the decision-maker being, "not the same person in some respects as she or he would have been had the journey not been made," and that her or his personal and professional integrity are enhanced.

This article has applied the interactive ethical matrix composed of the four commitment frame: a) personal conscience, b) relational reciprocity, c) common ethical principles, and d) professional convictions, to a Canadian case, Morin (2002), in an attempt to show how such an application can result in an enhancement of both personal and professional integrity of the decision-maker.

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