

## Setting Schools Free? Reflections on the Freedom of Autonomous Schools

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### INTRODUCTION: THE GROWING APPEAL OF AUTONOMOUS SCHOOLS

Around the world, there is a keen interest in determining which types of educational institutions — as engines of future success and prosperity — deliver a highly educated, skilled, and productive workforce.<sup>1</sup> In the case of schools, particular attention has been paid to the impact of more autonomous school types and governance arrangements on pupil performance and outcomes. In reforming the English school system,<sup>2</sup> the UK Government has taken inspiration from successful models developed elsewhere, notably the Swedish example of non-selective, publicly funded free schools, the diverse range of autonomous schools in Alberta, Canada, and especially the U.S. charter school movement, described as the “quint-essential model of school autonomy.”<sup>3</sup>

Under the twin banners of “freedom” and “fairness,” the UK Coalition Government is taking forward a rapid expansion of its flagship academies program,<sup>4</sup> which together with the introduction of a small number of free schools<sup>5</sup> is already transforming the landscape of provision. Like their counterparts elsewhere, academies are self-governing bodies, which are directly funded by central government though independent of local authority (school district) control. The new autonomous schools have been granted greater freedom and control over key decisions concerning finance and budget; shaping the ethos and culture of the school; staff recruitment, pay, and conditions; the majority of the curriculum (except some core subjects: English, math, science and information technology); and the structure and length of the school day.

By “setting schools free” from central government prescription and local-authority control, the reforms promise to let schools, parents, and pupils have it all: greater freedom for schools to innovate *and* greater freedom of choice for parents; improvements in general pupil attainment *and* a boost in outcomes for the poorest children (narrowing the gap between rich and poor); autonomy combined with competitive pressure from neighboring schools to improve performance.<sup>6</sup>

Not all are convinced that it is possible to reconcile freedom and fairness in this way: as with previous waves of reform, well-rehearsed concerns have been voiced about the damaging effects of greater school autonomy and parental choice.<sup>7</sup> Far from improving outcomes for all, critics worry that the latest brand of autonomous schools will exacerbate inequality by entrenching a “two-tier” system, in which resources and opportunities are unevenly distributed between schools, and in which children are effectively stratified and segregated according to parental resources and family background.

To pass its own fairness test, the government will need to show that its reforms have narrowed the social class gap in pupil attainment both *within* schools and also

between them.<sup>8</sup> Whether or not the new schools can meet such a test is much disputed<sup>9</sup> (as indeed is its conception of *fairness*, focused as it is on improving the relative life chances of the most disadvantaged children)<sup>10</sup>; but it is at least welcome that the criterion of fairness has taken center stage in political debate.

By contrast, although the value of freedom and autonomy is invoked routinely at a rhetorical level, surprisingly little attention has been paid in the recent debates to the concept of freedom at the heart of the reforms. In the analysis below, I outline two rival conceptions of freedom — the classical negative interpretation of freedom as non-interference and what I describe as the transformative conception of freedom as independence — and assess how far each can help capture the sense in which autonomous schools (such as academy schools in England) are deemed to be “free.”

#### TWO RIVAL CONCEPTIONS OF FREEDOM: NON-INTERFERENCE AND NON-DEPENDENCE

In what sense can we say that schools and other institutions are free or unfree? For some, there is no distinction to be drawn between different conceptions of freedom, only different applications of the same concept. According to Gerald MacCallum, freedom is “always one and the same *triadic* relation” between agents, constraints, and ends.<sup>11</sup> Freedom exists when an agent is free from constraints to be able to be or do what she wills; conversely, freedom is denied when an agent is constrained from acting as she wills. This basic formulation of freedom — an agent is free to act when not hindered by constraints — is broader in scope than it might first appear, encompassing as it does constraints and obstacles which are external (emanating from outside the agent or body), as well as internal barriers, such as psychological burdens or constraints.

The classic account of freedom in the modern period is of course Isaiah Berlin’s, who distinguishes in his famous essay between freedom in a negative sense, defined as non-interference, and a positive conception of liberty.<sup>12</sup> The former captures the idea that there ought to exist a certain minimum area of personal freedom which must on no account be violated. In this sense, the wider the area of non-interference, the wider the area of freedom.

What is distinctive about the *positive* conception, as defined by Berlin, is something more idealistic and transformative: namely, the identification of freedom with the self-perfecting ideal of “my self at its best.”<sup>13</sup> Importantly, this is not simply the idea of trying to control or master internal or psychological constraints; what is distinctive about positive freedom is that it refers not to an endeavor (such as exercising greater control over emotions, or indeed, trying to achieve some version of a “better self”, or of living a more autonomous life), but to an *end-state*, a condition in which the agent has realised her “real” or “ideal” self.<sup>14</sup>

For his part, Quentin Skinner offers a third reading of liberty, distinct from either the classical negative interpretation *as non-interference* or the positive conception *as realisation of the self*. The crux of Skinner’s position is that while he upholds the distinction between positive and negative liberty, he rejects the assumption that the latter can necessarily or solely be conceived as absence of interference. What is missing from Berlin’s account, he argues, is a further distinction between

two rival conceptions of negative liberty: freedom from interference and freedom from dependence.

Tracing its inheritance from medieval and Roman law, Skinner draws attention to a long-neglected tradition of political thought, which highlights the long-term psychological consequences of living in a state of bondage to or dependence on the will of an arbitrary power. Freedom is contrasted with the condition of servitude, in which historically, subjects were forced to live under the absolutist power of the crown — a condition of subjugation in which people’s mental states are diminished as a result of “having to endure so much anxiety and uncertainty”; in which individuals’ qualities, talents, and virtues “begin to atrophy” owing to lack of use; and in which people “gradually sink into a condition of abject torpor and sluggishness,” ultimately becoming “dispirited, discouraged, disheartened, and finally dejected and debased.”<sup>15</sup>

As Quentin Skinner notes, this is not simply an argument about the conditions necessary for maximising negative liberty, but rather about the concept of liberty itself. Being dependent on the will of another does not imply even the threat of coercion or interference; simply being aware that I am not the final judge or arbiter is enough to make me constrained — and is enough to have a damaging and demoralising effect on my thoughts and behaviour. In short, according to this rival conception, a person or agent is only fully free and autonomous when *independent*, in the sense of being the final judge and arbiter of matters fundamental to her being. A “free state” is therefore one in which discretionary or arbitrary power is eliminated, so that every person is enabled to “estimate his own worth, and to hammer his head on high designs.”<sup>16</sup>

These rival interpretations of negative liberty are further distinguished by rival views about the underlying concept of autonomy. For those who believe that liberty is nothing other than absence of interference, the will is held to be autonomous so long as it is not threatened, coerced, cajoled, or otherwise interfered with. By contrast, those who embrace the Skinnerian interpretation are committed to the view that the will cannot be autonomous unless it is also free from dependence on the will of anyone else.<sup>17</sup>

#### TRANSFORMING THE SELF: THE DEADENING EFFECT OF DEPENDENCY

Before turning to the question of which, if any, interpretation of freedom and autonomy accords with the academies and free schools programs,<sup>18</sup> it is worth making one further point about the psychological and transformative component of freedom as non-dependence. As I argue here, the condition of independence — the experience of being liberated from a state of dependence — implies a profound psychological shift which amounts to more than just the removal of inner psychological constraints; it represents a transformation of the self, which renders it closer to a “positive” conception of liberty (in Isaiah Berlin’s sense) than to the classical negative conception.

According to the triadic formulation outlined above, freedom consists in an agent ( $x$ ) being released from a constraint ( $y$ ) in order to do or be ( $z$ ). What is

distinctive about the positive conception of liberty (according to Berlin and Skinner) is that it cannot be made to conform to the basic triadic structure, because the freedom of agents in the positive sense consists in their having succeeded in realising an ideal of themselves — and so having become something that they were not before.

Arguably, this interpretation can still be incorporated into the basic triadic structure. After all, agent ( $x$ ) is released from constraint ( $y$ ) in order to *become her true self* ( $z$ ). What makes the notion of positive freedom really distinctive, I argue, is recognition that the agent who is liberated is not the *same self* as the agent who was previously constrained *or* who was endeavouring to become something else. Previously, the agent ( $x$ ) who was taking action in pursuit of her ends was still the same fundamental being. Under a positive conception, this no longer applies: by realising her “real” or “ideal” self, she has transformed the very essence of her being — and so in a fundamental sense is not the same person as previously.

For Skinner, freedom as “non-dependence” is a variant of negative liberty because it fits within the traditional triadic formulation, in that the state of dependence creates an internal constraint upon our will or action. However, if a key distinguishing feature of liberty in its positive guise is that the *self* is not left untouched, then the transformational component would also apply to freedom as non-dependence. This interpretation is arguably closer to the positive understanding, in that the experience of being liberated from servitude and dominion enacts a transformation in the very essence of one’s being — it implies a profound psychological shift, which amounts to more than just the removal of inner psychological constraints (as would be encompassed under freedom in the ordinary negative sense). Given this transformational component, becoming independent is arguably a species of *positive* liberty, and not, as Skinner assumes, a species of negative liberty after all. (It is, perhaps, a weaker variant, since the self who is released from servitude or dominion has been transformed, and is now free to pursue her true destiny — but has not yet realized her “true” or “ideal” self.)

The transformational component is important in the current context, because the adverse psychological effects of dependency — and hence the positive transformative effects of independence — underpin the right-wing or neo-liberal critique of Big Government in both the United Kingdom and the United States. Having to rely on state support or permission, or being constrained by state prescription and bureaucracy, arguably casts the individual or institution into a position of dependency, which has a damaging and stultifying effect on mental capacity, initiative, and agency.

#### APPLYING THE FREEDOM TEST TO SCHOOLS

In what sense, then, does it make sense to say that schools are free and autonomous, and to what extent are autonomous schools such as academies and charter schools really “free”? As discussed, the distinction between two rival conceptions is not simply an argument about the conditions necessary for maximising negative liberty, but rather about how the concept itself is construed. I consider below how far each conception captures the sense in which autonomous schools are deemed to be free.

At first glance, the notion of school freedom and autonomy appears to be a variant of negative liberty in the ordinary sense, as captured in the classic triadic formulation. In simple terms, the freedom of the school (or agents within the school) to achieve desirable ends (such as improving the quality of teaching and learning) is constrained when subject to constraint or interference (such as top-down targets and funding streams, rigid terms and conditions, and a nationally prescribed curriculum and assessment system).<sup>19</sup> Conversely, school freedom (finding innovative ways of improving pupil performance, for example) would be enhanced if centralized control and prescription were reined back.

But is the constraint or “unfreedom” depicted here that of interference or dependence? The first contender is the notion of freedom as non-interference. This interpretation has obvious resonance, since school freedom certainly appears to be constrained when subject to excessive government interference and hence would be enhanced if a wider area of non-interference were granted.

Now, if the barrier to school freedom is deemed to be the plethora of initiatives, prescription, and regulation pouring forth from government over recent years, then the natural response from an incoming education secretary would simply be to stem the flow: that is, to streamline existing guidance and prescription, while calling a halt to any new government mandates, to give schools the space to get on with their core activity of teaching and learning (as occurred, for example, when a “moratorium” on further changes to the National Curriculum was called between 1995 and 2000, to give schools time to embed the existing curriculum requirements).

Similarly, school freedom could be increased by removing the constraint of a highly complex and centrally controlled system of school funding. Under a simplified system, schools would indeed have greater freedom to exercise their discretion and judgment and to get on with their principal job of teaching and learning, rather than having to waste time making applications for funds to complete specific tasks, or completing paperwork to show how resources had been allocated in compliance with specific revenue streams (in an often elaborate and occasionally fabricated way).

Again, however, this kind of freedom could readily be granted to all schools without requiring a change in legal status: greater or even total control over the school budget could be granted without taking the school out of local-authority control (for example, schools would then be free to choose whether to “buy” the support services of financial officers and advisers from the local authority or elsewhere).

On this reckoning, it would be possible to extend freedom by streamlining prescription and reining back on state interference in key areas (curriculum, assessment, finance, regulation), but without requiring a change in formal governance arrangements — provided that local government control was exercised with a “light touch.” In short, the conception of freedom as “non-intervention” provides a justification for reducing government control and prescription, but does not in itself justify enacting a new legal entity (as occurs with the creation of a new academy trust).

It follows that a different kind of rationale is needed to explain and justify the introduction of new legal structures for governing and managing the “autonomous” school. As we have seen, under the conception of freedom as non-dependence, simply knowing that the power and authority to make the final decision rests elsewhere casts the agent or agents into a position of dependency, which arguably has a damaging and stultifying effect on personal agency, capacity, and initiative. In this sense, schools will only be truly free if the school itself (or key agents within the school, such as the principal or governing body) is the sole or final arbiter of key decisions. Being subject to control by an external body, even if the scope or level of direct interference had been radically scaled back, would not be enough to render the school “free” and “autonomous” in this second, more demanding sense.

As discussed, the act of becoming independent or self-governing implies an element of transformation. The psychological dimension is most obvious in the case of “failing” or underperforming schools (in the English system, those deemed as being in “special measures”), which are closed and then re-opened as a new academy. In part, this is the simple transformation of having a fresh start (which would apply to any reopened school), which helps establish a sense of authority and direction inside the school and offers a chance to build a new reputation in the local community. But in the case of an academy, the transformation arguably goes further than a simple rebranding exercise, and resonates more deeply than the superficial trappings of a new school name or uniform, or even refurbished school buildings. For under-performing and highly successful schools alike, being established as a self-governing body under the auspices of a new academy trust implies a fundamental sense in which the essence of the school has been transformed: in theory at least, it brings a new sense of control and self-direction, which is arguably not present when the government simply refrains from “interference.”

#### THE UNCOMFORTABLE IMPLICATIONS OF INDEPENDENCE

And yet, while the conception of freedom as “independence” is needed to justify the school reforms, the logic of this position leads us to question key aspects of the academy program. In the first place, it is impossible to ignore a basic contradiction at the heart of the Coalition’s school reforms, which is apparently to want less government control and allow greater local discretion and autonomy, on the one hand, and to push toward a return to a more restricted, traditional curriculum in the classroom and more prescribed behavior management in schools, on the other.<sup>20</sup> Even those sympathetic to the Government’s program have noted the paradox of this situation, since if schools were truly independent, they would be free to exercise their own judgment — or listen to the views of parents — rather than be subject to increasing pressure to revert to a traditional curriculum.

In addition, it draws attention to another area of potential “unfreedom,” with the assumption of new powers by central government in the Education Act 2011. As critics have observed, the new legislation grants as many as fifty new powers to central government, including powers to remove third-party organizations such as churches, charities, and private companies from involvement in an academy, if serious concerns are raised over pupil performance. Now, according to the concept

of non-interference, the accrual of greater formal powers by central government would be of only limited concern, providing that the powers were used only in rare or exceptional circumstances. Under this conception, most schools would be free most of the time, and only occasionally would specific schools be rendered unfree. Under the stronger interpretation of freedom as non-dependence, however, all schools would be unfree all of the time, because simply knowing that the power to close the school was located elsewhere would have a damaging effect on the psyche and morale of school staff and management.

Looking beyond the inconsistencies within the “centralizing” and “decentralizing” tendencies in the current government’s program, the notion of “dependency” also raises more profound questions about what seem to be inherent contradictions in the model of autonomous schooling. The interpretation of freedom and autonomy is clearly more complicated when applied at the level of the school (or other institution) than at the level of the individual, as it begs the question as to which agents or actors are deemed to be constrained and about the nature of their constraint: Does institutional autonomy apply to the school principal and her senior management team, to the governing body, or to teaching staff within the school? How does the autonomy of the principal fit with the autonomy of staff, parents, and pupils? Given that there will be constraints and pressures at every level, wherein does the “true” autonomy of the school lie?

To accord with any conception of institutional freedom and independence, autonomy must surely rest within the school at some level, and not at a higher managerial level. But this raises concerns about the emergence of a new organisational layer — a middle layer of management and decision-making — to fill the gap left by the retrenchment of local government control. In the English context, the rapid scale of reform means that burgeoning chains of academy providers are already taking the place of the local authority, with the prospect of new “super-chains” becoming responsible for hundreds of schools in coming years.<sup>21</sup> Perhaps, if the only kind of dependence that matters is dependence on the state, then “independence” is still thereby increased; arguably however the new arrangements are creating a new kind of dependency, which sits uncomfortably with the claims to be increasing school autonomy. There is, then, the worrying prospect of creating new fiefdoms, in which school principals actually have less control over key decisions (such as which curricular framework or scheme of work to follow, or the length of the school day) than before.

A final set of concerns relates to the difficulties of balancing freedom and autonomy for different actors or agents within the school. Tensions here are bound to arise, because in many cases the very constraints which are said to inhibit school freedom offer important protections and safeguards for staff or members of the wider community. Common standards or a national curricular framework, for example, may limit a school’s freedom to follow its own course; but these also provide the basic guarantee of consistency for students and parents, and a common set of benchmarks and criteria for evaluating “quality” in different settings. Meanwhile, “rigid” terms and conditions on staff pay and conditions (as negotiated with

teaching unions through central pay bargaining processes) may limit the freedom of school administrators to hire and fire, or to attract highly experienced teachers to schools with deprived intakes. However, as large-scale evaluations show, removing these safeguards can have repercussions for staff autonomy and morale, and for the quality of teaching and learning.<sup>22</sup> Defenders of school autonomy are able to point to specific examples of highly successful schools where the “freedom to develop a great team” (through relaxing timeframes and certification requirements for teacher recruitment, for example) and the “freedom to manage teachers as professionals” (through differential pay based on performance, for example) have broadened the range of recruits, boosted staff salaries, and improved student performance, and that report a high level of involvement in school decision-making.<sup>23</sup> But inevitably perhaps, the overall picture is one of wide variation in how freedoms are exercised and in their effects, including the level of autonomy devolved to all members of the school community.

#### CONCLUSION

The value of extending greater freedom and autonomy to schools is routinely invoked at a rhetorical level, regarded as both a good in itself and as the mechanism for achieving other valuable goals (particularly improvements in student outcomes). For all schools, there may well be value in reducing government regulation and streamlining prescription, providing that these are balanced with adequate safeguards and protections. What is distinctive about “autonomous” schools, such as charter schools and academy schools, is arguably the greater sense of control and self-direction that comes from independent self-governance, as opposed to the government merely refraining from interference.

But if “independence” is at the heart of autonomous schooling, then the logic of the reforms would point toward a more democratic model of governance for the new schools. To pass the freedom test implied by its own reforms, the UK Government would do well to pay closer interest to the size, scope, and composition of the academy trusts or sponsors to which it cedes control. Whereas the current academy program threatens to create a new set of fiefdoms, the principle of self-governance points instead toward a different model of autonomous schooling, established on more genuinely democratic lines, which extends the reach of “autonomy” beyond the school governors or school principal, and which offers a more democratic say in running the school.<sup>24</sup>

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1. Organisation for Economic Co-operation and Development (OECD), *Programme for International Student Assessment (PISA)* (Paris: OECD, 2008).

2. Under the terms of devolution, the UK Government based in Westminster retains control over English schools, while responsibility for schools in Wales, Scotland, and Northern Ireland is devolved to the relevant administration.

3. Michael Gove, *Speech to Policy Exchange on Free Schools* (London: Department of Education, June 2011), 1.

4. After only eighteen months under the new Coalition Government program, the number of academies had risen from 200 to over 1,000, which is approximately one-third of all secondary schools in England.

5. Free schools are all-ability state-funded schools set up in response to parental demand.



6. Gove, *Speech to Policy Exchange on Free Schools*, 1.
7. Fiona Millar and Melissa Benn, *A Comprehensive Future: Quality and Equality for All Our Children*, (London: Compass, 2006); and Jonathan Clifton and Rick Muir, *Room for Improvement: IPPR's Response to the Schools White Paper* (London: IPPR, 2010).
8. Stephen Machin, *The Effects of Moving to More Autonomous School Structures: Academy Schools and Their Introduction to English Education* (London: LSE Centre for Economics of Education, 2010), 6.
9. The findings of recent evaluations has been much contested, with recent small-scale evaluations of U.S. charter schools finding positive impacts, as compared to more mixed results from wider coverage evaluations. Center for Research on Education Outcomes (CREDO), *Multiple Choice: Charter Performance in Sixteen States* (Stanford, CA: Stanford University, 2009).
10. Nick Pearce, "Beyond Social Mobility," *Journal of Public Policy Research* 18, no. 1 (2011): 3–9.
11. Gerald MacCallum, "Negative and Positive Freedom," in *Philosophy, Politics and Society*, eds. Peter Laslett, W.G. Runciman, and Quentin Skinner (Oxford: Oxford University Press, 1972), 174–193.
12. Isaiah Berlin, *Four Essays in Liberty* (Oxford: Oxford University Press, 1969).
13. Ibid.
14. Quentin Skinner, "A Third Concept of Liberty," *Proceedings of the British Academy* 117 (2002): 237–268.
15. Ibid., 260.
16. Ibid., 258.
17. Ibid., 263.
18. As Skinner observes, whether one agrees that these are distinctive conceptions depends on one's sense of "what it means to possess a concept and how concepts are best individuated." See Skinner, "A Third Concept of Liberty."
19. For a critique of this type, which has been influential in informing the Coalition Government's decentralisation agenda, see Greg Clark, *Total Politics: Labour's Command State* (London: Conservative Policy Unit, 2003).
20. Clifton and Muir, *Room for Improvement*.
21. David Marley, "Academy Sponsor in Talks over 'Super-chain'," *Times Educational Supplement*, News Section, March 18, 2011.
22. Department for Children, Schools, and Families and PricewaterhouseCoopers, *Academies Evaluation: Fifth Annual Report* (Nottingham, UK: DCSF, 2008).
23. Joe Ableidinger and Bryan C. Hassel, *Free to Lead: Autonomy in Highly Successful Charter Schools* (National Alliance for Public Charter Schools, 2010), 3–5.
24. A more democratic model of schooling is exemplified by the original "free" schools set up in Massachusetts and New York in the 1960s and 1970s. See, for example, Daniel Greenberg, *A New Look at Learning: The Sudbury Valley School Experience* (Farmington, MA: Sudbury Valley Schools Press, 1987).