

## The Complex Ethics of Separate Schools

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Stacy Smith develops her argument for separate schools by taking on a massively influential conception of moral reasoning that denies the legitimacy of such institutions. I think her arguments have important implications for race- and gender-based claims to separate schools, and I would like to begin to raise some of these implications in my comments today.<sup>1</sup> However, I think the story of how features of cultural identity such as these can count as legitimate grounds for separate schooling is somewhat more intricate and complex than the one Smith tells, or can tell in a short paper.

It is worth highlighting at the outset a distinction, implicit in Smith's argument, between the moral and psychological dimensions of personal identity. Smith argues that characteristics such as gender and race are both morally valuable and psychologically fundamental and ineliminable aspects of the moral identity of individuals. However, she argues, the view of moral reasoning represented by John Rawls's celebrated theory of justice, and by those like Susan Moller Okin who have attempted to revise and adapt Rawls's theory to suit ends that Rawls himself ignores, misguidedly denies both of these claims. Briefly put, the Rawlsian model of reasoning requires us to ignore our differences while we reason about public issues of justice; and Rawls thinks that moral education can inculcate a capacity for moral imagination that enables us to do so; Okin requires that citizens be devoid of any substantial differences and says that just social and educational institutions can make us that way.<sup>2</sup> Smith challenges each of the particular substantive conceptions of moral reasoning advanced by Rawls and Okin by attacking two more general assumptions that undergird both conceptions. In short, she argues that conceptions of moral reasoning that require us to transcend or eliminate features of identity such as race or gender are 1) morally misguided, and 2) psychologically impossible.

Both sides of Smith's claim might be challenged by unsympathetic critics. I am not such a critic, but there is something to learn from imagining the objections they might press. Communitarians, for example, might argue for a conception of social justice, and a corresponding conception of civic education, rooted in civic friendship based on a common moral tradition.<sup>3</sup> Along these lines, a strong communitarian conception of justice with Platonic sympathies might advocate collective social and educational institutions designed, in part, to eradicate gender differences, or to enable individuals to transcend them in their deliberations about justice. Smith does not consider such a view; but she must reject it because she thinks that "just institutions will not eradicate gender difference." One way of interpreting her point here is by contrasting it with the claim that "unjust institutions *might* eliminate gender difference if they were allowed to flourish"; Smith's response to the Platonic view would have to be that it is morally wrong because it requires unjust institutions. Interpreted in this way, Smith's point is that eradicating difference and creating

morally similar human beings is possible as a matter of psychological fact (indeed, that this is the danger of at least some unjust institutions, namely Platonic ones). Nevertheless, on this interpretation, she must also be saying that just institutions *will* not eradicate difference to the extent that they are true to their normative principles. But to this the communitarian might respond, “It depends on your conception of justice.” According to the Platonic communitarian view, just institutions *might*, as a matter of fact, be capable of eradicating gender difference and should strive to do so. My point here is that Smith’s moral claim depends on her rejection of a certain morally contestable conception of justice; it also depends on a rejection of certain unconventional (but again, contestable) views about schooling, for example those that would eliminate or severely circumscribe the role of nuclear families in the education of children.

This brings us to the psychological aspect of Smith’s claim — that achieving moral similitude is impossible, and that gender and racial differences cannot be transcended or eliminated through socialization. I think this claim is potentially dangerously misleading, even if it is not altogether mistaken. Of course, even if differences are impossible to eradicate in fact, there may be grievous dangers to educational institutions that misguidedly attempt to do so. But educational institutions sometimes do threaten to contribute to the eradication of cultural identities, even in the sort of non-Platonic society we actually inhabit. Furthermore, the demands by many groups for separate educational institutions — for example ethnic groups in Canada for cultural “heritage” schools or classes, and First Nations/American Indian groups for a right to national self-determination in education — is in part a response to a very real threat to the very existence of their cultural identity. Of course, the identity of women and blacks are not (currently) threatened in this sense. But this does not mean that such identities might not *become* threatened in the future, or that such differences might become much more superficial and thin than they are now. It’s even possible that a system of liberal justice which allows race and gender to count as legitimate grounds for separate schools might, intentionally or otherwise, contribute to such a process.

Acknowledging this psychological point enables us to return to Smith’s moral claim — that it is undesirable to eliminate gender and race as features of moral identity. One might agree that a conception of moral reasoning that requires educational and social practices designed to eliminate or privatize difference, such as those advocated by Rawls and Okin, are undesirable. Nevertheless, even social and educational institutions organized according to race and gender, as Smith (and I) would endorse, might function in ways that foster the gradual corrosion of identity. This function might be intentional, or it might be an unintended, and even undesired side effect of separate schooling. First, let’s look at why we might want to intentionally eliminate or corrode some forms of identity. Some conceptions of justice, such as Iris Marion Young’s, can be construed as endorsing the “indiscriminate embrace of difference and diversity because they are based on a conception of politics that does not, in Young’s words “devalue or exclude any particular way of life.”<sup>24</sup> Smith does not wish to follow this route because, although she regards gender

and culture as valuable moral characteristics, she does not wish to glorify romanticized, patriarchal notions of femininity and womanhood (or, presumably, romanticized, oppressive notions of race). But this is precisely what Young's all inclusive conception of justice would require.<sup>5</sup> Young's view would also have to allow public schools that aim to reinforce patriarchal, oppressive forms of gender identity. This is something Smith does not wish to endorse. Some forms of identity *are* oppressive, including some forms of racial and gendered identities. And even if we agree that race and gender can count as legitimate grounds for association in the public sphere, their legitimacy does not extend to the right of groups to impose such identities on individual members through public schooling.

For example, as Kal Alston writes, one worry about black male schools (a worry that is felt not the least by black women) is that "there will be a univocal construction of black maleness into which the participants will be inducted — without any reassurance that the construction will allow for different approaches and embodiments of this "new" cultural stance — towards maleness, manhood, and women."<sup>6</sup> The danger is not different in the case of race. Thus, a liberal state might allow race to count as a legitimate ground for separate schools without endorsing the aim of perpetuating existing identities. But the fact that race and gender count in our deliberations does not necessarily imply anything about our view about the role of such schools in perpetuating racial and gendered identities. We may wish such schools to increase achievement for black males while also discouraging certain understandings of racial and gender identity and while also encouraging new ones. Liberalism will require that such schools enable children to develop the capacity to evaluate, revise and even reject their existing racial and gender identities. Of course, even measures designed to discourage the perpetuation of existing identities and develop the capacity for identity revision need not eliminate those identities altogether. Nor, however, can the continued existence of those identities be guaranteed.

To be sure, as Smith points out, racial and gender identities need not remain "oppressive" and degraded even if they were generated under such conditions. Cultural identities may take on a life of their own; but it is also possible that, en route, they might gradually die out or come to play an increasingly more superficial role in our lives. Even separate schools designed according to the criteria of race and/or gender might unintentionally, and without desiring to do so, contribute to such a process. The path towards cultural decline might be easier to take for members of currently oppressed cultures if oppressive conditions are removed and more just ones created. This might perhaps be made even more likely if separate schools were to become willingly and enthusiastically endorsed as legitimate by the majority, accompanied by the provision of long term social and economic equality for racial, ethnic, national minorities and women. Yet Smith's own conception of justice requires such measures, and it is plausible to argue that these measures could function to eliminate, or severely corrode, some forms of difference that currently occupy a fundamental role in individual identity. I do not see why features such as gender and race, akin as they are to cultural forms of difference, are immune to such forces. To be clear, I agree with Smith that gender and race are indeed fundamental

aspects of our identity; certainly they are and will probably remain far more fundamental than eye color or the length of one's toes for example. But I have tried to raise serious doubts about how far we should take the claim that such features are, as a matter of psychological fact, *impossible* to eradicate. I have also questioned whether it is necessarily desirable to avoid seeking, or always possible to avoid causing, their elimination.

My concerns about the moral and psychological aspects of Smith's argument are rooted in a fundamental insight that is central to Smith's own argument. That point, as I understand it, is quintessentially Rawlsian in spirit even as it is critical of the letter of Rawls's view: the point is that our reasons for justifying separate schools should not be determined wholly by our (supposed) commitment to a prior conception of abstract moral reasoning (although we need to have such a conception); the conception of moral reasoning should also be evaluated by the reasons it allows us to see as relevant for justifying separate schools. We need a kind of reflective equilibrium here. So if Rawls's conception of moral reasoning disallows us from *ever* taking gender and race into account in our deliberations about justice, then it is the conception of moral reasoning that should be modified and not (necessarily) our common sense judgments about race and gender. I have argued that the conception of moral reasoning Smith endorses must account for a complex moral psychology that views cultural identity as transitive, but also fundamental and deep. This conception of moral reasoning says that cultural decline and extinction is possible, and sometimes desirable. But the claim that identities are permanent and ineradicable threatens to neglect the significance of this point; in short, it threatens to neglect the complex reasons we have for justifying separate schools.

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1. Her argument has implications for other culture based claims to separate schooling, although I cannot deal with them here — for example those of the deaf, aboriginal peoples, and gays and lesbians. For a discussion of claims by such groups to publicly funded separate schools see the final chapter of my "Minority Rights, Liberal Autonomy and North American Indian Schools," (Ph.D. diss., University of Illinois, 1994).

2. In *Justice, Gender and the Family* (New York: Basic Books, 1989), 171, Okin expresses this idea as follows: "A just future would be one without gender. In its social structures and practices, one's sex would have no more relevance than one's eye color or the length of one's toes."

3. The notion of justice as internal to moral traditions is, of course, Alasdair MacIntyre's in *Whose Justice? Which Rationality?* (South Bend, IN: Notre Dame University Press, 1988).

4. Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 37.

5. Of course, as Stephen Macedo points out, Young's view has only the appearance of all inclusiveness. She would surely reject the inclusion of patriarchy as would Smith and I. See Macedo, "Liberal Civic Education and Religious Fundamentalism: The Case of God vs. John Rawls?" *Ethics* 105 (April 1995): 469. My point is that Young's claim that justice should be all inclusive does not entitle her to do so.

6. Kal Alston, "Community Politics and the Education of African American Males: Whose Life is it Anyway?" in *New Politics of Race and Class*, ed. C. Marshall (London: Falmer, 1993), 124.