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The concept of educational equality is difficult to elucidate and often regarded as unsuitable as a principle of justice in the distribution of education. A 20-year old paper by Christopher Jencks elaborates many of the problems; each interpretation of educational equality he sets out seems to have seriously counterintuitive consequences if adopted as the sole principle of educational justice.¹ Two very recent papers in *Ethics*, by Elizabeth Anderson and Debra Satz, similarly object to educational equality having a place in the theory of justice in education, arguing instead that we should adopt a principle of educational adequacy.²

The recent papers serve as philosophical underpinnings for a nascent movement in US school litigation and funding debates: the “adequacy” movement. While that movement primarily represents a tactical retreat from the demand for equality, motivated by the sensible belief that “adequacy” has more traction in the provisions of state constitutions than does the ostensibly more ambitious demand of “equality”, Satz and Anderson both argue that the tactically motivated shift is intellectually respectable—adequacy is the proper demand to make from the perspective of justice *tout court*.

That can easily seem like a retreat too far. Adequacy, as a political demand, sounds uninspiring, too concessive. The great virtue of Anderson’s and Satz’s papers is that they give substantial content to that demand. If we understand an adequate education as one that equips people to live at something like subsistence, then no sensible egalitarian would sign on to the shift. But if the adequacy condition requires that everyone has an education that enables all to deal with one another as equals in the public sphere, this has implications for the education of likely members of elites, who must be able to engage sympathetically with those over whose lives they will exercise power, with an understanding of the responsibilities that accompany privilege (the focus of Anderson’s paper). It has implications also for the education of those who are unlikely to join elites, since they should not feel inferior, or act deferentially, to those who have power over them (the focus of Satz’s paper). And it has implications far beyond the school, because it is beyond the capacity of the education system alone to carry out this task. The principle has important and demanding implications for the decisions of zoning boards, city and road planners, health providers, and others. Their papers offer a valuable widening of the

terms of the debate, and a persuasive articulation of a valuable social goal to which education policy should indeed be directed.

Our critical comment does not deny that adequacy has a place in a theory of educational justice. Instead, we argue that adequacy, as Satz and Anderson understand it, is not, as both of them sometimes imply, the only principle of justice in education and that, contrary to their arguments, there is a place for a principle of educational equality in a fully specified conception of justice in education. Justice, in other words, demands adequacy, but it also demands equality - even if those demands must sometimes be balanced against each other, and against other demands it makes.

In section 1 we respond to their arguments against educational equality. In section 2 we respond to their arguments for adequacy as the sole principle of justice in education.

1. Educational Equality

We start this section with two general observations about egalitarianism that we think are familiar, but which both Anderson and Satz sometimes disregard. The first is that Rawlsian fair equality of opportunity is a rather limited version of equality of opportunity. It requires equality of opportunity as between narrowly circumscribed Xs and Ys (those with the same level of talent and ability and willingness to use them) and it compares them with respect to their opportunity of achieving a narrowly defined Z (social and economic advantages attached to public offices and social positions).³ It’s easy to see why fair equality of opportunity might be regarded as inadequate, all things considered, by egalitarians. They will care about the distribution between a wider range of people of opportunities to achieve a wider range of goods. So in so far as education policy should be directed at the pursuit of equality of opportunity in general, fair equality of opportunity is bound to be inadequate. But this does not mean that it is false, nor that there might not be areas where it is particularly valuable either to pursue it (e.g. if one thinks it is efficient) or to frame arguments in its terms (e.g. if it is politically strategic). Second, egalitarians are not only egalitarians. The leveling down objection shows that they should be pluralists about value, believing only that equality is one value to be weighed against others. So whatever

principle of equal opportunity they endorse, they can always acknowledge that equality/fairness is not their sole principle.

Some of Anderson and Satz's objections to educational equality depend on ignoring the first point; others on ignoring the second. They seem to think that people who believe in equality believe only in equality, and they are particularly focussed on rejecting the meritocratic conception of equality of opportunity, the educational analogue of fair equality of opportunity, even though that view is not something that egalitarians are likely to regard as expressing all that justice requires - even in strictly egalitarian terms - with implications for the distribution of education.⁴

Between them, Anderson and Satz marshal five objections to the meritocratic conception of equality of educational opportunity.

1) Debra Satz objects that it is developed, rather than natural, talent that is relevant to who should be allocated to positions in society. Merit is endogenous to the distribution of educational resources, so that, for example, "If we choose to devote fewer resources to courses in advanced mathematics, for example, we will thereby affect the level of math ability in our society and change the talents that will "merit" selection for jobs in university math departments". So merit is not a good guide to the distribution of resources.⁵

We agree. But what does this show about the meritocratic principle? Only that it does not provide a full guide to the distribution of educational resources and attention. Instead, it sets constraints. The principle precludes us from allowing people's chances of achieving offices and positions to depend on their class of origin while permitting (but not requiring) those chances to depend on their talents and efforts. It expresses one important value, which is all that it is supposed to do. It *is* unfair if similarly talented and motivated people get different educational input, but lots of other educational inequalities are unfair too in ways that meritocratic equality of opportunity does not make comment on.

2) Satz also points out that the meritocratic principle allows for the emergence of an aristocracy of the talented: "Consider the example of children with cognitive impairments who cannot learn without the

presence of a teacher's aide. It is compatible with the merit-based view that the gap between these children's abilities and those of other children will substantially increase, and the so-called natural aristocracy of the talented would become a socially entitled aristocracy".⁶

Again, this is true, and we think it is a decisive consideration against using the meritocratic principle as the sole principle of educational justice. But the meritocratic principle does not demand an increase in this gap. In itself, the meritocratic principle says nothing about the proper extent of educational differentials or inequalities between people with different levels of talent and motivation. That is why it would be inadequate as a full theory of educational justice, which latter would, in our view, offer principles demanding greater educational resources for students with less educational potential.

3) Both Anderson and Satz argue that educational equality requires leveling down of educational expenditures. Satz directs this objection at horizontal, rather than meritocratic, educational equality, but it seems equally pertinent against meritocratic educational equality.⁷ Anderson directs it against equality more generally: the concern is that an equality standard demands that expenditures on all students be set at the level supported by the median voter, whereas, she thinks that leveling down "ought to be rejected, because the development of human talents is a great intrinsic good, a good to the person who has it, and a good to others. More highly educated people are better able to serve others in demanding jobs and volunteer service positions".⁸

To respond to this objection we need to say a little more about the place that we believe that educational equality should have in a more complete theory of justice in the distribution of educational resources. We agree with Satz and Anderson that a strictly egalitarian principle supports leveling down, and we also agree that the development of human talents is an intrinsic good. In our view, educational equality, though a value, is a lesser value than at least two others, which should constrain policymakers in their efforts to pursue educational equality. These are, first, the principle that,

in the design of social arrangements, priority should be given to improving the prospects for enjoying a flourishing life of those whose prospects are least, and, second, the principle that parents and children should be able to enjoy successful intimate relationships with one another. In current circumstances, both principles set limits on what may be done in pursuit of educational equality.

The first principle, while happy to celebrate the development of human talents, licenses its unequal development on condition that the benefits are likely to redound to the benefit of the less advantaged. But whether this condition is met is a contingent, empirical matter. Suppose that, in fact, social institutions have been reformed as follows: civil servants and civic leaders conduct themselves under an ethos of public service, which is understood by most to demand particular attention to the well-being of the less advantaged; the tax/benefit system is designed efficiently so that increases in surplus production are concentrated in the lowest third of the income distribution, and neighborhoods and schools are largely integrated by social class. In such an environment, it would be very plausible to conjecture that efforts by upper middle class parents to develop their children's talents beyond the level set by the median voter would end up benefiting the least advantaged. Imagine, instead, that the world is something more like "our currently unjust world" for which Anderson is aiming to construct "workable criteria of justice in educational opportunity"; one in which increases in social wealth flow almost entirely to a small fraction of higher earners, enabling them to separate themselves from the least advantaged, and one the ethos of which emphasizes the entitlement of the successful to the rewards that the market offers them. These rewards are not merely financial, but include advantage with respect control over their work-life, status, and opportunities to gain the intrinsic rewards from exercising the capacities and talents which they have developed. In such an environment, the conjecture that the greater development of the talents of the already more socially advantaged will yield a flow of benefits to the less advantaged is much less plausible; it is more likely that they will, in fact, use their advantage to yield benefits to themselves, and in ways that will disadvantage those who are already less advantaged. Think of the way that wealthy Londoners buying second homes in rural Wales affect the lives of those who live there fulltime, driving up the cost of housing, which makes it harder for local children

to afford to remain in the communities in which they were raised. The wealthy, by virtue of their wealth, not only win the competition for a positional good (a home in a place of natural beauty) but, in doing so, disrupt other goods (communal continuity and family proximity) previously enjoyed by the less advantaged.

We are no less optimistic than Anderson that "more highly educated people are *better able* to serve others in demanding jobs" and not much less optimistic that they are able to carry out "volunteer service positions"¹⁰ but we are rather doubtful that they *will actually* do so, unless other features of the social environment change in the direction of justice. As long as they do not serve others, justice demands that those others get a fair shot at the opportunities for reward in the competition for which those from more advantaged backgrounds currently enjoy several thumbs on the scale. And even where the more advantaged *do* 'serve others', in the sense that their educational advantage does yield some benefits to the less advantaged, there is still an offence against fairness if they have enjoyed better educational opportunities. That offence may be justified, all things considered in the circumstances, but this does not mean that there is no moral taint, if, for example, it was possible for the parents of the more advantaged children to produce the same gain for the disadvantaged without also unfairly benefitting their own children, as is often the case.

It is better for people to be more rather than less educated but that is not a reason for distributing education unequally according to factors like ability to pay rather than according to factors like ability to turn the extra investment into social benefit - which would imply spending more on the able, or most useful, not those who currently get it. Even those who oppose leveling down can observe that a non-leveled down distribution is unfair and ask *why* the extra good can only be obtained at the cost of unfair inequality. In education, the reason we 'have to' tolerate the inequality is the unwillingness of some people to yield resources for the sake of educating other people's children, rather than their own.¹¹

Now turn to the second principle. Suppose that we could come close to achieving meritocratic educational equality by making attendance of educational institutions compulsory for all children, 50 weeks of the year, 12 hours a day, from age 2 ½. The second principle would count against such a

measure, despite its putative efficacy, because it would prevent most parents and children from spending the amount of time together needed in order for them to have rewarding and intimate relationships which, we think, are among the most important human goods. We would rule it out, even if it greatly improved the aggregate development of human talent, on the same grounds. We would even rule it out if it were necessary for achieving adequacy (in Anderson and Satz's terms), again because we think that it is a more important good even than educational adequacy.

The fact that both these principles are more important than educational equality does not impugn educational equality. Rather, it puts educational equality in its proper place. The monomaniacal educational egalitarian is required to level down, but the pluralist educational egalitarian is not. In all these cases, however, we are being asked to accept unfair inequality on the grounds that other values are more important, and it is crucial to think hard about what makes it the case that the only way to achieve these all-things-considered better states of affairs is to accept unfair inequality. Some of the unfairness may be unimpeachable, but some of it may not. One reason to keep educational equality, and the unfairness of educational inequality, clearly on the table is that it prompts us to think about these questions, rather than over-generously accepting that, as long as the inequalities help the less advantaged in the long run - relative to some theoretically arbitrary, status-quo-dependent, baseline - they are beyond criticism.

4) Satz and Anderson both argue that principles of educational equality are not well placed to address the need to integrate schools by race and class.¹² As Satz puts it:

A key strength of the adequacy perspective is its potential to bypass the usual focus on allocating money and other divisible resources and to focus directly on the institutional structures of education. In particular, because adequacy looks at the substance of educational outcomes and not only at funding and opportunity, it opens the door on arguments for the integration of schools by class and race. Not only is integration by class and race causally related to the project of improving the performance of poor students, but it is also a constitutive part of the idea of civic equality.

Segregated schools, by sharply dividing the advantaged from the disadvantaged, tend to freeze a student's economic and social position at the level of his or her parents, prevent understanding across social groups, and undercut the democratic idea that we are all civic equals.¹³

So far we have invoked other principles to protect the principle of educational equality from criticism. In this case, also, in so far as egalitarians have a theory of the aims of education that includes securing for students the capabilities and traits of responsible democratic citizens and social cooperators, they can rely on it for a similar justification of attention to school and social integration and other structural reforms.¹⁴

But there are also distinctively egalitarian reasons to argue for integration. First, resourceful and well-educated parents provide resources to their children's schools. They raise funds through parent associations and private donations; at the limit, in the US, these resources can pay for additional teachers. So, other things equal, the higher the concentration of advantaged children a school has, the more resources it has. If disadvantaged children are mixed with advantaged children in schools, they are more likely to benefit from these additional resources and the lobbying efforts of the parents of more advantaged children. Disadvantaged children tend to be more difficult to teach or, more precisely, more input is typically needed from teachers to raise them to the same level of achievement as more advantaged children. So, at any fixed level of per-student resource allocation, a school with a high concentration of disadvantaged children will tend to achieve at a lower level than one with a more mixed population. The disadvantaged children in the more integrated school will do better, other things being equal, because they have fewer competitors for the limited resources. Moreover, children are resources for each other. Peers affect each other's aspirations and each others' learning habits; and they learn from one another. Any given child has better prospects sharing a classroom with other children whose home life has acculturated them for the school environment, and who are well-behaved and motivated, than they do sharing one with other children who are not. Children of advantaged parents tend to possess these valuable characteristics more than children of the disadvantaged. So, the more advantaged children congregate, the more they are

resources for each other, and the less they are resources for the disadvantaged. Finally, the magnetic effect of advantage on talented teachers is also relevant. It is, ironically, highly rewarding to teach the student whom it is easy to teach. Even if it is hard for the reflective teacher to award herself much credit for the achievements of very high achievers, it is nonetheless rewarding closely to observe and be involved in it. Other things equal, high concentrations of advantaged students will attract talented teachers, and high concentrations of disadvantaged students will deter them. When a school is socio-economically mixed it can deploy the talents of those teachers attracted by the advantaged children to the benefit of the less advantaged children, and it can do so even if it practices some form of tracking.¹⁵

None of this is to deny Satz's observation that "What a parent values, where a parent lives, the career a parent pursues, all will inevitably have some effect on the development and shaping of her child's potentials. We cannot secure the equal development of children's potentials while permitting a world with diverse families, parents, parenting styles, geographical locations, and values".¹⁶ Certainly there will sometimes be trade offs between fairness and diversity. So we need to think carefully about the proper balance between them. We think that fairness kicks in earlier, or has more weight, than Anderson and Satz seem to think. We cannot argue here for that different weight. Consider, though, a study finding that disadvantaged children of immigrants in Amsterdam perform better on standard academic criteria when they are concentrated into segregated schools than when they are dispersed into integrated schools.¹⁷ It is reasonable to conjecture that segregation in those circumstances enhances educational equality, as we understand it, at a cost to civic equality – certainly at a cost to diversity. Should we prefer integration, even though it lowers the educational prospects – and hence the competitive labour market prospects – of the children of immigrants? To us, the answer is not obvious, and requires hard thinking about the weight given to the value considerations that happen to conflict in the circumstances.

5) We have responded to criticism of the principle of educational equality by invoking other principles, and arguing that once put in its place by these other principles, as it should be, educational equality is protected from criticism. But in the one passage in

which this strategy is acknowledged, Satz criticizes a particular instantiation of it:

Some equal opportunity theorists try to drive a wedge between legitimate parental partiality in shaping children's potentials and excessive and unfair partiality. Harry Brighouse and Adam Swift argue that only insofar as parents' advantaging child-development activities realize the "relationship goods" of the family can they legitimately engage in them. On their view, it is acceptable to read your child bedtime stories, but not to pay for your child to have a reading or mathematics tutor, even if these activities have the same net effect on promoting the development of your children's potentials. I do not think we should accept their argument. Many parents want better education for their children – including private lessons – because they believe that education is intrinsically valuable, not because they want their children to be wealthier or more advantaged than their peers. Their commitment to education does not stem from the desire to help their children obtain competitive advantages in the job market, but rather from their appreciation of the good of education for personal development. Or maybe they just don't want to see their children bored and unhappy in school. The Swift/Brighouse argument unacceptably constrains those families with conceptions of the good that favor promoting the education of their child – but lack the time to do the promoting themselves. Dual career families are likely to be especially constrained by their approach.¹⁸

So, according to Satz, even when nested within a principle of legitimate parental partiality which is motivated by a theory of what is valuable about the family, educational equality is mistaken because it wrongly restricts the ability of parents to give something they believe to be intrinsically valuable to their child.

Our response is to concede that there can indeed be a kind of unfairness involved in denying parents the opportunity to use their resources generally to

promote their children's interests, given that some will, and some will not, regard that promotion of part of their own conception of the good. But, in situations where the effect of permitting that promotion is to create unfairness between children, and when taken in the context of the Brighthouse/Swift view as a whole, constraining parents in the way proposed does indeed reflect the proper balance of values. Note, to begin with, that the Brighthouse/Swift principle allows parents whose children are otherwise likely to have a *less* than equal education to use their resources to compensate for that justice failure, so the complaint can only arise with regard to parents who value their children's education in such a way that acting on that evaluation would result in their children being unfairly advantaged educationally.

There are three things to say about such parents. First, if what they value is the intrinsic good of education, or personal development, they can help to produce those without unfairly advantaging their children, by promoting them equally for all children, or by helping those who will otherwise get less than their fair share. What Satz's parents really care about is that *their children* get these intrinsic goods. Second, the Brighthouse/Swift standard says that parents have powerful reason to favour their children in the ways needed to realize the relationship goods for which the family is uniquely valuable. It is possible that conferring intrinsically valuable educational experiences up to some point, or avoiding boredom or unhappiness at school, are indeed, necessary for realizing those goods. Up to that point, educational equality is competing with a value that is more important in the circumstances. Satz appears to think that even past that point educational equality is competing with a more important value, and, as we have said, we concede that there are circumstances in which it may indeed compete with the value of fairness as between parents; some of them will, and some of them will not, be permitted to act on their understanding of what is a worthy use of their resources. But we believe that, in a context where their children are at least enjoying equality of educational opportunity and may beyond that be enjoying educational advantages justified as incidental benefits of the goods provided by the familial relationship, children's interests in enjoying fair opportunity in education is more important than parents' interests in being free to act on their conception of the good in a way that unfairly advantages their children.

The third is a comment about legitimate partiality in unjust circumstances – the circumstances that actually obtain in our own social environment. Many children who face unfairly superior educational prospects have parents who are, themselves, beneficiaries of an unjust distribution of resources; the resources at their disposal are not truly theirs. Using these resources to promote their children's interests is something they are typically permitted to do in such circumstances, but it is not clear to us that they have any justified claim to do so, nor that doing so is required, or even permitted, by the idea of good parenting.¹⁹ Suppose that, in an otherwise just society, some large packet of resources that you knew to be stolen fell into your hands, and you knew that no-one would prevent you from doing whatever you wanted with them. Would spending them on your children count as legitimate partiality? Anderson and Satz refer to non-ideal circumstances often enough for this to be a question they should answer, given the latitude their favoured principle appears to allow advantaged parents.

2. Educational Adequacy

We have countered Satz's and Anderson's arguments against educational equality. But why do we need it, if the principle of educational adequacy, to which they both give new content and power, is a good enough principle for justice in the distribution of educational opportunities? In this section we explain why adequacy, even on Anderson's and Satz's understanding of it, is not enough. We offer a case in which, intuitively, justice should comment on the distribution of educational resources, but the principle of adequacy does not. We then offer a case in which the principle of adequacy seems to demand the wrong outcome.

Suppose that all children have an adequate education, as they understand it, and that there is some leeway such that even the least well-educated children are being educated better than adequacy demands. Suppose, now, that a bounty of unexpected resources enters the system (perhaps because the country in question has an unforeseen revenue source, or because it is enjoying a peace dividend and has chosen to divert the freed up resources to education). Wherever the resources are spent within the system, they will not undermine adequacy. How should they be distributed? The principle of adequacy makes no comment at all on this. Anderson says that "Sufficientarian principles

do not constrain inequalities in educational access above the sufficiency threshold”.²⁰ So the government could legitimately concentrate the resources on the highest achieving children, or concentrate them on Gifted and Talented programs the effect of which is to give middle and upper middle class children better opportunities than other children to attain elite university places. As long as these children will be educated to be responsible members of the elites they join, there is nothing unjust about enhancing their chances of securing a place in those elites, even though their chances are already better than other children’s chances. This seems counterintuitive. To be sure, we can think of justifications for spending those resources on the more advantaged, or higher achieving, children, rather than for trying to make educational prospects more equal. But we think that there is a reason, albeit a defeasible reason – namely fairness – for concentrating the new educational resources on those with lower than the median prospects. The claim that the principle of adequacy is the only principle of justice for the distribution of education does not even allow equalizing prospects to enter the discussion as a reason.

Now suppose instead that many children do not receive an education that is adequate in Anderson and Satz’s senses. Imagine that there are only two feasible reforms under consideration, both of which have excellent prospects for success if adopted. Reform A will have the effect of making the children who are destined for elite membership more responsive to the interests of those over whose lives they have asymmetric power, and it will also increase the level of social mobility, such that there will be a small increase in the percentage of children from disadvantaged backgrounds joining the elites. It will, in other words, produce a slight improvement in the level of adequacy. Reform B will make *no improvement* in the level of adequacy, but it will improve the prospects for secure, if ill-paid, employment for the lowest 10% of achievers, by improving their prospects of acquiring the soft skills valued by low-wage employers before they drop out of high school.²¹ Our intuition is that the improvement in the life-prospects of the lowest achievers wrought by Reform B should get more weight in the circumstances than the improvement in the level of adequacy wrought by Reform A, and we retain that view even when we assume that Reform B, despite appearances, has not in fact made it any easier to achieve higher levels of adequacy in the future. But

our intuition is not what is at stake here; to impugn the idea that adequacy is the sole principle of justice in the distribution of education we only need to claim that the improvements wrought by Reform B provide reasons of justice to choose it over Reform A, even if those reasons are outweighed by the value of the greater adequacy achieved.

Is adequacy, in fact, being offered as just one among several principles of justice concerning the distribution of education? We should emphasize that the above cases do not work as objections to this, more modest, but still substantive, claim. But, as we have seen, when objecting to educational equality both Anderson and Satz rely on the assumption that the terrain is one in which we are seeking a single principle of justice. If sufficientarians can be pluralist about values, and invoke non-sufficientarian principles to avoid unpalatable consequences, they should allow egalitarians to do the same.

Anderson sometimes tacitly invokes further principles. Why, for example, do educational sufficientarians object to leveling down?:

Sufficientarian principles do not constrain inequalities in educational access above the sufficiency threshold. Parents who want to provide their children with more education than the minimum required to enable them to successfully complete a serious four-year college degree are free to do so, using their own private resources or by demanding that their public schools provide more. The sufficientarian standard thus rejects “leveling down” educational opportunities to the lowest common denominator in the name of equality.²²

But the sufficientarian standard is quite consistent with leveling down as long as the least educated are above the sufficiency threshold. The quoted passage suggests that another principle is in play, doing the work of preventing the leveling down; a principle of parental freedom, or one of human capital optimization, or, perhaps, something like the difference principle.²³ Sufficientarianism is insufficient as a principle of educational justice, and Anderson appears to realize this; but then there is no reason for educational egalitarians to wilt at the observation that educational equality is also insufficient.

Finally, consider another case in which the demands of

equality and adequacy come apart, in practice, and in which we think that policymakers would be justified in pursuing equality as we understand it at the expense of adequacy as Anderson and Satz understand it. Suppose that public schools are *de facto* segregated by socio-economic class, and that the government judges that, even though integration is a *sine qua non* for the full achievement of adequacy (for Anderson's reasons), efforts to integrate will have very limited success because they will result in substantial defections from the public schools by the children of advantaged parents. In contrast, it judges also that efforts to deploy newly available resources in a way that targets the existing concentrations of disadvantaged children in particular schools will meet with no opposition and will close the achievement gap by enabling those schools to compete more effectively for higher quality teachers and administrators, provide smaller classes where that would be useful, and intervene more effectively in the home circumstances of some of the most at-risk students. Which choice should the government make? We think it is entirely reasonable for it to do that latter.²⁴

Conclusion.

Our conclusion is simply that, whereas educational adequacy (in Anderson and Satz's sense) is certainly an important goal, it is not a comprehensive principle to guide the distribution of educational resources. Educational equality, though sometimes less urgent, is also a proper demand, and one that should be pursued when nothing can be done to improve adequacy, and even, sometimes, when something can.

Endnotes:

- ¹ Christopher Jencks, "Whom Must We Treat Equally for Educational Opportunity to be Equal?", *Ethics*, 98 (1988); 518-33
- ² Elizabeth Anderson, "Fair Opportunity in Education: A Democratic Equality Perspective", *Ethics* 117 (2007): 595-622 and Debra Satz, "Equality, Adequacy and Education for Citizenship", *Ethics* 117 (2007): 623-648. For earlier variants of this view see Amy Gutmann, *Democratic Education* pp. 128-139; Randall R Curren, "Justice and the Threshold of Educational Equality", *Philosophy of Education*, 50 (1995); 239-248; John White, 'The Dishwasher's Child: Education and the End of Egalitarianism', *Journal of Philosophy of Education* 28 (1994); James Tooley, *Disestablishing the School* (Institute of Economic Affairs, 1996)
- ³ Rawls' principle states that "Social and economic inequalities are... to be attached to offices and positions open to all under conditions of fair equality of opportunity". Those conditions are then spelled out as follows: "Fair equality of opportunity is said to require not merely that public offices and social positions be open in the formal sense, but that all should have a fair chance to attain them. To specify the idea of a fair chance we say: supposing that there is a distribution of native endowments, those who have the same level of talent and ability and the same willingness to use these gifts should have the same prospects of success regardless of their social class of origin...", *Justice as Fairness: A Restatement*, pp.43-44.
- ⁴ Both of the current authors have endorsed this version of equality of opportunity, though one is explicit in regarding his endorsement of it as a simplification. For the last point, see Adam Swift, "The Morality of School Choice Reconsidered: A Response", *Theory and Research in Education* 2 (2004): 323-342, at pp.329-330.
- ⁵ Satz p. 630, see also Anderson pp. 596-598 and also in "Rethinking Equality of Opportunity: Comment on Adam Swift's How Not to be a Hypocrite," *Theory and Research in Education* 2 (2004): 99-110.
- ⁶ Satz, p. 630.
- ⁷ Satz, p. 628.
- ⁸ Anderson, p. 615.
- ⁹ Anderson, p. 621.
- ¹⁰ Anderson, p. 615.
- ¹¹ See Harry Brighouse and Adam Swift, "Equality, Priority and Positional Goods", *Ethics* 116 (2006): 471-97 at 494-495.
- ¹² Anderson pp. 616-617 and Satz pp. 636-638 and 626.
- ¹³ Satz, p. 626.
- ¹⁴ And we do. See Harry Brighouse *On Education* (Routledge, 2006) and "The Moral and Political Aspects of Education" in Harvey Siegel (ed.) *Oxford Handbook for Philosophy of Education* (Oxford University Press, forthcoming).
- ¹⁵ It need not, of course -- because teachers, like students, can be tracked -- but it can.
- ¹⁶ Satz, p. 634.
- ¹⁷ See Jan Van Damme, "Class and School Composition and its effects on achievement and wellbeing: Illustration of the effects and a preliminary explanation", draft on file with author.
- ¹⁸ Satz, pp. 633-634.
- ¹⁹ Swift, 2004, p.338-339.
- ²⁰ Anderson, p.615.
- ²¹ There's some evidence that Chicago reforms have had this effect, and no evidence or reason to believe that they have improved the level of adequacy. See the studies from the Consortium on Chicago School Research at the University

of Chicago, especially Jenny Nagoa and Melissa Roderick, Ending Social Promotion: The Effects of Retention (2004) at <http://ccsr.uchicago.edu/publications/p70.pdf> and Robin Tepper Jacob, Susan Stone, and Melissa Roderick, Ending Social Promotion: The Response of Teachers and Students (2004) at <http://ccsr.uchicago.edu/publications/p68.pdf>.

²² Anderson, p. 615.

²³ Sometimes Anderson appears to favour something like the difference principle (as applied to the basic structure, rather than to education itself). But in the following passage she suggests something weaker: “My brief is rather for comprehensive group integration in all of a country’s institutions, and hence, for integration of schools at all levels. Standards for fair educational opportunity must be determined with this end in mind. I shall argue that if they are, and society lives up to such standards, *then the less advantaged will have no grounds for complaint*” (Anderson p. 598 our emphases).

²⁴ This example is not hypothetical. Our sense, drawn from observations of and conversations with people close to the action, is that New Labour policymakers in the UK after 1997 saw things in precisely this way, and decided to use existing levels of segregation better to pursue equality rather than to pursue integration, as some of their left-wing critics argued they should. We are not convinced that they were right about the feasible set available to them, but think that, if the political constraints they perceived were real, they would have been justified in their choices.



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