

# Institutionalizing In Loco Parentis after Gott v. Berea College (1913)

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**Background/Context:** *The institutionalization of in loco parentis in the wake of Gott v. Berea College (1913) marked a major turning point in the evolution of student management theory and practice. Focusing on the crucial decade of the 1920s, when American higher education first became a mass enterprise, this study explores the interaction of ideas and institutions by retracing the constitutive relationship between in loco parentis and the development of student services and programs targeted to keeping students in school.*

**Purpose/Objective:** *Scholars have tended to think of in loco parentis as primarily a tool of social control used to discipline misbehaving students. This study offers a different interpretation by taking seriously the doctrine's basic terms—namely, administrators' and faculties' role as "parents" and students' role as "children"—and by highlighting the enduring institutional transformations created in the 1920s to help reduce student attrition.*

**Research Design:** *This study offers a historical analysis of the changing meanings and widening jurisdiction of in loco parentis during the 1920s.*

**Conclusions/Recommendations:** *This study finds that changes in the legal definition of in loco parentis following Gott v. Berea College (1913) triggered a revolution in student services that helped lay the foundation for the creation of the modern undergraduate experience and for the education of the whole student.*

This article shifts the focus from the courtroom to the college campus and to the institutionalization of *in loco parentis* during the 1920s. Why the 1920s? Several reasons recommend this decade as the place to look for evidence of *in loco parentis* in action. For one thing, *Gott v. Berea College* (1913) introduced a new and more powerful understanding of *in loco parentis* into the case law that granted college officials greater authority when acting "in the role of the parent." For another thing, it was during the 1920s that higher education began to approximate its current size and shape—when American students and their families got their first taste of mass education. Nationally, enrollments more than doubled to exceed 1 million students, and a new college or university, or institution that went by that name, opened every 10 days (Levine, 1986; Snyder, 1993).

The rapid expansion of higher education in the 1920s that I explored in my book, *Between Citizens and the State: The Politics of American Higher Education in the 20th Century* (Loss, 2012), led to the implementation of organizational innovations that shaped undergraduate life for the remainder of the century. Not only did the dramatic growth of, and demand for, higher education catch college leaders off guard, but it also irked students who took careful note of ballooning class sizes, the lack of space, and the creeping “impersonalism” of undergraduate life. But unlike later generations of students who would mobilize en masse to protest such shabby treatment, students in the 1920s chose a different, far less confrontational path: They dropped out. Half or more of all college students left school without earning a degree in the 1920s, most of them in the first year (Klein, 1930; Tinto, 1987).

What we today call “student departure,” which in the 1920s was grimly called “student mortality,” has been a chronic problem in higher education for a long time (Braxton, 2000). Since the late 19th century, students have entered and exited college capriciously, even though pass-work far below a “gentleman’s C” was often enough to collect a diploma (Gelber, 2011; Veysey, 1965). As enrollments steadily climbed in the first several decades of the 20th century, however, the stream of departures started to feel more like a floodtide. Predictably, some old-time professors blamed the problem on the overabundance of lazy, ill-prepared students of dubious “college-mindedness”; but others grudgingly shouldered some of the blame for the debacle, realizing that the old adage “Where nothing is learned, nothing is taught” might actually apply to them (“Student Failure Rate Alarms,” 1928).

In response to the “problem of student mortality,” as one distraught college president put it, administrators and faculty embraced *in loco parentis* and tried in various ways to be better “parents” to their “children” (“Student Failure Rate Alarms,” 1928). This account challenges the received wisdom that spiteful faculty wielded the doctrine of *in loco parentis* like a cudgel to keep rebellious students in their place. Although *in loco parentis* certainly granted faculty the freedom to punish students at will, it also stirred feelings of empathy that motivated them to care for and nurture their students as if they were their own kin. So, when faced with the dilemma of unacceptably high student attrition (and of the disquieting possibility of being labeled “bad parents”), administrators and faculty created new academic programs and social interventions that they hoped would improve the undergraduate experience and keep more of their “children” in school.

### MISBEHAVING “CHILDREN”

College attendance exploded after World War I. Two related factors sparked this development. First, middle- and upper-class families had more discretionary income than ever before in the vibrant economy of the postwar period (Walton & Rockoff, 2010). Much, but not all, of this “new money” went to buy automobiles, radios, and other household consumables; some was set aside for educational purposes as middle-class families began to realize that a college diploma meant greater social and economic mobility (Levine, 1986). Second, the pipeline from high school to college, circuitous and leaky in the 19th century, had, after strenuous efforts to strengthen it, finally begun to hold (Steffes, 2012; VanOverbeke, 2008). The enactment of compulsory attendance laws, which increased high school attendance by over 700% between 1890 and 1920, combined with strategic changes to high school curricula, theoretically meant a stronger flow of college-ready applicants (Lagemann, 2000). “The insatiable appetite of American youth for higher education,” opined *The Washington Post*, “is the most significant and healthy sign that could be exhibited in connection with the future development of the country” (“College Records Broken,” 1927).

However, the *Post’s* focus on student demand did not tell the whole story, given that many of the students pining to get into college never earned a degree. No region or institutional type was spared. Data secured from 36 two-year junior colleges in the Midwest, the South, and the Far West revealed a dropout rate of 66% (Hanna, 1930). Nationally, large four-year universities did not perform that much better. At the University of Wisconsin, 13% of freshmen dropped out; 30% left the University of Minnesota; and a whopping 37% left the University of Chicago (Booker, 1933). With a 32% freshman mortality rate, Southern universities fared similarly to schools located elsewhere, according to a comprehensive University of Georgia study (Sage, 1926). That the dropout rate at Southern schools was as “good” as their competitors made the lackluster performance of elite, lavishly endowed universities in the Northeast—Harvard and Yale conspicuous among them, both of which lost 25% of freshmen annually—seem that much worse. Simply put: Whether big or small, two- or four-year, public or private, regional or national in scope, it did not matter; 1/3 of all college freshmen did not return as sophomores in the 1920s, and no more than half of all students ever completed a degree (Booker, 1933; Tinto, 1987).

Financial hardship, the lack of academic preparedness, low enthusiasm, and the lure of gainful employment were typically cited as the chief causes of student mortality. Added to this mix was an equally important, if less

tangible factor: psychological maladjustment. In 1904, educational and child psychologist G. Stanley Hall discovered “adolescence,” the distinct physical and psychological stage of development that bridged the transition from childhood to adulthood and was filled with sexual and psychological tension (1904). Significantly, Hall’s psychobiological conception of adolescence intersected with the college years and by the 1920s had become indistinguishable from them. College was mostly fun and games, but it was also stressful, and for some students, the anxiety of relocating to a new place, of being surrounded by strange people, and of making new friends was too much to handle (Fass, 1977). “For a large percentage of freshmen,” said Louis Hopkins, a leader in the nascent student affairs field, “being on the threshold of a college career involves an emotional crisis of exceptional intensity” (Hopkins, 1926, pp. 15–16).

That so many “floundering freshmen” left school in the first year, never to return, worried academic leaders (Rightmire, 1930, p. 185). The sobering realization that “many students enter at the bottom,” as the president of Ohio State University put it, “but comparatively few go over the top” raised real doubts about the future of American higher education (Rightmire, 1930, p. 185). The dysfunctional relationship between the “parent” (the college) and the “child” (the students) was causing untold damage to both family members and to the institution they called home.

#### THE TWO SIDES OF *IN LOCO PARENTIS*

The *in loco parentis* case law developed over the course of the 19th century in cases pitting aggrieved parents against allegedly abusive teachers in courtrooms that overwhelmingly ruled in favor of the schoolmaster, acting “in the role of the parent” (Beaney, 1968). Though *in loco parentis* was far less ironclad at the collegiate level than previously believed, as Scott Gelber shows in the first article of this collection, this changed after *Gott v. Berea College* (1913), when the Kentucky Supreme Court ruled that the jurisdiction of the college’s parental power actually reached beyond campus borders, permitting officials to prohibit students from patronizing a local restaurant. “College authorities stand *in loco parentis* concerning the physical and moral welfare, and mental training of pupils,” read the decision, “and . . . they may . . . make any rules or regulations for the government or betterment of their pupils that a parent could for the same purpose. Whether the rules or regulations are wise . . . is a matter left solely to the discretion of the authorities, or parents as the case may be” (1913).

Two years later, the American Association of University Professors published its General Report of the Committee on Academic Freedom and Academic Tenure, which revealed the expanding reach of the *in loco parentis*

doctrine. The committee's definition of "academic freedom" privileged the freedom of the teacher (*Lehrfreiheit*) but was silent on the freedom of the student (*Lernfreiheit*), thus departing from the Germanic tradition that conceived of the freedom of the teacher and the student as mutually reinforcing. Why the difference? Because on American college campuses, students' legal rights were highly circumscribed, as evidenced by Bryn Mawr College's conduct policy, found in its 1923 student handbook, and similar to policies at other schools: "The college reserves the right to exclude at any time students whose conduct or academic standing it regards as undesirable" (Van Alstyne, 1969, pp. 409–410; also Metzger, 1988).

The lack of specificity as to what constituted *undesirable* behavior was intentional and granted college officials broad discretion in dealing with students. After *Gott v. Berea College*, the courts, in case after case, showed far more deference to higher education's independent decision-making authority than it did to students' claims to due process and legal personhood. In 1924, a Michigan court sided with college administrators who expelled a student for smoking on campus. That same year, a Maryland judge ruled against a group of coeds in search of a court injunction to halt their ouster after filing a complaint against a predatory administrator. Given this precedent, it was not at all surprising that in 1928, the New York Supreme Court declined to reinstate an expelled female student at Syracuse University who administrators said had displayed behaviors "unbecoming a typical Syracuse girl," whatever that meant (Lucas, 1970; Van Alstyne, 1969). Other cases were adjudicated in similar fashion, revealing the court's acceptance of higher education as an autonomous corporate body. Students were dismissed for skipping chapel, for conscientiously objecting to military drill, for writing private letters critical of the administration, and for marrying in a civil rather than religious ceremony—for a host of reasons, in other words, that would raise few eyebrows today (Lucas, 1970; Van Alstyne, 1969).

The legal rationale undergirding the vast extension of parental power was known as the "right–privilege distinction" (Van Alstyne, 1967). The distinction extended to certain privileged professional occupations, such as law enforcement and medicine, and to institutions like higher education in which an individual's employment or attendance was predicated on the voluntarily suspension of fundamental rights. Specifically, in the case of college attendance, students agreed to relinquish their First and Fourteenth Amendment "rights"—to free speech and freedom of assembly, to equal protection and due process—in exchange for the "privilege" of earning a degree. What is more, the right–privilege distinction carefully regulated the intellectual and social relations between and among students, faculty, and administrators, thereby reinforcing the parent–child

relationship that was the essence of *in loco parentis*. As Philip Lee (2014) explains in the final article of this collection, the right–privilege distinction collapsed in the 1960s under pressure from rights-conscious African American students in search of full democratic citizenship, on and off campus. All that was decades away, and until then, students were legal minors, possessed few rights, and could be suspended or expelled for practically any reason.

Then again, as we have seen, students did not need any help leaving school in the 1920s—the bigger issue was convincing students to stay. This suggests that scholars’ narrowly drawn conception of *in loco parentis* as a legal bludgeon used to keep students in line has been greatly exaggerated and needs to be reframed. In fact, the doctrine of *in loco parentis* was never intended to be exclusively punitive (Blackstone, 1765–1769).<sup>1</sup> It had a gentler side that compelled empathetic faculty and administrators to care for their students as though they were their own children. This was not a legal mandate given that the common law limited “natural affection” to relations between biological parents and their children (Abbott, 1969; Shaw, 1981).<sup>2</sup> Rather, the forging of sturdy bonds of affection between teachers and students—between “parents” and “children”—was a consequence of the college’s role as an alma mater, or nourishing mother. The idea of college as an alma mater was a powerful one that constrained college officials and faculty to nurture their students into adulthood and into members of the college’s family of alumni (Horowitz, 1984). Taking responsibility for rearing tens of thousands of children into adults presented administrators and faculty with an awesome parenting assignment. After all, students could be docile one moment and unruly the next, so college officials had to be flexible, disciplining their “children” with one hand while showering them in tenderness with the other. *In loco parentis*—of acting “in the role of the parent”—required them to do both.

#### TO BE A BETTER “PARENT”

Colleges organized personnel offices and student affairs divisions to manage this process, and in 1924, the American College Personnel Association was founded to help organize the budding student affairs profession. With the help of faculty and senior administrators, student affairs professionals organized academic and social programs to help students adjust to college—to minimize the psychic dislocation of college by maximizing the individualized attention that students received. The innovations that were introduced remain fixtures of today’s campus (Brubacher & Rudy, 1958; Arum & Roksa, 2014, pp. 1–24).

Freshman week programs emerged as one of the preferred ways of making students feel at home in “their new situation” (Wilkins, 1924, p. 746). Where previously, sophomores had been in charge of welcoming freshmen, starting in the 1920s, college officials took a more hands-on approach. The University of Maine was the site of a pioneering freshman week program. Unveiled in 1923, the program was the brainchild of President Clarence Cook Little, who thought it would be a useful tool to “study carefully the individual problems of freshmen and to assist in estimating their ability to meet the responsibilities and difficulties of college life” (Thwing, 1925, p. XX16). New students had the campus to themselves and a week’s worth of social and academic activities to fill their time. Days were spent touring campus, attending lectures, and taking placement exams; evenings were occupied with socials, dances, and athletic rallies, and with chaperoned excursions to downtown Orono (Ellis, 1926; Little, 1926). Although some students wished the program had been “less intensive,” and others wanted “more time to themselves,” freshman week stuck (Ellis, 1926, pp. 110–111). The Federal Bureau of Education thought freshman week was a wonderful idea and urged schools to adopt it to “meet their educational and social problems” (Klein, 1926, pp. 111–112). Many college leaders agreed: By the end of the decade, nearly 150 schools had their own freshman week programs, a threefold increase over six years (Knode, 1930; Smith, 1924).

Freshman week programs led to orientation classes and to additional programming to assist new students in adjusting to college. Researchers Charles Fitts and Fletcher Swift identified three main types of orientation courses in their study, *The Construction of Orientation Courses for College Freshmen* (1928). The first was the “adjustment to the social and intellectual world of today” course—also known as the “world problem” course, instituted most famously at Columbia University during the war, migrating from there to other institutions (Fitts & Swift, 1928, p. 197; Menand, 2010). The second was the “introduction to methodology of thinking and of study” (Fitts & Swift, 1928, p. 196), which was aimed at sharpening study habits and reading skills. The final, and most common, course was “adjustment to college life,” intended “to help the entering student to make adequate adjustments to his new mental and social environment” (Fitts & Swift, 1928, pp. 180–182). Available at fewer than 10 schools before the war, orientation classes were available at 80 by 1926 (Fitts & Swift, 1928).

Administrators and faculty also placed a premium on specialized instruction by organizing general and accelerated academic tracks to accommodate their students’ different scholastic abilities. The growth of the two-year junior college sector from 52 to 277 institutions (public and private) served as a good measure of the growing interest in curricular and

institutional differentiation (Koos, 1928; Snyder, 1993). The most rapid development of the junior college market occurred in the public-spirited Midwest and Far West, especially California, home to the country's largest network of low-fee, open access, publicly subsidized two-year institutions. After World War II the California model would eventually spread to other parts of the country, but until then "educrats" experimented with different ways to stage higher learning. The University of Chicago provided one popular variation when it divided the traditional four-year course of study in half, creating the junior college (freshman and sophomore years) and the senior college (junior and senior years), where matriculation to the latter depended on the completion of the former. University of Chicago's dean Chauncey S. Boucher thought this arrangement was wise given the wide range of students' academic and social backgrounds:

All of our students, who either end their requirements or who continue [after two years] . . . have in common this much: an introduction to each of the four large fields of thought, an essential minimum of proficiency in English usage, and a respectable minimum training in a foreign language and in mathematics. (Boucher, 1932, p. 102)

Many students were capable of more than general training, and for this ambitious group, college leaders turned to honors courses for help. A staple at Ivy League colleges such as Princeton and Harvard since the turn of the century, honors work offered administrators and faculty yet another way to make the undergraduate experience an appealing one for their most prized students. One of the biggest champions of the honors movement was President Frank Aydelotte of Swarthmore College, who thought that it represented a real educational advance for students of superior ability. The general course of instruction was aimed at "the average student," explained Aydelotte, while the honors course targeted students "capable of going faster than the average, who do not need the routine exercises which are necessary for those of mediocre ability" (Aydelotte, 1931, pp. 59–61). A student at Smith College professed that the honors program had really improved her educational experience. "The greatest thing we 1924 special honors students can hope for," she said, "is that we may start a tradition of the love and fellowship of study, for that is what special honors has brought us" (National Association of Deans of Women, 1924, p. 116). Between 1923 and 1927, the number of colleges offering honors tracks increased from 45 to 150 institutions (Aydelotte, 1931).



The heightened interest in targeted instruction incited questions about the learning experiences in “regular” undergraduate classes. The major complaint was mushrooming class size and the feelings of estrangement that it produced (Stogdill, 1930). Bigger enrollments meant bigger classes, reasoned a student at University of Michigan, among the country’s largest institutions, and that meant less “personal contact with instructors” (Angell, 1930, p. 50). However, the lack of physical interaction between students and teachers was not the only problem; students also fretted over course content and the quality of classroom instruction, or lack thereof. The most common gripe was that faculty only cared about research and publication and not at all about teaching. This was what University of Michigan sociologist Robert C. Angell concluded in his widely discussed primer, *The Campus* (1928): “No one can deny that professors are interested in their fields of study; but many believe that frequently they have little ability in, or enthusiasm for, imparting their knowledge and interest to immature undergraduates” ( p. 38). Was bad teaching really caused by too much specialized research? Angell thought so. Having dedicated their whole lives “to research in some narrow field,” he surmised, their teaching “is apt to be dry, pedantic, boring” (pp. 36–37).

Charges of poor classroom instruction led to calls for its improvement (Munro, 1932). In 1922, the Land Grant College Association got out in front of the issue when it passed a resolution “in favor of professional training of college teachers” (Kelly, 1927, p. 333). As it turned out, except in schools of education, the idea of training future professors in the pedagogical arts never caught on; indeed, most professors learned the teaching craft as they always had—on the job. But faculty inertia did not prevent some schools, such as Ohio State University and Purdue University, from making better classroom instruction a priority, introducing teacher-training courses like Teaching Applied to College Work and Psychological Problems of Higher Education, to better prepare future professors for life inside the classroom (Palmer, 1930). Still other schools began awarding teaching prizes and using student evaluations to prod professors to take their classroom duties more seriously (Munro, 1932). Not everyone was impressed: “[Students] will pass on us favorably by seeking our product,” said one skeptical professor, “unfavorably, by avoiding us” (Protzman, 1929, p. 514).

Given the abject lack of interest in teacher performance at most schools, and among many faculty, it was perhaps a good thing that most students thought their real education occurred outside class, in the web of student-run clubs, teams, and living quarters that historian Paula Fass has fittingly dubbed the “peer society” (1977). To better integrate the undergraduate experience, college leaders now directed their attention to all the spaces and places beyond classroom walls—to the school within the school, so

to speak (Brubacher & Rudy, 1958). A number of approaches were tried. College administrators succeeded in building better relations with the Greek system, which housed and fed between a third and half of all students nationwide (Horowitz, 1987). Colleges also built new dormitories to house the rest of the undergraduate student body, known as independents. Wealthy private institutions like Harvard and Yale had no problem funding these large-scale capital projects thanks to their deep-pocketed donors. Public state universities, where the housing shortage was most acute and the available resources were in shortest supply, had a tougher time. Existing rooms were too small, too few in number, lacked basic amenities, and were “none too sanitary,” according to an exasperated house mother at a large coeducational institution (Edwards, 1928, p. 23). During the 1920s, state colleges poured what monies they had into new dormitories and buildings, but they struggled to keep up with demand, a situation that only got worse after the onset of the Great Depression (American Association of University Professors, 1937; Reiman, 1992).

College officials had a much easier time integrating the club culture, social activities, and athletic teams that were—and, arguably, remain—the heart’s blood of many students’ collegiate experience. This was an area that college leaders had long avoided in part because they assumed that students’ out-of-classroom activities led to poor academic performance and high attrition. New research linking academic achievement and healthy personality development to more, not less, extracurricular involvement gradually changed college leaders’ point of view (Edwards, 1928). Studies conducted at the University of Kansas, University of California, and University of Minnesota, for example, revealed that students who refused extracurricular activity actually registered lower scholarly accomplishments (Chapin, 1931; Dunkelberger, 1935; Mehus, 1932). A large portion of these “outsiders” probably had no choice but to excuse themselves from extracurricular life; in an era before the availability of federal aid or easy access to private loans, students from modest means typically worked while going to school (Horowitz, 1987; Wilkinson, 2005). This fact did not prevent officials at leading universities and liberal arts colleges from lionizing the extracurriculum by turning it into *the* key to reducing student departures. Once again, President Frank Aydelotte of Swarthmore College, a leading cheerleader for the extracurriculum, chimed in: “If the regular curriculum could offer the same opportunity for the development of independence and initiative that is now offered by clubs and teams,” he said, “some of the energy which undergraduates put into the miscellaneous pursuits would go into their studies with infinitely greater educational results” (Aydelotte,

1924, p. 6). Persuaded that what went on outside the classroom shaped what went on inside it, and that together they created a kind of “unity of truth,” colleges across the country extended student groups’ modest financial resources and administrative support in exchange for greater regulatory oversight (Reuben, 1996, pp. 1–15).

Despite these efforts to help students acclimate to their new home, some students still fell prey to depression, or worse. A wave of student suicides during the spring semester of 1927 raised public fears about the dangers of going to college to a fever pitch. Even though newspaper accounts mischaracterized the suicide spree as an “epidemic,” there was no mischaracterizing the painful fact that 28 students took their own lives in the span of one semester (“No College Suicide Wave,” 1927). All manner of grisly methods were tried—shooting, poison, gas, hanging, and death-by-a-moving train—and all manner worked (“Student a Suicide,” 1927). Diagnoses differed as to the cause of the outbreak. One psychiatrist thought that individuals committed suicide because of “teasing, ridicule, scorn and other forms of subtle, insidious persecution” that were part of undergraduate life; another blamed the victims and their penchant for “unsocial behaviors” (“Student Suicides Stir Interest,” 1927). Dr. Louis I. Bisch of the New York Polyclinic Medical School offered a different explanation: “It is a well-known scientific fact that the period of adolescence is the most dangerous age that young men and young women have to pass through,” he said (“Student Suicides Stir Interest,” 1927). Princeton University student Bruce Wilson, age 20, was one of the deceased. A loner who lived and ate by himself, sick with a “hopeless illness,” Wilson committed suicide by drinking poison and then hanging himself in his dormitory using a rope he bought at a local hardware store. An article in the *New York Times* described the crime scene in graphic detail: “The student had tied a rope to the radiator and had run it over the curtain rod, which had almost broken under the strain of his body. An overturned couch indicated that after standing on it . . . Wilson had kicked it from beneath him. On a table near by stood a half empty bottle of iodine” (“Student a Suicide,” 1927).

Lurid stories such as these provoked a number of well-placed colleges to team up with the National Committee on Mental Hygiene to create campus mental health facilities to help troubled students like Wilson deal with their emotional problems (Cohen, 1999). Dr. Frankwood E. Williams, the medical director of the committee, promoted the cause of mental hygiene everywhere he went. In his opinion, higher education’s main issue was that it had been focusing too rigidly on cultivating intellect without properly caring for the whole student. “When we read of the tremendous casualty list in the freshman year in our leading colleges, we must perforce wonder what is wrong either with the students or with the institutions,”

said Williams at a meeting on mental hygiene and education. While some casualties were inevitable, Williams urged educational leaders to create clinics to help students: “Usually a rather brief interview serves to spread before us all the individual’s problems of adjustment; perhaps half the cases we may see in college can be helped to an adjustment in one or two interviews” (“Student Collapses Laid to Colleges,” 1925). Williams was a persuasive leader, and by 1930, Yale, Harvard, Princeton, the University of Minnesota, the University of Michigan, and the University of California, among many others, had made clinical facilities available to undergraduates (Cohen, 1999). By the mid-1930s, according to one study, 16% of colleges had established clinics—a number that was to grow rapidly in the years and decades to come (Cohen, 1999; Kawin, 1940). In all these ways, the doctrine of *in loco parentis* obligated college officials to look after the whole student, both body and mind.

#### CONCLUSION

The institutionalization of *in loco parentis* in the 1920s marked a significant turning point in the evolving relationship between the college and its students. Although scholars have tended to think of *in loco parentis* as primarily a tool of social control used to discipline misbehaving students, this article suggests the benefits of a more contextual and organizationally rooted understanding of *in loco parentis*. While colleges certainly did discipline their students under *in loco parentis*, the same doctrine also compelled administrators and faculties to care for and nurture their students in order to help them steer clear of the innumerable academic and emotional challenges of going to school. The institutional adaptations that colleges pursued in the name of *in loco parentis*—from freshman week and orientation to curricular differentiation and mental health services—represented a reasoned response to the very real organizational and human challenges that afflicted higher education in the 1920s. In the coming decades, skeptical students would question this treatment as paternalistic and infantilizing, even racist and sexist, and a violation of their rights not only as students but also as citizens. When *in loco parentis* was originally deployed, however, the impulse driving it was far less nefarious than latter generations of students and historians have portrayed it. Although college officials never came close to eradicating the student dropout problem, and it remains a major policy concern today, that the programs and services created in the 1920s continue to shape the collegiate experience long after the legal doctrine of *in loco parentis* was overturned underscores the durability of the organizational innovations that were instituted nearly a century ago.

## NOTES

1. On the limits of parental power under *in loco parentis*, Sir William Blackstone wrote, “The tutor or schoolmaster . . . has such a portion of the power of the parent,” but not all of it (Blackstone, 1765-1769: Book 1, Ch. 16, p. 441).

2. On the role of “natural affection” and its absence under *in loco parentis*, see *Lander v. Seaver*, 32 Vt. 114, 76 Am. Dec. 156. For the legal definitions of *in loco parentis*, paternal power, and affection, see Shumaker and Longsdorf (1922), pp. 515, 681, and 749.

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