

Whom Must We Treat Equally for Educational Opportunity to be Equal?

Christopher Jencks

Americans never argue about whether educational opportunity should be equal. Egalitarians say equal opportunity is not enough. Pragmatists say it is unattainable. But no significant group defends unequal opportunity, either in education or elsewhere.

Instead of arguing about the desirability of equal educational opportunity, we argue about its meaning. We all assume that equal opportunity is compatible with our vision of a good society. Since we disagree about what such a society should be like, we usually disagree about the meaning of equal educational opportunity as well.

Everyone's conception of equal educational opportunity requires that educational institutions "treat equals equally." But we have dramatically different views about *whom* educational institutions should treat equally and whom they can legitimately treat unequally. Indeed, the enduring popularity of equal educational opportunity probably derives from the fact that we can all define it in different ways without realizing how profound our differences really are.

This paper discusses five common ways of thinking about equal educational opportunity, each of which draws on a different tradition and each of which has different practical consequences.¹ To

illustrate both the differences among these five conceptions of equal opportunity and also the different ways in which each of them can be interpreted, I will focus on a single concrete example: a third-grade reading class in a small town, taught by a teacher whom I will call Ms. Higgins. Like all of us, Ms. Higgins believes in equal opportunity. Her problem – and ours – is what her belief in equal opportunity implies about the distribution of the main educational resources at her disposal, namely her time and attention.

Two features of this example deserve comment. First, the unit of analysis is small – as small as I could make it. I believe, but will not try to prove, that all the *principled* claims about how Ms. Higgins ought to allocate her time among her pupils recur in essentially the same form when we argue about how school principals, boards of education, or legislatures ought to allocate scarce resources. I recognize, however, that the *practical* arguments for various possible distributions of Ms. Higgins's time are often quite different from those that come into play when a board of education or a legislature is allocating resources.

The second distinctive feature of my "case study" is that it focuses on *young* students. As students get

older, the case for paternalism grows weaker. As a result, both the principled and the practical arguments for certain courses of action grow weaker too. I focus on young children because I believe that their youth dramatizes certain ambiguities in our thinking about equal opportunity, but it may obscure others.

Ms. Higgins's Choices

Before Ms. Higgins enters the classroom, she is likely to imagine that her commitment to equal opportunity implies that she should give every pupil equal time and attention. Once she starts teaching, however, she is likely to discover a number of principled reasons for deviating from this simple formula. Ms. Higgins's ruminations will, I think, eventually suggest at least five possibilities, to which I propose to attach the following labels:

1. *Democratic equality.* Democratic equality requires Ms. Higgins to give everyone equal time and attention, regardless of how well they read, how hard they try, how deprived they have been in the past, what they want, or how much they or others will benefit.

2. *Moralistic justice.* Moralistic justice requires Ms. Higgins to reward virtue and punish vice. In the classroom, virtue involves effort, and moralistic justice means rewarding those who make the most effort to learn whatever Ms. Higgins is trying to teach.

3. *Weak humane justice.* Since some students have gotten less than their proportionate share of advantages in the past, humane justice requires Ms. Higgins to compensate those students by giving them more than their proportionate share of her attention while they are in her classroom. But the "weak" variant of humane justice only requires Ms. Higgins to compensate those who have been shortchanged at home or in their earlier schooling, not those who have been shortchanged genetically.

4. *Strong humane justice.* This variant of humane justice requires Ms. Higgins to compensate those who have been shortchanged in *any* way in the past, including genetically. In practice, this means giving the most attention to the worst readers, regardless of the reasons for their illiteracy.

5. *Utilitarianism.* Most utilitarians assume that the best way to get individuals to do what we want is to make every activity, including education, a race

for unequal rewards. Equal opportunity means that such races must be open to all, run on a level field, and judged solely on the basis of performance. Thus, insofar as Ms. Higgins's attention is a prize, it should go to the best readers.

Equal opportunity can therefore imply either a meritocratic distribution of resources, a compensatory distribution of resources, or an equal distribution of resources. A meritocratic conception of equal opportunity can, in turn, favor either those who try hard or those who achieve a lot, while a compensatory conception of equal opportunity can favor either those who have suffered from some sort of handicap in the past or those whose current achievement is below average.

Democratic Equality

If Ms. Higgins were a student teacher who had never thought carefully about teaching, and if we were to ask her what she thought equal opportunity implied about how she should distribute her time, she would probably answer that a commitment to equal opportunity meant giving all children equal time and attention. I refer to this view as "democratic" equality not because democracy has traditionally required it but because Americans habitually invoke the fact that they live in a democracy to justify it. We will say, for example, that our Constitution guarantees everyone "equal protection of the laws" and that this implies equal treatment. The idea of treating everyone in the same way, regardless of extenuating circumstances, certainly has a democratic ring to it.

Yet neither the Constitution of the United States nor democratic tradition requires either a board of education or Ms. Higgins to treat everyone in exactly the same way. School boards, for example, have never interpreted the democratic tradition as requiring them to spend equal sums on all pupils. They have set up programs of varying cost, especially at the secondary level, and have assumed that if they made these programs available on the basis of merit, past or current disadvantages, demand, or expected benefits, this was compatible with both equal opportunity and the equal protection clause of the Constitution.

As Ms. Higgins gains experience in the classroom she too is likely to feel dissatisfied with the idea that she must distribute her time in mathematically equal dollops to all children. Her first qualms about equal treatment are likely to arise when some

of her pupils show more interest than others, and she finds herself responding to their interest with extra attention. This observation will lead her to think more seriously about moralistic justice.

The Moralistic Theory of Justice

Moralistic theories of justice assert that we should all try to reward virtue and punish vice. When students make an effort to do what Ms. Higgins asks of them, moralistic justice allows her to respond not only with praise but with extra attention as well. When students make no effort to do what she asks of them, moralistic justice tells her she need not "waste her time" on them. While she might not put it this way, moralistic justice encourages her to think of her classroom as a moral community, held together by an unwritten contract which states that "I'll do my best if you'll do yours." Those who respect the contract reap its benefits. Those who do not respect it are subject to internal exile – to expulsion if they behave badly enough.

In principle, a moralistic view of the classroom should focus on intentions. This means that it should define virtue in terms of effort, not achievement. In practice, large institutions can seldom observe effort directly. All they can usually observe is actual achievement, which depends not only on current effort but also on ability and prior knowledge. Because large institutions habitually reward achievement rather than effort, Ms. Higgins may be tempted to do the same. But rewarding effortless achievement is not compatible with moralistic justice. Rather, it is a by-product of utilitarianism.

Moralistic justice is easy to reconcile with equal opportunity. One simply says that all students have an equal opportunity to make an effort and that all who make equal effort get equal treatment.

But moralistic justice is not likely to satisfy Ms. Higgins for long, because it treats third graders' motivation as fixed. If Ms. Higgins is at all perceptive, she will begin to ask why some children work harder than others and what she can do about this. Sooner or later such questions will force her to think about what I have called humane justice.

Humane Theories of Justice

Instead of focusing on what we deserve because of our virtues and vices, "humane" theories of

justice focus on what we deserve simply because we are members of the human species. Since we are all equally human, our claims as members of the species are all equal. Such claims, based on the mere fact of being human, are commonly labeled "rights." Since there is no general agreement about the nature of these rights, there are many versions of human justice. For convenience, I will try to array them on a spectrum running from strong to weak.

In its strongest variant, humane justice asserts that all individuals have an equal claim on all of society's resources, regardless of their virtues or vices. This version of humane justice demands equal outcomes rather than equal opportunity, however, so it need not concern us here.

What I will call here the strong variant of humane justice holds that society can make an adult's claim to resources conditional on various forms of socially useful behavior, but that society must offer all children an equal chance of meeting whatever requirements it sets. If some students need special help to develop the skills or character traits society values, society must give them whatever help they need. If, for example, some children need unusually good schooling to compensate for an unusually unfavorable home environment or unusual physical handicaps, society must make sure they get it.²

While advocates of this position do not insist explicitly on equal outcomes, it is hard to see how they can settle for less in the educational arena. If Johnny is a worse reader than Mary, Johnny must have had fewer advantages than Mary. Johnny's disadvantages may have been genetic, social, or educational, but whatever their origin strong humane justice demands that Ms. Higgins compensate Johnny by giving him extra attention (or by sending him to a remedial reading teacher who may give him extra attention in a less obtrusive way).

What I will call the weak variant of human justice has less stringent requirements. It holds only that all students have an equal lifetime claim on *educational* resources. Students have a claim to additional educational resources if they are currently disadvantaged because of some deficiency in their previous education but not if they are disadvantaged for non-educational reasons. If a student has had unusually bad schooling prior to entering Ms. Higgins's classroom, for example, she has an obligation to provide the student with extra help. If a student has incompetent parents, the case is more

controversial, but since most advocates of humane justice see the home at least in part as an educational environment, most feel that Ms. Higgins owes children extra help if their parents are unable to do as much for them as a good parent should.

If students lack ability for genetic reasons, however, weak human justice does not require Ms. Higgins to give them extra help. In effect, the weak interpretation defines equal educational opportunity as "equal opportunity for the genetically equal and unequal opportunity for the genetically unequal." The aim of such an educational system would be to create a society in which success depended entirely on "native ability," just as it did in Michael Young's meritocracy.³

The logic behind the weak variant of humane justice seems to be that society is responsible for the environment in which children are raised but not for the genes they inherit. This view has always baffled me. I can understand the argument that society is not responsible either for children's genes or for their upbringing. I have never seen a coherent defense of the proposition that society is responsible for one but not the other.

The most common argument for compensating children who have been raised in unfavorable home environments is that these environments are a by-product of our collective commitment to unequal socioeconomic rewards for adults. Having committed ourselves to an economic system that produces a high level of inequality among adults, we acquire an obligation to neutralize the effects of such inequality on children. Since we do not appear to have a comparable commitment to perpetuating genetic inequality among adults, we have no comparable obligation to neutralize the effects of genetic inequality on children.

But if it can be said that we have "chosen" a high level of socioeconomic inequality among parents and have thus acquired a special obligation to its victims, can it not equally well be said that we have "chosen" not to limit the fertility of the genetically disadvantaged? Most people assume that restricting the right to have children is an unacceptable limit on adult liberty. As a result, many children are born into awful environments and many are born with unfavorable genes. Such a policy appears to create some societal obligation to the children on whom it imposes *either* genetic *or* environmental costs.

I suspect, however, that all these arguments are beside the point. The reason most of us want to limit society's responsibility for the genetically

disadvantaged is prudential, not ethical. Most of us assume that it is harder to offset the effects of genetic disadvantages than environmental disadvantages. Because our genes are essentially immutable, we assume that their consequences are immutable too. Because the environment is mutable, we assume its effects are equally mutable. But there is no necessary relationship between the mutability of causes and the mutability of their effects. Two examples should suffice to dramatize this point.

First, consider two children who are deaf, one because of an early childhood disease, the other because of a genetic defect. The fact that one child's deafness was a product of heredity while the other child's deafness was environmental in origin tells us nothing about the physical character of the problem or the likelihood that it has a medical remedy. If no remedy is available, both children face the same educational problems. Whether they will develop the skills and character traits required for a "normal" life depends on their parents, their schooling, and their other characteristics, not on the initial cause of their deafness. The cost of educating them also depends on these factors, not on the origin of their disorder.

Second, consider an eager but slow-witted girl who has great difficulty mastering reading. Assume her difficulty is genetic in origin and manifests itself in a generalized inability to master skills that require her to see analogies or remember large amounts of miscellaneous information for long periods. Compare her to another girl who also has great difficulty reading because she comes from a disorganized and abusive home, is always angry at her teachers and fellow students, and cannot concentrate on any task long enough to learn much. If we ask which of these children will benefit most from a minute of Ms. Higgins's time, the answer is far from obvious. If we ask experienced teachers, some will say they think it would be easier to teach the "slow" child, while others will say that they think it would be easier to teach the "disturbed" child. Such disagreement would probably persist if we stipulated that the slow child had been brought up in the wrong way, while the disturbed child had an inherited metabolic disorder.

For all these reasons the moral and empirical foundations of weak humane justice seem to me very shaky. Nonetheless, experience suggests that Ms. Higgins is more likely to endorse the weak interpretation of humane justice than the strong interpretation.

Another weak variant of humane justice, which I will call "moralistic humane justice," requires Ms. Higgins to pursue equal educational outcomes only when students make equal effort to do what she asks of them. Those who advocate this form of humane justice believe that society must provide all students with equal educational resources, including extra school resources to compensate for deficiencies in their home environments and perhaps even their genes, but not that society is responsible for an individual's values or character. They therefore reject the notion that Ms. Higgins must compensate children for the consequences of having the wrong values. If a parent fails to provide a child with books or gives the child very limited exposure to unusual words at home, Ms. Higgins has an obligation to provide compensatory help at school. But if a parent teaches a child that mastering unusual words is a waste of time, Ms. Higgins has no obligation to alter the child's values, even if these values will be socially and economically costly to the child in the long run.

There does not seem to be any principled reason why we should hold either Ms. Higgins or society as a whole responsible for giving all children equal educational resources but not for making sure that they learn to use these resources in ways that will promote their long-term self-interest. The argument for this view is once again strictly pragmatic. It asserts, correctly, that the only way to be sure that all children value learning equally is to make child rearing a collective rather than an individual responsibility, as the kibbutz does. This being politically unacceptable, making all children value learning equally is impractical. Equalizing access to educational resources requires less drastic institutional changes and is therefore more practical.

The argument that society is responsible for children's values also creates a "moral hazard" for the children. If children are not responsible for the consequences of their own choices, they have no incentive to make choices that are disagreeable in the short run but beneficial in the long run. If, for example, Ms. Higgins decides not to hold her working-class pupils personally responsible when they neglect their work, on the grounds that they come from homes where studying is not encouraged, their main incentive to study disappears.

While it is impossible to ensure that all children value learning equally, the way in which we organize schools can surely *reduce* the gap between students whose parents have taught them to value

learning and students whose parents have not. Any theory that exonerates Ms. Higgins from all responsibility on this score is morally suspect, since it provides an excuse for doing nothing in circumstances where a lot can and should be done.

Unfortunately, it is philosophically difficult to find a middle ground between holding society completely responsible for children's values and holding children themselves completely responsible for their values. Most advocates of humane justice therefore choose to hold society responsible, at least in their public pronouncements and political arguments. But if society as a whole is responsible for an individual's preferences and values, the boundary between the individual and the larger society no longer has the moral significance that Europeans and Americans have traditionally assigned it. Indeed, the boundary almost disappears, and the notion that individuals are the proper units for moral accounting breaks down.

The assumption that society as a whole is responsible for children's values, and hence for their level of effort, inevitably changes the meaning of equal opportunity. Instead of asserting that opportunities are equal when the objective costs and benefits of various choices are equal in the eye of the average outside observer, this stance requires Ms. Higgins to take account of *all* the factors that influence an individual's choices, including subjective costs and benefits. If Johnny's parents do not praise him for reading as often as Mary's parents praise her, Johnny does not get the same subjective benefits from reading. Other things equal, Johnny will therefore make less effort to read. Most advocates of humane justice feel that under these circumstances Johnny has less opportunity to master reading than Mary has, even if he has the same books on his shelves at home and the same teacher at school.

This is not, of course, the way we usually use the term 'opportunity' in everyday language. If Johnny and Mary have the same access to books and are taught in the same way, we ordinarily say that they have the same opportunity to learn. If Mary's parents encourage her to take advantage of this opportunity, while Johnny's do not, we usually say that Mary has more incentive or motivation to learn, not that she has more opportunity to do so. But in the past twenty years many have argued that this traditional linguistic distinction is sociologically and ethically meaningless and that we should read equal opportunity more broadly.

Humane Justice and Socioeconomic Inequality

American liberals and radicals have traditionally defined equal opportunity as requiring that children from different socioeconomic backgrounds have the same probability of learning to read competently, attending good colleges, getting good jobs, and enjoying a good life. If these probabilities vary, opportunity is unequal. This is almost always a matter of definition. No evidence regarding the reasons for the difference is ordinarily required.

Most liberals and radicals also seem to assume that children from different socioeconomic backgrounds are genetically indistinguishable. This assumption persists despite the fact that there are powerful logical and empirical arguments against it. We know, for example, that genes have some influence on academic achievement.⁴ We also know that academic achievement has some effect on adults' socioeconomic position, independent of everything else we have been able to measure.⁵ Logic therefore suggests that a child's genes must have some influence on his or her adult socioeconomic position. If that is so, adults in different socioeconomic positions must differ genetically. It follows that their children must also differ genetically. These differences may not be large, and they may not explain much of the achievement gap between children from different backgrounds, but they must exist.⁶

Nonetheless, few liberals or radicals will even entertain the possibility that genes contribute to achievement differences between socioeconomic groups. This position appears to be based on political expedience: people are more likely to believe that society should try to help the environmentally disadvantaged than the genetically disadvantaged. Thus even if you believe in your heart that poor children labor under genetic as well as environmental handicaps, you are likely to think it expedient to deemphasize this possibility when you are campaigning for programs to help such children.

Some advocates of humane justice also deny that middle-class children are unusually eager to master cognitive skills. Those who take this position typically insist that working-class children enter school eager to learn and are then "turned off" by large classes, authoritarian teachers, low expectations, and a curriculum that assumes knowledge or experience they do not have. There is certainly some truth in all this. Indeed, if we were to measure effort simply by looking at the number of minutes children spent

doing schoolwork, we might not find much difference between middle-class and working-class children in the early grades. But effort also includes the games children choose to play (Scrabble versus basketball), the things they think about at breakfast (childish puns versus fast cars), and a multitude of other activities that contribute in subtle ways to cognitive development. If we define effort in this comprehensive way, the claim that middle-class children value cognitive skills more than working-class children is almost surely correct, though I know no hard evidence supporting it.

If children from different socioeconomic backgrounds are to have equal chances of doing well in school, Ms. Higgins must find ways to offset the effects of whatever genetic and motivational differences now distinguish them. If poor children labor under genetic disadvantages, she must give them extra attention. If their parents value cognitive skills less than middle-class parents, Ms. Higgins must reward poor children more than middle-class children who learn the same amount. Only in this way can she make the subjective value of learning equal for working-class and middle-class children. Some socialist societies have tried to achieve something like this by making bourgeois origins an explicit obstacle to advancement. Such policies hardly conform to American notions of equal opportunity, however.

These practical difficulties do not call into question the fundamental moral premise of humane justice, namely that educational resources should go disproportionately to the disadvantaged. The practical difficulties do, however, suggest that if equal opportunity means that children raised in different families must have equal probabilities of success, we can never fully achieve it. Since most of us think of rights as goals that *can* be achieved, we must either reject the argument that equal opportunity is a right, substituting the notion that it is an ideal, or else we must reject the conventional humane definition of equal opportunity.

If advocates of humane justice concede that equal probabilities of success are unattainable, they must face another difficulty. Their theory requires Ms. Higgins to spend more time with poor readers than with good readers. But *how much* more time? The logic of a deprivation-based theory of justice seems to imply that Ms. Higgins should devote *all* her time and attention to the worst reader in her class. If the worst reader moves ahead of the next worst, she shifts her attention to the next worst. She

keeps doing this until everyone reads equally well. But if the worst reader *never* catches up, what principle (other than utilitarianism) can she use to justify not devoting her life to him?

Moralistic versus Humane Justice

If a society can take concerted action to reward virtue and punish vice, it can usually enforce a high degree of conformity to its norms, whatever these may be. Moralistic justice has great appeal in such societies because it works. Such societies seldom have to carry out their threats.

In societies like our own, which have great difficulty taking concerted action against those who violate rules, violations are far more common. Paradoxically, as the likelihood that violations will be punished declines, the absolute amount of misery that society inflicts on those who violate its rules may well increase. When punishment is certain, violations are rare, so punishment is also rare. When punishment is less certain, violations become common, and punishment, while less likely in any individual case, may well be both more common and more severe in the society as a whole.

This paradoxical development often leads compassionate observers to discover reasons for rejecting moralistic justice. They are likely to argue that moralistic justice has "failed," without asking what would happen if we abandoned it altogether. Compassionate observers are also likely to argue that those who reject society's rules are simply reacting to the fact that society rejects them. Humane justice has considerable appeal in such societies, especially to the virtuous, who tend to assume that everyone would be as virtuous as they if everyone had the same advantages.

The tension between moralistic and humane justice is, of course, related to the old problem of free will versus determinism. The moralistic theory of justice assumes that children have free will. Parents should provide appropriate incentives for children to make the right choices, but if a child then makes a wrong choice, the child rather than the parent is expected to suffer for the mistake. The humane theory of justice assumes that the environments in which children find themselves determine their choices. As a result, those who create the environment are ultimately responsible for children's choices and are morally obligated to absorb the costs of foolish choices.

Both theories of justice are compatible with a "fair contest" theory of equal opportunity, but they assign Ms. Higgins different roles in this contest. Moralistic justice is a system for awarding prizes. It tells Ms. Higgins to act as a judge, giving different students what they deserve on the basis of their past academic effort. Humane justice focuses on preparing runners for the next contest. It tells Ms. Higgins to act as a coach, whose job is to ensure that all competitors get enough training.

Every moment in our lives is both an ending and a beginning. When we think of the moment as an ending, we apply the standards of moralistic justice. When we think of it as a beginning we apply the standards of humane justice. When we recognize that the moment is both, we find ourselves in a quandary. For this reason neither Ms. Higgins nor American society as a whole is likely to resolve the conflict between the two visions of equal opportunity that flow from these two theories of justice.

Utilitarianism

Utilitarian theories of resource allocation try to maximize the average level of well-being in a society rather than trying to ensure just treatment of individuals. Maximizing the well-being of a population involves two distinct problems: (1) motivating individuals to do their best to promote the general welfare and (2) allocating scarce investment resources among competing claimants. Solving each problem requires resources. Utilitarians must therefore devise some formula for dividing resources between these two activities. In economics, this is usually seen as a problem of dividing output between consumption and investment. Claims on consumption goods are used as incentives for productive activity. Claims on investment capital are allocated on the basis of expected returns.

For Ms. Higgins, the problem is to what extent she should treat her time and attention as a reward for past performance and to what extent she should take student motivation as given and allocate her time on the basis of who will benefit most from it. Settling this question is critical because the "incentive model" and the "investment model" will lead Ms. Higgins to allocate her time very differently.

If Ms. Higgins wants her students to read well, for example, most utilitarians will tell her that she

should reward her best readers with prizes of various kinds. These prizes may be high letter grades, gold stars, hugs, or attention, depending on what is most effective. But since attention is usually worth more to a third grader than grades, gold stars, or even hugs, utilitarian logic suggests that Ms. Higgins may do better if she uses attention as a prize than if she uses other things. This would mean giving more attention to her best readers. In contrast, when Ms. Higgins thinks of her time as an investment good and tries to distribute it among her students in such a way as to maximize their long-term contribution to the general welfare (including their own), she may well conclude that she should spend most of her time with her worst readers. Like the choice between moralistic and humane justice, Ms. Higgins's choice between an incentive strategy and an investment strategy depends on whether she views a given moment as an ending or as a beginning.

Viewing attention as a prize that motivates students leads naturally to the idea of equal opportunity. Utilitarians espouse equal opportunity because it sets rules for the distribution of prizes that appear likely to ensure maximum effort on the part of contestants. Three rules appear crucial. First, utilitarian equal opportunity requires that the competition be open to all. No one can be excluded for "irrelevant" reasons, such as race, sex, or family background. Second, utilitarian equal opportunity requires that prizes be distributed solely on the basis of performance, not on the basis of "irrelevant" criteria. Third, and most problematic, the utilitarian conception of equal opportunity requires that the rules of the contest be set so that as many people as possible have a reasonable chance of winning. This is desirable because it is the best way to maximize effort.

This utilitarian conception of a "fair contest" is akin to moralistic justice in that it focuses on motivating students to do their best and views Ms. Higgins's attention as a reward for past performance. But the utilitarian vision of equal opportunity differs from moralistic justice in that it rewards actual performance rather than effort. This difference is a matter of expedience rather than principle, however. If effort were easy to measure, utilitarians might well reward it instead.

The utilitarian conception of resources as an investment good is akin to humane justice in that it either ignores the problem of motivation

or treats motivation as fixed. Utilitarian investment theories are also similar to what I have called strong humane justice in that both are preoccupied with producing a particular distribution of reading skills. But a utilitarian calculus focuses on maximizing the mean level of welfare whereas strong humane justice focuses on minimizing variation around the mean.

The utilitarian approach to investment also differs from humane justice in that it does not ordinarily invoke the ideal of equal opportunity. Nonetheless, it has important implications for equal opportunity, since it is the principle competing theory of resource allocation.

Investment-oriented utilitarianism requires Ms. Higgins to distribute her time so as to maximize society's long-term well-being. In order to do this she needs two kinds of information. First, she must know how much different sorts of students' reading skills will improve if the students get an extra minute of her time. Second, she must know how much raising students' reading skills will enhance their contribution to the general welfare. Each of these problems deserves brief discussion.

If Ms. Higgins simply asks herself whether her time will be of more value to good or bad readers, or to highly motivated or apathetic ones, she will be able to make a plausible *a priori* case for almost any conceivable answer. Like most utilitarian quandaries, this one demands empirical research. Unfortunately, if Ms. Higgins consults the research literature on this question, she will not find a clear-cut answer.

If Ms. Higgins asks how raising different kinds of students' reading scores will contribute to the general welfare, she will again be able to make a plausible case for almost any conceivable answer. If she looks at the research literature she will find that nobody has even asked the question, much less answered it convincingly. If she confines herself to adults' reports of their own happiness and has a computer handy, she will be able to discover that happiness increases as vocabulary scores increase and that this relationship is much stronger in the bottom half of the test score distribution than in the top half.⁷ Thus, if she assumes that what is good for her students is good for the country, she will probably conclude that it is more useful to help move her worst readers up to the middle of the distribution than to move middling readers to the top.

But if Ms. Higgins is a good utilitarian she must ask herself not only what will make her own students happiest but also what will contribute most to the happiness of the species. If she asks this question, she may conclude that human happiness depends primarily on the way society is organized politically, socially, and technically and that her best hope of contributing to progress in these areas is to cultivate the talents of one or two outstanding students every year.

Because Ms. Higgins has no way of knowing with confidence how much her attention will boost any particular student's reading skills, much less how it will affect the student's long-term well-being or that of others in the society, the de facto effect of treating her attention as an investment good is to force her to make decisions whose consequences she cannot predict. This can have a variety of possible consequences.

1. Ms. Higgins may succumb to the claims of those who favor moralistic or humane justice, since such people almost always insist that their version of justice is also socially efficient. Those who are eager to reward effort and punish indolence, for example, will tell her that this is not only just but also the best way to maximize her students' long-run well-being. If she finds moralistic justice attractive on ethical grounds she may well accept such empirical claims without demanding hard evidence. Conversely, if she is eager to help students who have been shortchanged in the past, she will find plenty of writers who claim these students will benefit most from her attention, and she may well believe their claims.

2. Ms. Higgins may despair of calculating the long-run benefits of distributing her attention in different ways and may decide to focus exclusively on short-term costs. If she takes this view she is likely to conclude that the most efficient distribution of her attention is the one that leaves her with the most attention to distribute. If she finds working with slow learners tiring or frustrating, she will then conclude that the most efficient way to spend her time is with the gifted. If she finds working with slow learners raises her spirits, she will conclude that this is efficient.

3. Since Ms. Higgins does not know what will maximize social welfare in the long run, she may try to minimize the likely cost to society of her mistakes. Under plausible assumptions this will lead her to devote equal time and attention to everyone.⁸

Equal Opportunity and the Burden of Proof

Given all the uncertainties that arise when Ms. Higgins tries to redefine equal opportunity so as to justify an unequal distribution of her attention, she may well begin to wonder whether any of the arguments for unequal treatment is really compelling. If her principal calls her on the carpet for favoring the talented, the diligent, the poor, or the incompetent, can she really defend herself?

The principles we use to distribute things vary with the nature of the things we are distributing. We try to distribute government jobs on the basis of virtue, public housing on the basis of disadvantages, and medical care on the basis of expected benefits. If the relative weight of these distributional principles depends on what we are distributing, none can claim to be universal. Indeed, in some cases they may all be irrelevant. Ms. Higgins must therefore ask whether any of these principles really applies to her classroom. Her arguments for ignoring all three principles would presumably go something like this:

Virtue. Virtue must be rewarded and vice punished in *some* way, but Ms. Higgins need not use her time and attention for this purpose. If judicious use of praise, blame, and grades ensures that most students do their best, Ms. Higgins can make her time equally available to everyone if she wishes.

Disadvantages. While Ms. Higgins can easily see that some of her students read better than others, she cannot usually tell whether these differences derive from differences in prior schooling, home advantages, genes, or motivation. If she rewards poor motivation with extra attention, she will undermine the implied moral contract between students and teachers, reducing students' future effort.

Benefits. While Ms. Higgins may want to take account of potential benefits when distributing her time, she may well conclude that in practice she has no way of knowing who benefits most from her time.

In the absence of any compelling argument for favoring one group over another, Ms. Higgins may conclude that her commitment to equal opportunity implies equal treatment for all. At a minimum, her commitment to equal opportunity requires her to give reasons for treating her students unequally. As we have seen, there is no general agreement about when Ms. Higgins can legitimately treat children

unequally. In practice, therefore, demanding general acceptance of her reasons for distributing her time and attention unequally would force her to distribute them equally.

Ms. Higgins's reflections may, therefore, lead her full circle, back to what I initially called democratic equality. But in this incarnation, equal treatment no longer derives directly from democratic rhetoric. Instead, it derives from the fact that democracies typically put the burden of proof on those who favor unequal treatment, and in practice this burden is so heavy that the egalitarian "null hypothesis" can always carry the day.

The Politics of Ambiguity

If equal opportunity can mean distributing resources either equally or unequally, if it can be compatible with inequalities that favor either the initially advantaged or the initially disadvantaged, and if the relative weight of these principles can vary from one situation to the next, it is small wonder that most Americans support the idea. A skeptic might wonder, however, whether an idea that can embrace so much means anything at all.

Because the ideal of equal opportunity seems to forbid behavior we want to minimize while blurring disagreement about what we want to maximize, it will undoubtedly continue to command broad

support. It is an ideal consistent with almost every vision of a good society. For liberal lawyers intent on expanding the domain of rights, equal opportunity implies that citizens have a "right" to lots of things they want but cannot afford, ranging from better schools to wheelchair ramps in public places. For progressive social reformers who want to minimize misery, equal opportunity implies that we need new social programs to help those who labor under one or another kind of disadvantage. For conservative businessmen, equal opportunity implies that the prizes for unusual success should not be tampered with in a misguided effort to achieve equal results. For politicians of all persuasions equal opportunity is therefore a universal solvent, compatible with the dreams of almost every voter in a conflict-ridden constituency. This makes equal opportunity one of the few ideals a politician can safely invoke on all occasions.

Without common ideals of this sort, societies disintegrate. With them, conflict becomes a bit more muted. But the constant reiteration of such rhetoric also numbs the senses and rots the mind. This may be a price we have to pay for gluing together a complex society, but if so there is something to be said for smaller, more politically homogeneous societies, where the terms of discourse may not have to be quite so elastic. That is one reason we develop scholarly disciplines. It may also be one reason why scholars tend to prefer the political discourse of Sweden or Switzerland to that of America.

Notes

1. Because this paper focuses on popular understanding of equal opportunity, I have not tried to tie my discussion to scholarly papers on the subject. Readers familiar with this literature will, however, find that it echoes many of the themes I discuss.
2. Advocates of humane justice often say they favor distributing resources on the basis of need, but the meaning of "need" is ambiguous in this context. When we say that Johnny needs a minute of Ms. Higgins's time more than Mary does, we can mean either that Johnny is a worse reader, and therefore "needs" to improve more, or that Johnny will *actually* improve more if he gets the time. The first use of "need" is analogous to its use in a phrase like "the 100 neediest cases." The second use is analogous to that in the statement "Adults need to eat more than children." Distributing resources on the basis of "need" can thus imply either humane justice or utilitarianism, depending on whether you equate need with prior deprivation or subsequent benefits. Because of this ambiguity I will focus directly on disadvantages and benefits rather than on need.
3. Michael Young, *The Rise of the Meritocracy* (London: Thames & Hudson, 1958).
4. My colleagues and I summarized this evidence in Christopher Jencks et al., *Inequality* (New York: Basic Books, 1972). Subsequent work suggests that genes may have slightly more effect on test scores than *Inequality* found, but the differences are quite minor.
5. See, e.g., James Crouse, "The Effects of Test Scores," in Christopher Jencks et al., *Who Gets Ahead?* (New York: Basic Books, 1979).
6. For a review of empirical evidence on this point up to 1972, see Christopher Jencks et al., *Inequality*. For more recent evidence see Sandra Scarr and Richard Weinberg, "The Influence of 'Family Background' on Intellectual Attainment," *American Sociological Review* 43 (1978): 674-92.
7. The General Social Survey (GSS) is an annual survey of about 1500 adults conducted by the National

Opinion Research Center. In 1974, 1976, 1978, 1982, and 1984 it included a ten-item vocabulary test. It also included the following question: "Taken all together, how would you say things are these days – would you say that you are very happy, pretty happy, or not too happy?" The proportion who said they were "not too happy" averaged 26 percent among those with scores of 2 or 3, 14 percent among those with scores of 4 or 5, 10 percent among those with scores of 6 or 7,

8 percent among those with scores of 8 or 9, and 9 percent among those with scores of 10. For details on this survey, see James A. Davis and Tom W. Smith, *General Social Surveys, 1972–1984: Cumulative Codebook* (Storrs, CT: Roper Center, 1984).

8. If one error of two units costs more than two errors of one unit, and if nothing is known about the welfare function, equal treatment will maximize the expected value of the outcomes.