

Equality in Education - Why We Must Go All The Way

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ABSTRACT

In this paper I present and defend a highly demanding principle of justice in education that has not been seriously discussed thus far. According to the suggested approach, “all the way equality”, justice in education requires nothing short of equal educational outcome between all individual students. This means not merely between equally able children, or between children from different groups and classes, but rather between all children, regardless of social background, race, sex and ability. This approach may seem implausible at first, due to the far-reaching implications it entails, primarily its requirement to deny better-off children their advantage for the sake of equality. However the paper argues that all-the-way-equality, in fact, does a better job realizing the goals of justice in education than alternative conceptions of justice. It is further argued that at least some of the principle’s most radical consequences, those that make it seem counterintuitive, can be mitigated by balancing all-the-way-equality with competing interests.

1. Introduction

Inequality in educational opportunity and its prices for individuals and society are an ongoing concern in liberal democracies. The ‘savage inequalities’¹ that are reported in education and the genuine difficulties involved in mitigating them color the philosophical discussion of the issue with a sense of urgency along with an expectation that the debate relate to real life challenges.

Amidst the lively debate regarding distributive justice in education, there is a position that has not yet been seriously defended, a position which I call ‘all-the-way-equality’, according to which justice in education requires equality in educational outcome between all individual students. This means not merely between equally able children, or between different social groups and classes – but rather between all children, regardless of their social background, sex, ability and the effort they invested. In this paper I attempt to do just that, argue that when it comes to equality in education, nothing short of “going all the way” will do.

All-the-way-equality may seem, at first glance, too radical an approach to be plausible or relevant to real life education policy. It seems simply impossible to achieve equality in educational outcomes among all children, and the mere attempt is bound to lead to undesirable consequences, primarily lowering the achievement of certain children in order to obtain equality. These radical ramifications explain why the principle hasn’t received appropriate attention from philosophers. I aim to show that this initial reaction to all-the-way-equality is mistaken and that while very demanding, it is a plausible principle of justice in education. In fact, I contend that it does a better job realizing the goals of distributive justice in education than other principles of justice. Its basic commitment to

¹ To take the name of Jonathan Kozol’s famous book: *Savage Inequalities: Children in America’s Schools* (NY: Crown publishers, 1991).

equality of outcomes is morally justified, and at the same time the most problematic consequences of the approach are avoided by balancing equality with competing interests.

The paper proceeds as follows: I begin by locating the argument within the contemporary debate regarding justice in education, which includes the approaches of educational adequacy, priority for the worst-off, and equality (parts two and three). In part four, I proceed to explain the proposed approach, and why it fares better than others as a principle for justice in education. Part five then addresses at some length some of the objections that can be raised against all-the-way-equality and the issue of balancing it with competing interests.

2. Equality, Adequacy, and Priority

At the center of contemporary debate regarding distributive justice are two competing groups of approaches: The sufficientarian principle of educational adequacy, and views that require equality. A third, prioritarian view of justice in education, has recently been suggested, and will surely attract further attention. The view which I will defend, all-the-way-equality, belongs to the egalitarian group of approaches and shares the underlying intuitions that these approaches are based upon. However it contrasts other outcome-based equality views that concede to inequality in cases of differential ability or differential effort. All-the-way-equality asserts that these exceptions cannot be morally justified and that justice requires equalizing education for all individuals. The egalitarian intuition together with the failure of alternative views establish all-the-way-equality as the appropriate principle of justice in education. I begin by presenting the alternative views.

a. Adequacy

Sufficientarian principles of justice are based on the premise that what is important, as a matter of justice, is not that all people have the same, but that all people have enough (of whatever is being distributed – welfare, resources). In education, it means that the state is obligated to ensure that all children are supplied with an adequate education. Disparity that exists above the adequacy threshold is, generally, not unjust. As a result, this approach doesn't entail limiting investment in education for the advantaged, an action that some see as an essential part of parental liberty, as well as important for social utility. Being an outcome-based principle, it requires the state to engage in any number of measures in order to achieve adequate education for all children, and therefore can help improve education for disadvantaged children. As a result, adequacy has proven an effective legal strategy for improving education for worse-off children.²

Another advantage of the adequacy principle is that it creates a right for each individual student to receive an adequate education, and is not confined to checking the achievement of social groups. Thus it applies equally to all children with all kinds of disadvantages, including children with low cognitive abilities (subject to certain limitations and balancing).

² The state constitutions in the United States enshrine the right to an adequate education, providing the basis for legal challenges against education funding schemes that arguably deny adequate education to disadvantaged children. See for example: Paul L. Tractenberg, 'Beyond Educational Adequacy: Looking Backward and Forward Through the Lens of New Jersey', *Stan. J.C.R. & C.L.* 4 (2008), pp. 411-46; Josh Kagan, Note, 'A Civics Action: Interpreting "Adequacy" in State Constitutions' Education Clauses', *N.Y.U. L. Rev.* 78 (2003), pp. 2241-77; Deborah A. Verstegen, 'Towards a Theory of Adequacy: The Continuing Saga of Equal Educational Opportunity in the Context of State Constitutional Challenges to School Finance Systems', *St. Louis U. Pub. L. Rev.* 23 (2004), pp. 499-530.

The exact content of the adequacy standard, or what constitutes adequate education, can take different forms. For example, Elizabeth Anderson,³ Debra Satz⁴ and Amy Gutmann⁵ regard it as education that enables graduates to participate as equals in society. James Tooley suggests that the threshold consists of a minimally adequate education.⁶ Other possible standards could include access to higher education, development of autonomy, or obtaining certain capacities.

b. Equality

On the other side of the debate are approaches of equality. The main objection these approaches raise toward adequacy concerns its indifference towards inequality above the threshold. Education egalitarians argue that even assuming all children have adequate education, inequality above the threshold is unfair. This claim is based on education's character as a positional good. A good is positional when its value to the holder is determined by the amount others have of it – if one has more, then the other inevitably has less.⁷ This is typical of goods that are scarce or competitive, such as political power or goods that have "snob-value", meaning that their value is derived from their scarceness such as diamonds, yachts and other luxury items. Other goods that are not positional do not rely on exclusivity in order to generate value to their owner. For example, the enjoyment I derive from my air-conditioner is not affected by the number of other people

³ Elizabeth Anderson, 'Fair Opportunity in Education: A Democratic Equality Perspective', *Ethics* 117 (2007), pp. 595-622.

⁴ Debra Satz, Equality, 'Adequacy and Education for Citizenship', *Ethics* 117 (2007), pp. 623-48.

⁵ Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987).

⁶ James Tooley, *Disestablishing The School* (Aldershot: Avebury Press, 1995).

⁷ Fred Hirsch, *Social Limits to Growth* (London: Routledge, 1976); Harry Brighouse & Adam Swift, 'Equality, Priority & Positional Goods', *Ethics* 116 (2006), pp. 471-97.

who own air-conditioners. A place on a waiting list, on the other hand, is a positional good, because it is relational: the more people there are in front of me in the line, the less value my place has.

Education, or more accurately, the instrumental value of education as a means to a good job or admission to college, is a positional good. Desirable jobs, placements in prestigious colleges, and influential social positions are limited, creating competition for them. Education is one of the most important factors in the race, both because formal credentials play a part in the selection, and also because education enables individuals to acquire important capabilities. “Good education” in this sense is a purely relative notion – in a society where illiteracy is common, having a high school diploma gives an individual great advantage. However, where many others have college education, the value of a high school education is diminished, forcing high school graduates to work in positions that are much less desirable, powerful and lucrative. The competition for these positions can be described as a queue, in which all high school graduates line up. Allowing some children educational advantage enables them to “jump the queue”, pushing other children back in line and reducing their chances to secure these positions. In modern societies, this carries a high price. Those with educational advantage have a better chance in higher education and in the job market, but the rewards don’t end there. Educational advantage affects individuals’ future income, health, life expectancy, their likelihood of being involved in crime, and even their likelihood of having satisfying relationships.⁸

⁸ See for example A. C. Michalos, ‘Education Happiness and Wellbeing’, *Social Indicators Research* 2008.87 (2008) pp. 347-366, reviewing research that shows that education affects health, life expectancy, the likelihood of obtaining a well-paid and secure job and diminishes the likelihood of being involved in

Admittedly, education also has non-positional dimensions. Society draws non-positional benefits from education such as social cohesion, stability and peace. Furthermore, there are non-positional aspects to the benefit that each individual gains from education. For example, if all children in a given state receive only six years of schooling, a child receiving eight years of schooling would clearly be the best off, having sufficient advantage over any other child in the job market. Yet, there would still be reasons to value extra education beyond these eight years, reasons which have nothing to do with the competitive character of education, as education develops one's self-respect, enables an individual to enjoy reading, appreciate refined art, and engage in critical contemplation. The positional and non-positional dimensions of education are not easily separated and often the same things create both competitive advantages and intrinsic value. Therefore, there may be times when the importance of the non-positional aspect that may be lost overrides equality. This will be discussed in the third part of the paper.

Education's substantial positional character makes it objectionable that some children receive a better education than others, even if all children receive adequate education. Therefore, egalitarians argue that a principle of justice in education cannot be satisfied with less than an equal distribution; however, there are differences between the different

criminal activity. For research regarding health, see E. R. Meara and S. Richards, and D. M. Cutler, 'The Gap Gets Bigger: Changes in Mortality and Life Expectancy by Education: 1981-2000', *Health Affairs* 2008.27 (2008) pp. 250-260; See also: E. Rogot, P. D. Sorlie, and N. J. Johnson, 'Life Expectancy by Employment Status, Income and Education in the National Longitudinal Mortality Study', *Public Health Reports* 107 (1992) pp. 1992 (suggesting a gap of 5-6 years in life expectancy between the most and least educated); and L. Lochner, L. and E. Moretti, *The Effect of Education on Crime: Evidence From Prisons Inmates, Arrests and Self Reports*, (National Bureau of Economic Research Working Paper 8605, 2001), showing that completing high school reduces the probability of incarceration, especially for minority children.

conceptions of equality in education. I will present two of these approaches, the popular meritocratic approach and what I call the “effort only” approach. All-the-way-equality has a lot in common with these approaches; however, where both approaches stop, all-the-way-equality pushes forward to the logical conclusion of equality in education. Before doing so, I will present a third principle of justice that requires prioritizing the worst-off.

c. Priority for the Worst-off

Another possible principle of justice in education is priority for the worst-off, according to which, benefiting people matters more the worse off they are.⁹ In education, this would entail giving special consideration to educationally disadvantaged children, regardless of the cause of their disadvantage.

In her articulation of this principle, Gina Schouten argues primarily for a principle of priority that would supplement a meritocratic principle of justice, meant to deal with inequality caused by natural ability. However, she also suggests that priority may be able to replace meritocracy altogether and constitute a comprehensive principle of justice in education.¹⁰ In this paper I refer to priority in this latter sense.

One important advantage of the priority principle is that it targets disadvantage in education that is caused by natural reasons as well as social ones. Additionally, the requirement to prefer the worst-off persists at all levels of distribution; therefore, even if

⁹ Derek Parfit, ‘Equality and Priority’, *Ratio* 10 (1997), pp. 202-221. Different articulations of this principle are possible that may vary between absolute priority for the worst off, to softer versions of priority. For a critique of absolute priority, and discussion whether Rawls’s Difference Principle is an absolute prioritarian principle, see: Walter Glannon, ‘Equality, Priority, and Numbers’ *Social Theory and Practice* 21:3 (1995), pp. 427-455.

¹⁰ See: Gina Schouten, ‘Fair Educational Opportunity and the Distribution of Natural Ability: Toward a Prioritarian Principle of Educational Justice’, *Journal of Philosophy of Education* 46 (2012), pp. 472-91. See also James Tooley, ‘Moving From Educational Equality to Improving the Education of the Least Advantaged’, in *Educational Equality*, (Graham Haydon, ed., London & New York: Continuum Int’l Publishing Group, 2011) pp. 96-129.

all children's education is above the adequacy threshold, there would still be reason to prioritize the worst-off. But the primary attractiveness of a principle of priority, both in general and in education, is that it accommodates the intuitive concern for promoting the worst-off without requiring "leveling down"; as opposed to equality, it doesn't require reducing the wellbeing of the better-off unless this benefits the worst-off.¹¹ As a result, inequalities that are needed in order to raise those at the bottom are allowed.¹²

However, given that education is a positional good, it is hard to see how this advantage – the fact that priority allows inequality that benefits the worst-off – could be of any practical significance. As I explained earlier, when positional goods are concerned, equality will *always* benefit the worst-off and is therefore justified from a prioritarian point of view. Inequality in education could never be justified by a principle of priority (at least *prima facie* – pluralist prioritarrians could support an unequal outcome, if a different value justifies overriding the prioritarian distribution), simply because there is no possible case in which unequal educational outcome would be better for the worst-off than equality.¹³ Therefore, if we take education's positional nature seriously, priority for the worst-off loses much of its appeal. It cannot do for education what it does for justice in general – bringing the worst-off to their best possible situation without subsequently reducing the wellbeing of people who are better-off.¹⁴ I will return to this point after presenting the "all-the-way-equality" principle.

¹¹ Parfit, *supra* note 9.

¹² Brighouse and Swift, for example, comment that this is the main strength of this principle. See Harry Brighouse and Adam Swift 'The Place of Educational Equality in Educational Justice' in *Education, Justice and The Human Good* (Kirsten Meyer, ed. Routledge, NY, 2014) pp. 14, 17.

¹³ Although for two unequal situations, the one in which the worst-off is better-off, could indeed be better than the alternative. For example, between two unequal distributions A (2,4) and B (4,6), B would be better than A.

¹⁴ This applies to a principle of priority in education that aims at promoting the worst-off's *educational outcome*. Although this seems to me the most natural way to construe a principle of priority in education, it

3. Meritocracy and “effort only” approaches

a) Meritocracy

According to a meritocratic conception of equality, people with the same level of merit should have the same chances of success. In other words, the only factor that should affect educational success is merit, namely the combination of talent and effort.¹⁵ What follows from this is that a correlation between educational success and group affiliation – race, gender, social class, or geographic location – is unjust. This very prevalent approach

is not the only possible understanding of it. Schouten’s account of a prioritarian principle of educational justice involves distributing educational resources to the worst-off with the aim of promoting flourishing *over the course of their lifetime*. As a result, inequality in educational outcome can, in theory at least, promote the wellbeing of the worst-off. This account seems to me quite indistinct from the requirements of a general theory of priority that involves promoting the worst-off’s wellbeing in many different ways, including, but not limited to, education. It also entails endorsing priority for the worse-off as the preferred theory of distributive justice, as opposed to the account that requires priority with regard to educational outcome, that can fit in with any theory of distributive justice applied to other spheres. Schouten’s account may also bring about problematic results. Schouten argues that a teacher may be justified to invest time “imparting life skills that will enable [a cognitively disabled student] to attain a higher level of independence ... or impart skills for navigating personal relationships.” this would be an appropriate use [of the students’ time], even if it might otherwise have been spent marginally improving their test scores”. (*supra* note 10, p. 478). While some students will no doubt benefit more from learning life skills than from gaining a small improvement in educational outcome, allowing teachers to decide this routinely is objectionable. Teachers may exclude students from certain academically oriented educational programs, limiting their options in life and leaving them with a set of options that is, from the outset, inferior in comparison to other children’s education. Tracking students to separate educational programs that limit their future options should always be looked upon with suspicion, and is especially troubling when Schouten’s approach is generalized and taken as a comprehensive theory of justice that applies to inequalities caused by race, class, or gender. Numerous past injustices have ensued as a result of finding categories of individuals “unsuitable” for certain kinds of education and occupation, and directing them, “for their own good”, to other tracks. Instead of risking this result, cases in which students truly cannot benefit from academically oriented instruction, or urgently require different kinds of instruction, should be dealt with by balancing equality (or any other principle of justice) with other values, such as preventing waste, or promoting overall flourishing.

¹⁵ Talent, in the context of a principle of meritocracy refers to the abilities required to perform a certain role. In education talent would primarily refer to the cognitive abilities that help children succeed in school. Throughout the paper I refer to these as “talent”, “ability”, “intelligence”, and “being smart” interchangeably. By doing so I don’t aim to say anything meaningful about these abilities and am merely following popular usage.

was voiced by James Coleman, the author of the famous Coleman report of 1966,¹⁶ and by others, such as Kenneth Strike,¹⁷ Kenneth Howe,¹⁸ Adam Swift,¹⁹ and recently by Harry Brighouse.²⁰ Following this approach, many educational reforms in western countries declare "closing the achievement gap" as their goal.

The most important result of meritocratic justice in education is eliminating group disparity in educational outcome. In order to achieve this, far-reaching equalizing measures are required. For example, research has shown that disadvantaged children may require as much as nine times the educational resources that middle class children require in order to compensate them for their background.²¹ Additionally, some measures that are beyond the sphere of education may be indispensable, such as eliminating child poverty or mitigating residential segregation. As a result, not all those who endorse closing the gap are serious about undertaking such a commitment.²²

¹⁶ James S. Coleman, 'The Concept of Equality of Education Opportunity', *Harvard Educational Review* 38 (1968), pp. 7-22.

¹⁷ Kenneth Strike, *Educational Policy and the Just Society* (Champaign: University of Illinois Press, 1982).

¹⁸ Kenneth R. Howe, 'In Defense of Outcomes-Based Conceptions of Equal Educational Opportunity', *Educational Theory* 39 (1989), pp. 317-36.

¹⁹ Adam Swift, *How Not to be a Hypocrite: School Choice for the Morally Perplexed Parent* (London: Routledge, 2003).

²⁰ Brighouse initially adopted an approach that requires equality in 'effective' resources, meaning that resources should be invested in children differentially to create equality in the educational service they receive. (Harry Brighouse, *School Choice and Social Justice* (New York: Oxford University Press, 2000)). However, in his more recent publication: 'Educational Equality and School Reform', in *Educational Equality*, (Graham Haydon ed. London & New York: Continuum Int'l Publishing Group, 2011), pp. 15-70, Brighouse admits that his previous approach is flawed and presents two approaches - the more popular meritocratic approach, detailed above, and what he calls "the radical conception" approach (addressed in part 3.b below). Interestingly, Brighouse is vague as to which approach he finally endorses, as has been noted in the book by his commentators: see Graham Haydon's Introduction, pp.1-14, at p. 8; Kenneth R. Howe, 'Educational Equality in the Shadow of the Reagan Era', pp. 71-95, at p.77; and James Tooley, 'Moving From Educational Equality to Improving the Education of the Least Advantaged', pp. 96-129, at p. 98.

²¹ Brighouse, in *Educational Equality*, *Ibid* at p. 52.

²² For example, although almost any policy for equalizing educational opportunity for the poor would require diverting significant resources from well-off students to poor ones, the funding gap between the rich and the poor in the United States remains extremely wide. See: Bruce J. Biddle & David C. Berliner, A research Synthesis: Unequal School Funding in the United States, 59(8) *Beyond Instructional Leadership*,

Equalizing opportunity by eliminating group differences in educational achievement is an important advantage of the meritocratic approach. It is unjust that two children with the same "potential" have predetermined different educational prospects (and accordingly, life prospects too), simply because one child has rich parents and went to a good school, while the other was born in a poor neighborhood and attended a run-down school. Meritocracy eliminates this correlation and does not allow social factors to play a part in determining educational outcome.

Meritocracy also entails that inequality caused by differences in talent and effort is not unfair. However, just as one's race, gender, and class are a result of luck, something that people have no control over, so is talent. If meritocracy is based on the notion that rewards should not be distributed according to things that one has no control over, then this applies equally to talent.²³

Proponents of meritocracy could argue that meritocracy is not based on the notion of responsibility, but rather on the idea of relevance. Inequality caused by class or race is unjust in education, not because children have no control over it but because it is simply irrelevant to success in education. On the other hand, ability is related to success in education, and therefore differences caused by ability aren't unfair.

This argument, however, assumes that talent is an innate trait that one is born with and is static and constant throughout one's life. Inequality is only justified when it correlates with innate abilities, and not with ability that has been acquired throughout life (because then, arguably, luck is to blame – social class, quality of parenting, etc.). However, it is

48-59 (2002); The Education Trust, *Funding Gaps* (2006) <http://www.edtrust.org/dc/publication/the-funding-gap-0>.

²³ This objection to meritocracy is raised by Harry Brighouse, in "Educational Equality and School Reform" *supra* note 19.

far from clear that ability is indeed static, and far more plausible that ability can be influenced – it decreases when children are neglected and is enhanced when they are nurtured.²⁴ If meritocracy was interested only in performance, the reasons for differential performance shouldn't matter, and all reasons for differential ability would be accepted as legitimizing differential success, including class and race. Yet this is not so. A meritocratic approach does not accept lower ability when it is caused by poverty, and requires investing more in the child's education in order to promote equality. This indicates that the notion of fairness that underlies meritocracy is related to the lack of control that people have over their life circumstances and not to the relevance of the criterion for education. If so, the criticism according to which ability is also a matter of luck stands.

Additionally, meritocratic approaches accept inequality caused by lower innate ability, and don't require investing resources in improving educational achievement when this can be blamed for low ability. This holds, even when the same measures can assist lower achievers of all kinds – both those with lower ability and those born to minorities or poor families. To illustrate the matter, here is a practical example: A third grade teacher explains some simple mathematical topic. Most of the class understands the explanation the first time and is ready to move on. Three students don't and need further explanations. One belongs to a racial minority, the other is from a poor family, and the third is simply

²⁴ That ability is influenced by nurture (especially in childhood) is relatively uncontested. However, there is also evidence that ability is continuously affected by social and psychological circumstances. An interesting example is that of 'stereotype threat', which occurs when members of minority groups are aware that poor performance on their part will reinforce a negative group stereotype. The anxiety they experience as a result, ultimately undermines their performance. See: Gregory M. Walton, 'The Myth of Intelligence: Smartness Isn't Like Height', in D. S. Allen and R. Reich (eds.), *Education, Justice and Democracy*, (Chicago: University of Chicago Press, 2013), pp. 155-72.

less smart.²⁵ The meritocratic approach suggests that the teacher is expected to invest time and explain again for the benefit of children from racial minorities or poor children, but not for the child that is less bright, despite the fact that they would all benefit from this to the same extent. This seems arbitrary and wrong.

There is a further problem with an approach of meritocracy: according to this principle, if children with lower abilities attain less, that is not unjust, and there is nothing to compel investing resources in remedial education for them. Indeed, nothing in the meritocratic approach indicates that there is anything wrong with investing *fewer* resources in children with disabilities. Assuming that children with lower abilities are distributed evenly among social and racial groups, meritocratic justice will be achieved even if children with lower abilities (from all groups) will receive no education at all. Thus, the problem with the meritocratic approach is that it does not cater to the needs of children with lower innate ability, requiring no remedial education or additional resources as a matter of justice.

There may be a few ways for a meritocratic approach to counter this problematic outcome. The first could be to adopt a supplemental distributive principle, such as sufficiency or priority, to take care of the low achievers.²⁶ However, the fact that the principle does not apply to one of the main target groups of justice in education, and that additional principles are needed, is a weakness of meritocracy. Although I agree that

²⁵ This example leans on one given by Chris Jencks, 'Whom Must We Treat Equally for Educational Opportunity to be Equal?' *Ethics* 98 (1988), pp. 518-33.

²⁶ Brighouse and Swift suggest the combination of equality and sufficiency. See: Harry Brighouse and Adam Swift, 'Educational Equality Versus Educational Adequacy: A Critique of Anderson and Satz', *Journal of Applied Philosophy* 26 (2009), pp. 117-28; Gina Schouten suggests priority as a principle of justice in education alongside meritocracy (or instead of it). See Schouten, *supra* note 9.

equality is not the only factor that is important in education and that other factors should be taken into consideration, it is desirable that the principle of justice in education address all main target groups.

A more convincing defense is that if the educational needs of the less able will be neglected, their achievements will deteriorate and will cease to correlate with their level of innate ability, thus creating injustice, as meritocratic justice entails correlation between ability and outcome. Although this last reply provides some defense to the meritocratic idea, it still falls short, I believe, from providing a good answer to the objection regarding children with low abilities, as it probably entails merely supplying these children with no less than others, but does not necessarily treat them as an important target group for justice in education.

A different problem with meritocracy is that it gives overwhelming significance to a person's intelligence, allowing for the accumulation of excessive power in the hands of the cognitively talented. Assuming educational advantage leads to power, status and wealth, these, in turn, give individuals political power as well. Therefore, a meritocratic approach to education entails that power in society will be distributed according to intelligence. Giving extensive power to individuals with this trait is not merely unfair, but is also not advisable for other reasons. Intelligence is not necessarily the only or the most important trait for leaders and elites.

b) 'Effort Only'

An approach that goes one step further is one that I call the "effort only" approach. Suggested by Luck Egalitarians John Roemer²⁷ and Shlomi Segall and more recently by Harry Brighouse,²⁸ this approach allows inequality in educational outcome only when it is caused by differences in the effort that was invested. Brighouse defines this approach, which he entitles "the radical conception", as follows: "An individual's prospects for educational achievement should be a function neither of that individual's level of natural talent or social class background but only of the effort she applies to education."²⁹

This position, in fact, pushes the meritocratic conception one step forward, by ruling out one of the two factors that meritocracy allows to differentiate outcome – namely ability. In other words, it is unjust for inequality in educational outcome to be a result of differences in natural ability and such disparity is only just if it is a result of effort. The justification that both Brighouse and Roemer give for this move is that different people have different talents, through no fault of their own. Individuals cannot be held responsible for their talents any more than they can be held responsible for their social class, gender or race. Proponents of meritocracy seem to overlook this inconsistency.

The 'effort only' approach thus allows but one variable – effort – to legitimately influence educational outcome. Effort, as opposed to race, gender, class and ability, is something that individuals supposedly have control over, and it is fair that people who invested more effort should achieve more, and receive the rewards that go along with it.

²⁷ John E. Roemer, *Equality of Opportunity* (Cambridge, MA: Harvard University Press, 1998).

²⁸ Harry Brighouse, 'Educational Equality and School Reform', pp. 15-70. See also Harry Brighouse and Adam Swift "The Place of Educational Equality in Educational Justice" *supra* note 12, at p. 17.

²⁹ Brighouse, "Educational Equality and School Reform", *ibid*, at p. 29. Later, however, Brighouse and Swift admit they are "uneasy with yet another source of inequality", because it entails holding children responsible for the effort they invest. As a result they concede that an even more extreme principle of justice could be considered. See *ibid*, in *Education, Justice and the Human Good*, p. 17.

However, effort can also be ruled out as a criterion for determining levels of educational achievement, and indeed all-the-way-equality does precisely that – it argues that effort should also be ruled out as a justification for educational disparity.

4. All-the-way-equality

Meritocracy allows unequal educational outcome to persist when it is caused by differences in ability or effort. 'Effort only' approaches allow inequality only when it is as a result of differential effort. All-the-way-equality rules out unequal educational outcome altogether, arguing that it is unjust even in cases when children invested differential effort in their education.

To illustrate the role of effort in a theory of justice in education, think of the following example. Suppose the state invested equal resources in two similarly-able children (let us also assume that they have similar backgrounds). One of them (child A) worked hard, studied for his exams, and eventually attained good grades. The other (child B) preferred to skip school and go to the arcade instead, eventually dropping out at the age of fifteen. According to all-the-way equality, this constitutes injustice, as the two youngsters' educational outcome is unequal (leading also to their differential position in life). But labeling this unjust seems objectionable, since it is child B's fault for dropping out and wasting the resources that the state invested in her. According to both the meritocratic approach and the 'effort-only' approach, the fact that the two did not achieve an equal educational outcome is not unjust. I disagree.

One reason to reject the differentiation according to effort is that the ability to make an effort can also, to some extent, be regarded as something that individuals have little control over. This can be a result of two distinct reasons. The first is that ability to make

an effort at school can also be viewed as an innate ability, as opposed to a choice. This is not a far-fetched possibility, as there is growing understanding of organic tendencies that affect concentration, diligence, emotional strength and other components of "effort".³⁰ In as much as effort is an innate ability, it should be regarded in the same way as cognitive ability or other matters that people have no control over.

The second way in which effort isn't under the control of an individual is through the existing correlations between belonging to certain (disadvantaged) social groups and having lower motivation regarding education. The degree of effort invested in education is influenced by culture and community, factors that shouldn't be allowed to affect educational outcome. There are also differences in the consequences of lack of motivation and effort between students whose parents can counter the effects of the child's lack of motivation (punishment, encouragement, private tutorship, etc.) and students whose parents cannot. Additionally, initial success in a task can affect motivation and make individuals more inclined to exert effort.³¹ Both Roemer and Brighthouse are aware of these correlations and suggest that when lack of effort is caused by conditions over which the individual has no control, inequality is unjust. Inequality is therefore fair, in their view, only when it is caused by 'genuine' choice.

However, my objection to allowing inequality on grounds of effort runs even deeper than simply arguing that it, too, is not a matter of choice and therefore individuals shouldn't be held responsible for it. Even if it *is* in the hands of the individual, I argue, it can't justify inequality, at least in education.

³⁰ This raises a bigger issue, which I won't discuss here, concerning the notion of responsibility in general in light of the possibility that such organic tendencies exist. It would seem, however, that this issue is especially significant in the context of education.

³¹ Brighthouse and Swift, in *Education Justice and the Human Good*, *supra* note 12, p. 17.

Even assuming that the effort objection might be a challenge for a general theory of justice, it has far less bite in a distributive theory that is directed solely to children. Although this varies with age, development and capacity, generally speaking, children should not be held responsible for their behavior to the same extent as adults. The state should, and does, take responsibility over decision making in education, enforcing compulsory education, for example. If anything, the state has a special duty to take additional measures to benefit children who demonstrate low motivation and functioning and who drop out of school. The duty isn't affected by the fact that lack of effort is to blame for dropping out, and the duty is clearly meant to apply despite the child's resistance and lack of cooperation.

Additionally, the extent to which children should be held responsible with regard to their decision-making depends not only on their age and capacity, but also on the importance of the decision. The more consequential the decision is and the higher the stakes, the less children should be held responsible for it. If education had less influence on further rewards in life, it might be acceptable to allow children to pay the price for their laziness. However, education is as high-stakes as it gets, and therefore far too important for children to be held fully responsible for.

Moreover, there is something quite puzzling in approaches that entail "punishing" children for investing low effort, especially when effort is the *only* factor that is allowed to create inequality. Notice that when we think about students who don't make an effort, we often talk about them as being too childish to acknowledge the importance of studying, or being incapable of delaying gratification. This applies not only to young children, but also to teenagers, who are exactly at the age in which rational reasoning and

prudence are hardly the norm. Granted, many children behave sensibly and traverse these years with excellent schooling. I also admit that these lapses of judgment could happen to children from all social groups, so this could counter one aspect of the inequality, but it still seems to me that by allowing inequality in outcome due to effort alone, we are, in effect, sanctioning children for being children.

The result of rejecting effort as a justification for differential outcome is requiring equal educational outcome for all individuals. All-the-way-equality, therefore, means that inequality in educational outcome caused by any reason whatsoever, is unfair. While the idea is quite straightforward it immediately raises objections which I will address at some length.

First, though – clarification is required as to the meaning of outcomes or, in other words, what exactly should be equalized between all individuals. Educational outcome can be measured in different ways, some of which are internal to education (graduation, success in exams, levels of knowledge in certain areas, or acquisition of cultural capital or other capabilities) and others that are external to K-12 education (access to higher education, competitiveness in the job market, social class, even general welfare). In this paper I do not commit to any one definition. Educational outcome means those many, sometimes intangible, "things" that individuals gain from schools, which later grant them better access to higher education and the job market. This would include grades, knowledge, confidence, eloquence, connections and any other ability or benefit that has this kind of instrumental value.

The means to achieve equal educational outcome is another issue I do not address here. It would most probably involve redistributing resources; however, there may well be other

means to promote equality, and importantly, this approach requires the state to take ongoing measures to determine whether gaps in achievement between individual students persist, and if they do, to eradicate them.

5. Objections and Competing Interests

To say that all-the-way-equality is counterintuitive is probably putting things mildly. When Brighthouse suggested his ‘effort only’ approach, he was criticized for being too radical.³² Going all the way might therefore seem completely unreasonable. Nonetheless I argue that the approach is only implausible at first glance – its outcomes are morally required (at least *prima facie*), and some of the negative consequences it may have can be mitigated by balancing it with competing interests.

a. Differential Ability

The *differential ability objection* states the obvious: it is completely imaginary that all students will attain equal educational achievement, no matter how hard the state or the students try. There is no way that a cognitively disabled child, for example, will achieve the same grades as a child that has an above-average IQ. Abolishing exams and grades altogether in order to create an equal outcome (the outcome being, for example, studying for a certain number of years) would do little good in this regard, as what should be equalized is not merely the formal measurements of achievement, but the substantial outcome – the knowledge, skills and capabilities that students attain in school. It is the

³² James Tooley writes that "[the approach] ... is radical indeed, so much so that it is beyond the pale"; in: *Educational Equality*, supra note 19, p. 98. Graham Haydon opines that "... the radical conception might seem too radical to be taken seriously". *Ibid*, p. 8.

outcomes that employers and admittance committees in colleges seek that we need to equalize, because when formal measures such as grades will not provide them with this information, they will devise their own methods for gathering it. We are left then with the requirement of equalizing substantive educational achievement, which is an impossible task. There is a lot to be done for the cognitively disabled child, of course, but striving for equality in educational outcome in this particular case seems ridiculous. Therefore, so the objection goes, equal outcome should be rejected as an objective of distribution.

But what if there were educational methods that could bring all children to an equal starting point? Wouldn't there be a good reason, as a matter of justice, to take this course of action? Of course, there might be reasons to refrain from doing so if the process was oppressive or had other negative consequences.³³ But absent such consequences, it seems that adopting these measures would be positive and just. In an education system in which relevant outcomes are equal, all graduates are equally endowed with skills and knowledge required for life. The fact that such an option is extremely costly or currently impossible doesn't mean there is nothing good about it. In a system that follows my conception of equality, aspiration for equality in outcome should be the starting point, and problems such as feasibility or price should be overcome when possible, and treated as unavoidable exceptions when they are not. Additionally, the aspiration for equal outcome entails that the situation in which there is less inequality in educational outcome is better, other things equal, than situations in which there is greater inequality.

³³ For example, it might denote that people with disabilities are inferior, causing them disgrace and disadvantage, or diminish human diversity. I do not deny that there may be certain cases in which these, as well as other, competing interests could override all-the-way-equality. These cases will be discussed in part c.

Another possible response to the fact that equal outcome in education seems impossible is to try to tackle it from the opposite direction: although it is impossible to teach all children high level algebra or physics, it might be possible (though perhaps not advisable) to achieve equality in educational outcome by leveling all children down, to an achievement level attainable by all children. This could be achieved in many ways: providing high achievers with poor education or no education at all; and if they still achieve higher than others we could obtain equality by implementing programs that decrease cognitive ability, such as exposure to dumbing television shows or even hypnosis or medical procedures that reduce academic ability. Harry Brighouse (whose approach is also subject to this objection) demonstrates this possibility by suggesting lobotomies for especially talented children. At the very least, it seems inescapable that an outcome-based approach sees something good in undertaking one or all of these actions.

b. Leveling Down

The requirement to lower educational achievement in order to obtain equality in outcome raises *the leveling down objection*, mentioned above. However, the leveling down objection, a powerful objection to equality in general, does not apply to positional goods and therefore does not apply to the positional aspects of education. Taking away educational advantage from children has a positive effect on the objective situation of worse-off children by enhancing their competitiveness. Conversely, when positional goods are distributed unequally, the individual holding the smaller share suffers further disadvantage because the instrumental value of her education diminishes. She has a smaller chance of securing a desirable job, being accepted to higher education and

enjoying financial security. Denying the better-off their educational advantage is therefore not a matter of envy at all but rather has very real benefits for the worse-off, and will thus never constitute leveling down, strictly speaking. What follows is that the leveling down objection does not apply to the distribution of education. Yet, even though the leveling down objection does not apply, it still seems deeply objectionable to hinder any child's educational development, either by depriving her of cognitive stimuli or by performing a lobotomy. Could there be something good in lowering children's achievements in the name of equality?

Once we take education's instrumental role seriously (according to which the exit point of education dictates a person's wellbeing for the rest of her life), it does not seem at all strange to say that there is *something* good about creating equality in educational outcome, even at the price of lowering educational outcome for some. That *something*, is the improvement in the objective situation of the worse-off that follows from lowering the achievement of the advantaged. This doesn't mean that we should always do so, all things considered – there are many forceful reasons to refrain from doing so in many cases (I will touch upon some of them next). Indeed, many of the possible ways of lowering achievement would ultimately be impermissible (including, fortunately, lobotomies). Nonetheless, there is definitely something good, *prima facie*, about lowering advantaged children's educational achievements in order to achieve equality.

c. Balancing Competing Interests

The next set of objections concern possible undesirable outcomes of all-the-way-equality, outcomes that make this approach seem unappealing. As was previously stated, obtaining

equality in educational outcome requires radical actions that raise questions as to the feasibility and plausibility of the approach. It would no doubt require investing enormous resources which could compromise other important social goals. The approach would also require preventing some of the top achievers to excel, a requirement that can create a whole host of negative consequences – for society, children and parents. It may hinder the development of potential inventors, scientists and thinkers who will contribute to the development of humankind; it can infringe on children's interests in developing to their fullest capacity and realizing their potential as well as their interests in bodily integrity and privacy. Additionally, neutralizing positional advantage in education also results in the loss of non-positional benefits of education, depriving individuals not only of the unjust advantages they acquired, but also of capacities that give their lives meaning while harming no one. Parental preferences and choices may also have to be frustrated to achieve equality, thus interfering with families and parental discretion.

The way to deal with this objection is to concede that while equality in education matters, it is clearly not the only thing that matters. There will, inevitably, be cases in which equality will need to retreat in light of these (and perhaps other) competing interests. Balancing these interests counters some of the most extreme outcomes of the approach making it more plausible. For example, it ensures that society won't lose the ability to nurture the next generation of professionals or that endless resources won't be wasted on a marginal improvement of a single student. Therefore, although all-the-way-equality requires equalizing educational outcome between all individual children, this requirement will be softened somewhat, all things considered.

Admittedly, while balancing all-the-way-equality with other interests makes it more plausible (by preventing the dramatic implications) and feasible (by softening some requirements that are economically impossible or too demanding in other ways) it also lessens the uniqueness of the approach and its appeal. This does not suggest that there would be no practical implications to endorsing all-the-way-equality rather than another approach. There would still be cases in which all-the-way equality entails different practical outcomes. Returning to the third grade example mentioned above with the three students who require further assistance (a child from a racial minority, the child from a poor family and the one with lower cognitive abilities), let's add a fourth – a student who has not invested effort. According to other approaches, justice does not require investing further resources in this student. All-the-way-equality, on the other hand, requires this, at least in the absence of substantial competing interests that would, all things considered, outweigh this requirement.

Additionally, the importance of all-the-way equality doesn't depend solely on having different practical implications. The reasoning it offers is analytically distinct and, I would argue, more appealing than that of the alternative views.

Finally, it should be noted that the need to balance distributive justice with other interests is not unique to all-the-way-equality, nor is it required solely on account of it being so radical. All principles of justice (in education and elsewhere) must address the cases in which they retreat in light of competing interests. It is undeniable, however, that the more far-reaching the requirements of the principle of justice, the more prone it is to conflicts, and balancing is therefore more central.

Presenting the full argument regarding the competing interests that constrain all-the-way-equality is a task that exceeds the scope of this paper, and one which I undertake elsewhere.³⁴ The argument applies to any principle of justice in education and doesn't depend on endorsing all-the-way-equality. Here I describe only the gist of the argument, and demonstrate it briefly, hoping it suffices to indicate that all-the-way-equality could be a plausible principle of justice in education while remaining uniquely demanding.

Though there are, no doubt, cases in which all-the-way-equality cannot be achieved without unreasonable infringement on other interests and should therefore retreat, I argue that this tension is overstated. In fact, I observe that it is often the case that realizing the most important aspects of the competing interests does not involve severe harm to equality, and therefore the interests can be sufficiently ensured without upsetting equality. This can be explained by the fact that the competing interests are often related to the non-positional aspects of education rather than to its positional aspects. Realizing the core aspects of non-positional aspects of education, therefore, doesn't involve upsetting equality, and actions that cause severe tension between equality and non-positional competing interests are often those that aren't at the core of the conflicting interest. In these cases, the infringement on an individual's interests is relatively small and equality will still be justified, all things considered.

One example of this concerns children's interest in realizing their potential. One could argue that one's talent, ability, and potential are a part of their self, and therefore should be compromised for the sake of equality. If so, this could prevent many of the actions required to promote equality. However, I argue that the kind of talents and abilities that tend to become a part of one's identity in a way that precludes taking them, are more

³⁴ Reference omitted for review.

likely to be connected to the non-positional aspects of education rather than the competitive aspects which should be subject to limitation. For example, though children may have an interest in being first in their class, it is unsuitable to view this as constituting their “self” in the relevant way. It is easier to think of other abilities, such as a gift for writing or analytical thinking, which aren’t competitive, as a part of one’s self. This doesn’t cover all cases, and some positional aspects of education may go to the core of one’s identity. A child’s passion for mathematics or science can be a part of his “self” while granting him competitive advantage. Even the urge to excel and compete can be both constitutive of a child’s identity and corrosive to equality. However, for my purposes, it is enough to show that the volume of cases in which competing interests will circumvent the requirements of equality is more limited than meets the eye, and to observe that the core aspects of the competing interest are less likely to conflict with equality. Accordingly, it is often possible to preserve the most crucial requirements of the competing interests as well as all-the-way-equality.

A further way to ease the tension between children’s interest in developing their potential and all-the-way-equality involves distinguishing between one’s *actual* ability and one’s potential. Holding other things equal, taking away actual ability infringes on one’s self more severely than limiting activities that could realize potential.

Admittedly, ability is conceptually similar to potential. Ability is also ‘hypothetical’ in the sense that it does not involve the actual exercise of the ability: being able to play the piano is not the same as actually playing it. However, having the *potential* to be able to play the piano is yet another matter – signifying the ability to develop an ability to play the piano. In the educational context, potential entails the possibility of developing

abilities and acquiring knowledge, given the opportunity. Abilities and knowledge, in this sense, are educational outcomes (albeit intermediate outcomes) of realizing potential.

It would seem, intuitively, that taking away actual abilities is more objectionable (on account of infringement on the self) than preventing children from obtaining them in the first place by preventing realization of potential. Potential can be frustrated for many reasons and therefore it is further away from the core of people's identities than the abilities which they actually possess. Whether or not a certain potential is a part of one's self is a matter of degree which is influenced by the estimated probability of realization. When realizing potential requires merely a small and mundane action – for example, if realizing potential can be obtained by attending school the next day – this potential is closer to the core of the child's self. Conversely, when realizing potential requires extraordinary measures, the probability that it will be realized diminishes, entailing that this isn't an inherent part of the child's self. Limiting the ability to realize this kind of potential for the sake of equality is not, therefore, objectionable to the same extent. I would also speculate that this is the way people feel about their potential and ability, namely that people care more deeply about their abilities than about their potential abilities. Naturally, the more theoretical the potential is, the more equality-disrupting activities would have to be allowed in order to realize it. Therefore, limiting the scope of the interest in realizing potential in the way described eases the tension between it and all-the-way-equality.

The conclusion is that while there are undoubtedly cases in which equality should retreat in order to prevent the most counterintuitive results of all-the-way-equality, these cases are more limited than it would seem initially. More importantly, many of the competing

interests involve ensuring the non-positional dimensions of education, and realizing them for some children does not necessarily entail disadvantaging others. The actions that are most disruptive to equality may often be those that are less crucial for realizing the competing interest. This was demonstrated in this paper only with regard to children's interest in realizing their full potential; however, the argument can be generalized to other competing interests, such as parental interests in nurturing familial relations with their children, educating their children according to their way of life and others.

Therefore, even after balancing all-the-way-equality with competing interests the approach maintains much of its initial thrust and remains a highly demanding principle of justice in education.

d. Does All-The-Way-Equality Differ From a Prioritarian Principle of Justice in Education?

I argued at length that lowering the educational outcome of successful students is not a case of leveling down. Leveling down occurs when taking from the disadvantaged results in no improvement for anyone else. In education this is not the case, and equality promotes the objective wellbeing of the worst-off, by increasing their education's instrumental value. Given the huge impact that education has on further rewards in life, preventing others from gaining educational advantage has a significant positive effect on the lives of the worst-off. What follows is that equality of educational outcome between all individuals would be justified also according to a prioritarian principle of justice in education.³⁵ If so, one might wonder whether there is any difference between the

³⁵ Harry Brighouse and Adam Swift, 'Equality, Priority, and Positional Goods', *Ethics* 116 (2006), pp. 471-497.

suggested principle of all-the-way-equality, and a prioritarian principle of educational justice.³⁶

Although both principles require (*prima facie*) equality in educational outcome for all children, there may still be differences between the two. For example, they may differ when asked to evaluate which of two unequal situations is better in terms of justice. A prioritarian would have to ascertain which of the two situations is preferable for the worst off, and that would be the primary (and for absolute prioritarians, the only) consideration in determining which of the distributions are preferable. Egalitarians would also give weight to the position of the worst-off, but other considerations would also influence the evaluation, such as the condition of other (disadvantaged and advantaged) groups and individuals, and the size of the gap.³⁷

There may also be differences between the two principles in terms of the kinds of educational policies they would encourage. An egalitarian would, no doubt, support a wide variety of policies – enhancement programs for children from poor backgrounds; corrective teaching for children with disabilities; preschool education; racial and socioeconomic integration; programs for students who have dropped out as well as those who are in danger of dropping out; and restrictions on certain forms of private education or other advantage-gaining practices. While all these measures (as well as countless others) would be endorsed by a principle of educational equality, they may not conform

³⁶ Note that Schouten's account of priority requires distributing resources to the worst-off, with the aim of promoting their wellbeing in life, and not improving their educational outcome. Therefore her specific view does not reach the same conclusion as all-the-way-equality. An account of priority that would be similar to all-the-way-equality would have to require that priority for the worst-off be expressed in educational outcome.

³⁷ See Larry Temkin, *Inequality* (1993, Oxford University Press).

to a principle of priority which may require withholding resources from all but the most deprived until their needs are sufficiently addressed.

Despite these differences, priority and all-the-way-equality, two theories that are differently motivated and give value to different things, interestingly converge in the case of education (and other positional goods). This doesn't necessarily pose a problem for all-the-way-equality. The fact that equal educational outcome is justified by a prioritarian principle of justice could actually provide it with some much-needed support. I do think it worthwhile to stress, however, that the most attractive feature of priority, namely that inequality is allowed in order to benefit the worst-off, is inapplicable to education; taking from the advantaged cannot be avoided in the case of education, even according to a prioritarian approach. It would seem, therefore, that further argument is needed to elaborate why a principle of priority is attractive in education.³⁸

4. Conclusion

All-the-way-equality is very difficult to imagine. It seems over-demanding, both in terms of resources, but even more so because it requires limiting children's possibility to gain educational advantage, with all of the problematic implications that follow. This explains why despite the shared intuitions concerning education, we have been accustomed to settle for more modest distributive principles.

In this paper I have attempted to demonstrate that when it comes to education, none of the more lenient principles of justice will do, and we must "go all the way". Nothing

³⁸ Schouten's account of priority is motivated by the need to contend with the presumed injustice caused by the fact that meritocracy doesn't attend to inequality caused by differential ability. As a result, Schouten's motivation, it seems, is an extension of the egalitarian motivation to yet another group. See *supra* note 10. Tooley's support for priority is motivated by his aversion from promoting equality by taking from the advantaged. See *supra* note 10.

short of full-blown equality in outcome accommodates education's unique positional nature and the importance it holds for children's futures. Therefore, although it seems counterintuitive at first, there is in fact justification for equalizing educational outcome, even when this requires taking educational advantage from high achievers.

This doesn't entail that equality can't be overridden in certain cases. Balancing equality and competing interests is a crucial part of the theory (as it is a part of any theory of distributive justice in education), and indeed one that saves it from implausibility. Thus, there is no reason why adopting all-the-way-equality should lead to physically harming children or depriving society of inventors, scientists and other professionals. However, I do suggest that the tension between equality and the competing interests is often exaggerated, and that in many cases the core of these interests can be realized without curtailing equality. If so, the original bite of all-the-way-equality survives balancing, as does its requirement to limit accumulation of educational advantage.