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Teacher regulation and agency through the lens of Durkheim's professional ethics

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ABSTRACT

In discussions of the regulation of teaching, there are a number of issues which arise concerning how teachers understand the professional expectations upon them and the role that such standards play in supporting and maintaining the ethical dimensions of teachers' practice. Arguably, teachers' professional standards evolve to meet the needs of the societies in which they exist. Consequently, they provide a locus for analysis of the desires, aspirations and philosophical perspectives of the social and educational systems to which they belong. Durkheim's ideas about professional ethics provide a means of making sense of the complex and varied landscape of teacher regulation. They provide a way of seeing teacher professional standards as not constrained by neoliberal conceptions of regulation in which the fear of sanction may limit imaginative engagement with the profession. Instead, even within highly managerial systems, we begin to see professional standards as a prompt to engaged and ethical action for the greater good. In this sense, Durkheim's work facilitates a way of seeing professional standards as having the capacity to magnify teachers' innate potential for positive social impact regardless of the context in which they work.

KEYWORDS

Professional standards; ethics; teacher agency; autonomy; Durkheim

Introduction

In discussions of the regulation of teaching, specifically through the provision of teacher standards, there are a number of issues which arise not only concerning how teachers understand the expectations upon them but also concerning the role that such standards play in supporting and maintaining the ethical dimensions of teachers' practice. Arguably, teachers' professional standards are mutable and must evolve to meet the needs of the societies in which they exist. Consequently, they provide a locus for analysis of the desires, aspirations and philosophical perspective of the system to which they belong.

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The requirement for professional standards for educators is widely advocated for as a necessary adjunct to a safe, responsible and accountable profession (Sachs 2005) though it is notable that professional regulation in teaching is a relatively recent phenomenon, arising at the midpoint of the twentieth century (Call 2018). Professional standards for teachers became a visible feature of education systems internationally only as recently as the 1990s (Sachs 2005). In parallel with the medical profession and the legal profession, education has become a social institution where values and ethics are regarded as being integral to good conduct (Carr 2000) and where contravention of authorised standards can result in disbarment from the profession. This means that the professional standards which regulate the practice of education have a significant power over those who undertake the work of teaching. This being the case, close attention to the ways in which professional standards are created and the purposes underlying them are important areas for inquiry.

Contemporary sociological studies of professionalism and its cognate ideas have suggested that it is an area of ongoing contestation and change (Evetts 2009; Noordegraaf 2020) and one which is subject to close attention from both self-regulating professional bodies and the governments that seek to intervene in their work (Evetts 2002). Professional standards are a particular site of tension because they mediate between the individual practitioner and the collective organisation of the profession. In the context of educational theory and policy in many developed countries, an autonomous and agentic teaching profession is a topic of considerable interest (Bergh and Wahlström 2018; Biesta, Priestley, and Robinson 2016; Bridwell-Mitchell 2015; Schleicher 2012). Social shifts, global contexts and a heightened awareness of the potential of technology to alter the socio-economic world irrevocably have created a perceived need for multi-dimensional teachers with the capacity to provoke change (Fullan 1993). The high level of independence, skill and criticality required of these 'transformative' teachers to use Mezirow's (1991) term, is fundamentally at odds with conceptions of regulation that foreground compliance and accountability, such as those associated with neoliberal views of education (Adoniou and Gallagher 2017). Neoliberal agendas have been argued to create 'outside-in' forms of professional regulation (Stanley and Stronach 2013) and they are linked with political structures that direct their education systems as a means to ideological ends (Singh, Allen, and Rowan 2019). Critiques of neoliberalism suggest that professional regulation has the capacity to undermine teachers' independent and critical engagement with their work and, in so doing, weaken the professional standing of teachers (Sachs 2003). The negotiation of this tension is at the heart of debates around teacher professionalism.

In the discussion that follows, this tension will be examined more closely with a view to reconsidering Durkheim's work, specifically in relation to the value and purpose of teachers' professional standards for current thinking about educational practice. Durkheim's ideas about professional ethics and the role of the

individual enable a means of making sense of the shifting landscape of teacher professionalism that transcends the fragmented and heterogeneous character (Noordegraaf 2020) of current theories of professionalism.

Durkheim's professional ethics

Durkheim's work on professional ethics is regarded as being amongst the foremost works underpinning sociology in relation to the organisation and regulation of professional standards (Mackert 2004). Historically speaking, his work engaged with the social milieu of late nineteenth century France and much of his thinking was inevitably linked to the significant social change that took place in and around the Europe of this period (Lukes 2013). It has also been suggested that his work is, at least in part, a product of his religious heritage and the effect of this not only on his life and education but on the culture from which he came (Hookway 2015). These influences have been argued to be problematic for how his work is read in the twenty-first century. Indeed, it has been suggested that his legacy for contemporary social thought has been considerably diminished in the light of the prevalence of poststructuralist perspectives that prioritise critical cultural and linguistic interpretations of social realities over Durkheim's apparently positivist views (Bowring 2016; Davies 1994).

However, it is widely acknowledged that Durkheim's efforts to create an empirically grounded science of sociology is one that has had a lasting impact on how we understand social organisations, social change, political and ideological movements and the various forms of governance that influence our individual experiences of living within the social world (Giddens 1971; Jones 1986; Lukes 2013). Some have gone as far as to suggest that his role has been so seminal, it is one which is largely taken for granted; it is implicitly ingrained in much social theory familiar to us today (Davies 1994).

One of the most vital areas of Durkheim's influence on understandings of the social world, and the one that interests us most fully here, lies in his writings in relation to morality. Arriving at a time when conceptions of morality were closely tied to religious principles and to transcendental ideals, Durkheim's proposition that morality is a function of the healthy operation of society and grounded in the practical necessities of collective living was a landmark in the field (Watts Miller 1994). His focus on the idea of morality as a social rather than philosophical phenomenon has generated the basis for much subsequent debate (Karsenti 2012) since it presents morality not as an amorphous ideal but as a representation of real social facts. He considers moral concepts an expression of the collective requirement for accord; they are a function of the need for shared rules to coalesce a shared identity. Only by having agreement within a society of what is beneficial and what is prohibited can it be possible to have an identifiable social body. These are the fundamentals of social cohesion and the

principles of belonging. Within the society as a whole, groupings of professions, corporations and other subunits (institutions) generate their own ethical standards that govern the day to day congress of specific aspects of life in the social sphere. Morals are, thus, applicable to everyone, hence their appearance of transcendence. Ethics are more particular in their application (Durkheim 2019).

Sociology as a discipline has moved on some distance from Durkheim's theorising in the last century and a number of his ideas have been dismantled, reformulated or overtaken (Coenen 1981; Gieryn 1982; Lincoln and Guillot 2004; Schmaus 2004; Snell 2010; Turner 1990). This likely accounts for the relative scarcity of contemporary analysis of his work. However, his interest in professional ethics and their relationship to wider ideas of civic morality remains intriguing and stimulating, offering useful perspectives on the purposes and principles of present day thinking in relation to professional regulation. His work on justice and individual rights within the social order recognises the importance of the relationship between the individual and the morality of the social environment, and identifies the need for equality and dignity for all (Cristi 2012; Rawls 2012). However, his analysis of professional ethics and the social entities that create and monitor them is suggestive of a more complex perspective – one which is often understood as placing the individual both within and in conflict with the social system (Giddens 1984), as will be shown.

Morality for all and ethics for some

The foundational principle upon which Durkheim bases his ideas about professional ethics is that any attempt to create a social science from the study of morality or justice needs to be based not on idealistic concepts drawn from philosophical or traditional perspectives but rather from empirically observable data. He identifies these observable data as being manifest in the rules that govern behaviour, which are punishable if violated. The matter of sanction requires closer attention here since it is crucial to how behaviour and action is viewed within social groups in Durkheim's thinking.

Sanction is characterised as 'repressive counter-action' (Durkheim 2019, 3), for infringement of accepted behavioural standards i.e. those which have been agreed as being necessary to the effective and normative functioning of a particular social institution. Sanctions are regarded as vital since the interests of the individual and the interests of the group are not always identical. Indeed, Durkheim suggests that it is far from unusual for there to be an antagonistic relationship between the two (2019, p. 15). He posits that sanction is by no means a natural repercussion of transgression of professional standards but rather it is a consequence of the relationship which exists between the action and the form of regulation that directs whether it is tolerated or prohibited

(Durkheim 2019, 3). It is the rules themselves that form the substance of any ethical dilemmas that may arise for an individual. Without rules there would be no identifiable conflict and no requirement for sanction.

The role of regulation in the shaping of actions thus becomes integral to any understanding of how professional standards operate, their effectiveness and their capacity to influence and direct individuals' behaviours within the professional context. While regulation may not always result in sanction, the spectre of sanction is always present as a force external to the individual, with the capacity to mediate between the individual and their professional actions. Durkheim articulates two forms of sanction. The first of these applies to everyone within the social group, namely the sanctions that are relevant to every part of social life. These are the rules by which we recognise the equal rights and responsibilities of every member of a society, and to which we apply equal judicial force regardless of an individual's character or status. The second of these applies to only members of specific subgroups, such as members of a profession, and is designed to establish professional parameters and to safeguard the maintenance of shared values, standards and behaviours within the group.

Professional ethics, in Durkheim's view, are of less concern to wider society than to the members of the professional group because the sanctions that apply within the professional group do not apply outside it. Consequently, this form of sanction 'escapes public opinion in a greater or lesser degree' (Durkheim 2019, 7) since, for the most part, it has no bearing on the rest of society. However, the system of ethics that operates within a particular social group is essential to the coherence of the group's structure, since it articulates the particularities of the needs and expectations of the group; the 'positive solidarity' that enables group coherence (Bowring 2016, 23) and reminds the individual of the need to espouse the greater good. The identity of the group is thus protected and its status highlighted by its capacity to reduce the idiosyncratic nature of its individual members. It can, in other words, only maintain its integrity by limiting the behaviours of its representatives. However, this limitation is not so negative as it may seem to a contemporary eye.

Durkheim argues for the necessity of curbing individualism as a way of reducing the worst of humanity's tendencies towards self-absorption and ignorant or blinkered perceptions of the world (Durkheim 2019). By regulating self-involved action so that it becomes socialised, social groups facilitate their own existence and justify this simultaneously. Ethical behaviours consist in 'being-for-others' (Strhan 2016, 334). This regulated form of action is directly related to the notion of discipline, in its academic or professional sense, where articulated aims and objectives are not necessarily those of the individual but rather coalesce a series of intentions that are larger than personal experience or immediate needs. The larger the group, the greater the need for a clear set of professional ethics, since a greater number of individuals points to the possibility of greater complexity and the danger of anarchic and unpredictable forms of action. This is undesirable because

it leads to conflict and discord which are counterproductive to the aims and role of the social environment. The trust that society places in an individual professional and the status offered to the professions is directly associated with this need for harmony. The entire purpose of society is to be a locus for harmonic collective life.

The corollary of Durkheim's argument for the purposeful and necessary use of professional regulation lies in a belief in the direct opposition of individual aims to social ones. Insofar as individual aims are focused on a unique set of needs, these are incommensurate with the aims of society and therefore by their very nature they are problematic and divisive. The difficulty lies in the limitations of a singular consciousness:

The individual can take in no more than a small stretch of the social horizon; thus, if the rules do not prescribe what he should do to make his actions conform to collective aims, it is inevitable that these aims will become anti-social ... (Durkheim 2019, 16).

The anti-social, in this context, is any action which is contrary to the requirements of the social group. What is anti-social may be minute in scale yet have the potential to be damaging, nonetheless, to the social group as a whole. Hence, Durkheim argues for the need for prescription and direction alongside the awareness of sanctions as key aspects of professional ethics. There is discernible, then, an incipient picture of distrust and authoritarianism visible in Durkheim's description and analysis of professional ethics. It could be argued that this may be as a result of the class structure and the authoritarian forms of power that dominated society in his lifetime but there are also the seeds of neoliberal performativity, managerial discourse and professional accountability (Ball 2003; Davies and Bansel 2007) buried not far beneath the surface of these ideas. It is also arguable that there may be something of an undemocratic tone to this aspect of Durkheim's writing, though it has been argued his stance was one of examination rather than one engaged with promoting an ideology (Davies 1994). These undemocratic and neoliberal undertones may be less the product of Durkheim's thought than his observations.

Whatever the case, the role of the individual's influence on the shape and progress of society is, for Durkheim, a reduced one that is subsumed by the superior power of the collective, which bears its own identity and is greater than the sum of its parts (Young 2011) because it is generated by the need for collective good:

... there is only one moral power - moral, and hence common to all - which stands above the individual and which can legitimately make laws for him, and that is collective power. (Durkheim 2019, 7)

A whole society, though powerful, is too unwieldy to meet the needs and interests of its every member in a uniform manner and therefore requires segmentation. Consequently, subgroups arise to enable the variety and specificity of social needs to be met.

Durkheim goes on to argue for the necessity of such groups, which not only meet needs but generate a focal interest in the key matters of specific aspects of social life. These groups can stand with solidarity against stronger or larger groups (Watts Miller 1994). The institutions they comprise also have the capacity to evolve and perfect the morality that applies in their specific context through agreed ethical standards. The specificity of context is important because it means there is relative self-governance that can apply within subfields of social endeavour. This in turn creates a decentralised version of social morality with many variants, expressed as ethical standards.

This decentralisation taken across the multiple social fields creates a multiplicity of ethical standards and principles which taken together create 'a kind of moral polymorphism' (Durkheim 2019, 8) representing, through its many forms, the morality of the society as a whole. The matter appears to be one of scale where the overarching morality of a society identifies the fundamentals of participation within the social setting and where subgroups create their own subsets of ethical principles that contribute meaningfully to specific fields of social endeavour. Professional regulatory bodies and the standards they stipulate are one such field.

In every case, individuals are subject to the regulation of the group to which they belong and must, as a consequence, understand the need for self-restraint and the suppression of self-interest when these are in the service of the greater good of the group and of society as a whole. This idea has been identified as symptomatic of a difficulty in Durkheim's work, in that it presents the needs and powers of the individual and the needs and powers of society as having inverse proportionality (Bowring 2016). However this reading fails to recognise the distinction Durkheim makes between individuals who are engaged with the good of society, and are therefore able to contribute positively from their own perspective and according to their particular capacities (Bowring 2016) and those whose individuality runs counter to the needs of the society. It is not that individuals are uniformly subsumed and dominated by society's overarching and oppressive morality. Rather, those individuals whose capacity to contribute to society is diminished as a result of their anti-social habits or tendencies may find that society runs counter to their desires.

It is through the generality of morality and the specificity of ethical principles that society maintains its status as a healthy organism, well adapted to its environment. The trope of society as an organism with constituent parts which contribute meaningfully to the whole by meeting specific purposes or functions is one that allows Durkheim to express his perception of the social body as a structurally recognisable parallel. He regards a healthy society as one where there are successful and effective working parts that enable a successful and effective greater whole (Durkheim 2013, 52). Illness and pathologies are integral parts of the social body just as they are natural elements of the biological one and therefore it is necessary to monitor the social body for

good health and to ensure awareness of any deviation from this. It is notable, though, that in his explication of these ideas, Durkheim places emphasis on the distinctions between behaviours that enable the health of the society and behaviours that have little or nothing to do with this. Not every action of parts of the biological organism is directed to some whole body function or greater purpose. Not every action of individuals within the social body is necessarily directed at the social good. This allows for individual action, unique and autonomous, within the boundaries of the context. This, to some extent at least, helps to resolve the difficulty of the simultaneous 'enabling and constraining' (Giddens 1984, 169) that is a feature of the structures within which individuals must find the capacity to act.

Teacher standards as ethical context

Where, then, does this lead us in terms of considering the tension between teachers' professional ethics, as represented through regulatory standards, and teacher agency? As has been outlined above, one of the functions of education, in its guise as a social institution with a governing set of professional ethics, is to articulate and guard a decentralised form of morality within the particular sphere of influence that is the teaching profession. Durkheim specifies that social institutions can only function effectively if they are devolved to those who are active or experienced members of the profession, so that knowledgeable and focused understanding of the context and its purposes can be a driving force in the institution's structures and representations (Durkheim 2019). These knowledgeable and experienced regulators are motivated by the prime concerns of the collective good within the particular context. Teachers' professional standards can, therefore, be seen not as merely a set of objectives for accomplished action but rather as a set of necessary conditions that must be met for a teacher to be seen as contributing to the collective good. The implications of this for discourses of teacher quality are marked. How we can regard the meeting of such necessary conditions in terms of quality of engagement is a difficult problem to resolve since teacher quality is so often in the eye of the beholder (Walker 2008).

However, our focus here is on the matter of teachers' autonomy and their capacity to bring their own creative and intellectual distinctiveness to their work within the profession (Campbell 2019). Professional standards for teaching vary in detail but are widely recognised as being structured around core competences, skills, knowledge and values (Demirkasimoğlu 2010). The translation of these ideals into particularised actions requires a considerable degree of imaginative engagement and intellectual problematisation. Theories in support of teacher agency suggest the need for a range of conditions to enable these translations to emerge. Agentic, autonomous teachers require a clear sense of purpose (Fullan 1993; Leijen, Pedaste, and Lepp 2020) to enable them to

contribute meaningfully to the dynamics of educational life (Imants and Van der Wal 2020; Leijen, Pedaste, and Lepp 2020). There is also the need for a culture of trust and empowerment to provide a fertile soil in which this sense of purpose can grow (Biesta, Priestley, and Robinson 2016). Operating in the space between curriculum and professional standards, it can be the case that teachers feel their work to be largely prescribed, though international policy presents a different picture. In asking them to think of their work as a means of contributing to improving lives and bettering societies, it asks teachers to think beyond the apparent restrictions of their social and professional contexts and to take responsibility for their creative enactment of the guidelines and regulations that seem to dominate their choices (OECD 2005; Schleicher 2012; Vincent-Lancrin et al. 2019). How such high level autonomous engagement can be fostered and supported is a key challenge for education systems (Slonimsky 2016) and one that cannot be taken for granted.

One of the strategies advocated to assist with this challenge lies in encouraging teacher agency through advanced qualifications. It is argued that teachers' heightened intellectual capacities are essential (Blömeke, Vegar Olsen, and Suhl 2016; Darling-Hammond 2000; Jackson and Eady 2012; Thomas 2016), particularly in relation to learner achievement (Harris and Sass 2011) and the economic implications of this for societies (Hanushek 2011). The higher education structures that support the increased intellectualisation of teacher education, for example for Masters level study, specify a range of cognitive and critical skills that are identifiable as sensitive to nuance and capable of complex problem-solving. These are precisely the skills that it is argued should enable teachers to enact the professional expectations required of them in the fullest and most ethical sense (Ball 1995), i.e. the sense that will enable them to do the greatest good.

There are also arguments that suggest the quality of teaching skills does not arise from academic learning but rather these come from the interpersonal skills and emotional intelligence that are vital components of forming good relationships (Frymier and Houser 2000; Gehlbach 2010). Through the understandings that develop as a consequence of positive relationships, teachers can gain insight into the needs of their learners and in this way develop practice that is suited to their situation, demonstrating agency and an activist stance through contextual adaptation. This may be usefully correlated with the ethics of care (Nguyen, 2016). The role of emotional wellbeing and the development of positive relationships for effective teaching and learning are frequently promoted tenets of contemporary ideas in international educational policy, about education as a social good (Liberante 2012; Marzano and Marzano 2003; OECD 2012). In spite of this, targeted learning about how to develop interpersonal skills, empathy or emotional intelligence are far from universal features on teacher education programme reading lists or lecture schedules.

In thinking about what teacher agency can mean in practice, there is a sense in which the qualities of personal engagement, academic knowledge and interpersonal skills can come together to establish the criteria and actions that generate curricula. This is evident in educational contexts where teachers are encouraged to have a direct input into how the curriculum they teach is shaped (Biesta, Priestley, and Robinson 2016; Priestley et al. 2012). In such contexts, curriculum can arguably become an additional, micro-social form of ethics to which teachers are able to bring their individual agency in creative ways within the boundaries of an overarching set of standards.

At base, teacher agency, in whatever form it arises, requires the ability to think beyond the obvious and to push traditional boundaries. This requires a degree of understanding, determination and willingness to step beyond custom-bound practice but also to appreciate where the outer limits of what is desirable and ethical are located. Durkheim articulates an indirect critique of the role of education in establishing the norms that can become entrenched as the rituals of accepted practice. He says:

... we accept and adopt [customs] because, since they are the work of the collectivity and one that is centuries old, they are invested with a special authority that our education has taught us to recognise and respect. (2013, p. 23)

There is value in custom because it is the product of collective experience. Yet, implicit in his description of the imposition of custom on the individual is Durkheim's evocation of the primacy of education, both formal and informal, in shaping norms and rituals for society. This places education, in its social, institutional sense, in an influential position in terms of its capacity not only to maintain the continuity of social structures but also to create the conditions for change.

In order to rise to this challenge, professional standards need to offer teachers sufficient scope for interpretation and a space in which they can exert influence if such influence is warranted (Schwimmer & Maxwell, 2017). What is for the greatest good is not fixed; it alters with circumstances on the ebb and flow of social lives, and therefore should not be subject to enduring tradition. This is one of the key reasons why it must be essential for professional standards to adapt and evolve over time.

In considering teachers' professional standards as a site of tension between individual educators and the policy-driven, practical contexts in which they work, it is clear that the complexities of structure and agency are prevalent. If education is to be regarded as an aspect of social existence where the socialisation of individuals is the foremost concern, then it is necessary to consider what society requires at any given time. Education systems and the professional standards that regulate them must adapt to meet these needs if they are to avoid redundancy. As part of this process of considering what society requires, teachers' professional standards bear a large responsibility for opening the door

to engaging teachers' creative capacities as well as providing an ethical framework within which teachers can create and adapt practice to generate what their learners require.

Analysis of Durkheim's thoughts in relation to professional ethics provides a way of seeing teacher professional standards as not constrained by neoliberal conceptions of regulation in which the fear of sanction may limit imaginative engagement with the profession. Instead, even within neoliberal systems, we begin to see professional standards as a prompt to engaged and ethical action for the greater good. In this sense, Durkheim's work facilitates a way of regarding professional standards as having the capacity to magnify teachers' innate potential for positive social impact, regardless of the context in which they work.

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