

Educational Equality and Justice

Harry Brighouse

In common parlance and public policy educational equality is usually discussed as a relationship between predefined groups. We assess whether men and women are educationally equal by looking at the relative resource inputs devoted to, or educational outcomes achieved by, boys and girls. Similarly with equality between racial groups, or ethnic groups, or social classes. But if there is a reason to care about inequalities between these groups it is because they represent inequalities between the individuals who compose the groups. Educational equality, insofar as it is a forceful principle of justice, concerns the position of every individual relative to every other individual.

From the perspective of public policy it makes sense to be concerned with inequalities between groups because group membership often correlates with disadvantage in the real world, so that addressing these group-based inequalities turns out to be an efficient method for tackling inequalities between individuals. So, for example, in the United States, race is a major factor in the production of inequality: African-Americans overall have fewer educational resources devoted to their education (even to their public schooling) than do white Americans overall, and display considerably lower levels of educational achievement. Because of what we know about the role of race in our history and our present, inequalities between racial groups give us reason to suspect injustices between individuals.

This chapter is about educational equality, as a relationship between individuals, and its connection to justice. Justice is, as John Rawls puts it, the primary virtue of social institutions. Because people's life prospects are profoundly affected by the character of the institutions in which they are raised and in which they interact, and because these institutions govern the distribution of the benefits and burdens of social interactions, it is urgent to ensure that the institutions are governed fairly: that is, in accordance with the correct principles of justice.

Education, in its broadest sense, mediates between the overall social order and our individual prospects. How well I will do, even what sort of person I will become, in a given social order, will be significantly shaped by the kind of education I receive. That education will, in its turn, be profoundly affected by the character of the social order. If the government imposes compulsory schooling and taxes the citizenry to pay for it, many people will face different prospects than if it didn't. If it uses schooling to indoctrinate children in a favoured religious view, they will face different prospects,

and live different lives, than if it uses schooling to promote personal autonomy, or to promote an ethic of hedonistic enjoyment. So the issues of how to distribute education and what kind of education to distribute are pressing to the theorist of justice. I shall pursue the issue of what kind of education to distribute for most of this chapter, and concentrate on the distributive rule.

Why does justice suggest a principle of educational *equality*, rather than one of educational adequacy, say, or the distribution of education according to the willingness of parents to pay for it? I present an argument for a principle of educational equality, but for the moment it helps to note that education is a key mechanism for distributing opportunities for goods. If equality of opportunity is a central principle of justice, as it is on many theories, then there are likely to be reasons to seek an equal distribution of education, whatever that means.

Educational equality is not the *only* principle of justice regarding education, and acknowledging this helps to answer some otherwise apparently compelling objections, as I show below. But before looking at its relationship to other principles of justice, we should look at its content and the reasons for accepting it.

There is a great deal of public complaint about educational inequality, but much less clarity about what is meant by it. One confusion has already been mentioned: that between groups and individuals. Another concerns whether inequality is constituted by inequality of input or inequality of outcome. In the UK there is an annual debate lamenting the inequality of outcome between boys and girls at age 16 and 18: girls do slightly better overall than boys do in exams at these ages. Yet there is considerable evidence that, at least in terms of attention, boys get more resources than girls do in the process of schooling. The solution to the inequality of outcome problem is usually posed in terms of even greater compensatory inequality of input. But which inequality should we be concerned with? Outcomes or inputs?

More straightforwardly concerned with input is the charge frequently levelled at the US education system that, because of the system of local funding, the government spends vastly more on the education of children in wealthy communities than it does on children in poor communities. But, of course, these inequalities of input can be expected to have consequences for the outcomes, and a further charge is that test scores (outcomes) are unequal between blacks and whites (this very roughly correlates with an inequality of input, because black Americans disproportionately live in poor communities).

There is a third kind of complaint, though, which is usually posed in terms of equity, or inclusion, which concerns children with special educational needs. In most developed countries more money is spent, on average, on children with special needs than on children without them. Those who complain that children with special educational needs are underresourced are complaining neither about unequal input (because the inputs are already unequally distributed in favor of the children with special needs, and the demand is that they receive even more) nor about unequal outputs, since the plaintiffs do not imagine that any amount of resource reallocation would lead to equal achievements between children with (some) special needs and children without them. Nor do they demand the disabling of the children without special needs that would be required to achieve equality of outcome. The complaint instead is that some level of resource allocation higher than that described, but not as

high as would be needed to ensure equal achievement, is essential for the children to be educated equally.

A principle of educational equality need not be constrained by the judgments implied in the above complaints. But they help us to see what the problem is that a theory of educational equality has to address: it has to give an account of why inputs or outputs (whichever it is) are the proper measure of inequality, and give guidance as to the distribution of resources between less and more able children, and between socially advantaged and socially disadvantaged children.

I need to flag two complexities before presenting the argument for educational equality. The first concerns the distinction between education and formal schooling. This is an artificial distinction from the moral point of view. Much education goes on in the home and in other contexts outside the school, and how much and what goes on where depends on the institutional arrangements. If all children spent their entire childhood in school, twenty-four hours a day, then all education would go on in school, and none in the home. The principle of educational equality concerns education, not schooling *per se*. However, the distinction plays an important role in thinking about how to implement the principle, as I show below.

The second complexity concerns the kinds of opportunities education provides. For the purposes of justice there are two importantly different kinds of opportunity. First, education provides access to the world of work, and to the skills required to acquire income and wealth in a competitive economy. But it also provides access to less tangible rewards: the rich enjoyments of reading novels, cooking dishes, playing musical instruments, playing sports, and the like, which are valuable independently of their contribution to our access to income and wealth. I shall call the former the *instrumental* benefits and the latter the *intrinsic* benefits. This distinction is somewhat artificial: some valuable benefits of education fall into both categories, such as improving our ability to make good judgements. But the distinction is essential to seeing what is really at stake in debates about the distribution of education. What I shall call the basic case for educational equality is grounded in concern with the instrumental benefits. But, as we shall see, that case dissolves under conditions in which income and wealth are distributed equally. But still, there may be a case for an egalitarian distribution of education with respect to the intrinsic benefits, which is explored below.

The case for educational equality can be stated simply in what I shall call the *Basic Argument* (this is developed, and much improved, from Brighouse, 2000):

- 1 Where social institutions license unequal rewards it is a *prima facie* requirement for their fairness that the competition for them is to ensure that the individuals who benefit from the rewards deserve to in some sense.
- 2 Inequalities of outcome are deserved only to the extent that educational inequalities are not due to (i) family background circumstances or (ii) families' choices.

Conclusion. Educational inequalities due to (i) family background circumstances or (ii) families' choices are *prima facie* unacceptable.

Is there any reason to accept both premisses of this argument? Premiss 1 seems unobjectionable: it is part of the idea of fairness that people in some sense deserve

their situation. The premiss does, however, depend on the idea that social institutions are constructs of human agency: institutions such as markets, for example, are not unalterable parts of the social order of things, but social constructs which we are able consciously to reform through public policy.

Premiss 2 can be defended by appeal to what I shall call the *Desert Argument*:

- (a) Unequal rewards are only deserved to the extent that the candidates can reasonably be held responsible for their level of success in the competition for them.
- (b) To the extent that unequal inputs into a child's education are affected by (i) family economic background circumstances or (ii) his or her family's choices, labor market outcomes cannot reasonably be considered his or her responsibility.

Therefore 2.

I take premiss (a) to be relatively uncontroversial. There may be other reasons for thinking that people should get rewards that they don't deserve, and the more weight we give to those reasons the more acceptable we shall find educational inequalities to be. But it is part of the idea of desert that people deserve what they are responsible for and not what they are not responsible for. But premiss (b) needs more support, in the form of the *Responsibility Argument*:

- (x) When someone's level of success in the labor market is due to some extent to (i) his or her family background economic circumstances or (ii) his or her family's choices, it is unreasonable to hold the competitor responsible for that level of success to that extent.
- (y) Education significantly affects labor market outcomes – i.e. the level of success in competition for higher levels of income – and the quality of educational inputs affects the quality of educational outputs.

Therefore b.

Premiss x seems reasonable. None of us is responsible for having been born to the parents we have, or ending up in the adoptive family we ended up in. If the piece of fortune leads to benefits in the labor market, it is unreasonable to hold us responsible for having gained those benefits. This is not to say that we are not responsible for any of our success in the labor market. On most accounts, the extent to which we exert effort in pursuit of some goal is something for which we can be held responsible, and even accounts which deny that will usually accept that it is right to hold children somewhat accountable for the extent to which they exert effort, because in doing so we are shaping the extent to which they will exert effort. But the extent to which they can be held responsible cannot be isolated from the extent to which they cannot: we have no way of measuring exertion of effort independently of achievement. So if, as desert seems to require, reward should be calibrated to features for which the individual can be held responsible, in practice labor markets will only be fair if the competitors within them have received an equal education.

Premiss y, I take it, is a true empirical generalization. But it is worth noting that its truth is contingent on the economy being structured in a particular way. One can imagine an economy in which incomes are relatively flat, and in which, therefore, educational prospects would have little bearing on the pecuniary rewards individuals faced (though the non-pecuniary rewards would, presumably, remain unequal and be affected by education). It is widely assumed that there are powerful reasons for wanting labor market rewards to be unequal: reasons to do with the need to provide incentives for self-interested agents to be productive, and for signalling socially valuable work even to altruistic agents. I make no comment on these reasons, and assume the fact of inequality. Given that fact, it is true that education affects labor market outcomes, at least in capitalist economies.

The Basic Argument, and its supporting arguments, focus entirely on the instrumental benefits of education. But the case would dissolve if the ultimate goods for which education is instrumental were distributed equally. In that case, since income and wealth would be equally distributed, it would make no difference if educational resources were distributed in accordance with, say, the ability of parents to choose schooling well. It couldn't reasonably be said that those who were better educated did not deserve their success in material terms relative to those who were ill-educated.

Now, even egalitarian theories of justice do not usually call for an equal distribution of income and wealth. John Rawls's does not, and nor does Ronald Dworkin's. Dworkin's theory of equality of resources, in fact, requires that income and wealth be unequally distributed to reflect the choices individuals have made against a background of equal opportunity. So on his view, the case for educational equality I have described goes through (Rawls, 1971; Dworkin, 2000).

But imagining the dissolution of the argument forces us to focus more sharply on the so-called "intrinsic goods" of education and on what the rule should be governing their distribution. Suppose the instrumental benefits are not at issue. Still, surely, there would be a case that it would be unjust for the intrinsic benefits to be distributed wildly unequally? Perhaps. But the intrinsic benefits have a different internal structure from the instrumental benefits. To see this, think about the way in which education is a *positional good*, relative to the instrumental benefits it brings. It is true that if no one were educated, everyone would be worse off than if some were educated and others not. But, given that most people are somewhat educated, above some threshold of education the instrumental benefits go primarily to the person receiving it who is then in a better position to compete for income in the labor market. Suppose Julian and Sandy are equally talented and inclined to exert effort, but Julian is twice as well educated as Sandy. When they compete for a single job, Julian will have the same advantage over Sandy regardless of whether Sandy has been educated sparsely or generously. What matters (for getting the job) is that he has been educated better than Sandy, not how well he has been educated.

The intrinsic benefits display a much less noticeably positional character. My ability to enjoy playing soccer depends on there being a range of other people who can play roughly as well as I do, and is even enhanced by there being many around who are better than me but still willing to play against me. Enjoyment of literature and art is enhanced by the presence of many others who are educated in the relevant traditions, and depends on there being some who excel at the execution of, and others who excel

at critical reflection on, the arts. Happiness is a non-competitive good. In fact, it is in most reasonably healthy circumstances a positive-sum good: the happier other people are, the easier it is for me to be happy. Our capacity for making and enjoying friendships or intimate lasting relationships depends in an even more obvious way on the similar capacities in others. This is reflected in the sense of parents that in raising a happy, well adjusted child they are not only benefiting *their* child, but are providing a public good. Because such goods are not competitive in the same way as the instrumental benefits of education, it is harder to make a case for the education that produces them being equally distributed.

Certainly for most children, though, any enjoyment of the intrinsic benefits of education depends on having *some* education. One must learn to read to enjoy literature; understanding and enjoyment of music require induction into certain traditions and practices; most sports employ skills which have to be taught, and all follow rules that have to be learned. There are, apparently a handful of mathematical savants, but for most of us the rewards of understanding, let alone deriving, a complex proof are hard won under the guidance of a teacher. A system which educates some, but not others, for the intrinsic benefits shuts some children out from their enjoyment. And education is a scarce resource. Even much of the informal education that goes on in the family demands the time and attention of adults that could be productively used in other ways, and this is certainly not sufficient to provide the level of intrinsic benefit that it is reasonable to expect in a modern wealthy society. So despite the non-positionality of the goods produced, there is an issue of justice attached to their distribution.

For this reason, there may be a *prima facie* case for the intrinsic benefits to be distributed without regard to parental wealth. The wealth of Julian's parents has no bearing on whether Julian's access to the intrinsic benefits of education will contribute to the access of others to those benefits. Of course, in the circumstances I am considering this is not an issue, since I have assumed away inequalities of income and wealth. But I have done so to help make vivid the proper considerations concerning education that yields these benefits, and the distributive rule will have some weight even when there is inequality of income and wealth, so that the rule concerning the instrumental benefits is operative. Consideration of the structure of the intrinsic benefits supports a rule that the unequal distribution of the education yielding them is justified in terms of the tendency of that distribution to promote the widest possible access to those benefits. This, interestingly, may support the policy that those with aptitude for some particular pursuits be given more attention and education regarding them, as long as there are mechanisms in place that make it reasonable to expect that this will enhance the enjoyment of those with less aptitude.

In practice, assuming there are inequalities of income and wealth, it is very hard to disentangle the kind of education needed to produce the instrumental benefits from that needed to produce the intrinsic benefits of education. One cannot teach a child to read only in order to read great literature – the same skills enable her to read a job application and a trade union manual. So policy-makers and practitioners are normally unlikely to be troubled by the potential conflicts between the two principles. But there will sometimes be conflicts, and when there are we need to know which

principle should take priority. Here, I have only flagged the issue and the different kinds of consideration at stake.

Two difficulties with the conclusion of the argument for educational equality remain. The first is that it only has *prima facie* force. That is, weighty moral considerations prior to that of educational equality might, in principle, block educational equality. I address this difficulty below when discussing the objections to educational equality. The second is that it seems that a parallel argument could be made for the conclusion that educational prospects should be insensitive to the level of talent of the child, because the level of talent a child possesses is not something she can reasonably be held responsible for, any more than she can be held responsible for the wealth level or choice-making abilities of her parents. This presents profound difficulties for any conception of educational equality, because it is plain that there are, or could be, children with disabilities such that although their disabilities cannot be completely rectified, enormous resources could be devoted to their education before it is saturated: that is, before there is no further educational benefit to extra resources. This raises the possibility of a *bottomless pit problem* for egalitarians analogous to that posed in medical ethics: the possibility that in attempting to do the most we can for the least advantaged, we are forced to devote all our resources to them and none to those who are more advantaged.

Take the second difficulty first. I should start by admitting that what I have to say is tentative and unsatisfactory. Even these tentative comments require a brief detour into the debate among contemporary egalitarians about the moral significance of different inequalities.

Egalitarians typically distinguish three sources of inequality:

- *Individual agency.* Julian and Sandy have the same holdings. Julian risks (and loses) half of his in a lottery with a 1:4 chance of quadrupling his stake. Sandy now has double the holding because he did not enter the lottery.
- *Social agency.* Julian has double the holdings of Sandy, because, although they are equally talented and hard working, they live in a society that prevents people of Sandy's type (for example, known homosexuals, women, blacks) from entering the most highly rewarded labor markets.
- *Brute luck.* Julian is born disabled, Sandy is not; Julian's house is struck by lightning, Sandy's is not; (more controversially) Julian is untalented, but Sandy is talented.

In practice, it is difficult to distinguish these three sources, for three reasons: it is hard to disentangle choice and luck; the effects of brute luck can be affected by both individual and social agency (for example, through the existence of insurance markets and the purchase of insurance); it is hard to say whether society is responsible for a condition which has its source "in nature" but which society has the means to compensate for and chooses not to. But these difficulties aside, there are broadly two camps of egalitarians.

Luck egalitarians claim that any inequalities in people's conditions (well-being resources) must have their sources only in matters over which those people had autonomous choices available to them. The idea is that it is only these inequalities for

which we can reasonably be held responsible, and that people should get, roughly, what they deserve (what they can be held responsible for). So brute luck and social agency are treated exactly the same way. Luck egalitarians differ as to what counts as a person's "condition," and also as to what inequalities count as having their sources in personal responsibility, and so disagree among themselves about what should be the metric of equality. But for our purposes this debate among luck egalitarians is secondary (for examples of luck egalitarians see Arneson, 1989; Cohen, 1989; Dworkin, 2000).

Respect egalitarians focus, instead, on inequalities that have their sources in social agency. So rather than looking at what the individual is responsible for, they look at what society is responsible for, and try to correct for that (only for that, or that more urgently). The idea is that there is something specially demeaning about suffering from other people's choices, which is not present when one simply suffers reverses of fortune. However, because what matters to respect egalitarians is that all individuals have the resources needed to respect themselves and be respected by others, they seek to compensate for misfortune of whatever source to the degree that is required for effective functioning in society (for examples of respect egalitarians see Fleurbaey, 1995; Anderson, 1999; possibly Rawls, 1971).

Respect egalitarians, then, unlike luck egalitarians, do not regard those inequalities that have their sources in brute bad luck as having the same urgency from the moral point of view as those arising from social agency. However, they recognize, as I hinted above, that some brute luck inequalities have a social dimension because society is capable of doing something to correct or compensate for them. Another difference, though, is that while luck egalitarians allow for radical inequalities of condition as long as they are the result of agents' choices against a background of equal opportunity, respect egalitarians reject inequalities when those disadvantaged fall below the level that is needed for them to function as self-respecting citizens in a democratic society.

With this brief summary of the debate in hand, it can be seen fairly easily that luck egalitarians have no ready answer to the bottomless pit problem. They are committed in principle to devoting resources to such children until those children are saturated with resources, before beginning to devote resources to other children. Respect egalitarians have a more straightforward response, but there are difficulties even with this.

Amy Gutmann presents an influential proposal through which she attempts to evade the bottomless pit problem. The following intuitions must be respected by any account of educational equality: it must focus on outcomes, since children cannot ultimately be held responsible for their degree of uptake of educational opportunities; it must demand that more resources be accorded to the disabled than to the ordinarily able, and it must have something plausible to say about the bottomless pit problem. Gutmann (1987) proposes an interpretation of equal educational opportunity which meets all three of these criteria – she calls it the *democratic threshold principle*. Under the democratic threshold principle,

inequalities in the distribution of educational goods can be justified if, but only if, they do not deprive any child of the ability to participate effectively in the democratic process (which determines, among other things, the priority of education relative to other social goods). (Gutmann, 1987, p. 136)

Since the standard proposes a threshold, it is immune to the worst bottomless pit problems. Inequalities of educational achievement above the threshold are entirely acceptable, as long as every child reaches the threshold. Those inequalities might reflect differences of ability (or even, though I think Gutmann would reject this for other reasons, differences in parental wealth), and so as long as more than enough resources are devoted to education to ensure that all reach the threshold, there is no bottomless pit.

Assume for the sake of argument that Gutmann's threshold of "effective" democratic participation is well defined. A lesser bottomless pit problem re-emerges since there may be children who can be brought up to the threshold, but only with the devotion of extensive resources which might be thought to be better spent on others or even on enhancing other more intuitively central aspects of their own welfare. Furthermore, as Randall Curren points out, Gutmann's standard does not identify a fixed baseline: it may be that as the best educated individuals get more education, the least well educated need to get more in order to be able to participate effectively (Curren, 2000). This threatens to generate a further bottomless pit problem.

No satisfactory solution, then, seems to have been found to the bottomless pit problem. This may be because insufficient attention has been devoted to it, especially by luck egalitarians. One move is available to the luck egalitarian which diverts attention away from equality of opportunity, and toward the well-being of the least advantaged. Luck egalitarians commonly say that inequalities are permissible when they are arranged to the advantage of the least advantaged. This provides a possible solution to the bottomless pit problem, although it does so at the cost of eviscerating educational equality. It is plausible to suppose that devoting in principle limitless resources to educating persons with very severe cognitive disabilities could have the result of seriously draining the resources available for both educational and other opportunities. If this were not the case, then the bottomless pit problems would be nothing to worry about. But if it is the case, then presumably this redounds to the disbenefit of the least advantaged, which is likely to include the severely cognitively disabled. The luck egalitarian could say that our concern with the advantage of the least advantaged supports not saturating them with educational resources, but ensuring that educational resources are distributed to the overall benefit of the least advantaged – which may involve devoting far more educational resources to the more talented who can stimulate productivity and technical innovation to the overall benefit of the least advantaged.

Objections

I want to look now at a series of objections to the principle of educational equality.

Educational excellence

The first objection is that equality competes with educational excellence, and that where there are trade-offs excellence should be preferred. Proponents of the excellence objection are often not clear what, exactly, constitutes excellence, either individually or within a system (Cooper, 1980; Wilson, 1991). Rather than address the former

question, I ask the reader to use whatever they take to be the right standards of excellence. It may be high achievement in a wide range of academic subjects, high achievement in only those subjects that are truly important (mathematics, the arts, poetry, physics, whatever you prefer), the achievement of a range of desirable character traits, or any other standard. The first question to ask is, "What constitutes systematic achievement of excellence?" In order to address this question consider the following highly stylized, table of scenarios, in which individual students' final "achievement scores" represent whatever you think it is important for people to achieve, and in which systems one, two and three are, by hypothesis, the only feasible systems.

	System one	System two	System three	Full Potential
Tony	165	135	90	175
Sid	70	110	90	115
Hattie	90	118	90	120
Total	325	363	270	

Most proponents of the excellence objection would favor system one over the others. But I shall argue here that *that* preference depends on a specific interpretation of educational excellence, which in most circumstances cannot plausibly be assigned so much importance that it would override egalitarian considerations.

Here are three possible interpretations of systematic achievement of excellence:

- (i) The system promotes the highest possible achievement overall.
- (ii) The system promotes, as far and as widely as possible, individuals' achievement of their full potential (i.e. it minimizes the gap between potential and achievement for the person for whom the gap is greatest).
- (iii) The system promotes the highest possible individual levels of achievement.

On none of these versions of the objection could system three, which has the most equal achievement, be chosen. But if (i) is the correct reading of the excellence objection, the objection prefers (in this scenario) system two to system one. Similarly, if (ii) were the correct reading, system two would be preferred. In system two Tony is 40 away from his full potential, rather than only 10 away in system one, but in system one Sid is 45 away and Hattie 30 away, while in system two they are only 5 and 2 away, respectively. So the largest individual gap is smallest in system two.

What are the reasons for believing (i)? High overall achievement matters because it is likely to have economic benefits, and because it realizes many of the intrinsic goods of education – self-fulfillment, personal enjoyment, public cultural benefits. These both matter a good deal: but they do not matter independently of distributive concerns. Reasons for caring about them are equally reasons for caring that they should be distributed fairly: and fairness is captured by the arguments I have already given.

By contrast, interpreting systematic excellence as minimizing the maximum gap between achievement and potential (ii) has considerable plausibility with respect to the intrinsic benefits of education, though not the instrumental benefits (as I explain below). So if all that were at stake were the intrinsic benefits, (ii) might be the right interpretation.

On (iii) system one is, of course, the preferred choice. But why prioritize the highest possible individual levels of achievement, at the expense both of overall achievement and of the ability of individuals to achieve their full potentials?

I can imagine three different reasons. The first is that the most able individuals deserve to have their talents fully developed. This is implausible, because no one is responsible for having their talents and so no one can reasonably be said to deserve anything on the basis of having them. But it is worth noting that someone who seriously advances this objection should be wary of rejecting the practices recommended by the principle of educational equality, given how limited is our ability to identify the highly talented, especially when they come from disadvantaged social backgrounds. Desert claims have great force, and if the highly talented deserve to have their talents developed it is very important that an education system be set up to ensure that no one falls through the cracks. This version of the excellence objection counts very strongly, for example, against the UK practice of allowing wealthy parents to lavish educational resources on their, often not highly talented, children; and against the US policy of high funding for schools in wealthy communities and low funding for schools in disadvantaged communities.

A second reason might be that it is supremely important that human excellences be realized at the highest possible level. Why think this? One reason might be that it is good that these excellences be realized even if no one other than those who realize them benefited from them. This view might appeal to the notion of goods which do not depend for their value on being observed by agents. However plausible this is as a view, it does not justify the state acting to produce such goods. The state has an obligation to guarantee goods for its citizens, and when the production of some free-floating good has opportunity costs for the production of goods for citizens, that decides against state involvement in its production. The purpose of an education system is not to produce excellence for its own sake, but to produce it for the sake of those who can achieve and benefit from it.

A different reason for placing high priority on realizing human excellences at the highest possible level is that human beings, for many generations, can sometimes benefit from these realizations. The achievements of Shakespeare, Mozart, and Einstein have benefited many millions of people, and will benefit billions more as time passes. These benefits are hard to quantify, and cannot be distributed by institutional guarantees such as the tax-benefit system. But they are no less real for that. This consideration might merit some weight. But in the light of the case for educational equality more needs to be said about how much weight to accord it: at best it supports a case for tempering, rather than undermining, educational equality. And, again, proponents of this reason should be wary of rejecting the practices recommended by educational equality: many of those who have realized the excellences in the arts and the sciences were not identified by their educators as highly talented, and would not have benefited from a systematic redistribution of educational resources to those predicted to achieve greatness.

A final, and related, reason, which I shall call the redistributive argument, for believing (iii) invokes the move I posited for the luck egalitarian at the end of the previous section. This is that the greater achievement of Tony can have greater economic benefits for society (in egalitarian terms – the least advantaged in society),

so that everyone will be better off if Tony is allowed to achieve at the highest possible level. The truth of this would be consistent with what we know.

But it is also consistent with what we know that the redistributive argument for believing (iii) is false. Whether it is or not is an empirical conjecture. If the redistributive argument were true, and there were clear mechanisms (for example, a highly progressive tax/benefit system) by which the least advantaged would benefit economically from Tony's higher achievement than by the higher overall achievement yielded by system two, that would indeed be a consideration in favor of (iii) and system one. But in practice we would want to see the empirical and strategic case for this made out very convincingly.

Assume that the reasons for preferring system one are not sufficient. System two still seems intuitively preferable to system three. But whether or not this is true depends on the extent to which the instrumental rather than the intrinsic benefits are being produced. Unequal distribution of the intrinsic benefits along the lines of system two does indeed benefit everyone. But if *only* the instrumental benefits were involved, the apparent benefits to Hattie and Sid of the inequality are illusory; because the education is bringing no intrinsic benefit, and is beneficial only for access to income and wealth, its unequal distribution only has the effect of diminishing their opportunities for income and wealth. Of course, in the real world the instrumental and intrinsic benefits cannot be pulled apart, so both sets of consideration apply. But insofar as the instrumental benefits are at issue, the standard redistributive case for inequality has no weight.

State incompetence

A second objection asserts that support for educational equality depends on a misplaced faith in the capacity of states to achieve effective redistribution of resources and opportunities. This objection has been developed against most of the redistributive activities of the state by so-called new right thinkers influenced by the intellectual power of the public choice economic analysis of politics. The public choice movement tends to see politics as an opportunity for rent-seeking activity, and criticizes states that engage in redistributive activities for inefficiency and distorting market processes. James Tooley presses this objection especially powerfully:

We've noted empirical evidence from around the world which shows rampant inequity in public funding of education. But perhaps ... with "the right sort" of government intervention it would all be different or ... in any case, markets in education would be much worse. The problem here is that there is a huge literature which points to the problem of "middle class appropriation of welfare," which suggests that, if education is provided on a universal level, the middle classes will inevitably benefit more than the disadvantaged. (Tooley, 2000, p. 79)

Tooley also points to the evident failure of some states to provide effective and efficient public education universally. His own preferred case is India, where the rise of a market in very low-cost private schools is a response to the spectacular failure of public education, but there are many other examples from developing countries such as South Africa, Brazil, Peru, or Romania (Tooley, 1999).

The first thing to say in response to this objection is that, unlike the excellence objection, it is not an objection to the principle of educational opportunity at all, but an objection to the assumption that much can be done to honor it. The argument for educational equality could be entirely robust, yet it could be the case that not much, or perhaps even nothing, can be done to implement the ideal. So the objection is somewhat orthogonal to our concern here.

But something more can be said. It is absolutely clear that the South African state, for example, knowingly endangers the health, and even lives, of girls it forces to attend school, knowing the extremely high risks of rape they face, and the high incidence of HIV in the school population (Unterhalter, 2001). Educational inequality is not the worst evil involved here, but it is one that can be *somewhat* addressed: for example, by providing better security in schools, or by establishing single-sex schools. Maybe, even, by privatizing schools. The point of the principle of educational equality is that it guides states to do whatever they can to promote educational equality.

A second comment, though, is that the public choice critique of public provision of welfare goods, while it has some power, is highly limited in its applicability. First, because states vary enormously in how egalitarian their policies are in effect, and they vary partly by competence, partly by intent. Compare Sweden and Germany with the USA: the former countries have both achieved greater equality of condition than the USA, and have done so without apparent loss of productivity (Goodin et al., 1999). But the US government has not attempted to achieve equality of condition or anything like it: it has deliberately fostered inequalitarian outcomes, which it (apparently wrongly) sees as the precondition of healthy economic growth. UK governments throughout the post-war period till 1979 did try to foster greater economic equality, and did so less successfully than did the Swedish governments in the same periods. But crucial to Swedish success in achieving equality (and probably to its success in avoiding deleterious effects on economic growth) was that governments largely eschewed means-tested benefits with their concomitant disincentives for individuals to be economically prudent. The second reason why the public choice complaint about "middle-class appropriation of welfare benefits" has limited applicability as an argument against the possibility of achieving greater equality is that there are issues of what counts as the baseline against which "appropriation" is measured. Many systems of welfare provision reliably make middle-class people better off than they would be under equality, but nevertheless achieve greater equality than there would be in the absence of the provision. I think that in advanced industrial economies state funding of education has this effect, but that is not the point here. The point, again, is that whatever action or inaction best promotes educational equality consistently with other more fundamental values should be adopted.

The family and its value

Perhaps the most common objection to educational equality, and equality of opportunity in general, is that its achievement is incompatible with the integrity of the family (Fishkin, 1982). This objection takes several forms. Some argue that parents have a right to spend their money on their children in ways incompatible with achieving educational equality (Fried, 1978); others that they have a right to pursue

activities with their children that will have the effect of making them unequally well educated (Lomasky, 1987); still others that attempts to implement educational equality will undermine the incentive of parents to provide benefits for their children, to the detriment of the quality of the parent-child relationship (Tooley, 2000).

A couple of important comments by John Rawls, not about educational equality, but about the principle of fair equality of opportunity, lend credence to these objections:

the principle of fair opportunity can only be imperfectly carried out, at least as long as the institution of the family exists. The extent to which natural capacities develop and reach fruition is affected by all sorts of social conditions and class attitudes. Even the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent on happy family and social circumstances. (Rawls, 1971, p. 74)

He goes on to say, much later in the text, "Is the family to be abolished then? Taken by itself, and given a certain primacy, the idea of equal opportunity inclines in this direction" (*ibid.*, p. 511).

Again, the first response to this objection is that, in whatever form it takes, it does not imply rejection of the principle of educational equality. At most it shows that there are two principles: that of the integrity of the family, and that of educational equality, and, with a plausibility that depends on the strength of the argument for the integrity of the family, asserts priority for that principle. If the integrity of the family has complete priority, then this shows that efforts toward educational equality are permissible only insofar as they do not violate (or, to put it more strongly, jeopardize the security of) the integrity of the family. Some indirect measures to promote educational equality seem intuitively unproblematic: for example, egalitarian redistribution of income and wealth, or requiring a minimal level of compulsory schooling for all children. In fact, in most advanced industrial countries, mandatory attendance at school from the ages of five to sixteen, with the option of a state-funded place free at the point of delivery, is virtually uncontroversial, and few of those who argue against these measures do so on the grounds of the integrity of the family.

However, a theory of justice will have to say something about the place of educational equality in justice: it is not enough to say it is a valid principle that sometimes conflicts with other principles, and give no guidance on how to manage the conflict. There are two matters at issue in the conflict between the integrity of the family and educational equality. The first concerns priority: what sort of priority, if any, should the integrity of the family have? But the other concerns the content of the principle of the integrity of the family, because this will have profound implications for the content of conflicts between the principles. It is quite possible for the integrity of the family to have lexical priority – such that whenever there is conflict educational equality must give way – but for it nevertheless to be the case that there is great scope to promote educational equality because the integrity of the family is a relatively undemanding principle.

Space does not allow for a full discussion of these issues here. There is, I believe, a strong case for the priority of the integrity of the family, which provides a range of goods to both parents and children that are fundamental to human flourishing and

not available through any other institution. But the content of the ideal of the integrity of the family, while it does imply that many behaviors and activities that we know will transmit advantage unequally may not be discouraged or prohibited, allows for a great deal to be done to promote educational equality. So, for example, mandatory government funded schooling, high taxes on elitist private schooling, additional funding of schools attended by low-income children, and government-subsidized health and dental care for children all seem to be entirely consistent with maintaining the integrity of the family on the best available understanding of the content of that principle. My point here is not to prove this (which would take a great deal of argument concerning the normative content of the integrity of the family and empirical analysis of the putative conflicts between the principles), but by asserting it to illustrate the right way to think about the conflict.

But I shall finish by highlighting the most striking way of resolving educational equality and the integrity of the family in practice, because it tells us something about the relationship between equality of outcome, equality of opportunity, and the family. From what we know about the effects of inequality on the educational (and hence lifetime expected income) prospects of children, it is hard to imagine what mechanisms could achieve educational equality against the background of substantial inequalities of household income and wealth. Measures designed substantially to reduce inequalities of income and wealth do nothing to undermine the integrity of the family: wealthy parents have less money to spend on their children, but they have no less of themselves to share with their children. In fact, since poverty is a major factor in disrupting the smooth operation of the family, reducing inequalities should benefit the institution.

See also 28 THE AUTHORITY AND RESPONSIBILITY TO EDUCATE; 31 CHILDREN'S RIGHTS; 32 EDUCATION AND STANDARDS OF LIVING; 34 MULTICULTURAL EDUCATION; 35 EDUCATION AND THE POLITICS OF IDENTITY; 43 AFFIRMATIVE ACTION IN HIGHER EDUCATION

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