In Loco Emporium: Immigrant Youth and Educators in the Social Contracts of Education

Lisa 'Leigh' Patel
Lynch School of Education, Boston College, Chestnut Hill, MA, USA

For adults training to be professional educators, the phrase, in loco parentis, communicates the intention that schools and educators are meant to act in the role of the parent, commonly interpreted to mean acting in accordance with what is optimal for the development of the child or young person. The limits of this relationship have been debated under legal interpretations pursuant to elements, such as protection of private property and punishing hate speech. In this article, I draw attention to the ways in which schools in the USA have acted as extensions of state designs to establish and maintain sovereignty, with schooling as a primary site of political economy. In particular, I explore the ways in which immigrant youth are positioned in schools that are meant to act in loco emporium, in the place of the empire. Drawing on policy analysis and critical race ethnography, I provide analysis that is both from above and below about immigrant youth, education, and immigration policy enforcement. © 2013 John Wiley & Sons Ltd and National Children’s Bureau.

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Introduction

We enter into contracts regularly, particularly in highly litigious and market-driven societies like the United States. There are private contracts meant to guide the exchange of money, goods and services, such as a mobile phone contract. There are also contracts with the state, such as with the rite of passage of obtaining a driver’s license. In exchange for displayed competency and agreement to abide by the state’s transportation laws, people are given a license to use the state’s roads and byways. The contract is the entity that delineates the nature of the relationship between two entities. Although we most commonly refer to private and civic contracts, there are also social contracts, which act to provide possible and intended parameters among individuals, institutions and society.

In many senses, formal education is a social contract. The conditions of this contract are that parties (parents and adult caregivers) give up some stewardship of their children to the institution of schooling in exchange for that institution providing children with academic, socioemotional and moral development. In quotidian references, the explicit role of schooling is to provide access to upward social mobility: securing a job, better pay, more status. However, the social contract of education can also be understood to be an agreement under which societal institutions also perform the role of manifesting implicit values and priorities of the sovereign state.

Schooling in the USA is also often referred to as holding the promise to level the ‘playing field of society’, to resolve inequities in society. Implicitly, though, schooling is, in fact, one of, if not the primary location of social reproduction of inequity in society (Bowles and Gintis, 1972; Lareau, 2011; Willis, 1977). This ‘agreement’ positions institutions to provide the mechanisms through which a society stratified by race and class maintains those stratifications.
(Harris, 1997). For US culture, which was founded on the codification and practices of racist capitalism (Smith, 2010), the contract between the institution of schooling and the larger society is an implicit agreement to carry out the necessary social stratification systemically and comprehensively. Even perceived advances, such as the court case of Brown versus the Board of Education, which promised to rectify racism in schools, have been filtered through critical race theory perspectives to demonstrate their function that preserved racist education through the gesture of equity (Bell, 1980).

The economic role of education in society reflects this same mix of differing implicit and explicit social contracts. Related to the social contract of being a mechanism for meritocracy, education is also often framed as a conduit for achieving national prestige on a global stage. With notable landmarks like the report, A Nation at Risk, published in 1980, education and schools’ performances have been consistently framed as crucial to national reputation and status in a global competitive field. This economic frame has particularly strengthened in the high stakes assessment era beginning with federal initiatives around reading (Edmondson, 2000; Patel Stevens, 2003) and intensified in recent federal administrations. US President Obama campaigned on a strong stance that all children in the USA must have access to college education to secure the nation’s place as world leader (Obama, 2012). At the same that this market-driven discourse operates to position students as workers for the realisation of the nation’s status, education itself has become highly privatised and a key sector of private corporation investment. The confluence of these market-driven approaches and structures results in what Picciano and Spring (2012) call the education industrial complex, where the ultimate expressed goal is for education to produce people who can secure employment to purchase goods and services for the better of the nation’s economy. Education is hard-pressed, if not completely precluded from, both providing this access to economic security and reproducing divisions between social classes, with the latter winning this battle of purposes. Far from a simple enterprise, then, the relationships between schooling as a societal institution and its residents display the expressed intentions, implicit functions and ensuing contradictory values of a society.

In this article, I use this concept of a social contract to explore the ways in which educators and immigrant youth are being positioned messily in relationship with each other across various social impulses regarding authorised and unauthorised flows of immigration, exploring in particular what are the intended practices that emanate from conflicting contracts. Throughout, I use the terminology of explicit and implicit, to invoke and keep present the ways in which any policy in script and in practice holds within it vocalised and unspoken values (Ball, 1990), simultaneously embodying the values of its writers and stakeholders. Central to this analysis and article is to ask what roles are being afforded by current trends in policies effecting educators and immigrant youth, particularly as they complicate previously held ideas about the role of schooling in young people’s lives and the competing interests of the educator and the state.

As Avery Gordon explained eloquently in her theoretical treatment of sociology and the limits of methodological imagination (Gordon, 1997), life is complicated. Along with that, people themselves are complex, assemblages of contractions, competing desires and overlapping histories. In this paper, I hope to texturise more than simplify or resolve the complicated social contracts that result in uneven practices for young immigrants, families and educators.

In loco parentis

Historically, the phrase in loco parentis, in the place of the parent, has had a prominent place in envisioning the role of primary, secondary and tertiary schools in the USA in relationship
with children and youth. The intended and most colloquially understood rendition of this phrase is that schools are charged with attending to children and youth’s needs in custodial fashion, providing safe havens for them during school days.

First coming into existence in the initial physical colonisation era of the United States, in loco parentis was a legal doctrine emanating from British common law that schools held not just an academic obligation, but also a moral one (Jackson, 1999). However, even in its earliest uses, the contours of what was moral were complicated by competing interests under a settler colonial state (Wolfe, 1991). As Lomawaima and McCarty (2006, p. 5) notes, ‘submission to authority and domination of colonial power were at the crux of the colonial encounter between American Indians and European Americans’. Lomawaima and McCarty (2006) go on to describe how these controls manifested the particular definitions of moral according to the colonial project:

Boarding and residential schools elevated manual labor and hard work to a pedestal as effective civilising practices; cleanliness and orderliness were equally privileged pedagogical instruments or cultural transformation. Uniforms, mission- or government-issued clothing, and regulation haircuts were essential markers of the ‘remaking’ process in action. In addition to transforming the outward appearances of students and their work habits, emotionally charged pedagogical instruments such as liturgical music, popular songs and lullabies, ceremonies, dramas, and pageants were utilized to help reshape emotional expression, emotional life and affective connections to culture and society’. (p. 14)

The role of the school was, from the state’s perspective, neatly concerned with stewardship and pastoral care, under the explicit values of acting in loco parentis, but even from its infancy, formal schooling contained within internal inconsistencies, acting as parent and coloniser. As Jackson (1999, p. 1140) stated, “The English model …privileged practices used to “kill the Indian and save the man” as delineated by Richard Pratt, one of the founders of Indian boarding schools (Pratt, 1973). From the establishment of the United States, the seemingly simple role of in loco parentis, contained within it competing goals of care for children and preservation of the interests of a racist capitalist state.

The meanings and implications of in loco parentis have since been primarily debated in the field of law, with explorations of the duties of schools in ensuring safety for students, as in the prohibition of hate speech, and the rights of school officials to discipline students (e.g. Walton, 1992). Across these debates and decisions, the rights of schools and students and their resultant responsibilities have fluctuated across political perspectives and definitions of individual and social responsibility. The varying definitions of what is seen to be acting on best behalf of students have always been due to the competing political stances for power, but now also reflect the tensions raised by shifting demographics in a society stratified by race and class.

In contemporary instantiations, the roles of educators are growing increasingly complicated, if not fraught, in relation to immigrant youth, particularly those without legal documentation. The faces of today’s wave of immigration to the USA are markedly different from those that characterised previous waves. Unprecedented numbers of migrants from the Global South (Asia, Latin America and the Caribbean are the sources of most of this most recent wave of immigration) now populate neighbourhoods, schools and workplaces, differing racially and ethnically from previous waves of immigration from European nations (Massey, 2007). Simultaneously, anti-immigrant, often xenophobic, sentiment among native-born Americans has also increased (Chavez, 2008). Mainstream outrage at ‘illegal’ immigration, particularly since September 11th 2001, has been bolstered by discourses and slogans about security, safety and terrorism. With estimates of 12 million undocumented immigrants in the United States, the ripples of these new residents have affected national consciousness and practices.
Within the sector of public service, increasing numbers of immigrants have posed severe challenges for largely native-born, monolingual White professionals who do not always understand their clients' needs or how to meet them, as evidenced by the almost innumerable policy documents, research studies and professional roles dedicated to best support 'diverse' populations (Ahmed, 2012). Immigration attorneys have searched for pathways to legal citizenship, sometimes at exorbitant cost to their immigrant clients. Opportunistic business owners have profited from the globally networked economics of low-wage workers moving across nation-state boundaries to find work (Katz, 2004).

In schools, access to meaningful education is a mixed set of practices for immigrant youth in terms of policy. As many as one in five school children come from an immigrant home, and there are roughly 1 million undocumented youth enrolled in secondary schooling (Pew Hispanic Center, 2010). In all but 12 states, undocumented youth are de facto barred from higher education, as they are unable to apply for federal financial aid. In formal school settings, educators and educational policy have focused almost exclusively on increasing the English language fluency of immigrants and children of immigrants (Gutierrez and Faulstich, 2006; Patel Stevens, 2009). This focus on English language fluency is borne out through curriculum focused on vocabulary and grammar, teacher competencies defined through ability to teach academic language (Brisk, 2006; Schleppegrell, 2007) and mandates for test score equivalencies (Kumashiro, 2012). It is debatable to what extent these policies pathologise or serve immigrant children (Macedo, 2000; Patel Stevens, 2009). Nonetheless, these educational foci have provided one explicit direction for educators that is in keeping with the market-driven purpose of schooling endemic to education in the late 20th and early 21st centuries. As the borders of inclusion for immigrant populations have intensified in national debates, schools have also become implicated, reaching well beyond discussions about language acquisition for educational achievement.

The contemporary relationships between educators and immigrant youth reveal simultaneously the vestiges of a political economy premised on beliefs in meritocracy, practices reflecting global flows of human capital and investment in markets based on incarceration. To ground my analysis of these contemporary relationships between educators and immigrant youth, I draw upon media coverage of immigrant youth and education and a longitudinal ongoing critical race ethnography of recently immigrated youth in an urban centre in the United States that I have been conducting since 2006. The media and policy texts provide access to explicit statements of the intended roles, while the daily, lived experiences of educators and youth speak to the ways in which these discourses and internationalities are taken up, ignored, modified and problematised. Across these analyses, I foreground the question of how roles for educators and immigrant youth are being shaped by explicit and implicit social contracts of education. I focus on three flashpoints of governmental policy and media coverage in the United States concerning immigrant youth and schooling to illustrate my argument.

**Act One: undocumented and invisible**

On March 6, 2007, Ana Marquis Sandoval was walking through her high school’s front doors, on her way to first period biology class when her cell phone rang. Although her mother’s name appeared in the caller ID box, Ana could see the eyes of her biology teacher upon her and reluctantly decided not to answer the call and risk seizure of her cell phone on school property. At the moment, it did not seem like a big decision; she would just call her mother later on. But as the day unfolded, she wished over and over again that she had answered the call. Shortly after the start of the school day, word spread quickly, mostly among the other immigrant youth, that there had been a raid at the Michael Lo Bianco...
textile factory, where Ana’s mother worked, along with many other immigrants in the post-industrial city of New Bedford. About two hours south of Boston, New Bedford is a mid-sized city that once thrived as a whaling port, but since has become economically depressed with most jobs in low-income settings like the LoBianco textile factory. Situated in global patterns of fragmented capitalism (Katz, 2004) that dredges vulnerable human capital across nation-state borders, this economically depressed city has a large immigrant population, in large part there to work in the factory.

The 2006 United States Federal Immigration and Customs Enforcement (ICE) raid of the Bianco factory in New Bedford Massachusetts made national headlines. Most press coverage described it as an inhumane sweep of immigrant workers, who worked many hours for less than minimum wage at a garment factory that had contracts, ironically, to supply materials to the United States military.

After the raid, word spread quickly through Ana’s school, with accurate and misinformation about who had been seized. At lunchtime, Ana and her younger sister, Andrea, both undocumented like their mother, left school. They did not return for 3 weeks, and when they did, it was with the emphatic and consistent assurance from school personnel that federal authorities would not raid the school. The assistant principal, Mrs. Saenz, visited many of the students’ homes, assuring family members not swept in the raid that the ICE would not visit the school, that it was a un refugio, a refuge. I met Ana and her younger sister Andrea when I went to New Bedford, in the aftermath that swept 360 garment workers from the factory, mostly women who worked the first shift of the day, and flew as many as 90 of them that same day to a deportation holding facility in Texas.

Following ICE’s sweep of the factory on March 6th, I arrived in New Bedford in the early evening, along with a small group of psychologists, graduate students and lawyers, all affiliated in various ways with support services for immigrant populations. We proceeded to the basement of the Catholic church in the city centre. This church had become the default headquarters for immigrant families, social service workers and attorneys trying to sort through the aftermath of the raid which had, in a few short hours, left families without mothers, sisters and wives. On March 6 and on subsequent days, I saw dozens of fathers and grandmothers giving statements to attorneys. I saw scores of young children being comforted, played with and entertained by the strangers who had come to help. What I did not see in the church basement or the school were any youth. Anywhere. I went back to New Bedford several times in the following days and weeks, and young people remained elusive. They had, in essence, gone into hiding. Not young enough to need constant care for their physical needs and not yet old enough to be institutionally recognised as the primary caregivers of their younger siblings, even though many of them were integral parts of their family’s human resources, these immigrant youth took cover by disappearing from public and state-run spaces. And they did so even though they had been assured that the school would be a safe place from raids and the aftermath of this raid. In hindsight, these young peoples’ hesitancy to trust schooling as separate from the state was prescient. Until recently, schools had not themselves been seen as locations where the threat of detainment and deportation could manifest.

Act Two: rumours and policies as perceived threats

Immigrant children are guaranteed access to K-12 schooling through the 1982 Supreme Court ruling, Plyler v. Doe, which struck down a Texas law seeking to charge undocumented children up to $1000 per school year for their enrolment. In the past 5 years, there have been a number of state-level immigration ordinances that have changed the tenor of the national discussion and debate on immigration and documentation. Since Arizona passed its
State Bill 1070 banning ethnic studies and made national headlines, Georgia, Utah, Indiana, South Carolina and Alabama have passed similar laws, the most notorious of which is Alabama’s House Bill 56. HB 56 (2010) makes it illegal for undocumented youth to attend public colleges, and requires K-12 public school teachers to report undocumented youth to the state education board (Jiminez & Lopez-Sanders, 2011). After the law was passed, immigrant students stayed away from schools. In Huntsville City Schools, as many as 20 per cent of the Latino student population stopped coming to school immediately after the law’s approval, and to date of this writing, this statistic still hovers between 15 per cent and 20 per cent, massively impacting the immigrant population in school, the overwhelming majority of which is Latino (Forer, 2011; Ortega, personal communication, June 18, 2012).

When federal and state policy is perceived as threatening, school officials, like those in New Bedford, have sometimes taken up the role of attempting to assure immigrant families that schools will remain a safe place for students, outside the fray of politics. For example, superintendent Wardynski took to the local media outlets to assure families that students were safe and should return to school.

This bill that was passed by our state is really about gathering statistics. It’s not coming into anybody’s house, taking anyone away. Schools are not enforcing any extradition, anything like that. What we’re required to do is ask for a birth certificate to prove American citizen, or documentation to prove that folks are in the country legally. Could be anyone, a native [unreadable] from Italy, with a child here in our schools (Wardynski, 2011).

Wardynski also went on to differentiate the school’s role from educating and documenting who was enrolled and simply reporting those statistics to the state, not to enforce immigration law. The state’s role, he clarified, was enforcement of immigration law, and his comment about ‘could be anyone’ seems to imply that race and ethnicity of residents is unrelated to a therefore righteous need for the state to know the documentation status of a school’s student body.

Wardynski’s statements sit uncomfortably alongside recent developments in immigration law enforcement that straddle not just federal and state jurisdictions, but also civilians working for municipalities. Section 287g of the Immigration and Customs Enforcement’s Immigration and Nationality Act allows local and state agencies, including schools, hospitals and law enforcement centres, to enter into agreements with ICE to act as a delegated authority for immigration enforcement within its borders (ICE, 2012). The section had come under severe criticism for verily deputising civilians to enforce immigration law. In 2012, the Obama administration announced that it would begin to phase out 287g programs in favour of the Secure Communities Act, which instead allows the federal government to review the arrest databases of local police and request that people be detained remotely by local officials. These policies leave local educational officials in places of communicating intent and values about serving immigrant students, as was the case with Wardynski. It also puts school officials in the awkward position of denying a race-based logic inherent to the ratcheting up of immigration enforcement, particularly for Latino populations (Jiminez & Lopez-Sanders, 2011). Faced with such an explicit compromise to their roles as educators and nurturers of young people, other local school officials have opted to distance themselves from federal and state actions seen to be anti-immigrant.

In 2008, immigrant students also stayed away from Oakland schools after rumours circulated that an immigration official had been spotted around local elementary schools. Oakland Mayor Ronald Dellums used the terminology of ‘refuge’ in proclaiming that documented and undocumented immigrants in the city would be able to access social services, attempting to calm immigrants’ nerves after rumours had spread that ICE officials were targeting school zones for seizure of undocumented immigrants (Gonzalez, 2008). ‘You have children in this
school who are already fearful, and that’s inappropriate. I mean, that scars our children’, opined Dellums (Gonzalez, 2008).

San Francisco Mayor Gavin Newsom also weighed in on the prospect of services being cut to immigrant populations, promoting his city as a sanctuary, where services would be available to all residents, including the undocumented. And in Los Angeles, Mayor Antonio Villaraigosa called on the Department of Homeland Security to stop workplace raids on what he called non-exploitative employers, which happened to include manufacturing companies in his city (Gonzalez, 2008). Across and within these responses from school officials, the competing social contracts are clear. On the one hand, many educators clearly hold fast to the role of schools to care for, even protect, immigrant children and youth, regardless of documentation status. However, at the same moment, school officials are being asked to act and speak on behalf of state enforcement of immigration law, laws that have been indicted as contributing to an increasingly race-stratified society (Golash-Boza, 2012).

This media coverage of immigrant children and families seeking shelter from the possible threat of ICE involvement in schools only scratches the surface of the frequency of these actions. As a product of living under the blanket of invisibility, undocumented immigrants learn to rely on word of mouth and rumours as a primary source of information. They do so in a context when immigration has become such a hot political issue that deportations are seen to be testimonials of federal stances and leniency for immigrants. In the first 2 years of President Obama’s administration, while promising pursuit of only criminal offenders, the administration has deported at record levels, shattering the upper limits set during the Bush administration and its own records from year to year. In this context of contradictory policies and practices, firsthand experiences with ICE officials and their state and local partners make rumours understandably worthy sources of information for immigrants making sense of contradictory and changing policies.

These policies force an encroachment of immigration law enforcement into the spaces of schooling, forcing educators to negotiate between what they believe their explicit role should be with students and another that co-opts them to act on behalf of national and state immigration laws.

Act Three: an electoral year announcement

On June 15, 2012, President Barack Obama called a press conference to announce a memo from the Department of Homeland Security outlining leniency for undocumented immigrant youth brought to their country illegally by their parents. Hours before the press conference happened, social media outlets exploded with messages not just about the press conference, but with specifics about the President’s major announcement to provide ‘leniency’ and ‘amnesty’ for undocumented youth, or DREAMers as activist undocumented youth fighting for access to higher education are called (Patel, 2012). Days before the press conference was to occur, the cover of Time magazine featured a dramatic shot of a group of DREAMers against a black background, along with the central figure of Jose Antonio Vargas, an undocumented Filipino journalist whose 2011 article, ‘My life as an undocumented immigrant’, brought him to national prominence. The headline of the June 2012 Time magazine cover read, ‘We are Americans; just not legally’.

In his speech, the President painted an empathetic picture of undocumented youth and the nation’s duties to these young people. He proclaimed that ‘[undocumented youth] are Americans in their heart, in their minds, in every single way but one: on paper’, echoing the language of the Time magazine cover. The President then proceeded to outline a change in deportation practices that would, if followed, provide these young people with 2-year, renewable, work visas on the following conditions: that they had entered the country before
the age of 16 illegally; were currently under the age of 30; had attended consistently and
graduated from high school; and had not been convicted of any crimes. The new deportation
practice expanded prosecutorial discretion for ICE in determining which undocumented
youth warranted pursuit for detention and deportation (Napolitano, 2012). The edict
prompted undocumented youth to identify themselves with little to no assurance that their
identities would not be used to pursue, detain and deport them. Ironically, while the edict
gestured to a sense of morality and investment in humanity, it still kept undocumented
youth at bay from inclusion in American society.

Reaction to the President’s announcement was widespread joy and elation. Although there
was a resoundingly clear message and framing across the media events and the President’s
speech, the announcement also raised many implicit questions about pathways to legal resi-
dency for immigrant youth. It was unclear at the time of the announcement and has yet to
be addressed at the time of this writing what role schools will play in providing proof that
undocumented immigrant youth have been enrolled in education.

All three of these flashpoints provide examples of education as a murky social contract. Edu-
cators are torn between their ascribed roles as nurturers and immigration enforcement, which
in turn makes it difficult for immigrant youth to know what to reveal to which educators.

The morphing social contract

While the tenet of in loco parentis has never been a clean mirror of the relationship between
schools and children, it is not remotely close to being apt for the contemporary context for
immigrant youth and their educators. The complications are evident in the ways that immi-
grant youth are both conceptualised and known in schooling, the changing roles for educa-
tors in a state increasingly marked by private interests governing public spaces,
icarceration of low-income populations of colour, and the perceptual and practical divide
of this social contract between immigrant populations and US-born educators. In the follow-
ing sections, I discuss what is needed to reckon with competing social contracts.

Reckoning with competing social contracts

Educators who wish to serve immigrant children must reckon with the contradictory explicit
and implicit social contracts between schools, families and society. I have written elsewhere
about how the demands of daily life for most immigrant youth are at odds with normative
accounts of child and adolescent development that have driven curriculum and teacher edu-
cation for the past century in ways that render the needs and capacities of immigrant youth
invisible (Patel, 2013). But here I want to focus on other practices and policies that under-
mine the ability of school to honour its social contract with immigrant families. First is the
steady, albeit uncomfortable, intimacy between the enforcement and education appendages
of the state for immigrant populations. In Superintendent Wardynski’s reassurances and
appeals for Huntsville’s immigrant children to come to school, we can see both the desire
and inability for there to be clean lines of separation between enforcement and education.
Although Wardynski, and other education officials, have claimed that these new policies are
simply fact-gathering dimensions that school officials have been asked to take on, the word,
‘report’, resonates strongly for immigrant populations when papers are required for social
services. What would happen, for example, if a newly arrived immigrant youth refused to
provide documentation of residency? Would this young person be refused educational
services? It is these instantiations that truly blur the lines between education and enforce-
ment and which demand attention. The explicit contract of information gathering between
the educator and the immigration enforcer is also an implicit contract of enforcement across
government entities for regulating immigration populations.
Beyond the expressed role of the school in serving immigration enforcement, there are other implications for educators that are not spelt out clearly in these recent policies. Following President Obama's 2012 announcement promising leniency for undocumented immigrant youth, news analysts and political scientists began to question how the policy would be implemented. Key to the provision for undocumented youth is their continual and successful enrolment in K-12 schooling. Although not expressed in either the President's announcement or the literal language of the Department of Homeland Security memo, this means that educators and school records of enrolment were now implicated in immigration enforcement. Unclear is what will happen if a registrar refuses to provide this information, does not have it or if such information will be sufficient for ‘proving’ the residency requirements of the young person. As with the cases above, does this mean that the immigrant youth is denied this pathway to temporary, liminal status in the United States?

Today’s immigrant youth, most of whom are low-income and not White (Portes and Rumbaut, 2001) are attending public schools in a time when police presence in hallways and classrooms has intensified, conjoining with zero-tolerance policies to create school climates that are inhospitable for many youth, where expulsions are as commonplace as lesson plans (Nolan, 2011). They are attending schools where increasingly narrow pathways to successful completion of high school result in record-breaking numbers of students, mostly low-income and of colour, being pushed out of schools (Tuck, 2012). They are also attending schools in a time when police presence and push outs are two features of a disturbingly neat line from schools to prisons in a state where salient features of the national economy rest on the centres of incarceration, including deportation facilities (Gilmore, 2007). Over the last 10 years, the numbers and sizes of deportation holding facilities in the United States have grown exponentially, representing an amalgamation of physical construction, law enforcement and politics that journalist and activist Deepa Fernandes (2007) refers to as the immigration-industrial complex. In light of these facts, the phrase in loco parentis is resoundingly insufficient. What might be more appropriate to capture educators’ morphing role of surveillance and control is in loco emporium, in the place of the empire.

Reconciling competing roles

A first and continual step to interrupting the conflation between acting in the place of the parent and acting in the place of the empire is with a diligent and realistic awareness of the contradictory contracts that hold predictably competing roles for teachers and compromised interests for children and youth. Educators cannot rest easily on quotidian references to schooling as the great equaliser, particularly in times when the social sorting mechanism of schooling is increasingly and boldly explicit (DeParle, 2012). As ‘front line’ service providers, they hold knowledge of the daily lives of immigrant youth that can and should interrupt social contracts that run contrary to the contract of protection and care.

Take, for example, President Obama’s 2012 proclamation of leniency for undocumented immigrant youth. A consideration of this announcement alongside some context complicates its simplistic message. This announcement came from an administration that, as previously noted, has shattered previous deportation records, dismally failed to come true on its promise of focusing on ‘criminal’ offenders and shown little hesitation in increasing the profits of private corrections corporations to indefinitely house detained immigrants (Fernandes & Zinn, 2007). It came from an administration trying to get re-elected and shed some of its past. To that end, President Obama drew on facile mainstream ideological levers in making his case for somewhat legitimising undocumented youth. He averred that they were brought here by their parents. In this move, Obama located innocence with
immigrant youth, thereby still maintaining a guilty, or illegal, party, their parents. Many educators know their children and their families well enough to know that a policy that romanticises child immigrants at the expense of criminalised older siblings and family members is a stingy extension of inclusion that divides families. This has been strongly argued by many immigration rights advocates, such as the Student Immigration Movement and the Undocubus social movement.

President Obama also stated that immigrant youth are culturally and linguistically American, implicitly quelling xenophobic concerns that they might pose a threat to White America’s cultural empiricism (Chavez, 2008). And finally, he averred that these young people should be rewarded instead of deported for having studied hard, worked hard and played by the rules, explicitly invoking the myth of America as the land of meritocracy, where merit dictates social status more than capital and connections (McNamee and Miller, 2004). While many educators hold a belief in American as a meritocracy, they also know that who succeeds in school and society is vastly more complicated than simple merit.

Educators have not been given the berth to challenge such widespread beliefs, but in the face of social contracts that provide nothing but confusion and compromises, the time may be ripe for educators to begin opting out of more harmful social contracts between schools and the state. Educators are in an excellent position, with potentially deep firsthand knowledge of the lives of their students, to speak to the ways that competing social contracts play out in the lives of some of the most vulnerable populations.

Following the immigration raid in New Bedford in 2006, discussed earlier, Ana’s mother was detained in Texas for 15 months and then deported to her native Guatemala. Throughout these events, Ana, like most people living in America, maintained that if she fulfilled her role, working hard and taking care of her family, then surely, as she put it, everything would be okay. Shortly after the raid, Ana dropped out of high school to work full-time. At the time of this writing, she and her sister both work as hourly maids for a private cleaning company. They are paid in cash, and in turn, pay for their shelter, food and clothing in cash. Throughout the years following the immigration raid, they spoke with no native-born adult about their situation, their mother’s deportation process or their own struggles to find and obtain work, shelter and sustenance, as they did not feel their cloak of invisibility warranted the risk of speaking to adults who might not understand their situation and who might even turn them over to immigration authorities.

After Obama’s announcement in June 2012, Ana contacted me to bemoan that despite the widespread euphoria at the announcement, she was still sidelined. Because she had dropped out of school to support herself and her sister, she was patently ineligible for this promissory reprieve. Ana’s story is not unique for many immigrant youth (Gonzalez, 2011), and in its typicality, there is much to be learned about the cracks and fissures in the social contract of education. Educators in particular are well positioned as direct service providers to know better these realities borne of conflicting social contracts and advocate for their students’ well-being, not the interests of a racist market-based education industrial complex (Picciano and Spring, 2012). While tensions, contradictions and unsavoury priorities in the social contracts for education are not new phenomena, with each instantiation, there is opportunity for awareness and action rising out of shifts in the intended roles for educators. Perhaps when the contradictions are as glaring as they seem to be for the benefit of immigrant youth in an increasingly Brown and Black society, interests will converge for the welfare of immigrant youth.

**Contributor’s details**

Lisa Patel is assistant Professor of Education at Boston College. She can be reached at lps@bc.edu.
Note

1 Ana is a pseudonym for a young woman who has been a participant in the longitudinal ethnography.

References


Correspondence to: Lisa (Leigh) Patel, Associate Professor, Boston College, 140 Commonwealth Avenue, Chestnut Hill, MA 02467, USA, Tel./Fax: 1(617).552.1699. E-mail: lps@bc.edu

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