Between Equality and Freedom of Choice: Educational Policy for the Least Advantaged

Mr Nico Brando

KU Leuven

nicolas.brando@ggs.kuleuven.be
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 prospects in life (not to mention the intrinsic benefits it offers). Education is supposed to be a fundamental right, but the real world does not distribute educational opportunities in an equal manner: while the wealthiest urban boys of the First World spend an average of 10 years in school, the poorest girls in the rural areas of the Sub-Saharan Africa have not gotten more than 3 years of education (UNESCO 2014: 7, 195-6); there are about 130 million children out of primary and secondary school, the majority being the poorest (female) children from the rural regions of the least developed countries (UNESCO 2014: 2; 2010: 136). The level of development, gender and wealth are three of the most characteristic traits that define a child’s life’s prospects, and, as long as these arbitrary factors define a person’s chances in life, we cannot say that we actually live in a society where everyone has an equal opportunity to achieve her ambitions. Equality of opportunity is a myth as long as there is no equal opportunity to have opportunities.

Inequalities in educational access, and the worrisome lack of schooling for many children in the developing world (especially girls) has led philosophers to look for principles of justice that could ground better policy solutions, aiming to reduce the unequal opportunities children have of getting an education, and to develop a more just system where socioeconomic inequalities do not affect an individual’s potential for educational achievements. In the policy debate, the two main stances tend to stand either in favour or against governmental intervention in schooling (Banerjee and Duflo 2011: Ch. 4): the first focuses on the supply-side of education, arguing that the solution must come from a stronger governmental involvement in the provision of educational opportunities (51-54); the second argues that the problem is not provision (nor governmental involvement) but, rather, the lack of incentives that poor populations have for demanding higher quantity and quality of schools for their children (48-51).

We find similarly framed positions in the philosophical debate, where the weight between equality and freedom (the two primary principles of liberal policies) are debated: 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 partiality 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, what we need is more expansive 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 through opening the scope of freedoms, rather than restricting them to achieve equality.

I argue that both approaches have important and relevant arguments, but that both of them have flaws that should be amended in order to develop a more plausible and just policy proposal for improving 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. Although political principles are important, the practical implications of these principles have to be taken into account in order to develop a
policy structure that accords with the reality upon which the principles are located (Gutmann 1999: 17). The libertarian approach, although it may be efficient in improving education for the poor, is lacking the factor of fairness and responsibility over the harm caused by freedom of choice. I propose that a compensatory redistributive policy could work very well in both ensuring that the least advantaged get the most out of inequalities, while compelling those who have an unfair educational advantage due to their socioeconomic status to accept the responsibility over their choices.

The object of this paper is to analyse the fundamental factors that constraint (or that ought to constraint) our decisions over policies for the provision of education. Specifically, it intends to look at how far governmental restrictions should go regarding school choice. My focus here is not concerned with the details on whether religious or other comprehensive interests should be allowed to affect educational policy and choice, but rather to fix on the foundations that should be followed for an educational policy to be consistent with the ideals of equality and freedom in a larger sense; that is, the equality promoted by equal opportunity policies, and the freedom promoted by the rights of people to choose what they think is best for their own lives.

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 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 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 an expansion of their scope of educational choice. Section 4 presents my critique of the libertarian approach, arguing that it is only concerned with freedom of educational choice, disregarding the implications this has on responsibility for those harmed by one’s choices. I argue that, if Tooley’s approach is to work, it has to include the need to take responsibility over the potential harms one’s freedom may generate. Section 5 closes by proposing that a redistributive measure may solve the deficiencies with both the egalitarian and libertarian accounts: it maintains the scope of parental freedom, and benefits the least advantaged by compensating them for the unfair positional advantage that the freedom of choice generates in the educational system.

2 Equalizing Opportunities: Brighouse and Swift

The egalitarian approach stands on the basic idea that restricting individual freedoms is permissible if it promotes the development of a more equal society. Inequalities, in this respect, 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, nor her educational achievements. According to this approach, then, we must construct a political structure that ensures that educational achievement is a function of talent and effort, and not of social or class background (Brighouse 2010: 27-28; Brighouse and Swift 2008: 447).

Regarding policy, this would mean that the state should take an active role in eliminating or neutralising the effects that social class or wealth can have on educational attainment through levelling mechanisms, so that inequalities in life generated by educational achievements may be considered as fair (Brighouse 2008: 74). This implies that the state has the power to restrict what parents can and cannot do for their children’s education. There are some valuable freedoms that, according to Brighouse and Swift, should not be restricted because, although they may generate some degree of inequality, their intrinsic value is much
higher than the externalities they generate (Brighouse 2008: 79); they mention, for example, reading bedtime stories to one’s child as an example of parental freedoms we should not touch. But there are other freedoms parents take towards their children that are not intrinsically valuable, and that *do* generate unjust inequalities, such as buying an elite education\(^1\) to one’s child.

They consider that restricting the freedom of a parent to pay for their children to have a more-than-equal education is as unjust as bribing a judge to get a more-than-equal chance of winning a trial (Brighouse 2008: 80; 2010: 35, 37). Freedoms ought to be restricted if they are not consistent with our ideals of fairness and equal opportunity. This is made even worse if one considers the positional factor of education: despite that education tends to generate individual benefits, in competitive scenarios it becomes fundamentally positional. This means that the value of my education depends directly on the level of education attained by the rest of my competitors, hence my chances are always relative to those of others (Brighouse and Swift 2006: 478). In an ideal world where everyone has the actual opportunity to access the same education, it would not be unjust for me to have a specific degree that grants me a better chance in life. But, in a world where many want the same position, while only a few have access to the best education just because of their socioeconomic status, this leads to unjust inequalities; it allows the wealthy to jump “the queue for university places and well-paid or interesting jobs” (Swift 2003: 23), while leaving the least advantaged groups worse off just because they could not afford to jump the queue.

In this respect, thinkers such as Brighouse and Swift have proposed the equalization of education as a fundamental objective for educational policy. Fairness requires equality, and equality requires abolishing the unjust privileges that allow some to gain an unequal advantage in educational attainment (Brighouse and Swift 2006: 476). The privileges offered by elite schools should not be permitted, and the state should play a stronger role in restricting the individual freedoms that enable and perpetuate these unjust inequalities. This is the best way to equalize opportunities, while offering the greatest gain to the least advantaged groups.

### 3 The Least Advantage: Tooley’s Critique and Alternative

Although I am sympathetic to the egalitarian position (as a theoretical ideal), I think that it cannot work in the most problematic cases of inequality of educational access. I do not intend to criticize Brighouse and Swift’s egalitarian approach as a theoretical principle, but rather argue that, if one leaves the academic theoretical bubble and looks at the most worrisome cases of educational inequality, the egalitarian objective is unfeasible and undesirable as a way to improve the situation of the least advantaged groups (Tooley 2010: 104). The egalitarian restrictions on parental freedoms, with the abolition of elite education as its most relevant example, does not necessarily benefit the most vulnerable populations. It has the potential to reduce or even eliminate the inequality of opportunity between those who are elite schooled and those who study in the state system, but it does nothing for all the children who are lacking any education whatsoever. While an egalitarian policy may manage to balance out the inequalities between those elites who have the best education, and a big mass that has (low quality) state education, it does nothing for all those who do not have any access to the

---

\(^1\) By ‘elite education’ I mean the institutions that are mostly accessible to the wealthiest socioeconomic classes due to their high tuition fees or due to their exclusive location in costly real-estate neighbourhoods. I prefer to use the term ‘elite’ rather than ‘private’ or ‘selective’ because it includes both under the same category, while excluding those private or selective institutions that *are* accessible to all, especially to the most disadvantaged groups (Tooley 2010). I follow in this sense Swift (2004: 9), in his division of “private” and “elite.”
schooling system. If our focus is on benefiting the least advantaged, then equalizing opportunities may not be the best solution for cases with radical inequalities. Brighouse seems to acknowledge this by emphasizing that he gives priority to benefiting the worse off on top of equalizing opportunities (Brighouse 2010: 41, 43). But, then, why are we even talking about equality? Before worrying about equalization we need to focus on giving some education to those who are in the least advantaged position, and, if Brighouse agrees (and he seems to agree), then equality should not be the priority concern (Tooley 2010: 97, 104). Positionality and an uneven playing field may be problematic (and still are) but, as long as so many children are not even playing the game, nor standing in the field, our objective should be to give them the fundamental capabilities and tools to develop their basic skills, and, afterwards, we can start debating whether equality is a feasible and desirable option.

To discuss how inequality can be created by reading children bedtime stories, taking them on exotic holidays or to concerts, seems superfluous if one considers the deep-seated and radical inequalities in education that affect many scenarios in the developing world today (Tooley 2010: 104-105). Defendants of egalitarian education policies have, in this sense, a First World bias: they consider “the worse off” as those who go to state schools, hence their policy focuses on equalising opportunities between these and the children who have an elite education. It may be that equality ought to be the policy objective if we live in a society where levelling-down implies preventing people from achieving a doctorate so to increase the competitive value of those who have master’s degrees (Brighouse and Swift 2006: 478), but this does not represent the reality of most global settings: we are dealing with situations where many people do not have any education. Levelling down in these far-from-ideal scenarios does not do anything to benefit the worse off. It just reduces “above a threshold of sufficiency;” individuals without any access to school do not need a levelling-down system that leaves everyone else without access to a well-working schooling system, what they need is to be included in the system. If our objective is to improve the situation of the worse off, the priority is to give these an education before we start worrying about the divergence between adequate and more than adequate access.

Tooley considers that we should forget about equality altogether, and focus on improving the quantity and quality of education for the least advantaged (Tooley 2010: 119). He argues that the objective of equality of schooling, if taken seriously, would not only be strongly detrimental to the most basic freedoms of individuals (by forbidding parents to take almost any partiality towards their own children), but it would also allow for other sources of unequal privilege to gain more relevance in a child’s life (Tooley 2003: 438-440). The equalisation of schooling would allow socioeconomic disadvantages and family environment to gain much more weight in educational achievement (see Rothstein 2008). Tooley considers that the egalitarian concern that structures Brighouse’s and Swift’s approach is not consistent with their proposals, and, if one were to take their egalitarian objective seriously, policies that limit parental partiality would have to be much more restrictive than they allow in their “egalitarian” policy proposals (Tooley 2008: 229).

Instead of worrying about the elite parents’ freedoms to choose the best education for their children by compelling all to go to state schools, and by forcing more governmental policies into the schooling system, what Tooley proposes as a solution is to focus on improving as much as possible the opportunities of those who are at the bottom by expanding the least advantaged groups’ scope of substantive freedoms of educational choice (Tooley 2010: 111-112). According to him, it is not through the State but through the market mechanisms that we can achieve greater social justice by expanding the schooling options available to the poorest families. Some of the poorest socioeconomic groups in many regions of India and Sub-Saharan Africa already have an ample access to state schools (hence, provision of education is not necessarily the problem), but the quantity of children in this system is falling.
exponentially due to the low standards offered (Tooley 2010: 112). As mentioned before, political debate over educational policy in the developing world should not be concerned exclusively with the supply-side of schooling, but also with its demand. In regions where state schools are accessible but do not offer a valuable return in investment to parents and their children, attendance levels fall. As Pauline Dixon and Tooley’s empirical research shows, if there are no alternatives to the state system, parents will simply take their children out of school; while, if there are alternatives (such as low-cost private schooling), they will move their children to these where the standards can be higher and where education can be offered at a lower cost than in the state system (Tooley 2010: 113; Tooley and Dixon 2006).

The primary problem, according to Tooley, is not necessarily the positional advantage that wealthier children get by attending expensive elite schools, but rather the disadvantage of the least advantaged children, who do not have alternatives to the state system. Low-cost private education, in this respect, can actually generate a larger benefit to the children in the lowest socioeconomic groups. It does not do this by restricting the freedoms of the wealthier parents, but rather the opposite: through the expansion of the range of substantive choices that the poorest families have regarding the education of their children (Tooley 2008: 224). Introducing the market into the schooling system of the poorest regions of the world can actually reduce the cost of a child’s education, while, at the same time, raising both the quality of the education provided, and the quantity of students who are able to receive this education (Tooley 2010: 116).

4 Problems with Tooley: What about Fairness and Responsibility over Harm?

Tooley considers that promoting freedom, family, and philanthropy (his three F’s) is the way to improve the situation of the least advantaged with regards to schooling (Tooley 2008: 234-235). That through low-cost private schools we can solve the inequalities in educational achievement, by including the market mechanisms of competition so that those who cannot afford elite schools, and are not satisfied with state schools, can still have a fighting chance in gaining quality access (Tooley 2008: 235). I am not intending to argue against Tooley and his outstanding research on private education in the developing world, nor against the incredibly positive impact that this policy movement has had on the education of many children. It may be that the policy solution for improving access and quality of education for the least advantaged requires a more expansive concern with freedom of choice and the private schooling system. But this does not necessarily imply that the least advantaged should bear the costs for redressing this inequality. Tooley argues that, by promoting freedom of choice and the fundamental role of the family, the least advantaged themselves will be able to improve their schooling conditions, and that, in difficult cases where parents are unable to be the gear that moves the system, philanthropy and aid could help them to put themselves in a position where they can help themselves (Tooley 2008: 236).

Freedom of choice is therefore the cornerstone upon which Tooley stands. He considers that if the scope of choice is expanded to the least advantaged groups, the problem with educational inequality is solved. But, following Adam Swift (2004: 9), the problem with elite education is not necessarily its privateness, nor the right to freely choose it, but rather the unfairness created by its elite condition. Tooley’s approach may be improving educational access and quality, but it is doing so despite the unfairness in the system, and not through a more just organization of it. Instead promoting philanthropy as the third “F” for his principles of a well-working education system, we should include fairness as the third principle that cannot be waived (with the added benefit of actually beginning with an “F”). Focusing on philanthropy and beneficence as the key to solve the most problematic cases of educational
access waives the responsibility over the situation of those who cannot fend for themselves; it implies that we are all already fully capable of improving our own situation, and that there are cases where some groups, who happen to have more power and wealth due to their own efforts, grant (by sheer generosity) a part of their hard earned wealth to those who have not made the effort to work for themselves.

But there is something missing from this picture. It may be that wealthy parents feel free to send their children to elite institutions because they have the right, and because it is perfectly legal for them to do so. But this does not imply them not having any responsibility over their choices; nor does it mean that there is no injustice in the social structure that allows them to make their decisions (Young 2011: 63). Much on the contrary: the fact that they are freely making the decision of granting a more-than-fair advantage to their children by paying for a top-notch education where they are taught by the best educators, with the best resources, and the best networking contacts, makes them responsible for the impact that their choices may have on others. Wealthy parents who send their children to elite schools are freely choosing to do so; hence they should be held liable for any externality that their choices create on others (Roemer 1995; Clayton and Stevens 2004: 115-8).

Freedom is not a never-ending all-you-can-eat right; freedom, first and foremost, implies accepting the responsibility over the free actions one takes. If I am allowed to freely choose the best education for my child, and it happens that this education is unfairly harming all those other children who are economically unable of paying for the same education, then I should bear the responsibility over the harm that I am creating, and should be liable to redress those affected by my choices. Tooley emphasizes that the cases of the worst off in education should be dealt with through philanthropy; that the wealthy and educated would offer part of their resources to the least advantaged out of generosity. But the worst-off individual’s education should not be dependent on the philanthropic whim of the powerful; it should depend on the compensation for the harm that free choices have created. It is not philanthropy what we need; it is fairness. As long as they are harming the worse- and least-schooled, it should not be philanthropy, but compensation what they should receive.

5 A Redistributive Twist

I consider that in the far-from-ideal scenario where educational inequalities are very large, and where a small group is hoarding the top educative and working positions due to their unfair advantage in the schooling game, an important step in the right direction would be (at least) to justify this “illegitimate” parental partiality through compensation. Instead of abolishing elite schooling, I believe that enforcing a compensatory tax on elite tuition (with its revenue being used to ensure the inclusion of all the out-of-school children into the education system) could generate more benefits to the children with the fewest educational opportunities, rather than simply abolishing elite schools and restricting parental freedom. If there are alternatives to equality that can maintain parental partiality, while at the same time benefiting the least advantaged, I believe that we should take them into account as non-ideal (but constructive) solutions to non-ideal situations (Brighouse 2010; Haydon 2010).

A redistributive scheme could accomplish the two objectives that both the egalitarians and Tooley consider of the highest priority (benefiting the least advantaged and maintaining parental freedom of choice). It could do so more efficiently than the egalitarian proposal, and more justly than Tooley’s libertarian faith in the market mechanisms. Regarding the benefit to the least advantaged, as mentioned before, the egalitarian proposition would not offer any improvement in educational opportunities to the most vulnerable children; it would just achieve equality amongst those who already have an education. On the other hand, a
redistributive alternative, despite not achieving equality (at least on a first instance), would manage to reduce the inequalities in educational access by directly benefiting the children in the least advantaged positions.

Regarding parental freedom, a redistributive measure would leave the scope of choice completely free, as Tooley intends. But, contrary to Tooley, it would assign the responsibility of improving the situation of the least advantaged to those who are choosing to offer a more-than-fair advantage to their children by paying for an elite education. The levy on parents of elite schooled children would be a justified and a necessary condition for compensating the externalities that they are deliberately creating on the rest of society by offering this positional advantage to their children. The whole egalitarian discussion (Swift 2003; Brighouse and Swift 2009) around what is legitimate or illegitimate parental partiality seems irrelevant if we are assessing the case of the radical inequalities of access and quality of education in the developing world. My proposal offers a way to leave parental partiality alone without having to analyse and categorise its legitimacy, basing it on the varied and subjective motives that parents may have when they send their children to elite schools. The fact of the matter is that elite tuition and parental partiality generate inevitable inequalities in educational achievements, and, because there is no reasonable way of eliminating these unfair inequalities, we should focus on taking from them the most benefits possible to improve the access and quality of the education of the least-advantaged children.

6 References


