

INTRODUCTION: EDUCATIONAL REFORM LEGISLATION IN A CHANGING SOCIETY

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On 9 August 1870, the Elementary Education Act of 1870 received Royal Assent. 2020 has proven to be a most unhappy anniversary, the 150th, or sesquicentenary, during which the education system built up over that time has struggled to maintain school attendance for most pupils due to the corona virus pandemic. Many of the most vulnerable children in society have struggled to regain access to full time schooling or education; the gaps in provision that the 1870 Act sought to fill have returned with a vengeance.

How very different was the prevailing mood of celebration at the centenary of the Act in 1970. The *British Journal of Educational Studies* produced a special centenary issue on the 1870 Act, highlighting its contribution to establishing the foundations of modern schooling in Britain (*BJES* 1970). The historian Harold Dent could emphasise the 'enormous advances' that the education system had made, even if the country was still not yet covered with good schools as the initial legislation had proposed (Dent 1971, p. 137). Much attention was given at this time to the key educational legislation that had built on the 1870 Act during the twentieth century to create an imposing edifice (McCulloch 2019a). Such work tended to interpret educational change in terms of gradual progress towards an improved national educational system, and highlighted the role of leading politicians and policy makers and of national issues around politics and religion (McCulloch 2019b).

Over the past fifty years, less work has been published on educational reform legislation, and yet it has continued to provide the framework and to set the limits and conditions on educational change. In England and Wales, State-funded

schooling might be said to have gone through three phases of development in terms of how much control was exerted by state mechanisms, once provision had become broadly differentiated between the 'public' and the 'private' (see e.g. Aldrich 2004; Lowe 2020). In the first, from the Elementary Education Act of 1870 until the end of the First World War, the education department sought to maintain close control over elementary schools provided for the mass of the population, while private schools including the elite 'public' schools of Victorian England jealously preserved a tradition of independence and freedom. In the first half of the twentieth century, and especially from the 1920s, the central department loosened the reins of control over the maintained sector, now including secondary education, while the private sector continued to guard its own liberties. Since the 1970s, the central state has steadily extended its powers in the maintained sector of schooling as well as in higher education, with the tradition of freedom still uppermost in the private sector while a number of initiatives have sought to bring the public and private sectors together (McCulloch 2004).

In Scotland, on the other hand, there was a distinct set of key educational legislation that provided the basis for a different system. Scottish reform legislation tended to be introduced soon after that of England, while debates in one nation often influenced the other. For example, the Education (Scotland) Act of 1872 followed closely upon the 1870 Act. As James Scotland has pointed out, it owed little to the earlier measure and differed substantially from it, although 'the same fundamental need brought both into existence – to impose order on chaos, to create an education system' (Scotland 1972, p. 121). The Education (Scotland) Act of 1918 was a tentative pioneer of equality of opportunity, and thus has been equated in retrospect with the Education Act of 1944 rather than with the English and Welsh Act of 1918

(Paterson 2018, p. 402). Educational reform legislation in Northern Ireland has also developed on separate lines, with some similarities as well as differences, when compared with other parts of the UK (McKeown and Connolly 1992).

Legislation could be used to lay out a general framework rather than to prescribe every detail. For example, the 1944 Education Act contained only 122 sections and confined itself to providing an overall scheme. The Act did not prescribe three types of secondary school, even though this was the preference of the Ministry of Education itself. It was at the local level that questions about types of schools, and practical issues of accommodation, staffing and organisation, were then confronted (McCulloch 1994, chapter 10). This provision built in an element of flexibility and a capacity to adapt to later demands without the need for further legislation. Thus it was that in the 1960s, when LEAs were requested to move towards comprehensive reorganisation under a new national policy, it was not necessary to introduce a new Education Act (DES 1965; McCulloch 2016).

Other ways of supplementing, reinforcing and further developing the guidance provided by legislation have included the issue of 'Circulars' to local education authorities, official reports on key issues, regular school inspections and the examinations regime. Particular individuals have also been important in interpreting and mediating legislative provision for schools and localities. The media, whether in the form of newspapers and magazines, or radio and television, or most recently through the digital revolution, including social media, have increasingly provided a means of influencing public opinion on educational issues, and supporting particular kinds of change.

In this context, educational reform legislation may be best considered not from the top down, through the eyes of politicians and policy makers at a national level, but in relation to wider educational issues in a changing society. Law itself is part of the fabric of society, deeply embedded in it, rather than a set of stone tablets laid down from above (see e.g. Sugarman 1996; Mather 2018). The history of educational reform legislation has come to be treated, in the UK at least, as somehow separate from the social history of education, and yet should be treated as an integral part of it. This was the premiss of the Society for Educational Studies annual colloquium held at Oriel College Oxford in September 2019 which explored this theme, and of the anniversary grants for small projects which accompanied it.

The current special issue includes eight articles that address this relationship between education reform legislation and the changing society over the longer term since the Elementary Education Act of 1870. The first two papers consider different aspects of the 1870 Act itself. Gary McCulloch examines the provisions for compulsory school attendance and compares these with those in subsequent legislation and those in other countries, and identifies an underlying ambiguity in the idea and practice of 'compulsory schooling' that has persisted into the twenty-first century. Parker, Allen and and Freathy discuss the contribution of the Church of England to the 1870 Act, and the continuing influence of the Church of England in educational issues well into the following century.. Anne West turns her attention to legislation provision for pre-school education over the course of the twentieth century, and examines the shift that took place from nursery education for poor children to universal early childhood education. Green, Laqua and Brewis discuss a neglected initiative in higher education following the First World War and the 1918 Education Act, that of the Scheme for the Higher Education of Ex-Servicemen. Like

Green et al, Kerstin Olsson Rost highlights the relationship between national educational provision and local activity, in this case with a case study of Anglesey in Wales and its pioneering support for comprehensive education. Lottie Hoare then addresses the developing relationship between the media and the growth of secondary education, focusing on the role of Roger Noel Armfelt. Jane Martin also takes a biographical approach, demonstrating how the activities of Caroline Benn in the 1960s and 1970s further shaped comprehensive education at a school and local level, and helped to reduce the necessity for further legislation. Finally, Julia Horne examines the nature of the 1988 Dawkins reforms of higher education in Australia, with the counterpoint of reforms taking place in the UK at the same time.

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