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Education, Fair Competition, and Concern for the Worst Off

Abstract: In this essay, Johannes Giesinger comments on the current philosophical debate on educational justice. He observes that while authors like Elizabeth Anderson and Debra Satz develop a so-called adequacy view of educational justice, Harry Brighouse and Adam Swift defend an egalitarian principle. Giesinger focuses his analysis on the main objection that is formulated, from an egalitarian perspective, against the adequacy view: that it neglects the problem of securing fair opportunities in the competition for social rewards. Giesinger meets this objection by expressing two basic theses: First, he argues that Brighouse and Swift themselves fail to give an adequate account of fair competition; and, second, he shows that the adequacy view provides the theoretical resources to face this problem.

In the current philosophical debate on educational justice, there are two main answers to the question of how education should be distributed among individuals: According to educational egalitarians such as Harry Brighouse and Adam Swift¹, only an equitable distribution of education can be seen as just. Adherents of the so-called adequacy view call this into question: Two such authors, Elizabeth Anderson and Debra Satz^{2m} hold the view that justice does not demand equality in education, but an education that is adequate (or sufficient) with regard to a certain political or moral ideal.

¹ This essay refers mainly to following recent articles by these authors: Harry Brighouse and Adam Swift, "Putting Educational Equality in its Place," *Education Finance and Policy* 3, no. 4 (2008): 444-66; "Educational Equality versus Educational Adequacy: A Response to Anderson and Satz," *Journal of Applied Philosophy* 26, no. 2 (2009), 117-128. See also Harry Brighouse, *School Choice and Social Justice* (Oxford: Oxford University Press, 2000), and Adam Swift, *How Not to Be a Hypocrite, School Choice for the Morally Perplexed Parent* (London: Routledge Falmer, 2003).

² Elizabeth Anderson has presented her view in two papers so far: "Rethinking Educational Opportunity: Comment on Adam Swift's How Not to be a Hypocrite," *Theory and Research in Education* 2, no. 2 (2004): 99-110; and "Fair Opportunity in Education: A Democratic Equality Perspective," *Ethics* 117, no. 4 (2007): 595-622. An earlier version of her position is already outlined in: "What is the Point of Equality?" *Ethics* 109, no. 1 (1999): 287-337. Debra Satz formulates a similar view in "Equality, Adequacy, and Education for Citizenship," *Ethics* 117, no. 4 (2007): 623-48; and "Equality, Adequacy, and Educational Policy," *Education Finance and Policy* 3, no. 4 (2008): 424-43. While Anderson prefers to use the term "sufficientarian" to characterize her position, Satz puts the concept of adequacy—taken from contemporary debates on school reform in the United States—at the core of her deliberations. Both Anderson and Satz use the idea of a threshold level of education to spell out their positions. This idea—in the democratic version defended by Anderson and Satz—can be traced back to Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987).

Anderson and Satz use the idea of democratic (or civic) equality to define this goal; each citizen, they claim, should receive an education adequate for him to function as an equal within the democratic community. Thus, these authors start by outlining a political ideal and proceed to ask how education should [42] be distributed to foster the realization of this ideal. While egalitarians answer the distributive question without saying anything about the aims of education, the adequacy view offers answers to both questions: *how much* education and *what kind* of education should be provided for each child?

Obviously, an equitable distribution of education does not ensure that each person receives an adequate education. Neither does it guarantee that schools foster the development of *desirable* abilities, nor does it make sure that these abilities are developed up to an “adequate” level. Educational equality can always be reached by “leveling down”, that is, by worsening the position of the better off. This insight leads some educational egalitarians to accept the idea of (democratic) adequacy as a complementary consideration.³

The adequacy view does not simply specify the obligations of the state in the field of education, it is also used to justify educational inequalities. Once all citizens are ensured an adequate education, inequalities of educational resources, the quality of education provided, and educational outcomes are seen as legitimate. In their critique of the adequacy view, educational egalitarians point to the fact that the value of education is, in part, positional; its absolute value for one person depends on how well educated she is relative to other persons.⁴ Only if the person is better qualified than others will he or she have a real chance of succeeding in the competition for social rewards. Thus, any educational inequality is likely to disadvantage the worse off in the “race” for advantage. In other words: Any educational inequality threatens the realization of the political ideal of “equality of opportunity”. If we are determined to foster this ideal, it seems, we will have to stipulate an equitable distribution of education.

Thus, the main egalitarian objection against the adequacy view is that it does not provide an adequate answer to the problem of fair competition. Indeed, the democratic adequacy account is not focused on this problem, but on the problem of social and political integration. Nevertheless, I argue in this essay, it offers the core idea of a promising approach to the problem of fair competition, an approach that is based on notions of self-

³ See Kenneth Strike, “Equality of Opportunity and School Finance: A Commentary on Ladd, Satz, and Brighthouse and Swift,” *Education Finance and Policy* 3, no. 4 (2008): 467-494; see also Brighthouse and Swift, “Educational Equality versus Educational Adequacy”.

⁴ See Harry Brighthouse and Adam Swift, “Equality, Priority, and Positional Goods,” *Ethics* 116, no. 3 (2006) 471-97; William Koski and Rob Reich, “When ‘Adequate’ isn’t: The Retreat from Equity in Educational Law and Policy and Why it Matters,” *Emory Law Review* 56, no. 3 (2006): 545-616; William Koski and Rob Reich, “The State’s Obligation to Provide Education: Adequate Education or Equal Education,” (Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, April 2008)..

respect and dignity. The democratic adequacy account starts from the intuitive idea failing to give persons the opportunity [43] to qualify for positions of advantage injures their dignity. On this basis, at least some educational inequalities must be considered to be illegitimate. Anderson and Satz hold the view that their account leaves room for significant educational inequalities, but this estimation might be called into question.

It must be emphasized, though, that the so-called egalitarian theories of educational justice do not rule out *any* kind of educational inequality; Brighouse and Swift's "meritocratic" principle of educational equality is a good example. Hence, these authors are in need of a justification for those inequalities they see as legitimate. I comment on their conception of educational justice, which introduces two more principles (both considered as prior to educational equality), in the first part of this essay, while in the second part, I turn toward the adequacy view and its connection with the idea of fair competition. In the third part, I take a closer look at the dignity view of fair competition that is inherent to the democratic adequacy account.

Meritocratic Equality and Fair Competition

Brighouse and Swift's understanding of educational equality refers to the classical idea that educational inequalities should not be due to social background: "An individual's prospects for educational achievement may be a function of that individual's talent and effort, but it should not be influenced by her social class background."⁵ Brighouse and Swift do not overlook the fact that this conception—they call it *meritocratic*—has some serious shortcomings.

First, it could be said—from an egalitarian perspective—that this account is too weak, since it stipulates the neutralization of only one source of educational inequality. Within this conception, inequalities of natural endowment are seen as legitimate obstacles to educational achievement.⁶ Additional educational resources are thus ensured for socially disadvantaged children but not for children with innate learning disabilities. Furthermore, this account does not demand the neutralization of *all* the social obstacles to educational success; differences of personal effort, rooted in unequal motivation and ambition, do not have to be eliminated, although they might be caused by inequalities of family background.

⁵ Brighouse and Swift, "Putting Educational Equality in its Place," 447.

⁶ Brighouse and Swift use the concept of *talent* in the sense of *natural* endowment or potential. As is well-known, other understandings of the term are possible: Talent might be thought of as brought about by social circumstances. But even if we adhere to a social understanding of talent, we will not deny that its development is based on genetic preconditions that may differ from individual to individual. Thus, even if Brighouse and Swift's use of the term talent is rejected, it makes sense to speak of *inequalities of natural endowment (or potential)*.

Second, the meritocratic conception seems too strong, since its full realization would be incompatible with parental autonomy. It is well known that the development of ability is strongly influenced by the social and cultural practices of the family. According to a widely accepted view, however, parents should have the liberty to arrange the everyday lives of their family according to their [44] own values. If we wanted to eliminate the social sources of educational inequality, we would have to give up this principle; it would be necessary to intervene into the intimate life of the family or to abolish this social institution altogether.

Finally, the meritocratic conception of educational equality, as it is interpreted by Brighthouse and Swift, is incomplete since it does not say anything about the distribution of resources (or achievement) among children with different natural potentials. So, it would be fully consistent with this approach to give more attention or resources to the less-talented than to the talented but supporting gifted children with additional resources is also consistent with this approach.

Consider these three problems in turn. The first of them arises because organizing social competition according to the meritocratic ideal inevitably creates inequalities of status and wealth—inequalities that call for justification. One would expect defenders of the meritocratic view to think that this view provides a justification for these inequalities. Brighthouse and Swift, however, do not seem to be sure about that: why should natural inequalities and differences of motivation and effort be seen as legitimate obstacles in the competition for advantage? In this context, two different understandings of the notion of *desert* (or *merit*) could be brought into play. First, we could say that we merit certain rewards because of our natural endowment. It is unclear, however, why our potentials should give rise to rewards. What matters in the distribution of social rewards is not inborn potential but developed ability and the motivation to use it. The distribution of education among individuals determines the development of their abilities. If what people merit depends on their education, a merit-based argument cannot be used to justify a certain distribution of education.⁷

A second line of thought uses an understanding of desert that is linked to the concept of responsibility: we do not deserve our social disadvantages, since we are not responsible for our family background circumstances.⁸ This, however, seems to lead too far because, in the same sense, we do not deserve our natural potentials. Brighthouse and Swift are not ready, at least in their work to date, to defend a “radical” conception of educational equality which would amount to the neutralization of all inequalities that cannot be traced back to responsible acting. At the same time, however, they do not put pressure on the first of the

⁷ See Anderson, “Rethinking Educational Opportunity,” 103; Satz, “Equality, Adequacy, and Education for Citizenship,” 630.

⁸ See Brighthouse, *School Choice and Social Justice*, 117-18.

justifications for meritocracy proposed earlier. What then gives them confidence that the meritocratic view provides an adequate account of fair competition?

The additional principles proposed by Brighthouse and Swift are not designed to solve this problem but to address the two other shortcomings mentioned. The first of these principles concerns the problem of family autonomy—it is meant to ensure that parents and their children have the opportunity to develop a flourishing family life and to enjoy intimate relationships. This is, according to Brighthouse and Swift, a basic interest of parents and children that gives rise to a corresponding [45] right and a duty to respect this right. To respect this right means, for instance, that we allow parents to read bedtime stories to their children, even though this is likely to increase inequalities of educational achievement (provided that not all parents do it). On the other hand, advantaging one's own children by spending one's money on their education is not justified by Brighthouse and Swift's principle of parental liberty. Prohibiting private educational investments does not, as they note, endanger the intimacy of family life.

Brighthouse and Swift think, of course, that educational disadvantage arising from family background should be mitigated within the school system. It is not clear, however, *how much* additional resources have to be provided for the socially disadvantaged—the education system cannot be expected to eliminate these disadvantages completely. It seems, however, that Brighthouse and Swift's conception of educational equality demands to do *whatever is possible* within the limits of the parental liberty principle that would raise the educational level of working-class children. This is indeed “very demanding”⁹—in fact, it is *too* demanding since it sets no clear limits to the amount of resources that have to be spent on the education of the socially disadvantaged.

While it is relatively uncontroversial among advocates of the meritocratic view that the integrity of the family is more important than educational equality, not many will accept the next step taken by Brighthouse and Swift. They subordinate meritocratic equality to a principle that gives priority to the benefit of the worst off. Concern for benefiting the worst off is, within their conception of educational justice, “the most urgent consideration of justice.”¹⁰ Recall that Rawls, in *A Theory of Justice*,¹¹ proposes a different order of principles; the meritocratic idea—expressed in his principle of fair equality of opportunity—is seen as lexically prior to the difference principle—a member of the family of “prioritarian” views.¹²

⁹ Brighthouse and Swift, “Putting Educational Equality in its Place,” 447.

¹⁰ Brighthouse and Swift, “Putting Educational Equality in its Place,” 451.

¹¹ John Rawls, *A Theory of Justice* (Cambridge Mass.: Harvard University Press, 1971).

¹² These views are sometimes called “prioritarian” because they require that *priority* be given to the interests of the worst off. It is not my aim, in this paper, to give an account of the details that distinguish between different views of this family.

The principle of benefiting the worst off, Brighouse and Swift explain, can be used to remedy one of the shortcomings of the meritocratic principle; it can help to decide how educational resources should be distributed among individuals with unequal natural potential. If we have to choose between a policy that gives special attention to the gifted and another that provides additional resources for students with inborn learning disabilities, we have to ask, according to Brighouse and Swift, which of these policies is more likely to improve the position of the worst off in society. This principle gives rise to considerations of efficiency: it is clear that privileging the gifted within the school system will not *directly* benefit the less talented, but only if the gifted use their [46] education for the good of the whole of society. If, for instance, the productivity of the economic system is increased by giving special attention to the gifted, the less talented might be expected to benefit from this. The legitimacy of educational inequalities depends on the overall effects of these inequalities. Thus, if we accept the principle proposed by Brighouse and Swift, our views of justice will depend on empirical assumptions concerning these effects. We have to ask, for instance, whether inequalities of educational resources caused by private parental investments ultimately benefit the worst off. Brighouse and Swift cannot be sure, of course, that this will not be the case: "Whether it does so, depends entirely on the facts in the particular social context," they say.¹³ In the same way, whether supporting the socially disadvantaged with additional resources—as it is required by the meritocratic principle—improves the situation of the worst off can only be determined by examining the facts of particular cases.

It is unclear how a theory that subordinates the meritocratic principle to the principle of concern for the worst off is distinguished from a conception that gives up the meritocratic principle completely.¹⁴ Of course, it can be expected that concern for the worst off is, in many cases, compatible with the meritocratic principle; the first of these principles might even be used to justify the latter. With regard to efficiency, it seems promising to educate people according to their natural potential. On the other hand, it makes sense to consider the following question formulated by Richard Taylor: "Might it not be to the 'greatest benefit of the least advantaged' to focus educational subsidies instead on those (often

¹³ Brighouse and Swift, "Putting Educational Equality in its Place," 451.

¹⁴ See Richard Arneson's statement "Against Rawlsian Equality of Opportunity," *Philosophical Studies* 93, no. 1 (1999): 77-112. Arneson proposes to give up the principle of fair equality of opportunity. The distribution of social positions should be guided, according to his view, by the difference principle. He accepts however, that Rawls' principle of equal liberty should be seen as lexically prior to the difference principle.

socially advantaged) students for whom such investment would offer the highest rate and then tax them for the benefit of the poor?”¹⁵

It is a thus matter of empirical contingencies whether concern for the worst off implies fair competition for positions of advantage. It is not clear, for instance, that discriminatory admission practices or large inequalities of educational resources harm the worst off under any social circumstances. If we give priority to the interests of the worst off, we must be ready to give up the meritocratic principle whenever it turns out to be inefficient. In trying to remedy the shortcomings of the meritocratic principle, which is commonly interpreted as a principle of fair competition, Brighouse and Swift give up the idea that fair competition is of primary moral importance. Why does this matter, we could ask, if it is to the advantage of the worst off? It becomes clear, at this point, that we still lack an adequate justification of fair competition. Only if it is possible to justify a principle [47] of fair competition *independently* of efficiency considerations can the priority of fair competition be made plausible.

Adequacy and Fair Competition

Anderson and Satz reject the meritocratic principle without giving up the idea of fair competition. They also ascribe some weight to the ideas expressed in Brighouse and Swift's two additional principles: parental liberty and concern for the worst off. Let us consider the significance of these two ideas within the democratic adequacy account.

Anderson and Satz strongly disagree with Brighouse and Swift about the *scope* of the parental liberty principle. They think that parents have a right to use their own money to promote their children's education: "The Swift/Brighouse argument," Satz comments, "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 this approach."¹⁶ So, according to Satz, the principle of parental liberty should not only protect the intimacy of relationships within the family. Its primary purpose is to allow parents to live according to their own conceptions of the good. Thus understood, the dissent about the scope of the parental liberty might be traced back to different justifications of this principle. Choosing a private school for one's child is, if we follow Satz's deliberations, just one of many parental decisions that affect the child's life prospects. Why, Satz asks, should parents be prevented from this while being allowed to take their children into a forest and tell them everything about trees or birds? The main difference between these activities is, according to Brighouse and Swift, that the

¹⁵ Richard Taylor, „Self-Realization and the Priority of Fair Equality of Opportunity,” *Journal of Moral Philosophy* 1, no. 3 (2004), 335.

¹⁶ Satz, "Equality, Adequacy, and Education for Citizenship," 634.

latter—in contrast to the former—cannot be prohibited without damaging the intimate life of the family.

The crucial question in this context is whether the principle of parental autonomy, as outlined by Satz and Anderson, *trumps* their principle of adequacy; that is, should parents be free to pay for their child's education, even if this makes it impossible to provide an adequate education for every child? The advocates of the adequacy view might reply that these two principles will never conflict, since it is the state's responsibility to ensure an adequate education for all. If this is the case, unequal parental investments will not impinge upon justice.

This is, I suppose, the reply provided by Anderson who defends, as do many other adherents of the adequacy view, a threshold conception of educational justice. In her well-known essay *What is the Point of Equality?*, she makes use of Amartya Sen's capability approach to define a basic level of education that she considers sufficient for functioning as a full-fledged member of the democratic community. In her recent essay on educational justice, *Fair Opportunity in Education*, she keeps the idea of a basic threshold but specifies it in a different way. Here, she starts from the question of how the elites in a democratic society should be constituted. [48] Her answer is, roughly put, that democratic elites should be willing and able to serve the community in general and especially its disadvantaged members. The second question is how future bearers of elite positions should be educated to become responsive to the interests and problems of disadvantaged groups. It is most important, according to Anderson, that future decision makers have the opportunity for personal interaction with children from all sectors of society. Only through constant personal contact, she claims, can mutual understanding evolve. Therefore, children from all walks of life should be educated together. Social integration within schools does not only enable bearers of elite position to gain the knowledge necessary for good decision making, it also makes it more likely that members of disadvantaged groups can join the elite themselves. Anderson argues for a substantial representation of disadvantaged groups in positions of the elite; the socially disadvantaged, she assumes, are especially fit to understand the needs of the disadvantaged because they know them from their own experience. So, working-class children should have effective access to elite positions and to the education necessary to compete for these positions. This can be ensured, Anderson says, by providing an adequate K-12 education to all the students:

“[E]very student with the underlying potential should be prepared by their primary and middle schools to be able to successfully complete a college preparatory high school curriculum and should have a curriculum available to them in high school upon

successfully completing the requisite prior course work. This yields a high but not unattainable sufficientarian standard for fair educational opportunity.”¹⁷

This formulation of an educational threshold level does not refer to a set of basic capabilities but to a certain level of achievement within an existing school system.

Recall that this threshold conception is designed, in the first place, to ensure that the elite of a democratic society will be responsive to the needs of all. In other words, educational and social inequalities shall be constituted in a way that amounts to the benefit of everyone, and particularly the worst off in society. Anderson, however, is aware that this is only one of the aspects that have to be taken into account, in this context.¹⁸ Within a conception of democratic equality, it is crucial to ask whether a certain education policy is compatible with the aim of treating all the citizens as equals. When some social groups are excluded from competing for positions of advantage or economical wealth, they are in fact relegated to second-class citizenship, even if they meet some sufficiency standard. Excluding some people from competition is wrong, according to the democratic adequacy view, [49] not only because of its (possibly) negative *public* effects, but also because those excluded are violated in their status as equals (or their dignity).

Anderson claims that the adequacy standard stated above avoids this danger—it guarantees fair conditions of competing for advantage even if wealthy parents spend additional money for their children’s education. It can be objected, however, that to fix a certain level of education as sufficient is likely to provide new incentives for wealthy parents to maintain or increase the positional advantage of their children by private educational investments.¹⁹

Consider also the following objection raised by Brighthouse and Swift:

“[S]uppose,” they say, “the education budget receives a bounty and the authorities have a choice as to how to spend it. They could divide it equally among all children, devote it to the 10% of the children who receive most educational input from their families, or

¹⁷ Anderson, “Fair Opportunity in Education,” 613.

¹⁸ See Anderson, “Fair Opportunity in Education,” 617-18. William Koski and Rob Reich, however, say that Anderson and Satz “understand the purpose of the state’s involvement in educational distribution to be strictly public or civic, related to the preparation of able citizens and to sustain the flourishing of democratic life” (“The State’s Obligation to Provide Education”, 20). In other words, Anderson and Satz consider education as a *public* good only and neglect its role as a *private* good in the competition for social rewards. Koski and Reich do not consider the possibility that the ideal of egalitarian relationships might be apt to ground a conception of fair competition. It must be admitted, that some passages in Anderson’s writings support their view (see Anderson, “Rethinking Equality of Opportunity,” 106-107).

¹⁹ Koski and Reich, “The State’s Obligation to Provide Education,” 33.

devote it to the education of the 10% of children who receive least educational input from their families.”²⁰

As the authors explain, the meritocratic view would give us reason to prefer the last course of action.²¹ A threshold conception of educational justice, they say, is indifferent to the distributive question when the level defined as sufficient is already achieved. Such a conception is insensitive to the fact that additional resources poured into the education system—by parents or the state—are likely to change the conditions of competition for social rewards. Anderson’s adequacy account is, I think, vulnerable to this objection.

In contrast to Anderson, Satz does not define precisely which level of educational achievement has to be seen as adequate. When she speaks of “citizenship’s high threshold,” she is simply referring to the threshold set by the idea of civic equality.²² This basic idea does not only require that an educational minimum be provided for everyone, it is also used to justify the idea of fair competition: “Care must be taken”, says Satz, “to ensure that those with fewer opportunities are not at such relative disadvantage as to offend their dignity or self- respect”²³. Members of disadvantaged groups should have “fair opportunities for educational and employment positions above the minimum. No social group should be relegated to a second-class position, with access only to inferior and unrewarding schools and jobs.”²⁴

This dignity-based account of fair competition leaves room for a *dynamic* understanding of the adequacy standard—an understanding that is sensitive to the specific conditions within particular education systems and the changes [50] of these conditions. If we follow this path, however, we have to take into account that the principle of adequacy might conflict with the parental liberty principle, as it is spelled out by Anderson and Satz. This conflict has to be resolved, within the theoretical framework outlined by these authors, by referring to the idea of civic or democratic equality. Based on my reading of their work, neither Anderson nor Satz would deny that, in light of this idea, providing an adequate education for all is more important than safeguarding the liberty of some parents to spend private money for their children’s education.

Both, however, are convinced that there is room for private educational investments *above* the adequacy level. Moreover, both expect these parental spendings to improve the

²⁰ Brighouse and Swift, “Putting Educational Equality in its Place,” 463.

²¹ What they conceal is that the principle of concern for the worst off might lead to a different distribution.

²² Satz, “Equality, Adequacy, and Education for Citizenship,” 648.

²³ Satz, “Equality, Adequacy, and Education for Citizenship,” 637-38.

²⁴ Satz, “Equality, Adequacy, and Education for Citizenship,” 647.

overall prospects of the worst off.²⁵ To make this belief appear plausible, Anderson refers to her view that future members of the elite should be prepared to work for the good of everyone: “[O]nce educational institutions are designed so that more highly educated elites are genuinely responsive to everyone’s interests, everyone benefits from others’ education, and we all share an interest in having some be educated more highly than the median voter would be willing to fund.”²⁶ Thus, if the education system is designed to benefit the worst off in society, additional resources are likely to *reinforce* this effect. Remember, however, that this public effect can only be expected to occur, according to Anderson, if the elite is socially integrated. Thus, if private investments amount to an exclusion of the socially disadvantaged from access to elite positions, those excluded are harmed in two different ways: first, unfair conditions of competition violate their dignity, and second, the fact that no members of disadvantaged groups join the elite might have negative public effects.

Educational Justice, Fair Competition, and Dignity

The democratic adequacy view makes clear that securing fair or equal opportunities in the competition for social rewards is not the only thing that matters with respect to educational justice. The primary aim of education policy should be, according to Anderson and Satz, to enable each child to become a full-fledged member of the democratic community. They justify this aim by referring to the ideal of egalitarian relationships: Social relationships should be organized in a way that allows everyone to live her life in self-respect and dignity. It is exactly this core idea of the democratic equality account, however, that provides the link to the problem of fair competition.

The problem is this: It is usually agreed that, in the democratic market society, social positions—especially positions of advantage—should be allocated to the candidates best-qualified for them, independent of their sex, skin color, religion or sexual orientation. Qualifications for social positions, however, are heavily [51] influenced by education. If, for instance, some social groups are excluded from the education needed to qualify for elite positions, we will not consider the competition for these positions to be fair.

Hence, what we need is a normative principle that specifies which educational inequalities can be seen as legitimate with regard to the aim of securing fair competition. In

²⁵ Satz, ““Equality, Adequacy, and Education for Citizenship,” 632; Anderson, “Fair Opportunity in Education,” 615.

²⁶ Anderson, “Fair Opportunity in Education,” 618.

the first part of this essay, I considered Brighouse and Swift's meritocratic principle in this light. I argued that it is not clear why inequalities of motivation and natural endowment should be seen as morally acceptable, while a complete neutralization of inequalities of ability due to family background is required. Neither a *merit-based* nor a *desert-based* justification can adequately ground this differentiation between morally legitimate and illegitimate educational inequalities.

A third way to justify the meritocratic principle of educational justice would refer to efficiency considerations. However, it is not clear that fostering meritocracy is the best way to maximize overall utility or to improve the situation of the worst off. Brighouse and Swift, as we have seen, do *not* propose an efficiency-based justification of the meritocratic principle. In their current papers, they give no justification at all. Efficiency considerations come into play, within their account, though, since they *subordinate* the meritocratic principle to a principle that requires to give priority to the interests of the worst off. According to this latter principle, educational inequalities are justified if they bring about positive effects for the disadvantaged. If this principle trumps the meritocratic principle, this means that the meritocratic idea should only be realized to the extent that it does not conflict with the requirement of benefiting the worst off. Thus, according to Brighouse and Swift, the meritocratic principle of fair competition has to be violated whenever it is assumed that this would have positive effects for the worst off.

This consequence could be avoided by changing the order of the two principles. If the principle of benefiting the worst off is only used, as Brighouse and Swift explicitly state, to *complete* the meritocratic principle, it is not clear why this latter principle should not be considered as the primary concern of educational justice. Brighouse and Swift, however, insist that benefiting the worst off is "the most urgent consideration" of educational justice.

According to Anderson and Satz, it is *the most urgent consideration of justice* to create egalitarian relationships among the members of the democratic community. Within this basic framework, however, concern for the worst off is seen as an important requirement. Anderson claims that excluding members of disadvantaged groups from the competition for elite positions will have negative public effects. Thus, her account might be read as providing some version of the efficiency-based justification for fair competition. At the same time, Anderson's and Satz' democratic ideal of egalitarian relationships, which is spelled out with reference to a broadly Kantian notion of dignity, is apt to ground a dignity-based justification of fair competition.

[52] Let us briefly consider some of the basic aspects of the normative idea of human dignity: Dignity-based considerations differ from efficiency- or utility-based views in that they protect a person's rights or interests even if this is assumed to decrease overall utility or the utility for the worst off.

They differ from merit- and desert-based considerations in that they refer to persons *as persons*, in other words, as rational and free beings—that is, they do not refer to individual qualities or actions that might give rise for special rewards.

This implies that there are, among persons, no differences of dignity. The moral community is not hierarchically structured. Hence, the concept of dignity is intimately connected to the idea of moral and political equality. Anderson emphasizes the distinction between this kind of equality on the one hand and *distributive equality* on the other hand. To recognize all persons as equals does not imply, that goods (or opportunities) should be distributed equally.

Anderson gives the concept of dignity a specifically social meaning: To be respected in one's dignity thus means to be recognized as an equal in social relationships, as a full-fledged member of the democratic community.

Establishing and maintaining egalitarian relationships, requires preparing everyone for full participation in the social, political and economic life of the democratic society. A basic level of education must therefore be provided for all, but this is not enough, since inequalities above this basic level are likely to influence the opportunities of individuals in the social competition.

As was said above, *any* inequality of educational achievement—whatever its source—can amount to a positional disadvantage for the less well off. The meritocratic principle proposed by Brighouse and Swift establishes a precise differentiation between legitimate and illegitimate educational inequalities, but lacks an adequate justification of this differentiation. The dignity view, on the other hand, provides a clear-cut reason for the illegitimacy of certain educational inequalities and, moreover, for the priority of fair competition over the requirement to benefit the worst off.²⁷ According to the dignity view, as I understand it, conditions of social competition that violate the dignity of some individuals are illegitimate, even if they bring about positive effects for the worst off in society.

On the other hand, it might be considered as a shortcoming of the dignity view that it does not offer a precise answer to the question which educational inequalities have to be seen as morally unacceptable. Satz says, rather vaguely, that only *large* educational

²⁷ It should be mentioned that the question of the order of these principles is not easy to handle. Rawls faced a similar problem in *A Theory of Justice*, where he argued for the priority of fair equality of opportunity over the difference principle. Equality of opportunity is more important, according to Rawls, because excluding some people from access to positions of advantage debarres them “from experiencing the realization of self which comes from a skillful and devoted exercise of social duties. They would be deprived of one of the main forms of human good” (*A Theory of Justice*, 73; see also Taylor, “Self Realization and the Priority of Fair Equality of Opportunity”).

inequalities relegate the disadvantaged to an inferior status.²⁸ [53] Kenneth Strike, on the contrary, insists that small educational inequalities also amount to an affront to human dignity, especially if they are systemic.²⁹ Strike thus accepts, at least in the passages referred to, the dignity-based justification for fair competition, but the practical conclusions he draws from it differ from those drawn by Anderson and Satz. Strike's comments, however, are imprecise in an important respect: he says that "differences in access to prized social positions are all offensive to human dignity when they are systemic"³⁰ without differentiating between various sources of inequality. It seems implausible, for instance, that *any* inequality caused by natural endowment or the social and cultural practices within the family should be seen as a threat to human dignity. On the other hand, inequalities of schooling, even small ones, might in fact amount to an affront to individual dignity because they are likely to exacerbate the inequalities of ability and motivation that are caused by differences of family culture.³¹ The very same parents who read bedtime stories to their children also tend to have the opportunity (and the desire) to provide the best possible schooling for their children. Hence, to allow significant inequalities of schooling tends to exclude children from socially and economically disadvantaged families from access to elite positions. Therefore, inequalities of schooling threaten the dignity of the disadvantaged. It should be mentioned, however, that it is ultimately a question of empirical analysis whether some educational inequality has the effect of excluding certain groups from access to positions of advantage. This is a question that cannot be settled without taking into account the specific conditions in different school systems and the societies of which they are part.

Conclusions

This paper focuses on the main objection that can be put forward, from an egalitarian point of view, against the so-called adequacy view of educational justice. According to this objection, the adequacy view neglects the problem of securing fair opportunities in the competition for social rewards.

²⁸ Satz, "Equality, Adequacy, and Education for Citizenship", 637; "Equality, Adequacy, and Educational Policy," 434.

²⁹ See Strike, "Equality of Opportunity and School Finance," 486.

³⁰ Strike, "Equality of Opportunity and School Finance," 486.

³¹ According to Koski and Reich, it is morally unacceptable if state institutions are used "to compound or extend positional advantages of the already privileged and advantaged for reasons having nothing to do with whether the already privileged and advantaged merit this additional positional benefit" ("The State's Obligation to Provide Education," 34). Note, that these authors do not rely on a dignity-based, but on a merit-based account, in this context.

I have tried to show that the egalitarian approach to this problem, as it is developed by Brighthouse and Swift, is not convincing. First, the meritocratic differentiation between acceptable and unacceptable inequalities in education is not well founded. Second, their decision to subordinate the meritocratic principle to a principle that requires to benefit the worst off, calls into question their commitment to the idea of fair competition.

In addition, it was argued that the democratic adequacy view provides a promising approach to the problem of fair competition. The dignity view, I contend, is preferable to merit-, desert- or efficiency-based considerations. However, [54] the practical consequences of the dignity view are a matter of further debate. Anderson and Satz use this view to justify considerable inequalities in education. In fact, legitimatizing private educational investments is one of their main aims.

Brighthouse and Swift, in contrast, are strongly convinced that inequalities in educational resources are unjust. This is the main point of dissent in the current debate, at least in terms of practical outcomes. It is important to see that this dissent is not due to different normative principles, but to diverging empirical assumptions: Brighthouse and Swift assume, contrary to their opponents, that private investments are unlikely to work for the benefit of the worst off. If concern for the worst off is accepted as the primary principle of educational justice, the legitimacy of private investments fully depends of empirical considerations of this kind. As I read Brighthouse and Swift's account, their meritocratic principle sets no limits on these efficiency-based considerations.

Contrary to that, the democratic adequacy account provides the theoretical resources to subordinate the idea of benefiting the worst off to other normative considerations, especially the idea that fair conditions of competition should be guaranteed. Anderson and Satz, however, seem to think it unnecessary to fix a clear order of the different normative ideas. In their view, the dignity view of fair competition will neither conflict with the parental liberty principle nor the requirement to serve the interests of the worst off in society.

There are good reasons, however, to assume that the dignity view demands to establish at least *rough equality of schooling*, e.g. of educational resources and quality. It can be seen as a threat to human dignity if those already disadvantaged by their family culture suffer further disadvantages within the school system and are thereby in fact excluded from access to social positions of advantage. According to this line of thought, the dignity view is apt to ground some of the ideas that are usually defended by educational egalitarians.

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