

# Equality and Adequacy as Distributive Ideals for Education

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## I. Introduction

The provision of education is a paradigmatic example of a good that is distributed in some way or another by virtually every society. A theory of distributive justice aims to guide the allocation of benefits and burdens among individuals, and so we should expect any such theory to address questions concerning the distribution of education.

One distributive question concerning educational opportunity is considered settled. That is the question of *to whom* the good of education should be distributed. The answer is: to each and every child. The advent of compulsory attendance laws and public financing of education reflect the commitment of giving every child the opportunity to receive an education.

Yet if *to whom* is a settled matter, *how* education is to be distributed remains deeply contested. The most popular standard for distributing education, at least

in liberal democratic societies, is some version of equal educational opportunity. But the best interpretation of this principle is disputed. And an egalitarian distributive principle is not obviously the correct standard. Philosophers have called attention to two attractive ideals meant to guide the distribution of educational opportunity, equality and adequacy. Roughly, we can ask: should all children receive *equal* educational opportunities, or does it satisfy the demands of justice that they receive *enough* opportunities?

In this article, we explore two facets of the debate between those who advocate equality and those who advocate adequacy. First, we disaggregate the benefits that education provides, as well as the purposes for which the state undertakes to distribute educational opportunity. One such benefit is the production of competent and informed democratic citizens. We show that the adequacy ideal is especially compelling when the state's interests in providing education are defined by the civic purpose of education. But since education does not only serve civic goals, we ask whether an adequacy standard is still warranted when the purpose of education is construed more broadly, encompassing private returns to education, defined primarily as economic returns or opportunities for entry and advancement in careers. In this case, the structure of these opportunities is competitive. Here, we find that the answer to which ideal is most defensible is less clear.

Second, we consider a powerful challenge to the adequacy position. Even if a distributional principle of adequacy is warranted, given that an adequacy standard is consistent with an unequal provision of educational opportunity, we consider whether there is nevertheless something objectionable about the state's complicity in the provision of adequate but unequal educational opportunity. Unequal educational opportunity may be functionally inevitable, given that all kinds of background social circumstances, such as socioeconomic status, de facto residential segregation, access to health care, parenting styles, and so on, interact with educational opportunity. But when the *state itself* is the agent for the provision of unequal opportunities, as is the case in publicly provided but unequally resourced schooling, we ask whether this is objectionable, and if so why. The main burden of this paper is to argue that inequalities in educational opportunities generated by the state, through the mechanism of the public schoolhouse, can be problematic even if the very same inequalities produced in other non-state ways are not.

In previous work, we have written in seeming opposition to each other, with Reich defending an egalitarian position and Satz defending a sufficiency position that contains strong egalitarian elements (Koski and Reich 2007, 545-618; Reich 2013, 43-61; Satz 2007, 623-48). In writing jointly here, our aim is to focus attention on the precise considerations that separate our previous arguments and to examine the contexts in which our different approaches can yield similar normative results and policy proposals. While our argument will not finally

resolve the best formulation for distributing educational opportunities, if we are correct, it should serve to considerably narrow the range of disagreement between the adequacy and egalitarian interpretations of equal opportunity. In practical application, these views can converge to a greater extent than is recognized.

## **II. Setting the stage**

Several factors make the question of how education should be distributed by the state a complicated one. In the first place, education occurs outside as well as inside formal schools. It occurs in the family, through interactions with peers, and by a child's interaction with her general environment. Even if the state were to provide identical educational opportunities to all children in schools, educational achievement would be unequal because of the influences of all these other sites of learning.

Second, children differ from each other, sometimes in dramatic ways. Their natural talent potentials are different, and their motivations, preferences and values with respect to their education are diverse. Because of this diversity, society cannot realistically attain equality in educational outcomes, even if this were what justice required. Moreover, it is *desirable* that children have diverse motivations, preferences, and values that combine to lead to differences in

educational outcomes. Liberal democratic liberal societies make room for a variety of plans of life (Gutmann 1999; Reich, 2008).<sup>1</sup>

Third, because education deals with children, who (at least when very young) cannot make competent decisions on their own behalf, parents will inevitably be involved in educational efforts. And parents have strong views about their children's education, views that deserve some weight in decisions about how their children are educated. And, as we can see from looking at debates about religious schooling, school busing programs, charter and private schools, and educational tracking programs, these parents often disagree with one another. They differ not only about the interpretation of educational equality, but also about what counts as educational quality.

In a democracy, decisions about public funding and regulation of education will tend to track the preferences of the median voter. That entails that some parents will want and (unless we are willing to prevent this) succeed at securing greater levels of educational opportunity for their children than the state allocates, if they have the private resources to purchase these in the private marketplace or the personal capacity and willingness to provide the learning opportunities themselves at home. It also means that parents with minority preferences about education – say about specialized subject areas or extracurricular activities that

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<sup>1</sup> This does not mean that all such differences in values and preferences are acceptable. Some may significantly disadvantage children as they grow to adults. See David Miller, 2009.

nevertheless influence broader educational achievement -- will find it difficult to get such opportunities funded publicly.

One final consideration: no society can afford to direct all of its resources to education. Government budgets are not infinite, ergo spending on education is limited. So: the actions of private individuals, differences in children's potentials, the need to enlist parents' support of the educational enterprise in the context of disagreement, and the inevitable cap on public educational expenditures will all have consequences for how educational opportunities are actually distributed.

Before addressing the problems posed by this diversity of causal influences on educational opportunity and subsequent educational outcomes, we turn our attention to an overlooked but important feature of education. The feature is this: education serves diverse purposes. In particular, we can think of three important ends that compulsory education serves: it prepares students for democratic citizenship; it prepares students for productive careers and jobs, thus ensuring their independence and promoting social productivity; and it contributes to their wellbeing by cultivating their capacities, imaginations, and developing their character. Although each of these purposes is important, our discussion will focus only on the first two.<sup>2</sup>

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<sup>2</sup> This third goal is highly contested, not because anyone believes that education should not promote human capacities and flourishing. Rather, what constitutes human flourishing is contested – there is reasonable disagreement about virtue and how to live a good life. Public schools in a liberal democratic state should refrain, it is often argued, from taking sides on such questions except insofar as

### III. Adequacy and the Civic Purpose of Education

To the extent that the purposes of education are seen as strictly civic – about the creation of able citizenship -- adequacy is the appropriate ideal to govern the public provision of K-12 education (Callan 2016, 77-90). What is important is to establish a threshold of educational provision *sufficient* to whatever is considered to define competent citizenship. For instance, the public provision of education should ensure that children acquire certain civic capacities (e.g., that they can read and write), learn certain facts (e.g., about the structure of government and some history), learn how to critically evaluate arguments and evidence, and that they have access to higher education and the labor market on a nondiscriminatory basis. Inequalities in educational provision that do not interfere with the state's ability to produce these outcomes are unobjectionable on the civic view.

To capture this idea in more precise philosophical terms, consider the position of Elizabeth Anderson. In a series of articles, Anderson has developed an adequacy principle of distribution rooted in an egalitarian view of citizenship that she calls “democratic equality” (Anderson 1999, 287-337; Anderson 2004, 99-110). What equality demands is that citizens stand in equal relations to one

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doing so is needed for democratic aims. See the introduction to *Education, Justice, and Democracy*, Danielle Allen and Rob Reich, University of Chicago Press, 2013; and Danielle Allen, *Education and Equality*, University of Chicago Press, 2016.

another, that no citizen is subjugated or oppressed, that there exist no caste-like groups in society, that all can appear in public without shame or humiliation.

Democratic equality is therefore a theory of social justice rooted in a view about people in their capacities as citizens. It has implications for the distributions of goods and resources, but it is fundamentally a view about a society of equal citizens. To the extent that inequalities in educational opportunity do not undermine equal citizenship, the upshot for education is clear: adequate not equal provision is all that is required.

Democratic equality is egalitarian in its conception of relationships among citizens, but tends to focus on fixed thresholds in its conception of justice in the distribution of divisible resources and opportunities. Applied to the civic purposes of education, what is important on this view is not that everyone has equal opportunities to acquire resources, but that everyone has 'enough' knowledge to participate as a competent citizen. Of course, what is enough to establish the conditions of citizens' equal civic status may be a matter of considerable debate. Anderson has her own view, an expansive one that includes not merely the capacity to function as a political agent (e.g., voting, petitioning government, etc.), but also the capacity to function in civil society (e.g., to be free to form private groups, have access to public space, etc.) and certain socially established minimum levels of human functioning (e.g., adequate nutrition, shelter, clothing, etc.) (Anderson 1999, 317-18). Defining the equal standing of citizens in a robust manner, such that opportunities to participate in civic life are

roughly equal, will bring the adequacy orientation much closer, in practice, to an equality principle of the distribution of educational opportunity.

But note that Anderson's adequacy principle of educational distribution is nevertheless still compatible with inequalities, potentially even great inequalities, above the threshold of adequate provision. So long as the adequacy principle is met, unequal provision is a matter of indifference to the state. In short, adequacy sets a floor – potentially a very high floor – of educational provision below which no child or group of children should fall.

Debra Satz takes the ideal of democratic equality one step further than Anderson, explicitly arguing that a concern for equal civic status establishes not merely a floor but also has implications for the extent of inequality that is permissible above that floor (Satz 2007, 623-48; Satz, 2008). A proper understanding of how the adequacy ideal guides educational provision, on her view, yields both a minimum threshold and a maximum threshold. The reason is that equal standing as a citizen can be undermined when persons, or groups of persons, are so high above the adequacy standard that they form an encrusted and perhaps self-perpetuating elite. "Great inequalities", writes Satz, "regarding who has a real opportunity for important goods above the threshold might relegate some members of society to second-class citizenship, where they can be effectively denied effective access to positions of power and privilege in the society" (Satz 2007, 637). Adequate provision of education has to be understood

not as a fixed threshold of opportunities. The level of adequate educational opportunity will sit in dynamic relation to whatever the highest spenders and achievers attain. Put more generally, as the general level of what citizens know rises, so does the threshold of adequacy.

Only such a dynamic relationship can ensure equal standing as a citizen and ward off the creation of entrenched and segregated elites. On Satz's view, the sharp distinction between educational adequacy and educational equality is overdrawn. When what adequacy requires is sensitive to relative context, this may lead one to view large inequalities of educational opportunity as illegitimate, even if baseline levels of opportunity are quite high.

When the purpose of the state's involvement in education is solely a civic rationale, the adequacy ideal has undeniable attractions. First, it gives priority to the poorest and most disadvantaged students and schools that fall below the adequacy threshold in either resources or performance. Inequalities between well-resourced and high-achieving schools are not a normative concern.

Policymakers are not led to worry about differences between Beverly Hills and New York's Upper East Side. Second, an adequacy standard avoids concerns about leveling down academic achievement. Its focus is not on simple comparisons between students, but on ensuring that all students are prepared to participate in society as co-citizens. Finally, because its focus is on citizenship, the adequacy ideal – unlike the criterion of equality -- has direct implications for

racial integration: at least insofar as de facto segregated schools do not and cannot prepare students to function as competent citizens in diverse societies.<sup>3</sup>

Adequacy is the relevant value with respect to the civic purposes of education because the worth of civic knowledge is largely non-competitive: in a democracy, your greater policy knowledge will redound to the public.<sup>4</sup> Nor does one person's participation in politics preclude others from participating. While low voter turnout that is disproportionate among the poor is surely a problem, a context sensitive adequacy threshold has the tools to address this.

It is notable that, despite the obvious attractions of a context sensitive adequacy view, no recent adequacy litigation or legislation has attempted to define the adequate threshold of educational resources as a dynamic function of whatever the wealthiest districts in a state spend on education or whatever the upper bound of educational achievement is. In policy discussions, educational adequacy continues to be pursued as legislatively-defined static outcome standards – typically quite minimal – and countless attempts are now underway to determine the cost of an “adequate” education that will get all students to

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<sup>3</sup> To be sure, a prioritarian view can also embrace adequacy's focus on the least advantaged. There is some debate as to whether prioritarians escape the levelling down objection. But the third asset of the adequacy approach –its implications for integration –is not addressed by prioritarianism.

<sup>4</sup> Of course, there are some competitive aspects to civic education which the adequacy principle attempts to address. Thanks to Kristi Olson for pressing the competitive aspects of citizenship.

these outcome standards.<sup>5</sup> And there has been no attempt to define a national standard of adequacy, even though spending between states is greater than spending between districts within states (Liu, 2006). Nonetheless, if the dynamic conception of adequacy is required, then such costing out that does not take into account relative differences in educational outcomes is simply inadequate.

#### **IV. Equality and the “Private” purposes of education**

Education does not only serve civic purposes. It also serves an economic purpose. In one sense, this latter purpose is public: it is in any society’s interest that its members be equipped to be productive members of that society. All well-functioning societies need teachers, doctors, engineers, scientists, and so on. We all benefit from cultivating the capacities of people who will occupy such roles. Milton Friedman made the third-party effects of education the basis for the state’s obligation to provide education to all (Friedman 1962, 85-107).<sup>6</sup>

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<sup>5</sup> These costs are determined in a number of different ways: various “costing-out” methodologies whose calculations can be performed only with sophisticated statistical models, professional judgment panels whose task is to decide what constitutes resources sufficient to generate equal opportunities at the specified outcomes, and “best practice” analyses to determine what cost-effective strategies work for improving the achievement of disadvantaged students.

<sup>6</sup> Friedman is wrong. The “third party effects” rationale is insufficient to establish the case for universal education. It is compatible with this rationale that some children never be educated at all –children who will never add to the nation’s productivity. Moreover, as long as the number of uneducated children was not large enough to effect economic growth, there is no third party argument for educating them.

There is also a private dimension to education's economic purpose: the rewards for occupying the best social positions –interesting work and good pay –are, to varying extents, privately captured. For one thing, average income rises in lockstep with higher levels of educational attainment. For another, in the United States for example, employment has repercussions not merely for income but also for one's health, children's schooling, access to decent neighborhoods, and overall security. Of course, the stakes attached to educational success vary in different societies: the poor fare worse in the United States than in Norway, which has a wide social safety net, free public college education, and which decouples many benefits from jobs. Certainly, inequalities in financial resources and leading social positions matter less when the state provides services such as education, health care and child care free to all (Jacobs 2010, 249).<sup>7</sup> But every feasible society will have some unequal rewards attached to differing social positions, and every feasible society will contain social positions that produce a distribution of social advantages and disadvantages via the authority, autonomy, prestige and enjoyment the different positions enable. Such inequalities need to be justified to the members of those societies. (Rawls, 1971)

Another factor that is relevant in the context of access to advantaged social positions is the “positional nature” of education. To a far greater extent than in

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<sup>7</sup> People often suppose that if an institution is compatible with equality of opportunity that is sufficient to justify it. But, of course, that inference does not follow: a feudal society would not be justified simply because everyone had an equal opportunity to become a lord. Rather, equality of opportunity is an independent requirement: the institution and its reward structure need to be justified on separate grounds.

the civic case, in the economic case, the value of my education depends on the education others have. When no one knows algebra, then not knowing algebra is not so great a disadvantage on the job market. In the United States, access to selective college admission depends less on absolute levels of educational attainment – or how much education one receives -- than on relative standing in the distribution of achievement and prior educational opportunity – or how much education one has received, and its quality, in relation to others. Moreover, what is important here is not simply the fact that education for jobs is positional: it is also competitive. Only one person will get the job for which many are qualified. It is therefore important that the competition be fair.

The private returns to education and the positional and competitive character of that education with respect to employment put considerable pressure on an adequacy position, particularly on an adequacy position that is only attentive to minimum thresholds. Because individuals capture some of the benefits to schooling for themselves, differences in educational opportunities cannot be justified solely by pointing to public benefits. And because educational opportunities for jobs have a competitive structure that seems not to pertain to the civic case, there is a case for fairness.

Consider the following. If I am a competent voter, my vote is not worth less simply because you are more competent. It is often quite the contrary: in our deliberations as citizens I benefit from your additional knowledge and insight. By

contrast, if you and I are provided with unequal educational opportunities, while it is true that I may benefit from your success in your job – education aimed at employment is not entirely positional —there is also a sense in which I am less well off than I might have been had our job prospects been equal.

Even were something like Rawls's difference principle (which requires that inequalities in certain resources such as income and wealth are justified only when they benefit the least advantaged) to regulate the social advantages that attach to various careers, the person who is positionally disadvantaged in education could claim that what she really wanted and deserved was an opportunity to compete on fair terms for a social position. A person who never had the chance to develop the skills to become a good candidate for a job, even though she possessed the appropriate potential, seems to have a reasonable complaint. Indeed, there are reasons based in self-respect as to why receiving a greater sum of income and wealth cannot compensate for the unfair competition she faces. (Shiffrin, 2004).

“Equality” of opportunity seems to be a more apt principle when the goals of education are geared to preparing students for careers. This does not mean, however, that the appeal to equality is without problems. Perhaps the aspiration to equality in the distribution of educational opportunity is limited by the conjunction of three points we raised earlier: first, there are private causes of educational disparities that it would be unjust or impossible for the state to

eliminate entirely; second, there is a limit on how much money any society can devote to education; and third, children's talent potentials and basic dispositions are different.<sup>8</sup> This leads those who adopt an equality standard to face the objection that an egalitarian principle will lead to a leveling down of educational attainment. For even if you and I were given equal educational opportunities, all kinds of factors will lead to our being unequally qualified for jobs. In particular, putting you and I in an exactly equal competitive position for jobs will carry impossible costs, and likely a greater share of social resources for education than most people would be willing to endorse. So, the kind of equality principle that will be required will not be perfect equality of opportunity for everyone. Rather, we might imagine a form of equality of opportunity analogous to what Rawls refers to as fair equality of opportunity, where he talks about citizens being "sufficiently equal" in the sense that those with similar talents and abilities and motivations should have the same opportunities for careers regardless of social class. On Rawls' view, and ours, not all social and natural differences between people need to be neutralized as factors in explaining the pathways people take in life. As we mentioned, it is socially undesirable for everyone to have the same motivations and interests. Nor is there anything inherently unjust about the fact that people have different and unequal talents.

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<sup>8</sup> For a detailed treatment of equality of opportunity in education, see Liam Shields, Liam, Anne Newman, and Debra Satz, "Equality of Educational Opportunity" *The Stanford Encyclopedia of Philosophy* (2017).

## **V. The State as an Agent**

Our discussion of adequacy and equality has so far focused on their rationales with respect to two educational aims: civic and economic. But there is another aspect to the provision question that now needs to be addressed: the role of public institutions in producing opportunities. As we will argue, the mechanisms that serve to produce an outcome can matter to the legitimacy of that outcome.

Consider differences in employment outcomes. Some of these differences may be the result of morally irrelevant factors such as the social class, race, or gender of an individual's birth. It is widely accepted that, barring special circumstances, such factors should not influence a person's job prospects. But other differences between people may result from variables that are constitutive of who individuals are, and the causal role of these variables are harder to criticize. Parents pass on many things to their children; not only wealth and genes but also preferences, values, and identities. The person who grows up inclined to value family above material success, for example, may seek out a different life path than the person motivated largely by monetary gain. So too will the person who eschews competition, or who enjoys working in solitude, or who is religiously devout.

It is true that schools have an important role to play in exposing children to a diversity of preferences, values, and identities, including those that run counter to

what parents wish to transmit. Formal education is arguably tasked with cultivating the capacity for rational examination and potential revision of whatever defines the self so that children may become autonomous adults. Ultimately, therefore, the appropriate agent for making decisions about preferences, values, and identities is the maturing student.

All this notwithstanding, parental preferences have *some* standing in the decision about how children shall be educated. And most important, educational opportunity is appropriately shaped by a background reasonable pluralism in ways of life or comprehensive doctrines. Our point here is that when judging the acceptability of differences in opportunities for careers, sometimes the ways such differences are produced will be decisive for how we view their legitimacy.

And this consideration, we now argue, has implications for the legitimacy of differences in educational opportunities that are produced by the state. The just state functions under a set of constraints that do not hold for individuals (and families). Consider, in this light, *partiality*. In many contexts, it is perfectly acceptable and perhaps morally required for a parent to display partiality to his own child as opposed to a stranger's child. We do not need to treat our own children from an "impersonal" point of view: partiality is constitutive of the loving and intimate relationship parents have with their children (Brighouse and Swift 2016). But a state that systematically treats the children of some of its members

more favorably than others would be violating the equal status condition of citizenship.

The fact that the state is an actor – indeed the major actor – with respect to providing educational opportunity has implications for how that opportunity must be distributed in contexts where there are gains and losses to different individuals at stake. The distribution of social advantage and disadvantage as partially produced through the distribution of educational opportunity in public schools does not permit partiality toward some children over others. The state, above all other social actors, has an obligation to treat its members as equals. We together as citizens collectively authorize the state, and we are each subject to its dictates. The state is *our* institution, when we are considered collectively; it is not privately owned by anyone or by any particular social subgroup (Liu 2006, 330-412).<sup>3</sup>

What does this obligation on the part of the state imply with respect to educational opportunity? We believe that there are at least three main constraints that the state is subject to concerning the distribution of educational opportunity.

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<sup>3</sup> Some countries have federal structures and these federalized structures are implicated in the provision of educational opportunity. Funding of public schooling in the United States is mainly a matter for states and local municipalities, not the national government. So, claiming that the state has an obligation to treat its members as equals opens up a debate about what level of the state is so obligated.

1. Because the state is our institution collectively, its operating default position with respect to those goods it is obligated to provide us, its citizens, should be an *equal benefit principle*. Consider that the state has an obligation to defend the nation. According to the equal benefit principle, this means that the state is obligated to defend all parts of the nation equally – it cannot simply decide to cease to defend the citizens of California, or Mississippi, or to defend them less than those who reside in Rhode Island or Texas. This is so even when different states fund the national government in unequal ways. California is a larger contributor to the federal treasury relative to many other states (net and on a per citizen basis), yet this does not mean that Californians are entitled to a greater share of federal benefits such as military defense. Analogously, if the state is obligated to provide educational opportunity to all its members, then this good must be provided, absent special justifications, to the equal benefit of all.

The philosopher Tim Scanlon formulates the equal benefit principle this way:  
“If each member of a group has the same claim that some individual or institutional agent, provide it with a certain benefit, and if that agent is obligated to respond to all of these claims, then that agent must, absent special justification, provide each member of the group with the same level of benefit” (Scanlon 2014).

Notice that the equal benefit principle sets up a default baseline. It is not absolute and can be outweighed by other values. In the context of education, special justification might relate to such questions as how to treat children with severe cognitive disabilities and whether gifted and talented programs are legitimate.

What does equal benefit mean in the context of K-12 education? We might start with the idea that the state's contribution, measured as overall resources or inputs (e.g., money per pupil, qualified teachers, quality of school facilities, etc.) to each child's education should be identical. However, since an identical contribution may leave some children below an adequacy threshold of opportunity or attainment, there is justification for spending more on harder to educate children to allow them at least to cross the threshold of adequacy.

Assume that we have built in an adequacy threshold. We can then consider two different models for specifying equal benefit in educational opportunity. In model one, each particular child would receive an identical educational benefit or gain no matter what school that child was to attend. Every school would provide that student an equal benefit, and therefore no student would be disadvantaged by varying quality across schools. This model would be consistent, however, with different students advancing at different rates. Student A could gain one year of academic growth in every school while student B could gain 1.4 years of academic growth at any school. Equal benefit is preserved despite the inequality

in students' education insofar as every school promotes the learning of each individual student in the identical manner.

In model two, each student who attends any particular school would receive the same educational benefit or gain, but gains could vary across schools. Student A and Student B would receive the same educational gain – say one year of academic growth – at School C and the same educational gain – say 1.4 years of academic growth – at School D. This model is also consistent with different students advancing at different rates, depending on the schools to which they have access. In both models of equal benefit, the school system nevertheless promotes a certain kind of educational inequality. In model one, some children extract more benefit from a school than others, yielding differences in educational achievement that may originate outside of the school. In model two, each school provides an identical benefit to every child, but schools vary in the benefits provided, yielding differences in educational achievement that can, at least in part, be traced back to the schoolhouse itself.

Model 2 permits inequalities between schools to generate unequal results, while in model 1 it is plausible to think that non-school based differences are generating the inequalities. Nonetheless, in this model the school does nothing to narrow gaps between students, something which is addressed in model 2.

Model 2 seems inconsistent with the equal benefit principle, although as we will

argue, it does point us to a principle of rectification. Perhaps the best solution would be some combination of the models.

2. Because the state is a different kind of actor than private individuals, the state must also attend to the *expressive messages* it communicates through its policies and laws. In his book *Savage Inequalities*, Jonathan Kozol called attention to the dignitary harms suffered by under resourced students who could look across “the tracks” and see vastly better supported schools than theirs. To quote from one of the students from the “wrong side” of the tracks he interviewed, a child named Jezebel who goes to school in Camden, New Jersey: “I have a friend...who is in the 11<sup>th</sup> grade. She goes to school in Cherry Hill. [a rich suburb] I go to her house and I compare the work she is doing with the work that I am doing. Each class at her school in Cherry Hill, they have the books they’re s’posed to have for their grade level. Here, I’m in eleventh grade. I take American history. I have an eighth grade book. So I have to ask “Well, are they three years smarter? Am I stupid?” But it’s not like that at all. Because we’re kids like they are... But then, you know, they have that money goin’ to their schools. They have a nice clean school to go to. ...and brand new books. Their old books, when they’re done with them, they ship them here to us” (Kozol 2012, 152).

Such large differences as those between the Camden and Cherry Hill schools strike at the heart of the idea that we are each other’s equals. These differences communicate, perhaps unintentionally, that some students matter more to the state than do other students. This manifestly unequal regard relegates the

students of Camden to a second-class status. Both adequacy theorists and egalitarians have reason to object to such differences. Citizenship is a pre-existing and identical status that derives from birth or naturalization. It is not a privilege that has to be earned. The state owes to all its children the tools and opportunities they need to function as equal citizens.

This point about expressive function has implications for the state's obligations to those with the greatest talent potential as well. They matter too—even when they have already surpassed the level of educational achievement that most other children can hope to achieve. The talented also have a claim to equal, and positive, benefit. (Thus if we accept our model 1 above, it would not be acceptable that talented students had no benefit from whatever school that they attended.) In particular, specialized programs for so-called gifted and talented students gain in legitimacy the older a student is and the more developed her interests, disposition, and talents happen to be.<sup>9</sup>

### 3. Remedial principle

There is another role for the just state: it must remediate large inequalities in opportunity generated by background social conditions and/or the private actions of individuals and families.

There are two primary reasons for the state playing this role.

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<sup>9</sup> Care must be taken to ensure that such gifted and talented programs do not become the basis for an isolated and narrowly drawn elite.

First, given all the background sources of inequality between families, the equal benefit principle applied to education may not be robust enough to prevent the advantaged from locking up positions of power and wealth in society. Large inequalities of opportunity –even if generated by private parties –will tend to undermine the conditions for democratic equality.

Consider that privately generated inequalities in student achievement have an effect on the equality of opportunity of the next generation. Those who are beneficiaries of inequality of achievement today tend to transmit these benefits to their children. Because of the strong influence of family background on what children do and accomplish in and out of school, the state has an interest in mitigating that transmission belt to ensure the effective inclusion of children from all walks of life in society's most prestigious careers. Policies such as early education but also race and class based affirmative action, school desegregation, fair housing, progressive taxation, and adult education constrain the scope of inequalities in opportunity due to a child's social background. Note that most of these policies involve in-kind goods and cannot be realized simply by redistributing income and wealth.

Second, research has shown that children *enter* kindergarten with significant differences in vocabulary and skills concerning attentiveness, sociability, self-control and motivation. These differences track social class and parents' educational level; they also beget further differences. Evidence suggests that it is

harder for disadvantaged students to catch up than would have been the case if the state had intervened earlier. High quality pre-school education, home visitation programs and investment in the child's environment, are cost-effective (Heckman 2013).

One possible interpretation of the remedial principle would be to require equality of average outcomes across groups of students defined by certain demographic characteristics that society deems important (Roemer 1998). For example, compensation could require similar educational outcomes for children from low income and wealthy households. How to achieve this is of course a complicated question; in particular, is there some level of education for all which, once given, is sufficient to place the poor and rich in more or less equally good competitive positions for jobs and colleges?

We believe there is a strong case to be made for understanding one function of public education as providing an additional boost to disadvantaged children. The schoolhouse here is a kind of "universal solvent," attempting to wash out the predictable effects of background inequalities that are no fault of the children themselves. Such an education system will not provide a strictly equal benefit to each student; it will seek to provide disproportionate benefits to the least advantaged. This vision of education is a common one, we believe, and is consistent with ordinary understandings of equality of educational opportunity. (Shields, Newman, Satz 2017; Jencks 1988).

## **VI. Conclusion**

We have argued that when the purposes of education are civic, adequacy is a compelling ideal. But when the purposes of education are primarily economic, and education acquires a deeply positional quality, we have reasons to adopt a more egalitarian perspective. Whether an inequality constrained type of adequacy (as advocated by Satz) or a more robust equality principle (as advocated by Reich) is preferable in that context, we leave as an open question. Part of the answer depends on whether, in a society with background inequality, we can shield the job process from most of inequality's effects. But on either understanding, equality of opportunity seems to require greater equality of outcome than is usually thought. It is, as Tim Scanlon puts it a "Trojan horse for equality."

When we turn to consider the state's obligations to provide resources and opportunities to children, we find that the space between our views has further narrowed. We argue that the state has an obligation to provide its citizens with an equal benefit; that the state must avoid inflicting dignitary harms on its members; and that the state has a remedial role to play to mitigate privately generated inequality. One implication of our argument is the need to attend to context in thinking about moral principles. The social context in which education is conducted, the purposes it serves, and the agent whose actions are at stake, matters for how education should be distributed.



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