The Political Morality of School Composition: The Case of Religious Selection

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Faith Schools: Principles and Policies

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Outputs:

• Various individual papers
• Joint policy pamphlet: *How To Regulate Faith Schools*
• Joint paper: “The Political Morality of School Composition: The Case of Religious Selection” (forthcoming in *British Journal of Political Science*)
• Joint book: Clayton, Mason present and debate their (different) philosophical views on religious education (in progress)
Context for paper

• About 25% of students in English state schools attend schools with a designated ‘religious character’ in England

• Roughly 66% Church of England, 31% Roman Catholic, 3% everything else

• Such schools can
  (i) provide religious education ‘in accordance with the beliefs of the religion or denomination specified in the order that designates the school as having a religious character’ and
  (ii) select on the basis of religion

• 50% cap on religious selection in new state-supported schools introduced in 2010

• Conservative manifesto in 2016 proposed to abolish cap, apparently because Catholic (and Jewish) organizations refused to open new schools

• Government has not abolished 50% cap but has given extra funding to existing 100% selective schools so they can expand
Aims of paper

• Present clear and coherent analytical framework to identify and assess the heterogeneous normative concerns raised by religious schools

• Supplement Brighouse et al’s (2016, 2018) consequentialist approach with non-consequentialist considerations

• Illustrate merits of framework by applying it to the regulation of admissions to religious schools

• Argue that allowing schools to choose all of their students on the basis of religious affiliation cannot be justified on any plausible view about the balance of normative reasons and reading of the empirical evidence
Selective Admissions and Composition Effects

• Admissions policies affect school composition – but so do other things (residential patterns, parents’ choices)

• A school could be composed entirely of the children of co-religionists without being permitted to use religious selection criteria

• It could be allowed to select on that basis yet be substantially composed of pupils from another religious background altogether

• What really matters is school composition

• We must be concerned with the composition of all affected schools, not only those who are using the admissions policies in question
Why does school composition matter?

- Not only peer group effects

- Effects on school management, funding, curriculum, ethos

- Effects on a variety of outcomes: academic results, capacity for healthy relationships, religious toleration

- Some composition effects may result from properties of students that individually would play no role in explaining student outcomes

- Sometimes it is properties of parents, not students, that produce the effects (e.g. Coleman on social capital and norm-enforcement)

- Empirical question how much of an effect will be produced by what degree of composition
  E.g. can schools with 50% religious composition maintain sufficient relevant effect?
Normative considerations (1): Consequentialist

- Selection produces, or fails to produce, various goods or benefits, and/or it distributes those goods or benefits well or badly

- Advocates of selection typically claim
  (a) that some schools, or all schools (or perhaps some schools in the short run but all schools in the long run) will be better if they select their pupils, and/or
  (b) that selection improves the distribution of the goods that schools produce

- Critics of selection typically claim
  (a) that selection makes schools worse, at least in some respects, and/or
  (b) that selection worsens the distribution of goods that schools produce.
Brighouse et al (2016, 2018) articulate educational goods as the knowledge, skills, dispositions and attitudes that help people’s lives go better as adults and contribute to other people’s lives.

Six capacities:

i. economic productivity  
ii. personal autonomy  
iii. democratic competence  
iv. healthy personal relationships  
v. treating others as equals  
vi. personal fulfilment

Also ‘childhood goods’ (and other non-educational values) that matter and need to be in the mix

Brings out heterogeneity of educational goals and need for trade-offs
Distributive Values

We care not only about production of goods – educational and non-educational - but also about their distribution

Adequacy
Equality
Priority to the worse off

Also concerns about fair access to places in that distribution

Perhaps selection can increase production and improve distribution but only by unfair access (e.g. parents’ religious affiliation)
Normative Considerations (2): Non-consequentialist

• Considerations that tell against acting in ways that promote good outcomes, or that permit individuals to act in ways that fail to promote them

• Sometimes expressed as ‘rights’ but sometimes rights claims appeal to consequentialist considerations (e.g. harm, interests)

• Parents’ right to choose a selective school is sometimes defended on consequentialist grounds rather than as the right to a choice that does not produce good outcomes
Parents and children

- Freedom of association model doesn’t work because parents are choosing who their children associate with.

- Many endorse parent’s rights nonetheless: right to spend money on elite education, right to raise child in accordance with one’s own moral and religious convictions.

- Other focus on children’s rights: right to fair equality of opportunity, right to end-state autonomy (valued on non-consequentialist grounds) or right to moral independence.

- May be morally impermissible intentionally to influence children’s religious views but not impermissible intentionally to influence their other capacities (e.g. tolerance, democratic competence) where they have independent duty to contribute to the production of the relevant goods.
Combining Considerations

• Consequentialist and non-consequentialist considerations have to be combined to yield policy

• Two approaches:
  i. Trade-offs between all *pro tanto* reasons
     Note that non-consequentialist rights can be regarded as reflecting individuals’ claims without giving them trumping force

  ii. Prioritization: some considerations become relevant only when others are satisfied.
     E.g. it is plausible that an educational minimum should be guaranteed for all and other considerations only have force conditional on that
Applying the Framework (1): Consequentialist Productive Considerations

• Unclear whether religious composition of schools produce good test scores or student achievement once you control for other variables

• Problematic in terms of other educational goods:
  i. Personal autonomy
  ii. Civic and moral attitudes (which motivated 50% cap in the first place)

• Even if we were concerned only with the production of educational goods, still we would need to look at the effect of selection on schools overall, not only on schools that select
Applying the Framework (2): Consequentialist Distributive Considerations

- Defenders of religious selection claim that they serve less advantaged particularly well

- That could be sufficientarian, egalitarian, or prioritarian view

- Others worry about fairness of access to ‘good schools’

- 50% cap was partly presented as compromise between productive and distributive considerations
Applying the Framework (3): Non-Consequentialist Considerations

- Current policy is predicated on claims about parents’ rights to raise children as members of their own religion

- Children’s rights to autonomy are downplayed and their possible rights to independence are ignored

- ‘No cap’ policy would be justified only if parents’ right to decide about their children’s schooling were part of, or akin to, their own right to freedom of religion or association, rather than a right exercised over another, and even then it would have to be weighty enough to outweigh all competing considerations

- Taken together, children’s capacity for autonomy, some threshold level of civic goods and more general distributive concerns, at least of a sufficientarian kind, are surely too important for that position to be sustained
Conclusion

- One has to construe educational goods very narrowly to believe that permitting schools to select entirely religiously homogeneous compositions is a good way of producing them, and even so the claim is doubtful.

- Since, moreover, a ‘no cap’ policy both raises distributive concerns and threatens child-focused non-consequentialist rights, that policy is unjustified, all things considered.

- We don’t know whether 50% (rather than e.g. 30%) is the best policy.

- Reasonable disagreement (and we disagree amongst ourselves) over how to weigh the normative considerations.

- We lack the expertise to offer an informed determinate view about the admissions regime most likely to produce and respect any particular combination of goods and values.

- But we hope we have explained the range of considerations at stake, and that public debate will come better to reflect them.
Three Final Points

1) Influence school compositions more directly:
   E.g. Weighted lottery with weights aimed at improving composition
   E.g. Incentivize schools with a ‘religious diversity’ premium

2) Our analysis applies to existing faith schools as well as to new ones

3) Our analysis applies to independent schools; we have mapped all the normative terrain

Human rights law protects from state interference parents’ freedom to choose the kind of religious education their children receive - including their freedom to choose schools composed entirely of the children of co-religionists

That is because the law in question enshrines a non-consequentialist parent-focused right that should be rejected as normatively indefensible