Freedom as Non-Domination, Standards and the Negotiated Curriculum

Dr Neil Hopkins

University of Bedfordshire
Neilhopkins22@btinternet.com
Introduction

The focus of this paper is the relationship between Philip Pettit’s theory of freedom as non-domination, educational standards and student involvement in the creation and maintainence of the curriculum (in terms of schools, colleges and universities). Joshua Cohen’s ‘ideal deliberative procedure’ (Matravers and Pike 2003: 342-360) is discussed in connection with these themes, particularly on the point of what is an effective or appropriate forum for deliberation between stakeholders on curriculum aims, resources and assessment.

The work of Philip Pettit, particularly in his books Republicanism: A Theory of Freedom and Government (1997) and On the People’s Terms (2012), has been highly influential in re-establishing a republican framework of liberty and justice based on freedom as non-domination. He has argued that much of the focus of political philosophy (at least in the Anglophone world) over the past few centuries has been on freedom as non-interference. Freedom as non-domination, in Pettit’s evocative phrase, is of ‘free persons [who] can walk tall, and look others in the eye. They do not depend on anyone’s grace or favour for being able to choose their mode of life’ (Pettit 2012: 82). I will be discussing Pettit’s ideas on freedom as non-domination in more detail in the section below.

Curriculum standards will be discussed in the paper, with particular emphasis on Pettit’s ideas on state imposition and the concept of ‘debating contestations’ (Pettit 1997: 182-190). I argue that the ongoing debate over standards in education is often based on a selective use of facts and information. The ability of citizens to contest state actions is one of Pettit’s criteria for a state’s democratic legitimacy. In England, the channels to contest changes in the government’s curriculum policy have been, during the past 20 years, limited in scope. This has led to criticisms that the curriculum is a ‘top down’ imposition by the state. Michael Reiss and John White (2013) have argued for an independent Curriculum Commission to oversee curriculum aims. If the make-up of such a Commission involves a variety of stakeholders (including students), this is a possible way forward in terms of facilitating debating contestations regarding the curriculum.

Pettit argues that ‘[p]arents and teachers [should] be allowed to exercise considerable interference in the lives of children’ (Pettit 1997: 119). This concept of interference becomes problematic when we consider Cohen’s emphasis on agents being ‘formally and substantively equal’ (Cohen in Matravers and Pike 2003: 347) within his ideal deliberative procedure. I will argue that the issue of necessary or legitimate interference by parents and teachers raises doubts on children being formatively or substantively equal in regards to curriculum discussions with adults. Where Cohen’s procedure has more resonance (regarding the issue of curriculum discussion and debate) is when he writes of participants being able to ‘recognize one another as having deliberative capacities … the capacities required for entering into a public exchange of reasons’ (Cohen in Matravers and Pike 2003: 346). Research carried out by Chris Jane Brough (2012), for example, has demonstrated how even very young children are able to engage in discussion on the issue of curriculum aims and objectives.

Pettit and Freedom as Non-Domination

Philip Pettit, as part of his wider exploration of a republican theory of philosophy and government, offers the concept of freedom as non-domination (sometimes referred to as ‘the republican conception of liberty’). He defines this in distinction to Isaiah
Berlin’s concepts of positive and negative liberty (made famous in Berlin’s book, *Two Concepts of Liberty* (1958)) where positive liberty is viewed as ‘freedom as self-mastery’ (Berlin 2002: 181) and negative liberty ‘consists in the … goal of warding off interference’ (Berlin 2002: 174). According to Pettit, freedom as non-domination fits into neither of Berlin’s classic categories of positive and negative liberty, categories that Pettit believes ‘[have] served us ill in political thought’ (Pettit 1997: 18). Pettit claims that freedom as non-domination is not a form of positive liberty (in Berlin’s terms) because

while the republican tradition places a recurrent, if not unfailing, emphasis on the importance of democratic participation, the primary focus is clearly on avoiding the evils associated with interference (Pettit 1997: 27).

Unlike certain thinkers in the tradition of positive liberty (Rousseau, for example), Pettit does not make democratic or civic participation essential to his concept of freedom as non-domination. It would be possible to be free, in Pettit’s terms, without participating in political affairs (as long as the abstention was not itself the result of domination by others). As Pettit states:

Democratic control is certainly important in the [republican] tradition, but its importance comes, not from any definitional connection with liberty, but from the fact that it means a furthering of liberty (Pettit 1997: 30).

Pettit’s main concern, however, is with negative liberty or freedom as non-interference. According to him, freedom as non-interference has become the dominant theory (at least in the English-speaking world). This is due, primarily, to the influence of Bentham, Paley and other Utilitarian thinkers together with the growth of the electoral franchise in the United Kingdom (and elsewhere). According to Pettit, ‘as these thinkers enlarged …. their concern to include more and more people as citizens, it must have seemed less and less realistic to stick with the rich old ideal of freedom as non-domination’ (Pettit 1997: 49).

Freedom as non-interference is less demanding and potentially more compromising of a person’s liberty, in Pettit’s view. He gives the example of the benign despot who is willing is allow subjects to go about their business without interference. In terms of freedom as non-interference, these subjects are therefore free (there is no interference taking place). However, from the perspective of freedom as non-domination, this lack of interference is subject to the despot’s whim or inclination (she or he could potentially intervene in the subjects’ affairs at any time). According to Pettit, the subjects are therefore dominated even when they are not interfered with – the subjects have no control or say in the coercive powers above them (Pettit 1997: 63-64). I am in agreement with Pettit that freedom as non-domination is a more demanding version of liberty because of the emphasis it places on the element of contestation regarding a state’s coercive powers (Pettit 1997: 62). It is not sufficient to view liberty through the lens of not being interfered with and freedom as non-interference does not offer a sufficiently robust defence of personal liberties in relation to the state’s coercive powers (which are inevitable and omnipresent for any contemporary state to function adequately). Pettit’s concept of debating contestations as a means for citizens to challenge the state’s coercive powers will be discussed in the next section (in relation to the curriculum and standards). On Pettit’s terms, the state’s coercive powers are used legitimately (and support freedom as non-domination) when there are opportunities for citizens to contest the state’s viewpoint at each stage of legislation and policy.
Freedom as Non-Domination, the Curriculum and Standards

One area where freedom as non-domination links particularly well to debates in the curriculum is over the question of ‘standards’. Over the past several decades, there has been an increasing trend in Western Europe and North America (in particular) towards state-devised national curricula, often linked to assessment focused on tests that level or grade. This trend has often restricted the room schools have for innovative and developmental approaches to the curriculum. The increasing practice of measuring schools and colleges by a system of league tables (in the name of public accountability and transparency) has, it could be argued, reinforced the pressure on educational institutions to ‘teach to the test’ and avoid experimentation (as league tables are frequently based on national test results and related data) (Lingard in Wyse et al. 2013).

For secondary schools in England, the use of General Certificate of Secondary Education (GSCE) results as a significant aspect of national league tables has meant that schools and colleges are frequently under pressure to gain as many grade A*-Cs as possible to boost a particular institution’s score and position (vis-à-vis ‘competing’ schools and colleges). This is at the potential expense of exploring the wider themes or issues within the curriculum that go beyond the narrow parameters of exam syllabuses and set texts. The increasing emphasis by the present Conservative/Liberal Democrat coalition government on the OECD’s Programme for International Student Assessment (PISA) tests can be seen as an extension of this process – the assessment (by examination) of 15 year old students on a narrow set of skills in reading, mathematics and science. The present administration is explicit in the links it makes between curriculum reforms and performance in international educational tests such as PISA (Department for Education 2010: 8, 46-47).

In terms of freedom as non-domination, we have already seen that the state’s coercive powers can be justified if it open to challenge by those who are affected by such powers (Pettit 1997: 62). How might this concept apply to the discussion over state-controlled curricula and the issue of ‘standards’? Can the imposition of a state-controlled curriculum (and the ‘standards’ associated with it) be seen as a form of domination in Pettit’s sense of the word? This will depend on the types of debate envisaged in this situation. Pettit distinguishes between bargaining contestations and debating contestations. He favours debating contestations because ‘bargaining contestations … are only available to those who have sufficient negotiating power to be able to threaten other parties effectively’ (Pettit 1997: 187). In other words, bargaining contestations are usually only between agencies of relatively equal power (a discussion between a government department and a multi-national company over the siting of a car manufacturing plant might be one such example). Debating contestations, on the other hand, ‘are open to anyone who can make a plausible case against the line of public decision-making’ (Pettit 1997: 187). The process of a debating contestation would mean that at every site of decision-making … there are procedures in place which identify the considerations relevant to the decision … enabling citizens to raise questions as to whether they are the appropriate considerations to play that role (Pettit 1997: 187).

Debating contestations differ from bargaining contestations in terms of the focus of debate. The former essentially facilitates and frames challenges within the public

---

1 It will be interesting to see how the recent movement towards academies and ‘free’ schools in England challenges or reinforces this contention.
sphere rather than a closed discussion between (potentially antagonistic) vested interests.

The question concerning the issue of the curriculum, standards and freedom as non-domination is whether there are such procedures in place for interested parties and citizens to raise questions and concerns regarding its control. Most (perhaps all) governments that call themselves democratic are likely to argue that public consultation is an integral aspect of any changes or modifications of school and college curricula over which they have jurisdiction. However, on the issue of standards and the curriculum (in England at least), many critics have argued that there has been insufficient consultation. Dominic Wyse, for example, has stated: ‘We need to move away from the idea that there is no alternative to the kind of top-down approach that has been a feature of education in England since 1988’ (Wyse 2008: 80).

An alternative to such a ‘top-down’ approach is offered by Michael Reiss and John White. They have proposed (as an means of lessening government control of the school curriculum) the idea of a Commission that would oversee curriculum aims every five years and would be independent of the government of the time:

‘It [The Commission] should see the aims, deriving as they do from the principles by which we live as a democratic people, as something like part of our (unwritten) constitution. Like other parts of this, an independent judiciary, for instance, our national aims need protection from arbitrary executive power (Reiss and White 2013: 72).

In a move similar to the current Conservative/Liberal Democrat Coalition’s advocacy of academies and ‘free’ schools, Reiss and White suggest a non-statutory curriculum but schools would be expected to justify any deviation from the broad-based aims outlined by the Commission (Reiss and White 2013: 70-74).

This proposal has the attraction of avoiding too much government control over the curriculum but it would depend on the membership and remit of such a commission whether it could itself be potentially vulnerable to the charge of ‘top-down’ domination. I have argued in a recent paper (Hopkins 2014) that the concept of stakeholders is important in any discussion of a curriculum that genuinely encompasses the thoughts and attitudes of those with a vested interest in a specific programme of education. Reiss and White’s Commission could be constituted in such a way that the various stakeholder representatives were involved (including school, college and university students). On a local level, the authors state:

‘the more room there is for collective thinking across the school staff about how to embed these aims in the school’s daily practices, the more able the school is to keep to its core purposes (Reiss and White 2013: 77-78).

I would argue that such collective thinking on local curriculum aims needs to extend beyond the boundaries of the staff room and include other local stakeholders (in the same way as I have argued about the make up of the Commission immediately above). What happens nationally could also happen locally in terms of consultation and discussion.

Is a contestable curriculum a good thing? Could it be vulnerable to the accusation that contestation leads to confusion and the compromising of those standards many governments regard as vital to a functioning state education system? Reiss and
White’s proposal has the potential advantage of facilitating a range of educational voices. The Commission would have to be open and transparent enough to ensure there are procedures in place which identify the consideration relevant to the decision, thereby enabling citizens to raise questions … it would mean there are procedures in place which enable citizens to make a judgment on whether the relevant decisions actually determine the outcome: the decisions must be made under transparency, under threat of scrutiny, under freedom of information, and so on (Pettit 1997: 187).

One of the main complaints made against governments of whichever colour (in England, at least) concerns the selectivity of facts often presented to justify curriculum changes. It is often the very selectivity of facts on which a set of educational standards are based (and the lack of procedures or processes in place to challenge such standards) that leaves the various government initiatives on the curriculum vulnerable to the charge of the illegitimate use of coercive powers (on Pettit’s terms). It could be argued that there are few channels open for citizens to initiate or involve themselves in the debating contestations that Pettit describes. It is, however, also important to state that various governments have often sought professional and public views before introducing curriculum changes and that the level of participation by the public in such consultations is often very low. This conundrum has to be faced by any advocate of greater participation in discussions on the curriculum. Without sufficient levels of public interest and participation, any proposal is likely to fail in its efforts to encompass different voices on the issues of curriculum control and content.

Standards in education are themselves contestable and the transparency Pettit argues for could, at least, clarify the terms of debate between the many vested interests over what constitutes a worthwhile curriculum. Reiss and White’s proposed Commission might be an appropriate forum for such debates.

Children, the Basic Liberties and Deliberation of the Curriculum

The inclusion of school, college and university students (as representatives in discussions over what constitutes a given curriculum) is central to the links made in this paper between the issue of curriculum control and Pettit’s concept of freedom as non-domination. Pettit has argued that

- children in … society [should] each have access to the sort of education necessary to … give them a full sense of the rights and responsibilities of citizenship and … to let them see how bad it is for anyone to suffer domination in the sphere of the basic liberties (Pettit 2012: 110).

Pettit defines the basic liberties in terms of two criteria linked to individual and collective choices:

- First, the choices to be entrenched ought to be capable of being exercised by each, consistently with being exercised by all. And second, they ought to be capable of satisfying or fulfilling each, consistently with satisfying all … I call the first the criterion of co-exercisability and the second the criterion of co-satisfaction (Pettit 2012: 93).

The basic liberties are connected (in Pettit’s definition) to his view of civic virtue which ‘make[s] possible the pursuit of different visions of the good life and not to define the human good itself’ (Larmore 2001: 233). This accords, in the sense of
citizens having different conceptions of the good, with Rawls’s definition of the basic liberties as ‘specified by institutional rights and duties that entitle citizens to do various things, if they wish, and that forbid others to interfere’ (Rawls 2005: 325). Where Pettit differs from Rawls is in the emphasis Rawls places on the removal of interference to ensure personal liberty – as I have shown above, Pettit contrasts freedom as non-interference with freedom as non-domination, arguing that non-interference can still contain aspects of domination (in some circumstances, a person could be given free choice by a benign authority but this freedom to choose is reliant upon the authority remaining benign towards the agent). It could be argued that Pettit’s framing of the basic liberties within the wider republican frame of freedom as non-domination puts those liberties on a more secure footing (if his criticisms of freedom as non-interference are seen as valid or credible).

So how does this discussion inform debate around ownership of the curriculum? I want to return to the point above about a curriculum being the subject of negotiation between various stakeholders (name deleted to maintain the integrity of the review process). It is highly likely that the parties involved will have different perspectives and agendas regarding what constitute an effective or worthwhile curriculum. In this sense, it is possible that different stakeholders will have different conceptions of the good on what are the right ends or goals for education (or, even, what education or ‘being educated’ actually means). It is important, if the discussion is to be a genuine dialogue between the parties, that no one representative or faction dominates the terms of the debate or the discussion that follows.

Joshua Cohen’s model of the ‘ideal deliberative procedure’ (as a form of deliberative democracy) is instructive here. Cohen’s procedure (Cohen in Matravers and Pike 2003: 348) encapsulates three key concepts of deliberation: that it is free, reasoned and equal. According to Cohen, deliberation is free in the sense that ‘consideration of proposals is not constrained by the authority of prior norms or requirements’. It is reasoned because agents ‘give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal’. The deliberative procedure is equal in that ‘[e]veryone with the deliberative capacities has equal standing at each stage of the deliberative process’ (Cohen in Matravers and Pike 2003: 348). There are some clear connections between Cohen’s ideal deliberative procedure and Pettit’s freedom as non-domination. Cohen’s contention that debate needs to be reasoned (in the sense that an agent cannot use her or his sense of power to override the terms of the discussion) has affinities with Pettit’s description of the liber or free person as someone who

enjoyed sufficient power and protection in the sphere of the basic liberties to be able to walk tall amongst others and look any in the eye without reason for fear or deference (Pettit 2012: 7-8).

It is possible to envisage a situation where debate over the curriculum is conducted in the manner Cohen has stipulated. If the different stakeholder views are to be given equal or similar weight, then a mechanism like Cohen’s ideal deliberative procedure is needed to ensure some interests are not given priority over others (Reiss and White’s Curriculum Commission might be good example of Cohen’s procedure in action).

Where Cohen’s procedure might prove problematic (in terms of debate over the curriculum) is in relation Pettit’s contention regarding children and freedom as non-domination. Pettit writes:

The republican point-of-view would suggest that children should enjoy the
standard of intensity of non-domination, in the sense of being protected as well as anybody else against arbitrary power. The disciplines of education and child-rearing would reduce the areas of choice that are open to children, but such reductions in the extent of undominated choice, necessary though they are, would not legitimate any compromise in the intensity of the children’s non-domination (Pettit 1997: 119).

Does Pettit’s belief in the reduction of choice for children and young people compromise both Cohen’s advocacy of equality in the deliberating forum and my attempt to link freedom as non-domination to discussion of the curriculum? On the surface, at least, it would appear so. Certainly, the reduction of choice for children would conflict with Cohen’s view that proposals should not be constrained by ‘the authority of prior norms’. This curtailing of choice could have a significant effect on the ability of children, as stakeholders, to voice their attitudes, ideas and concerns regarding the programme of study under discussion.

One possible solution to this difficulty is Pettit’s justification for the reduction of undominated choice for children. We can think of situations where it might be appropriate to restrict children’s choices (the ability to vote, go to war or get married might be useful examples, although restrictions on these have been challenged or dismissed by various cultures over the centuries). Pettit has argued, as part of his theory of freedom as non-domination, that

[parents and teachers would be allowed to exercise considerable interference in the lives of children … but the interference would be designed to track the children’s interests according to standard ideas, and it would not constitute a form of domination (Pettit 1997: 119).]

So, according to Pettit, domination does not occur when children’s interests are interfered with in the ‘right’ way, in terms of children’s interests and standard ideas. This argument is based on the view of children as legal minors – they are assigned care and protection according to laws such as the Children’s Act (2004), for example. Pettit states:

The republican point of view would suggest that children should enjoy the standard intensity of non-domination, in the sense of being protected as well as anybody against arbitrary power. The disciplines of education and child-rearing would reduce the areas of choice that are open to children, but such reductions … would not legitimate any compromise in the intensity of the children’s non-domination (Pettit 1997: 119).

The reduction of choice for children does not constitute domination, according to Pettit, because parents and teachers are subject to constraints and sanctions that should assure, at least ideally, two things: ‘they will seek to advance the relevant interests of the children … and they will seek to promote those interests by non-idsyncratic lights’ (Pettit 1997: 119). Interference is thus legitimated as long as children’s interests are pursued according to appropriate means.

So how do Pettit’s views on children, choice and non-domination fit with Cohen’s ideal deliberative procedure (from the perspective of curriculum discussion)? Cohen argues that deliberation needs to be between ‘parties [that] are both formally and substantively equal’ (Cohen in Matravers and Pike 2003: 347) (emphasis in the original). Clearly, the idea of parents and teachers being able to exert ‘considerable interference’ (Pettit 1997: 119) in the lives of children does not sit easily with Cohen’s emphasis on formal and substantive equality. The inequality of relations between
teachers and students is, perhaps, inevitable (at least in terms of compulsory schooling). From a legal point of view, teachers are acting *in loco parentis* and this is likely to affect power relations in any discussion (deliberative or otherwise).

Where Cohen’s ideas might have more resonance is in his view that members of the ideal deliberative procedure ‘recognize one another as having deliberative capacities … the capacities required for entering into a public exchange of reasons’ (Cohen in Matravers and Pike 2003: 346). Students who are very young are likely to find the formal processes of deliberation confusing and intimidating. However, research by Chris Jane Brough has demonstrated that children as young as five years old were able to engage in discussion over curriculum aims and objectives (Brough 2012). Brough, in the context of primary schools, writes of ‘themes and planning to be collaboratively constructed with students’ (Brough 2012: 347). Whilst it is very difficult to envisage primary school students (for example) participating in highly formal, round table discussions on the curriculum with other stakeholders, Brough, Flutter (2007) and other writers have offered situations (usually classroom based or in more informal settings) where students are able to articulate their ideas and concerns over the school curriculum as partners with teachers and others. If students are given the appropriate space or forum in which to think and express their views on the curriculum, then it is possible that their basic liberties (as part of freedom as non-domination) can be protected and safeguarded.

From another perspective, Jacques Rancière has challenged the very notion of expertise regarding children, education and discussion. In *The Ignorant Schoolmaster*, Rancière argues that, in traditional education, ‘[u]nderstanding is never more than translating, that is, giving the equivalent of a text, but in no way its reason’ (Rancière 1991: 9). The issue of control in education (particularly the control of knowledge and its transmission) is made deeply problematic – for, as Rancière admits, ‘[t]here is no one on earth who hasn’t learned something by himself [sic] and without a master explicator’ (Rancière 1991: 16). The idea of expertise in the fields of instruction and discussion is challenged. In Rancière’s radical interpretation, ‘*all men [sic] have equal intelligence*’ [emphasis in the original] (Rancière 1991: 18). This notion of equal intelligence and the challenging of conventional notions of education and expertise have implications regarding deliberation between children and adults on the issue of the curriculum. If we accept Rancière’s interpretation, then there is no credible hierarchy between students and teachers on the basis of knowledge, intelligence or understanding – in this sense, all have essentially equal authority in any discussion of the curriculum. Regarding the subject of the negotiated curriculum and freedom as non-domination, Rancière’s emphasis on equal intelligence connects with Cohen’s belief that ‘parties should be formally and substantively equal’ (Cohen in Matravers and Pike 2003: 347) in any deliberation, and Pettit’s view that freedom as non-domination is, at a fundamental level, about

*free persons [being able] to walk tall, and look others in the eye. They do not depend on anyone’s grace or favour for being able to choose their mode of life* (Pettit 2012: 82).

**Conclusion**

This paper has endeavored to explore the links between Pettit’s theory of freedom as non-domination and the issues of educational standards and the negotiated curriculum. Pettit places high standards on personal freedom, critiquing the pre-eminence of freedom as non-interference in the liberal and utilitarian traditions. Linked closely to freedom as non-domination is the idea of the democratic legitimacy of the state. Pettit argues that the coercive measures undertaken by a democratic
state are likely to uphold his concept of freedom as non-domination if citizens are able to participate in what Pettit describes as a debating contestation with the state and other agencies on issues like the curriculum. The practice of various governments in England over recent decades is debateable with regards to facilitating such a debating contestation with other stakeholders on the curriculum. The issue of educational standards (in terms of a curriculum aligned to national levels, tests and benchmarks) has led to criticisms by many in the educational field of a lack of consultation and discussion regarding curriculum aims, resources and assessment. Such practices leave governments vulnerable to the charge of a lack of legitimacy in the coercive powers being used in the drive to set and maintain ‘standards’. Reiss and White’s suggestion of an independent Commission on the curriculum offers a feasible alternative to the prevailing trends, especially if the Commission is genuinely representative of the various stakeholders interested in the curriculum and could provide a forum for debating contestations to take place.

This paper has suggested Joshua Cohen’s ideal deliberative procedure as a possible mechanism to facilitate debating contestations on the curriculum (in a commission or elsewhere). Cohen is careful in his stipulation that all parties in the ideal deliberative procedure are ‘formally and substantively equal’ (Cohen in Matravers and Pike 2003: 347). This presents difficulties when analysed alongside Pettit’s concept of freedom as non-domination because Pettit identifies the necessity of ‘considerable interference’ (Pettit 1997: 119) by parents and teachers in the lives of children in order to protect the children’s interests. Because of this, children cannot be formally or substantively equal with adults in any forum where such interference takes place. However, another aspect of Cohen’s ideal deliberative procedure, the recognition of deliberative capacities in others, can be facilitated as part of a discussion between stakeholders (including children) on the issue of the curriculum. The work of Chris Jane Brough (2012) demonstrates how such discussions can take place with even very young children, whilst Jacques Rancière’s challenging of hierarchy in terms of knowledge, understanding and expertise regarding discussion of education enables children to be seen, at certain levels, as agents having equal authority with adults, an essential component of both Cohen’s and Pettit’s ideas.

References


Department for Education (2010), The Importance of Teaching, London: DfE.


