

Interpreting Equal Educational Opportunity

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In its most liberal interpretation, the principle of equal educational opportunity offers a theoretically simple rule to solve all three distributional problems: The liberal state should devote as many resources to primary schooling as necessary, and distribute those resources, along with children themselves, in such a way as to maximize the life chances of all its future citizens.¹ Call this interpretation of equal educational opportunity *maximization*. A second, more common (and less consistently liberal) interpretation of equal educational opportunity requires the state to distribute educational resources so that the life chances of the least advantaged child are raised as far as possible toward those of the most advantaged. Call this interpretation *equalization*. A third, and perhaps the most common interpretation, requires the state to distribute educational resources in proportion to children's demonstrated natural ability and willingness to learn. Call this interpretation *meritocracy*.

Although each of these interpretations has been repeatedly offered in the literature on education as a distributive standard, none is plausible, once one draws out its practical implications. My aim in elaborating the implications of each interpretation in its pure form is not to belabor this critical point,

but to be constructive: to demonstrate the need for a more complex and credible standard, and (more importantly) to begin developing one. I shall develop a more democratic standard for distributing primary schooling after understanding the strengths and weaknesses of each interpretation.

Maximization

Maximization requires the state to devote as many resources to education as needed to maximize children's life chances. "Our kind of society," John Gardner argues, "demands the maximum development of individual potentialities *at every level of ability* . . . [so] that each youngster may achieve the best that is in him. . . ."² If our kind of society is purely liberal, then Gardner's claim is correct. Maximization supports the fundamental liberal values of free choice and neutrality among different ways of life, and distributes the chance to benefit from these values as equally as possible among all citizens.³ But if our kind of society is also democratic, then we must look more carefully and critically at maximization.

The hidden weakness of maximization is what may be called the problem of the moral ransom. The rule offers us something morally valuable on the implicit condition that we give up everything else that we value. The state could spend an endless amount on education to increase the life chances of children. Yet its resources are limited, and police protection, public parks, baseball stadiums, and stereo systems are also valuable. The price of using education to maximize the life chances of children would be to forego these other goods.⁴

Someone sympathetic to maximization might try to avoid this criticism by adding a proviso that the state must devote as many resources to education as can maximize children's life chances *provided that the increase in life chances is not trivial*. Though reasonable, this proviso does not save maximization from the problem of the moral ransom. Even if the proviso establishes a theoretical limit to investment in education, there is still no practical limit to what we can now collectively spend to increase children's life chances substantially. Most parents are not willing to make such a sacrifice even for their own children. Perhaps parents should sacrifice even more than they now do for their children's education, but there is no good reason to obligate them to minimize the other, noneducational pursuits that they value in order to maximize their children's life chances. Nor is there good reason to obligate citizens collectively to invest so much in education as to maximize the life chances of the next generation.

A more promising defense argues that maximization requires many social commitments beyond improving schools, raising teachers' salaries, and funding more educational research and development. Maximization commits the state to providing children and their parents with many other opportunity goods, such as police protection, housing, and health care, without which education could not perform its function of maximizing life chances. Because most cultural goods — public parks and museums, perhaps even stadiums and stereos — are also educational, maximization commits the state to their provision as well. As the number of goods included in maximization increases, the price of its hidden ransom decreases. The reformulated offer, a dedicated liberal could argue, is one that we can but we ought not refuse.

The more inclusive maximization becomes, however, the less guidance it gives for making hard choices among the many valuable opportunity goods, all of which the state cannot possibly provide. There

is no limit in sight to the amount the state can spend on improving schools, teachers' salaries, the arts, or popular culture to expand children's choices later in life. Nor is there an apparent limit to the amount the state can spend on police protection, housing, or health care to increase their chances of living a longer life. If proponents make maximization into an inclusive good, analogous to the Aristotelian or the utilitarian conception of happiness, then they must be willing to accept less than the maximum of the many goods — such as better schools — that it includes. Only inclusive goods are plausibly worth maximizing, but they require acceptance of less than the maximum of the many valuable goods that they include. Should the state invest in school buildings or stadiums, or neither, leaving parents with more money to spend on travel? Maximization provides no answer.

There is no intuitively obvious answer with which all citizens could agree, nor has a way been found to derive a single correct answer from some self-evident philosophical principle (or set of principles). These are the conditions under which democratic determination of social priorities makes the most sense. Even if the maximization interpretation of equal educational opportunity is correct, it needs to be supplemented by a democratic standard: states should use fair democratic processes to determine how to expand the life chances of their future citizens.

But maximization is not correct. It relies on a general misconception: that a society should strive to maximize the goods that it values most. No exclusive earthly good — not even educational opportunity, broadly understood — is so valuable as to be worthy of maximization. If the state need not be committed to using education to maximize children's life chances, then democratic citizens should be free not only to set priorities among all the goods that expand educational opportunity, but also to choose between educational opportunity and all the other goods that it excludes.

Equalization

One way of avoiding the many problems posed by maximization is to interpret equal educational opportunity less liberally and more literally. Since its explicit terms do not mention maximization, equal educational opportunity might be construed to demand only equalization: use education to raise

the life chances of the least advantaged (as far as possible) up to those of the most advantaged. The scope of the equal opportunity principle is now significantly narrowed: it says nothing about how much a state should spend on education relative to other goods, or on the education of any particular child except in relation to what it provides for other children. This may already be an important, albeit implicit, liberal concession to democracy. The liberal silence concerning how to determine the distribution of education relative to other social goods leaves room for a democratic determination of priorities, even if it does not demand such a determination. I develop the implications of such a democratic principle by examining the case of school financing.

According to equalization, the educational attainment of children should not differ in any systematic and significant manner with their natural or environmentally determined characteristics.⁵ Rightly distributed, education should be used to overcome all environmental and natural causes of differential educational attainment, since these causes of social inequalities are beyond people's control, and therefore "arbitrary from a moral perspective."⁶ If "even the willingness to make an effort, to try, . . . is itself dependent upon happy family and social circumstances,"⁷ then equal educational opportunity must aim also to equalize effort or the results of unequal effort.

One sympathetic critic of equalization takes it to be a proper moral ideal. In the absence of any competing moral demands, he argues, the state should try to eliminate all inequalities in life chances that result from morally arbitrary differences; the presence of other moral demands, however, renders the price too high. To equalize educational opportunity, the state would have to intrude so far into family life as to violate the equally important liberal ideal of family autonomy.⁸ Liberals cannot simply reformulate the principle of family autonomy to permit as much intrusion as necessary to achieve equalization, because the necessary amount would eliminate one of the life chances that citizens value most — the freedom to educate their own children.

Intuitionism seems to be a plausible way of handling the problem of conflicting liberal ideals. Aware of the weakness of maximization, one can conceive of equalization as just one among several liberal ideals, none of which must be fully realized to satisfy the demands of liberal justice. Liberalism, so conceived, consists of "ideals without an ideal":

"How its principles are to be balanced remains an open question to be faced in particular cases as they present themselves."⁹

To be faced by whom? Because it offers no answer to the question of whose intuitions will do the balancing, intuitionism avoids rather than solves the political problem of balancing conflicting ideals. The American polity contains a variety of conflicting moral principles and conflicting moral intuitions. Invoking "American" intuitions, therefore, cannot resolve the conflict between equalizing educational opportunity and respecting family autonomy. Our intuitions on this issue differ, as recent controversies over school financing and busing suggest. How the principles should be balanced will depend upon whose intuitions should do the balancing. Because intuitions also differ over who should make the hard choices between the equalization of educational opportunity and family autonomy, intuitionism itself cannot resolve this moral and political problem.

One might doubt even the more limited claim that while equalization is in itself a worthy moral ideal, in practice it must be balanced against other equally worthy ideals, such as family autonomy. The intuitionist understanding of equalization makes a necessity out of a virtue. Even if equalization did not conflict with other liberal ideals, there is good reason to choose its incomplete rather than its complete realization. Completely realized, equalization requires the state to devote all its educational resources to educationally less able children until they reach either the same level of educational attainment as the more able or the highest level that they are capable of attaining.¹⁰ Given limited educational resources and unlimited capacity for educational innovation, this time may never come, in which case the state would provide no educational resources to the more able.¹¹ This is an unacceptable consequence, because equality of life chances is not in itself a sufficiently important value to outweigh the value of enabling all children to develop their talents to some socially acceptable degree.

A thought experiment can help show why equalization takes equality too seriously. Suppose we know that every difference in the educational achievement of children is beyond their control and correctable by some expensive, but finite, amount of remedial education. Must we then create an educational system that eliminates all differences among children's educational attainments?

The answer is no, and not because equalization would be socially inefficient. There is good reason to accept many differences in educational attainment.¹² The good reason is that many differences in educational achievement can be eliminated only by eradicating the different intellectual, cultural, and emotional dispositions and attachments of children. Some children are more proficient at (and interested in) cultivating friendships and having fun than they are at learning what schools teach. Such variety among children makes their lives, as well as the lives of others, rich and interesting. Many children, moreover, will live more rewarding lives in an environment where competition is not universal but is partly limited by their predispositions for academic achievement, which (whether culturally or genetically created) are undeserved. A society fully charged with competition and so stripped of diversity would be a less desirable place for children, parents, and probably even teachers to live.

Not all variety, on the other hand, is valuable in a society where children who lack learning do not have a reasonable chance to participate in making democratic decisions. The democratic truth in equalization is that all children should learn enough to be able not just to live a minimally decent life, but also to participate effectively in the democratic processes by which individual choices are socially structured. *A democratic state, therefore, must take steps to avoid those inequalities that deprive children of educational attainment adequate to participate in the political processes.*

Meritocracy

The democratic truth in equalization reveals the flaw in meritocracy. A meritocracy is dedicated to distributing all educational resources in proportion to natural ability and willingness to learn. In principle, therefore, meritocracy must provide those children with relatively few natural abilities and little inclination to learn with the fewest educational resources and the least educational attention, and those children with the greatest natural abilities and motivation with the most.

In practice, few meritocrats accept the full implications of the standard that they profess. They typically invoke the meritocratic interpretation of equal educational opportunity to argue not against providing an adequate education for all children, but for providing a better education for gifted children

instead of concentrating resources on the "average" child and the slow learner. A meritocratic distribution of educational resources, they argue, would give educationally gifted children what they deserve and also give society what it needs: a greater pool of human capital to increase social productivity. The case for meritocracy seems strongest when so used, but the meritocratic standard still proves too much for all but the most ardent meritocrat to accept. In principle, meritocracy does not require – it may even preclude – educating less talented and less motivated children up to a socially basic level of literacy. Furthermore, nothing in the meritocratic interpretation of equal educational opportunity secures an education adequate for democratic citizenship to children who happen to have (whether by nature, nurture, or their own free will) little intellectual talent or motivation.

The democratic truth in equalization – that states must secure an education for all children adequate to participate in the democratic political processes – does not rule out a restricted form of meritocracy in which educational resources above the level that is adequate for citizenship are distributed in proportion to children's demonstrated intellectual ability and willingness to learn. Once all children are guaranteed enough education to participate in politics, a democrat might defend a limited meritocracy on grounds of just desserts: children who demonstrate greater intellectual ability and/or greater motivation deserve to be provided with more education than those who demonstrate less.

A more egalitarian democrat might reasonably challenge this claim: Why do more gifted or motivated children deserve more education if they have done little or nothing to deserve their greater intellectual gifts or motivation? "Because intellectual talent and motivation are fitting bases for deserving education even if they are not themselves deserved," the less egalitarian democrat might reply. "Courageous soldiers deserve Medals of Honor, even if they do not deserve their courage. Similarly, intellectually talented children and highly motivated children deserve more education, even if they do not deserve their greater talents and motivation."¹³

The meritocrat's response still is insufficient to support even a more restricted meritocracy, where education above the "threshold" level necessary for citizenship *must* be distributed, as a matter of justice, in proportion to intellectual merit. Rewarding dessert is a reasonable way to distribute educational resources above the threshold level, but surely not

the only reasonable way. A good case can be made for the use of education above the minimum to compensate less gifted and less motivated children for their undeserved disadvantages. Another good case can be made for using educational resources above the threshold to develop new skills and interests in all children, which might be useful to society as well as satisfying to citizens in the future. Yet another case can be made for concentrating resources on those students who are both intellectually gifted and motivated, on grounds of social utility rather than of desert: the welfare of society as a whole is most likely to be advanced in this way.

Suppose I made each case fully, compared them, and concluded that the case for rewarding merit is, on balance, the best. Suppose also (for the sake of argument) that I am right. I still cannot conclude that my policy preference should dominate a democratic one, provided the democratic one does not violate the principled constraints on democracy. Being right is neither necessary nor sufficient grounds for commanding political authority, by either liberal or democratic standards.¹⁴

When reasonable alternatives are recognizable, meritocracy is put in its proper, democratic place. If democratic institutions allocate educational resources *above* the threshold level so as to reward intellectual desert, then a limited meritocracy is properly part of society's democratic standard for distributing education. The democratic interpretation of meritocracy does not hold that education above the threshold *must* be distributed according to desert (regardless of democratic preferences) but that it *may* be so distributed (depending on the results of fair democratic processes).

The Democratic Standard Stated

The standard of democratic distribution developed so far can be formulated more precisely as two principles. Call the first the *democratic authorization principle*. It recognizes the mistake in maximization by granting authority to democratic institutions to determine the priority of education relative to other social goods. Call the second the *democratic threshold principle*. It avoids the mistakes in both equalization and meritocracy by specifying that 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). The democratic threshold principle thus places limits on the legitimate discretion of democratic decisionmaking established by the authorization principle. The threshold principle establishes a realm of what one might call nondiscretionary democratic authority. It does so by imposing a moral requirement that democratic institutions allocate sufficient resources to education to provide all children with an ability adequate to participate in the democratic process. Democratic institutions still retain the discretionary authority to decide how much more education to provide above the threshold established by the second principle.¹⁵

Although education above the threshold may be democratically distributed according to meritocratic principles, education below the threshold must not be. Democratic decisionmaking may still be the most effective way to determine the threshold. Whether it is will depend partly on an empirical assessment of how we can best guarantee all children an adequate education, and partly on a normative assessment of what adequacy entails. Since educational adequacy is relative and dependent on the particular social context, the best way of determining what adequacy practically entails may be a democratic decision-making process that follows upon public debate and deliberation. But to say that the threshold requirements are more likely to be satisfied by democratic institutions than by nondemocratic institutions is not to say that democratic institutions have moral discretion in deciding whether to provide an adequate level of education for all citizens.

The distinction between the nondiscretionary and discretionary realms of democratic authority is already incorporated in the rationales for some present educational policies. In passing Public Law 94-142 (the "Education for All Handicapped Children Act"), Congress mandated an "appropriate" rather than an optimal level of education for handicapped children, leaving states and local school districts free to provide more (but not less) if they wish. The educational provisions of some state constitutions suggest a threshold requirement. The New Jersey Supreme Court has interpreted Article IV of its state constitution to require the state to guarantee "that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen. . . ."¹⁶ In many states, so-called "Foundation Programs" (which guarantee a level of state funding to local school districts) invoke the ideal of providing an adequate educational foundation for

school-age children in all school districts. In practice (and perhaps even in political intent), however, most Foundation Programs are funded at levels so low as to leave property-poor districts with far fewer resources than they would need to reach any reasonable estimate of the democratic threshold. Although many of our schools fall far short of satisfying the demands of the threshold, implementing the two-part democratic standard does not require a revolution in our way of thinking about education. Rather, it requires more self-conscious use of that standard in arguing about educational policy, and it requires more work in figuring out how to translate that standard into effective educational reform.

A democratic critic might ask: can a standard dictate a threshold and still remain democratic in any meaningful sense? This question arises again in discussing school finance; it cannot be answered in the abstract. But some reasons may be suggested here for remaining hopeful that the answer is yes. The answer would be no if nondemocratic institutions were more reliable than democratic ones in implementing the threshold and if the threshold were so high as to leave no room for democratic support of more than an adequate education for every child. A nondemocratic authority should then determine the democratic threshold. The threshold having been established, no political space would be left for discretionary democratic authority. (Judging from historical experience, it seems implausible that nondemocratic institutions are more reliable in establishing adequate education for every child than are democratic ones. The educational interests of disadvantaged minorities are often better protected by more centralized than by less centralized democratic bodies, but rarely by nondemocratic ones.)

Would any adequate threshold cost so much as to make discretionary democratic authority obsolete? Given how much federal, state, and local governments now spend on defense, criminal justice, social security, and other welfare goods, it is implausible to claim that if we provided an adequate education for every child, we would have no resources to spend on improving education above the threshold. We might, after democratic deliberation, collectively

choose to spend more on missiles or medical care rather than to increase expenditures on schools. Such choices – even if mistaken – would be consistent with the democratic claims of the standard.

The policy implications of the democratic standard of distribution, therefore, are underdetermined in principle. What constitutes a just distribution of democratic education not only may vary among different democratic societies but also may change quite significantly over time in the same society. These changes may occur for two moral reasons, related to the two parts of the democratic standard. The authorization principle suggests that the priority and distribution of education above the threshold level should be open to democratic discretion. The threshold principle suggests that while the threshold itself is not similarly open, it is socially relative as it insists that schools provide all educable children with an education adequate to participate effectively in democratic processes.¹⁷ The more educated most citizens are, the more education each citizen is likely to need to participate effectively in the democratic process. The democratic standard is consistent with the view that there is some absolute minimum of literacy below which no democratic society could be said to provide an adequate education to its citizens. But the standard demands more of democracies than supplying an absolute minimum; the threshold of an ability to participate effectively in democratic politics is likely to demand more and better education for all citizens as the average level and quality of education in our society increases.

The democratic interpretation avoids the counter-intuitive extremism of the standard interpretations of equal educational opportunity and improves upon intuitionism. It does, however, leave a crucial question (to which I return) unanswered: How do we determine the democratic threshold? To put the question more precisely: What kind and level of education is adequate to citizenship in our society today? While I cannot answer this question completely here, there is no reason to fall back on the conventional interpretations of equal educational opportunity that avoid uncertainty by embracing unacceptable ideals.

Notes

1. For a popular statement and defense of this interpretation of the opportunity principle, see John W. Gardner, *Excellence: Can We Be Equal and Excellent*

Too? (New York: Harper and Brothers, 1961), esp. pp. 75 ff.

2. Gardner, *Excellence*, pp. 74–5.

Educational Responsibilities

3. Note that this liberal understanding does not identify the improvement of life chances simply with an increase of income, social status, or political power. Life chances include all opportunities to develop and exercise our human capacities.
4. A variant of maximization that avoids the problem of the moral ransom is what might be called "proportionality": educate every child to achieve the same proportion of his or her intellectual potential. Proportionality introduces new problems: (1) it offers no standard for setting the proportion; (2) if it did offer a standard, we still would not be able to judge what level of educational achievement represented that proportion of a child's potential; and (3) even if we could judge when achievement was proportional to potential, we would still wonder why some children should be denied enough education to become literate (say) just because they are intellectually less talented than other children.
5. See James S. Fishkin, *Justice, Equal Opportunity, and the Family* (New Haven, CT: Yale University Press, 1983), p. 32. Fishkin takes only native characteristics and not environment to be illegitimate correlates of life chances, although both are equally arbitrary from the moral point of view that he is characterizing.
6. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 74.
7. Ibid.
8. See Fishkin, *Justice, Equal Opportunity, and the Family*, pp. 51–67 and *passim*.
9. Ibid., pp. 10, 193.
10. Alternatively, equalization could be interpreted as minimizing the variance among educational attainments. The unattractiveness of this ideal is apparent when one imagines a policy that actively attempts to suppress intellectual achievement among some students to decrease the variance.
11. If we assume more than two levels of talent, the rule is to raise the educational accomplishment of the least talented to the level of the next least, and so on. On this assumption, even the average child might be deprived of any educational resources. Compare Jencks et al., *Inequality: A Reassessment of the Effect of Family and Schooling in America* (New York: Basic Book, 1972), p. 109.
12. Compare Onora A. O'Neill, "Opportunities, Equalities and Education," *Theory and Decision*, vol. 7 (1976): 290–1. O'Neill argues that our choice between equality of educational opportunity and equality of educational outcome depends on whether we view people as "socially produced" or as "autonomous choosers." My argument suggests that we can criticize the goal of equalizing educational outcomes quite independently of what O'Neill calls our "fundamental conceptions of the human condition."
13. See Robert Nozick's argument that "the foundations underlying desert needn't themselves be deserved, *all the way down*" (*Anarchy, State and Utopia* (New York: Basic Books, 1974), pp. 224–7). See also Sandel, *Liberalism and the Limits of Justice*, pp. 82–95. The concept of desert is complicated and the philosophical discussions correspondingly inconclusive. For the most complete conceptual analysis, see Joel Feinberg, *Doing and Deserving* (Princeton, NJ: Princeton University Press, 1970). See also Amy Gutmann, *Liberal Equality* (Cambridge: Cambridge University Press, 1980), pp. 160–7; and Alan Zaitchik, "On Deserving to Deserve," *Philosophy and Public Affairs*, vol. 6 (Summer 1977): 370–88.
14. For two different defenses of this conclusion, see Walzer, "Philosophy and Democracy," *Political Theory* 9:3 (August 1981), pp. 379–99; and Amy Gutmann, "How Liberal is Democracy," in Douglas MacLean and Claudia Mills (eds.), *Liberalism Reconsidered* (Totowa, NJ: Rowman and Allanheld, 1983), pp. 25–50.
15. Democratic decisions in the discretionary realm – allocating resources above the educational threshold – may indirectly define the threshold. What constitutes an adequate education for less advantaged children may be relative to the educational attainment of more advantaged children. This conception of an educational threshold can accommodate the phenomenon of relative deprivation.
16. 1875 Amendment to Article IV, sec. 7, para. 6 of the New Jersey Constitution of 1844: "The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of an children in this state between the ages of five and eighteen years."
17. Compare William Nelson "Equal Opportunity," *Social Theory and Practice*, vol. 10, no. 2 (Summer 1984): 157–84. Nelson defines equal opportunity on the basis of certain objective conditions of a good life that apply to any society independently of its social understandings (p. 168). Nelson's interpretation of equal opportunity is otherwise similar to mine, although he defends and develops it in a different way.