

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.

Keywords: Education Theory, Egalitarianism, Libertarianism, School Choice, Least Advantaged

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: 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: 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 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: Brighthouse 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: 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: 122-126; Swift 2003: 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: 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: 74). In this respect, the equality of opportunity required to protect the meritocratic principle from the inevitable inequalities that arise from access to scarce

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).

socio-economic positions and rewards demands that “the resources devoted to a child's education should not depend on the ability of their parents to pay for, or choose well among educational experiences” (Brighthouse 2002: 122). Rather, “[c]hildren with the same level of natural ability and the same level of willingness to learn should have *the same prospects for educational attainment* regardless of their initial place in the social system.” (Brighthouse 2002: 128; italics are mine). Education egalitarians, thus, argue that 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 (Brighthouse 2010: 27-28; Brighthouse and Swift 2008: 447).²

A fundamental element of education is its capacity to generate further benefits and opportunities in life for she who attains it. Inequalities in education *per se* may be interpreted as problematic, but egalitarians are mainly concerned with the role that education has in determining a person's capacity to obtain benefits and opportunities from the social world further on (Brighthouse 2000: 117). Depending on the education and skills one receives during schooling, one's prospects of getting into a good university (or even of wishing to apply to higher education), or a job position change. Egalitarians consider that this is not problematic in itself as long as equality of opportunity in education exists (all children with the same merit have the same options to get the same social rewards); but, if the opportunity to get a good education is strongly correlated and conditioned by the wealth of one's parents, the inequalities that arise from unequal access and quality of schooling cannot be considered as justified (Brighthouse and Swift 2008; 2009).

² Brighthouse acknowledges the issue that arises from the unequal natural distribution of talents, and the problems of dealing with equality of opportunity in the case of disabled children (Brighthouse 2000: 126-136). He does not offer a complete solution to this problem, but argues that, although it may be too costly (or in some cases impossible) to equalise opportunities in absolute terms for all children, the political objective is to ensure that the inequalities of opportunity that can be dealt with through public policy should be eliminated, or reduced as much as possible, while ensuring that the inequalities left are for the benefit of the least advantaged. I thank an anonymous referee for pointing to this concern.

Socio-economic position plays a fundamental role in determining the educational opportunities a child has; the freedom to choose the best education for your child (in many parts of the world) depends on your capacity to pay for it.³ A wealthy parent can pay for her child to go to a better private school than those offered by the state system, or can choose to live in a school districts with higher quality education. The freedom to choose the best education for one's children is not necessarily what concerns education egalitarians; in an ideal world where all parents have equal options to choose the best education for their children, and where all schools offer a similarly high quality of education, consequent inequalities would depend on the child's merit. But, in a world where many want the same position, while only a few parents can ensure that their children have access to the best education just because of their socioeconomic status, parental freedom becomes an issue; 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.

The goal of education egalitarians, thus, is to assess whether the freedoms that parents have regarding their child's education are just, and the degree to which it is legitimate to limit these freedoms in order to ensure more equality of opportunity (Swift 2003: Ch. 1; Brighthouse and Swift 2009). There are freedoms that, according to Brighthouse and Swift, should not be restricted due to the intrinsic value they have for the relation between parents and their children (Brighthouse 2008: 79);⁴ they mention reading bedtime stories to one's child, or engaging with them in meaningful conversations, as examples 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* violate the limits of legitimate inequalities because they confer an unjust advantage

³ For an empirical justification of the intergenerational transmission of educational advantages see Piketty (2014: 416-421, 484-487).

⁴ For a thorough assessment of the ethics behind parent-child relationships see Brighthouse and Swift (2014: Part 1), and Swift (2003: Ch. 5).

to one child over those who cannot afford that advantage. Paying for one's child to have an elite education⁵ is such an unjustified freedom.

Restricting the freedom of a parent to pay for her 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 (Brighthouse 2008: 80; 2010: 35, 37). Freedoms such as these, which allow socio-economic position to confer an advantage in competitive scenarios, ought to be restricted because they violate the abovementioned principle of talent and effort as being the core determinants of a person's opportunities. In this respect, Brighthouse and Swift argue that equalising educational opportunities through the abolition of elite education is the best way to ensure that a child's options in life are determined by her merit, and not by socioeconomic factors. 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 this unjust acquisition of opportunities.

3 The Least Advantaged: Tooley's Critique and Alternative

James Tooley (1995; 1998; 2008; 2010) offers one of the strongest oppositions to the egalitarian approach to educational policy. He criticises two aspects of education egalitarianism, namely the role that equality plays in its distribution, and the authority granted to the state regarding schooling. He presents two alternatives based on a libertarian conception of justice: first, a shift from educational equality to *adequacy*; and, second, a shift from the state to the *market* in the

⁵ 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 distinction between "private" and "elite."

provision of education. He argues that market mechanisms are better suited to improve the quality of education, and to ensure the highest benefits to the least advantaged children.

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, Tooley argues (2010: 104). They have 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 schooling whatsoever. While an egalitarian policy may manage to level the inequalities between those elites who can purchase access to the best quality schools, and the thick of the population who depends on the quality of the education that the state can provide for them in their location, it does nothing for all those who do not have *any* access to the schooling system.

If the objective is to ensure the highest benefits to the least advantaged, then equalizing opportunities may not be the best solution for cases with *radical* inequalities. Brighthouse seems to acknowledge this by emphasizing that he gives priority to benefiting the worse off over equalizing opportunities (Brighthouse 2010: 41, 43). But, then, asks Tooley, why even talk about equality? (Tooley 1998: 277-278) Before worrying about equalisation (assuming that it is a valuable objective) the focus must be on ensuring the provision of *some* education to those who are in the least advantaged position (Tooley 2010: 97, 104). The inequalities generated by an uneven playing field may be problematic (and still are) but, as long as many children are not even playing the game, nor standing in the field, the objective should be to ensure that they have the fundamental capabilities and tools to develop their basic skills, and, afterwards, one can discuss whether equality is a feasible and desirable option.

Tooley, nonetheless, 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*⁶ would allow socioeconomic disadvantages and family environment to gain much more weight in educational achievement (see Rothstein 2008); the educational advantage offered by motivated parents who spend their time and money in their children's education outside the school (by taking them to museums, helping them with their homework, fostering their talents, engaging with them in meaningful conversations, etc.) would upset the intended equalisation carried out in schools, and perpetuate unequal opportunities through more indirect means (Tooley 1995: 20 ff.). Tooley considers, thus, that the egalitarian concern is not consistent with their proposals, and that, if one were to take their egalitarian objective seriously by equalising all sources of education, policies that limit parental partiality would have to be much more restrictive than their "egalitarian" policy proposals imply (Tooley 2008: 229).

Egalitarianism, Tooley argues, is not actually concerned with equality *per se*; its focus and overall concern are, rather, with the radically disadvantaged position of some individuals in society: their objective is not to achieve equality but to ensure that inequalities among social groups work for the highest possible benefits of the least advantaged (Tooley 1995: 28-30).⁷ In this respect, Tooley aligns himself with others who consider that the proper objective of

⁶ Education includes all sources of information and influence that affect a child's development, while schooling is narrowed to the formal processes through which education is transferred to a child.

⁷ Analysing Rawls' principles of justice, Tooley claims that the lexical priority of equal liberties, the purpose of equal opportunity and the difference principle do not lead to an egalitarian proposal, but rather support a weaker sufficiency principle (see 1995: Ch. 2). For a critique in the similar line but that applies to the whole egalitarian project, see Frankfurt (1987: Ch. 11; 2015).

educational justice is to deal with the *insufficient* access that affects the least advantaged populations, instead of aiming towards an equalisation of opportunities.⁸

Aiming to secure only a sufficient amount of education to all children transforms the role that the government should play in the provision, funding, and regulation of schools as a matter of justice (Tooley 1998: 268). Its authority, according to Tooley, would not go as far as to abolish elite education, nor to restrict the freedom of parents in choosing what kind and how good an education to offer to their children (as egalitarians would argue); its only legitimate intervention would be to provide an ‘adequate’ access to those at the absolute ‘margins of the system’ (Tooley 1995: 35-36). According to him, it is not through the state but through market mechanisms that we can achieve greater quality schooling for all children (and especially for the least advantaged ones).

Tooley argues that some of the most disadvantaged socioeconomic groups from the regions with most out-of-school children (he analyses cases in India and Sub-Saharan Africa) already have an ample access to state schools, but that availability of schools has not always correlated with increased attendance (Tooley et al. 2007). A reason that he takes as fundamental for this is the fact that low standards, and low returns from investing in their child’s education makes parents less prone to ensure that their children go and stay in school (Tooley 2010: 112). In other words, increasing access to schools for the least advantaged does not only depend on the existence of schools, but on the existence of *quality* schools. As Pauline Dixon and Tooley’s empirical research intends to show, if state schools do not ensure adequate education to children, and there are no alternatives to these schools, then parents will prefer to keep their children out of school and put them to work to help their family (Tooley and Dixon 2006).

⁸ Many accounts of sufficientarianism in education exist. It is outside the scope of this work to look at the various thresholds and justifications for sufficiency in education. Some of the most relevant accounts can be found in White (1994), Curren (1995), Satz (2007) and Anderson (2007).

However, cases of parental reticence to school their children does not lie in schooling as such, rather in not being sure that their children are receiving a good-enough education as to ensure that it will actually improve their life in the future (Tooley 2010: 113; Tooley and Dixon 2006). Thus, Tooley argues that what is required to improve educational access to the least advantaged children is through an expansion of the range of schooling options available for them. Through market pressures and competition, schools would increase their quality and reduce their costs so to attract more customers (Tooley 1998).

The primary problem in distributing education, according to Tooley, is not the unequal advantage that wealthier children get by attending expensive and high quality elite schools, but rather the *disadvantage* of the worst-off children, who do not have (in many cases) access to quality schooling alternate 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 through the expansion of the range of substantive choices available to the poorest families 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 its standards and its attendance rates (Tooley 2010: 116).

4 Problems with Tooley: Against Sufficiency and Philanthropy

Tooley considers that promoting freedom, family, and philanthropy (his three F's) is the way to improve the situation for the least advantaged with regards to schooling (Tooley 2008: 234-235). Low-cost private schools 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's *empirical* research on private education in the developing world, nor against the positive impact that this advocacy movement may have for the education of many children.⁹ 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 in improving the educational opportunities of children, 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 choices available is expanded for 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 injustice created by its *elite* condition. Tooley's approach may improve educational access and quality for the least advantaged children, but it does so *despite* the injustice in the system. The positional advantage of elite schooled children is not tackled in any way through Tooley's adequate access to education for the least advantaged; his system perpetuates the arbitrary

⁹ My objective in this paper is not to present a critique of Tooley's empirical claims, but rather of his *theoretical* rationale. I offer some example criticisms of Tooley's proposal from an empirical angle but I will not engage with them. Sarangapani and Winch (2010) argued that the indexes, factors, and cases analysed by Tooley et al. (2007) in defence of low-cost private schooling standards over those of state schools in Andhra Pradesh, require much more detailed assessment and differentiation than that offered by their study. Especially worrying, according to them, is the lack of a socio-cultural awareness, a lack of in-depth understanding of the region investigated, and the largely resourcist conception of quality schooling. Two other relevant concerns are: the incapacity of the market to deal with the needs of minority children (Winch 1998: 429-431; Winch and Gingell 2004: Ch. 9); and the informational problems of giving full schooling authority to parents (Winch 1998: 432-433; Sarangapani and Winch 2010: 503-504). A response to these empirical critiques can be found in Tooley (1998) and Tooley et al. (2010).

educational privilege of some individuals by leaving access to quality education of the poorest children to the capacity of parents to choose (Winch 1998; Brighthouse 2000: Ch. 7). Focusing on philanthropy and beneficence as the key to solve the most problematic cases of educational access waives the responsibility of the wealthy over the situation of those who cannot fend for themselves; it implies that we are all already fully capable of improving our own lives without support. It implies that, if any support should arrive, it is by the sheer generosity of those who happen to have more power and wealth, and not due to a claim of justice by those who ask for support. Even if the least-advantaged children did manage to get a quality education by paying for schooling themselves, or by receiving charity from those in a better economic position, the core of the matter is still not resolved: my claim is that, even in this scenario, there is a further reason of justice that demands a shift from the logic of charity to the logic of redistribution. There are two interwoven arguments that justify this shift: first, the incapacity of market mechanisms to counter by themselves the rising inequalities between the ‘adequately’ schooled and the elite schooled; and, second, the moral implications that this rising inequality has on the responsibility of the elite for the disadvantaged position of the least-advantaged. I consider that these two arguments, and the constraints imposed by our current socioeconomic global reality, lead to consider redistributive mechanisms as a possible solution to counter this inequality.

Regarding the first, Thomas Piketty’s (2014) outstanding contribution to the discussion of global inequality offers a strong argument against Tooley’s sufficientarian and philanthropic proposal. In his recent large-scale assessment of the relation between labour and capital in our present century, Piketty shows that even perfect markets are incapable of reducing the constant expansion of inequalities between the better-off and the worse-off (Piketty 2014: 64-71). Opposed to the classical economic belief that the law of supply and demand works as the invisible hand that raises all boats, Piketty’s research shows that, even if this is true to some

extent, the most relevant factor for the reduction of economic inequalities and for social mobility during the last century has been the diffusion of knowledge and investment in education and training (Piketty 2014: Ch. 9). Market mechanisms alone cannot control the ever-increasing value of capital vis à vis labour; and the diffusion of knowledge and skills required to reduce inequalities across social strata is not a natural and spontaneous phenomenon. Leaving the reduction of inequalities and the diffusion of access to knowledge and education to market mechanisms can only achieve inadequate results (Piketty 2014: 22-23): this is due to the fact that the idea of ‘adequacy’ (that Tooley values so much), especially in the case of access to knowledge and education, is insufficient for compensating the ever-increasing returns on capital (which do not require diffusion of knowledge and skills to grow).

Piketty argues that, during the last century, inequalities in access to education “have to a large extent simply been translated upward” (Piketty 2014: 420); it may be true that more of the least-advantaged individuals have been gradually increasing their educational access (an ‘adequate’ primary or secondary school diploma), but the fact that the speed in which the education of the elites improves is much higher to that of the least advantaged means that the value of the ‘adequate’ schooling grows at an insufficiently fast rate to keep up with the increasing demands of the market and the ever-growing quality education of the elites (Piketty 2014: 304-307). As a response to positions similar to Tooley’s, and siding with more egalitarian approaches (Brighouse 1998), Piketty’s conclusion is that “the poor catch up with the rich to the extent that they achieve *the same level* of technological know-how, skill, and education” (Piketty 2014: 71; italics are mine). An ‘adequate’ access to schooling is, simply, an inadequate solution to deal with the rising inequalities between the elite schooled and those with no access. The quality of the education of the least-advantaged must grow at a faster pace than that of the elites in order for it to offer them better chances in life.

The latter account shows that achieving sufficiency is not enough. But there are two other implications that stem from Piketty's argument: first, that not only should the access to schools for the least-advantaged be *more* than sufficient, but that the responsibility for this inequality lies, to a large extent, in the ever-increasing privilege of the elite schooled. And second, that due to the incapacity of market mechanisms to deal with these rising inequalities, and due to constraints imposed by our present economic and social world, a relevant way to tackle this issue is through redistributive mechanisms (this point will be dealt with in the final section).

The large inequalities in access to quality education are legal and justified in our present world order. Parents who can afford it and who wish to ensure that their children have better opportunities for gaining access to the best universities and job position can freely send their children to elite schools, where they will have access to better teachers, better resources and better networking opportunities.¹⁰ Let us assume that this privilege is an unavoidable part of our economic and social system, and that taking into account the constraints imposed by this system compels us to concede, to a certain extent, to the existence of this morally arbitrary inequality of opportunities. But the fact that this freedom of wealthy parents exists and is considered as justified in our current world, does not imply that there is no liability tied to making this choice; nor does it mean that there is no injustice in the social structure that enables and perpetuates the existence of these unjustified inequalities. Much on the contrary: the fact that they are freely making the decision to grant a more-than-equal advantage to their children by paying for a top-notch education, makes them responsible for the potential impact that their choices may have on others, and on the whole social system. Wealthy parents who send their children to elite schools are *freely* choosing to do so; thus they should be held liable for any

¹⁰ Piketty's research shows that inherited wealth, and the schooling opportunities available only to the wealthiest, is one of the most relevant correlates to accessing Ivy League universities and Oxbridge, and to having the highest wages in the labour market (see 2014: 416-421, 484-487).

externalities that their choices create on others (Roemer 1995; Clayton and Stevens 2004: 115-8).

Freedom is not a never-ending all-you-can-eat entitlement; freedom, first and foremost, implies bearing the responsibility over the consequences that our free actions generate (Brighthouse 2000: 153). 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 to pay for the same education, then I should bear the responsibility over the harm that I am creating, and should be held liable to redress those affected by my choices. As mentioned before, the system of elite schooling can be considered as harmful to those who cannot access it due to the undeserved advantage it offers some children to gain other important (economic and positional) opportunities later in life, correlatively reducing the opportunities the rest have to access these same positions. Elite schooling, thus, generates negative externalities on the rest of society by granting a gratuitous advantaged to some children based only on their parent's wealth.

Redressing the impact of this negative externality would require either abolishing elite education, which would eliminate the unjustified advantage; or compensating those harmed by it through the provision of better schooling access. Tooley would argue that the first option cannot stand because the restriction on freedom this implies would be too strong to stand in a liberal system. Regarding the second, he considers that this role should be dealt with through philanthropy (Tooley 2008); the wealthy and educated, who are benefiting from this inequality would voluntarily offer part of their resources to ensure an adequate access to schools for those harmed. But if there is actual responsibility involved with the freedom of wealthy parents to send their children to elite schools, then the provision of education cannot depend on the philanthropic whim of those responsible; I claim, rather, that the compensation for the harm

that these free choices create must be considered as a matter of justice and redressed as an obligation, not as a an altruistic act. As long as elite schools harm the worse- and least-schooled, those who are making these choices should bear the responsibility to compensate for their negative impact on others.

This section has sought to show that two of Tooley's arguments do not hold. First, aiming at sufficiency of access to schools for the least-advantaged children is not enough to ensure that their opportunities in life improve. Second, the provision of schooling opportunities for the least-advantaged cannot rely on charity because the elite schooled can be held liable of harming the least-advantaged through their privileged and unjustified opportunities. But one final discussion stands, now with the egalitarians, regarding the role that elite schools should play in a system that aims at more than sufficiency, and that considers that the privilege of elite schools is directly harming the least-advantaged. While egalitarians consider the abolition of elite education as a way to achieve the ideal of equality of opportunity, I argue that this approach is insufficient for improving the opportunities of the least-advantaged children (in the world as it is today), and that a progressive redistributive mechanism may be a right step towards the ideal of equal opportunity starting from the far-from-ideal world we currently live.

5 A Redistributive Twist

Despite the turn away from Tooley's market-based proposal for educational access, I consider that one fundamental critique remains in Tooley's approach that bears much strength against the egalitarian proposal: the First World bias. If the main objective of egalitarians is to improve the opportunities of the least-advantaged children, it seems that relying solely on the problems and inequalities of educational access of the industrialised and developed world can hide some worrisome problems that arise when looking at this issue from the perspective of the least-

advantaged children on a global scale. Much of the debate over how educational equality should be carried out, and with regards to the appropriate measures for and limitations to the freedoms of parents towards the education of their children, has focused on schooling in the Western developed world. Although the rationale behind egalitarianism may still stand the test on a global perspective, the specific implications and proposals for improving the access and quality of schooling to the least-advantaged children outside of the developed world may require different measures. To discuss how inequality can be generated by reading children bedtime stories, taking them on exotic holidays or to concerts (see Swift 2003; Brighouse and Swift 2009) 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). The data offered by the Global Initiative on Out-of-School Children (UNESCO-UNICEF 2015: 17-30) shows that the most pressing problem with global education today is that quality and access has not increased in an equitable manner; while schooling improved during the last decade for those who are already in school, during this same decade figures of out-of-school children have stagnated at 9 percent for primary schooled aged children and at 17 percent for secondary school aged children (around 125 million children in total) (UNESCO-UNICEF 2015: 18; 132-137). What this means is that, despite huge improvements in access and quality of education globally, the most vulnerable and least-advantaged children are not seeing any of the benefits from this progress (UNESCO-UNICEF 2015: 13). Defendants of egalitarian education policies have fallen, in this sense, under the same trap as global education policy-makers: their proposals are capable of largely improving the opportunities of many children, but are (and have been) unable to improve the situation for the least advantaged.

In this respect, the egalitarian proposal seems to fall into a First World bias with regards to the problems at stake in educational opportunities: they consider “the least advantaged” as those

who go to state schools, and who have unequal quality of education in comparison to elite-schooled children. There is an unjustified inequality in this case, and it should not be left aside. In scenarios where the worse educational position that a child can be in is when having an (in)adequate education in state schools (such as is the situation for most children in Brighouse and Swift's studies in the UK and the US), then proposals that defend an equalisation of opportunities between state and elite schools (through the abolition of the latter) may be the most appropriate policy objective. If the levelling-down caused by the abolition of elite schools just implies preventing people from achieving a doctorate degree so to increase the competitive value of those who have master's degrees (Brighouse and Swift 2006: 478), then abolition may be the best approach.

But this scenario does not represent the reality in most global settings. The issue in many parts of the developing world is not the lack of quality schools for all children (although this is still a problem); rather, the first and fundamental priority in educational policy for many of these scenarios is the lack of *any* access to schools for the most vulnerable children. The abolition of elite education proposed by education egalitarians does not (and cannot) achieve its objective of benefiting the least advantaged because it does nothing to ensure that the out-of-schooled will get into school. Because the least advantaged are outside the schooling system (due to a wide array of reasons), eliminating elite education in these circumstances would only reduce the inequality above a threshold of sufficiency. The educational opportunities of the state schooled and the previously elite schooled would be equalised, but the least advantaged (who do not have access to this good) would be left in the same deprived situation as before. Children 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 the objective is to improve the situation of the worse off, the priority must be to

ensure them an education before worrying about the divergence between adequate and more-than-adequate access to schools.

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” freedom of elite parents through compensation. Instead of abolishing elite schools, I consider that enforcing a compensatory tax on elite tuition (with its revenue being used to ensure the inclusion of out-of-school children into the education system) could generate more benefits to the children with the fewest educational opportunities, than by abolishing elite schools and restricting parental freedom. Piketty’s concern with leaving market mechanisms at their whim works here as well: the divergence between the least-advantaged and the rest of the population cannot solve itself without a redistributive mechanism that can progressively reduce the gap (Piketty 2014: Ch. 14). An ideal case would be one where public expenditure on education could be so high as to expand access to all out-of-school children, while improving the quality of state schools so that they manage to equalise elite schools (thus making the latter redundant). This seems amicable to all, but utterly utopic. My objective is to look for a mechanism that: (1) prioritises benefits to the least-advantaged; (2) takes freedom of choice as relevant, while (3) being sensitive to the liabilities tied to this freedom; and (4) is capable of progressively reducing the opportunity gap. Because my intention in this article is to present the justification and rationale behind such a shift in educational policy, I do not offer any specific redistributive solution to the problem.¹¹ However, I will hint at some possibilities that may indicate a path in the right direction.

¹¹ I must note that the diverse realities of developing countries require looking at the potential of such a rationale to work in different education systems. A comparative analysis of the impact of different redistributive proposals should be carried out in order to assess the best system for each social context. It may be that the specific examples

It may be argued that a progressive income tax would be the most appropriate system for ensuring that those benefiting from the inequality compensate for their privilege, while those affected by it receive most of the tax's benefits.¹² Despite that the overall logic of my proposal would follow the paradigm of a *progressive* tax, a traditional income tax would not do the trick. The first reason is that the logic is not that inequalities *in wealth* should be progressively redressed; my concern is with the creation of an unjustified conferral of *advantages* to some children through elite schools. This means that, while a high-income parent who does not give an elite education to her child would not have a reason to be taxed, a middle-income parent who does give an elite education to her child would have to be taxed. The base for compensation is not the wealth of parents, but the advantage of their children. This means that it is not wealth, but the product acquired with this wealth what is taxed.¹³

An example of this responsibility-tracking redistributive logic is the case of *progressive tuition fees* (Piketty 2014: 486-487). Sciences Po in Paris, for example, ranges its tuition fees from zero cost for parents with the lowest wages, up to 10.000 euros of tuition per year for incomes above 200.000 euros a year. This is a small scale example of how the process of redistribution could be carried out: those who can afford high-cost education pay an extra cost for the tuition in order to ensure that those who are not capable of paying for it can access it as well. There are some issues with the Sciences Po mechanism as Piketty notes (2014: 633): namely that the progressive tax is actually being privatised by the school rather than being

given here will not work in all contexts (this is most surely true), but the *logic* of redistribution that I propose can still be applied, provided that its application accommodates to each context.

¹² I thank an anonymous reviewer for mentioning this point. Some prioritarians would take a similar position with regards to redistribution, see for example Arneson (1999) who argues that what is important for the least-advantaged is their overall benefit, rather than their relative benefit.

¹³ In this sense, such a tax would be more similar to the double taxation of tobacco, alcohol or motor vehicles, than to income taxes. Besides VAT percentages, tobacco in many countries comes with an extra levy that works as a responsibility-tracking tax, which is levied to compensate for the extra burden that consumption of the product generates on the public health system.

redistributed; the tax is not redistributing the wealth outside of the institution but it is rather keeping it to itself.

Alternative mechanisms where the same rationale for taxing tuition fees applies would be, in the US case for example, by redistributing some of the revenue from the costliest schooling districts to poorest districts where schools are failing. Other relevant redistributive mechanisms are family-support transfers that improve school access, such as the *Bolsa Familia* programme in Brazil, or the various forms of schooling vouchers in different parts of the world, which solve the “selfishness” problem of the Science Po system, while keeping with the four objectives of this proposal. *Bolsa Familia*, for example, is taken to be one of the most exemplary cases in which mass-scale impact on educational achievement and school enrolment can be achieved through state policies targeted to the least-advantaged.¹⁴ It is not a responsibility-tracking redistribution, but it is an exemplary case-study for the potential of generating large scale impact on schooling for the least advantaged through redistributive policies.¹⁵

A third example, which can track responsibility in some of its forms, are Public-Private partnerships in schooling.¹⁶ These offer an insight into potential roads to achieve my logic’s four objectives (priority to least-advantaged, freedom of choice, responsibility, and reduction of inequality), by making use of the potential of private provision with public funding. Especially relevant to the concern with responsibility of elite schools is the *Schools-in-Concession* initiative developed in Bogota, Colombia (Patrinos et al. 2009; Barrera-Osorio 2009). In this project initiated in 1999, elite schools take much of the administrative, educational and (to a certain extent) economic burden of high-risk educational facilities in the

¹⁴ See Glewwe and Kassouf 2012; Simões and Sabates 2014.

¹⁵ According to data released by the IMF (2015), around 50 million people have been supported by this program (more than half of them children).

¹⁶ For a comprehensive analysis of Public-Private partnerships (and how they have been applied in different countries) see Chakrabarti and Peterson (eds.) (2009).

lowest-income areas of the city (with economic support from the district). Elite schools, through their private foundations and through saved revenue from their tuition fees, invest in high-risk state schools in order to improve access and quality, share the faculty, introduce quality standards to the curriculum, and promote integration between the students of both institutions. The capacity of mechanisms such as the Schools-in-Concession initiative to generate mass-scale financing and social change is still very limited due to the *voluntariness* of the engagement by elite schools in these projects. However, its impact cannot be underappreciated: it is considered that 2 percent of the 5.5 percent reduction of out-of-school children in Bogota between 2000 and 2009 was due to the implementation of the school-in-concession programme.¹⁷ The fact that the initiative focuses all of its efforts in expanding coverage in the most vulnerable areas of the city and targeted at high-risk children, has made it have the greatest impact on schooling access in the city together with schooling vouchers (Bettinger 2009). This is, surely, not a perfect system: the state (and the district) could both play a larger role in expanding the range of elite schools linked to initiatives by making it mandatory; also, liability to take economic charge over provision should bear much more on the shoulders of the elite schools. But the overall logic of giving priority to the least-advantaged children, of maintaining (and expanding) freedom of school choice, of assigning responsibility to elite schools for improving schooling access, and progressively reducing the unequal opportunities between the least-advantaged and the better-off are all fulfilled.

6 Conclusion

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

¹⁷ Data taken from Min Ed 2001; UNESCO-UNICEF 2012; Bogotá Humana 2014; UNESCO 2016.

(but constructive) solutions to non-ideal circumstances (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 progressively 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 open, 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 the subjective motives that may legitimise parents sending 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 feasible way (at present) of eliminating these

unfair inequalities, we should focus on taking from them the highest possible benefits to improve the access and quality of the education for the least-advantaged children.

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