



Between equality and freedom of choice: Educational opportunities for the least advantaged



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ABSTRACT

This paper re-examines the philosophical debate between egalitarians and libertarians regarding school choice. Section 2 looks at the egalitarian approach defended by Harry Brighouse and Adam Swift, analysing its proposals for restricting parental partiality in search of achieving more educational equality among socioeconomic groups. Section 3 presents the most relevant critique to the egalitarian approach, and the alternative libertarian proposal defended by James Tooley. It argues that the egalitarian approach does not succeed in benefiting the least advantaged, and that it is too restrictive on fundamental freedoms. As an alternative, Tooley proposes to focus on benefiting the least advantaged by ensuring them an adequate education through an expansion of their scope of educational choice, and charity. Section 4 presents a critique of Tooley's approach, arguing that: first, adequacy does not benefit the least advantaged, and, second, that its exclusive focus on freedom of choice disregards the responsibility for those harmed by one's freedom. Section 5 closes by proposing that a redistributive mechanism can solve the deficiencies with both accounts (in non-ideal circumstances) by maintaining the scope of parental freedom, and benefiting the least advantaged through compensation for their unfair positional disadvantage.

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1. Introduction

Education is a fundamental good that defines a person's life prospects. The more education one attains, the better chances one has of achieving one's objectives in life. It has been defined as a fundamental right by both the Universal Declaration of Human Rights (Art. 26) and the Convention on the Rights of the Child (Art. 28, 29), but access to this basic resource is extremely unequally distributed across the globe: gender, poverty and location are three fundamental determinants for the gap in school access (UNESCO-UNICEF, 2015; UNESCO-UNICEF, 2015, Ch. 2). To show a glimpse of this gap, while children from countries in the wealthiest quartile have an average of 11.7 years of schooling (with urban boys in Germany having up to 13.7 years), children in countries from the poorest quartile have only 4.2 years (with the poorest girls of Niger and Somalia not having more than 1 year of school when they reach adulthood) (UNESCO, 2016; UNDP, 2013; UIS, 2012). There are approximately 125 million children out of primary (59) and secondary (66) school, the majority being the poorest (female)

children from the rural regions of the least developed countries (more than half from Sub-Saharan Africa) (UNICEF, 2016, p. 43–45).

Education plays a fundamental role in the assessment of what social justice requires. The idea of poverty and disadvantage as measured by GDP or other monetary indexes has given way to the Human Development Index of the UNDP, or the focus on capabilities, opportunities and functionings as a way to diversify the dimensions considered as determinant for a person's life and prospects (See Sen, 1999; Narayan et al., 2000; Wolff and De-Shalit, 2007). Concerns for social justice, thus, have expanded their scope of analysis by including the role that health, education, social inclusion or vulnerability (among many others) play in assessing disadvantage, poverty and the various injustices and inequalities that affect a socio-political structure.

The role that education plays in determining the advantages and disadvantages of a person's life has become a relevant topic in debates on social justice. Inequalities in educational access, and the worrisome consequences that this raises for the whole conception of how a political system treats its citizens, has led political philosophers and theorists to look for principles of social justice that could ground better policy solutions in education. They aim to reduce the unequal chances in life, and to develop a more just

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system where socioeconomic inequalities do not affect an individual's potential for educational, and life-long, achievements. Among various complex issues that arise from this concern, the fundamental tension between equality and freedom, inherent to liberal political theory, has opened-up a series of concerns for educational policies. Should equality play a role in determining access to high quality education? If so, how should it be implemented in practical policy? How far should freedom of choice go regarding a parent's decision over the education of her children? Or, in short, how (if at all) should the trade-off and balance between equality and freedom be established in decisions regarding education?

This paper looks at two important contributions to this debate: on the one hand we have education *egalitarians*, like Harry Brighouse and Adam Swift, who defend equality of access to education, with an emphasis on the limits that should be imposed on parents over their legitimate freedoms to benefit their child's educational opportunities. They are especially concerned with the harmful effects that elite education can have on the least advantaged children. On the other hand, there is the libertarian approach defended by James Tooley. He argues that State restrictions on parental freedom are not the solution to improve educational access and quality. On the contrary, he argues for more freedom of choice and more private education for the poor. According to Tooley, the quantity of students and the quality of education will both rise through the incentive mechanisms of the free market, which are more effective than the State alternative. He considers that freedom cannot be trumped by ideals of equality, and that the situation of the least advantaged is better improved by expanding the scope of freedoms, rather by its restriction.

I argue that both approaches have relevant arguments, but that both contain flaws that should be amended in order to develop a more plausible and just policy rationale to improve educational access and quality. The egalitarian proposal, due to its objective of ideal equality and its focus on developed countries, misses some relevant realities in the developing world that have to be taken into account in order to ensure improvement of the situation for the least advantaged children. Two factors of schooling in the developing world must be taken into account: first, the widely concerning situation of out-of-school children (both those who have never been to school, and those who drop-out); and second, the wide gap in the quality of schooling received by the most advantaged children and that received by the worse-off. Although the ideal principles are important, the practical implications that these principles may have in non-ideal circumstances must be accounted for. The libertarian approach, on the other hand, may propose an efficient mechanism for improving educational access and quality for the least advantaged, but it neglects the fundamental role that responsibility over the harm caused by freedom of choice must play when assessing distributive principles.

Section 2 looks at the egalitarian approach put forward by Harry Brighouse and Adam Swift, analysing its proposals for restricting parental partiality in search of achieving more educational equality among socioeconomic groups. Section 3 presents the libertarian critique to the egalitarian approach, and the alternative proposal defended by James Tooley. It argues that the egalitarian approach does not succeed in benefiting the least advantaged, and that it is far too restrictive on fundamental freedoms. As an alternative, Tooley proposes forgetting about equality and the restriction of parental freedoms, and focuses on benefiting the least advantaged through adequate education ensured through expanding freedom of choice and through charity. Section 4 presents my critique of Tooley. I argue that he is only concerned with freedom of educational choice, while disregarding the implications and

negative impact this freedom has on other's life prospects. The freedom of choice and the role of various providers of education defended by Tooley are an important contribution to the debate, but the harms and unjust inequalities generated by such a mechanism must be contained, and the egalitarian insights have a fundamental role to play in assessing educational justice. Section 5 closes by proposing that a redistributive logic may solve the deficiencies with both the egalitarian and libertarian accounts (in our present circumstances): it ensures that the least advantaged get the most out of social inequalities, while compelling those who have an unfair educational advantage to bear the responsibility over their choices.

2. Equalizing opportunities: Brighouse and Swift

The egalitarian approach stands on the basic intuition that there is something unjust about inequalities. It assesses problematic inequalities in our socio-political world, and intends to address and abolish those that are unjust. Inequalities can only be legitimized if they result from fair procedures that treat all as equals, and if socioeconomic background does not influence a person's prospects in life (Rawls, 1985), nor her educational achievements. In this respect, egalitarians consider that restricting individual freedoms is permissible if it eliminates harmful inequalities and promotes the development of a more equal society. This argument stands on two assumptions of our economic system and two of our political system. As for the economic claims, (a) assumes that inequalities in life prospects and rewards (getting into a good university or the job market, for example) are to a significant degree inevitable and beneficial for society as a whole; and (b) the position one achieves due to these inequalities is strongly correlated to marketable skills offered by educational opportunities (the better education one gets, the more chances one has of gaining the best positions) (Brighouse, 2000, p. 115).

Concerning the political claims, the egalitarian position stands on liberal principles that intend to counter the unjust inequalities that may arise from the two abovementioned economic conditions. It argues that the distribution of scarce positions and the inequalities generated due to (a) and (b) are only justified: if (c) they follow a meritocratic principle, where a person's achievements and social rewards depend on her effort and talent (merit), and not on arbitrary contingencies such as socioeconomic status, gender or race (Swift and Marshall, 1997; Brighouse and Swift, 2008). And if (d) the socio-political structure ensures that no one is discriminated against in their pursuit of social rewards, and that those with similar effort and talent can achieve similar life prospects regardless of their position in the social system (equality of opportunity) (Brighouse, 2002, p. 122–126; Swift, 2003, p. 10–14). Following Rawls' conception of *fair* equality of opportunity, education egalitarians consider that not only should there be no discrimination due to social status, gender or race when opting for social rewards, but that, most importantly, "all should have a fair chance to attain them." (Rawls, 1999, p. 63).¹

Meritocracy and equality of opportunity imply that the polity should play an active role in eliminating or neutralising the effects that social class or wealth can have on educational attainment, so that inequalities in life generated by these same educational achievements can be considered as just (Brighouse, 2008, p. 74). In this respect, the equality of opportunity required to

¹ The debate over the meaning and implications of equality of opportunity is outside the scope of this paper. For various interpretations of this principle and a thorough review of the debate see Rawls (1999: 57–65), Roemer (2000) and Arneson (2015).

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