*Private School, College Admissions and the Value of Education[[1]](#footnote-1)•*

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*Introduction*

Recent debates about justice and fairness in educational provision have drawn upon the notions of equality and adequacy.[[2]](#footnote-2) Adequacy theorists claim that citizens are owed an adequate education. These theorists are not opposed to inequalities *per se*, but deem equality to be unnecessary for educational fairness. Adequacy has been determined in different ways, but it is often tied to the skills, knowledge and dispositions required for good citizenship or flourishing.[[3]](#footnote-3) Equality theorists, on the other hand, explicitly oppose inequalities in educational opportunities. They insist that for some to have greater opportunities than others is simply unfair, even if everyone receives what proponents of adequacy deem to be an adequate education.[[4]](#footnote-4) How we accommodate these two notions in a complete account of fairness in education will influence how we ought to view private schooling, elite college admission and school funding as well as a number of other policies.

In this paper, I defend a pluralist account of fairness in education, which combines a concern for equality and adequacy, and set out a practical proposal supported by that account. In Section One, I examine the value of education and the attractions of adequacy and equality approaches. I argue that while egalitarians are best placed to capture unfairness in the distribution of the instrumental positional benefits of education, the pursuit of educational equality risks sacrificing the intrinsically valuable development of human talent. I also argue that while adequacy theorists are best placed to capture our concern with the promotion of the intrinsic value of education, they risk sacrificing fairness in terms of the positional instrumental benefits of education. In Section Two, I argue that both adequacy and equality have distinctive advantages and that we should try to work out what policies would best support the positive aspects of adequacy and equality while minimizing the negative aspects. I identify some desiderata for policy-selection based on this and consider the perspective of a representative parent as a key test. In Section Three, I argue that there is a general type of proposal that promises to simultaneously promote fairness with respect to the intrinsic and positional instrumental value of education and is also justifiable to the representative parent. The proposal I defend restricts the number of privately educated students admitted to elite colleges to no more than the proportion of students who attend private schools in society at large. In this way it allows an efficient development of human talent through private tuition and schooling, but limits the positional advantages attached to elite college education with a cap. In Section Four, I consider a series of practical and other objections that can be made of my proposal and consider an alternative in the form of class-based affirmative action, which I argue is, on balance, less attractive. Section Five concludes.

Throughout the paper I will not be discussing particular conceptions of educational equality or educational adequacy in detail. Though these issues are very important, the argument I am making is compatible with many ways of understanding each of these views as it focusses on the relationship between the general attractions and drawbacks of equality and adequacy approaches. And finally, my proposal and the lessons I draw from equality and adequacy are not intended to be complete accounts of the demands of ideal justice in education. Rather, they are intended to be important markers of increasing educational fairness and should be evaluated as such. I am claiming that a society that implemented this proposal is likely to be more just with respect to educational fairness than one that did not and for the reasons I give. Moreover, I believe the proposal itself provides a valuable focal point for public and academic debate since objections to that proposal may entail a rejection of one or more of the normative commitments we began with.

1. *The Value of Education*

Education is a highly valuable good. Most people agree with this statement, but there are many different, and sometimes conflicting, reasons why they may agree. One type of reason to think that education is highly valuable comes from seeing it as good in itself to develop talents and to become educated. These are reasons to value education *intrinsically*, for its own sake. Another general type of reason to value education is that it can open up better job opportunities, better pay and, in market economies, this generally increases the control one has over one’s life. These are reasons to value education *instrumentally*. These two types of reason for valuing education are not mutually exclusive. We do not, as a matter of consistency, need to value education either instrumentally or intrinsically. Indeed, it seems sensible to think that education is both intrinsically and instrumentally valuable.

Like access to other highly valuable goods, such as jobs and healthcare, access to education should be determined fairly. At the very least it would be unfair for some group in society to have life-long access to excellent, well-funded educational institutions while others had little or no access to even the most basic of facilities. The most common accounts of fairness in educational opportunity appeal to equality or equality of opportunity.[[5]](#footnote-5) The term equality of opportunity is used to describe a variety of different and conflicting views about how access to highly valuable goods should be determined.[[6]](#footnote-6) But these different views have a common core. Equality and equality of opportunity involve comparisons between the position of one individual or group relative to the position of another individual or group with respect to some valuable good.[[7]](#footnote-7) The *comparative* core of principles of equality makes them appear both necessary and unpalatable with respect to fair access to education. This can be explained by reference to the two distinct ways in which education is valuable.

* 1. *Equality as Necessary and Unpalatable*

Equality in education can seem necessary since some of the most salient instrumental benefits of education are positional. Positional benefits are distinct from other sorts of benefits as they are conferred on a person in virtue of their position in the distribution of some good. With respect to education, one’s position in the distribution of educational achievement affects how valuable that education is.[[8]](#footnote-8) For instance, if Andy received a superior opportunity for education than did Breana, then Andy is more likely to be more qualified than her and therefore secure the job or college place they both desire, which has instrumental benefits attached, such as higher wages and greater job opportunities. This is often the case with the instrumental benefits of education because jobs and college places tend to be assigned in accordance with the highest test scores and the best qualifications e.g. the top 5%. “Highest” and “best” are comparative positional notions, to which equality is uniquely sensitive. For this reason equality of opportunity seems necessary when faced with such valuable positional aspects of the value of education.

However, equality has some unpalatable implications with respect to the intrinsic value of education, which we associate with the development of talent and excellence. Considering an analogy, we might think that it is valuable for someone to beat their personal best, regardless of what position they finish in the race, or to master a very difficult skill, even if they are not the most skillful in their community. It is valuable that they were able to develop their talent to a certain level or close to the limit of their ability. This sort of good is achievable without the athlete racing *against* anyone else and without looking up other people’s times to make comparisons. This good is not positional.

With respect to the intrinsic and non-positional benefits, an equal distribution could sacrifice large gains for some with no gains for others. This is known as the levelling down objection.[[9]](#footnote-9) To illustrate its force with respect to education, consider that many parents would be willing to improve their child’s educational opportunities by investing their own resources, resources that other parents are not able or willing to invest.[[10]](#footnote-10) If we allow differential parental investment some would enjoy great opportunities to develop their talents and do so to a high level and others would have less good opportunities to develop their talents and they do so to a low level. Alternatively, we could limit that investment so that everyone receives equally poor opportunities to develop their talents and to do so to a low level. To the extent that we take equality as our guide to educational fairness, we would favor the second regime, but it seems strongly regrettable and unfair to those who could otherwise have developed their talents. This is because there is an important and avoidable sacrifice of intrinsically valuable development of human potential that need not translate into positional advantages. The comparative focus of equality seems *necessary* for identifying unfairness in the distribution of education’s positional instrumental benefits, but it seems *unpalatable* because it supports levelling down in terms of education’s non-positional intrinsic benefits.

* 1. *An Adequate Alternative?*

In response to problems with equality-based views, some theorists have focused on developing an account of adequacy in education.[[11]](#footnote-11) Accounts of adequacy in education emphasize the achievement of a minimum level of education for all. Inequalities that do not threaten adequacy are permitted. These theorists are concerned with everyone having good opportunities rather than bad opportunities for developing certain skills and talents. Moreover, accounts of adequacy do not oppose further educational opportunities that could lead to more development of human talent so long as it does not diminish the achievement of adequacy. As such, the view is better supported by our reasons to value education intrinsically than is the equality view.

But adequacy has a serious problem dealing with the positional instrumental value of education. Even if everyone had good access to education, it would still seem unfair that some had far greater access than others because it would affect the distribution of other important goods.[[12]](#footnote-12) Many of the greatest instrumental benefits of education, jobs and pay, are entirely on positional. Slight inequalities in GPA or grades can have a profound impact on who secures these benefits. Note that this problem applies to adequacy views in virtue of its non-comparative nature. As such, it faces the reverse worry to the one that faced essentially comparative principles of equality. Taking the equality or adequacy approach alone is therefore seriously problematic. We must take them together and try to apply them to the different benefits of education.

At this point it is worth explaining why I do not include in my discussion of educational fairness a third type of principle: prioritarian principles.[[13]](#footnote-13) Prioritarian principles hold that the worse off someone is the weightier our reasons to benefit her. If we took that view to be our sole guide to educational matters we would seek to allocate educational resources and design educational institutions in ways that allocate educational opportunities so that they are to the benefit of the least advantaged. While this view is attractive and the notion of priority may play an important role in distributive justice more generally, the problem posed by the value of education above cannot be solved by appeal to prioritarian principles.

One reason for this is that prioritarian principles are not comparative. They are unconcerned with inequalities in themselves and as such could tolerate or require inequalities that will lead to unfairness in the positional instrumental benefits of education. Accordingly, they lack the feature that makes equality principles able to deal with unfairness in the instrumental positional benefits of education. Another reason is that prioritarian principles may not be tolerant of efficient differential investment in the development of human talents since that differential investment may not be to the advantage of those with the least. Accordingly, they lack the feature that makes adequacy approaches able to deal with the intrinsically valuable development of human talent. Although among those who lack an adequate education, we may wish to prioritize those who fall furthest short, we do well to focus primarily on combining equality and adequacy in trying to spell out educational fairness in terms of both its intrinsic and instrumental positional benefits.

1. *The Way Forward*

One reason that education poses particularly difficult problems for fairness is that it is both instrumentally positionally valuable and intrinsically non-positionally valuable. Equality and adequacy appear to be opposites in terms of their attractive and unattractive features. In spite of this we can derive from each a criterion that can help us formulate and defend proposals for educational fairness.

A proposal for educational reform should:

1. Generally promote the efficient development of human talents (intrinsic value)[[14]](#footnote-14)
2. Be especially concerned to restrict inequalities in educational opportunity that translate into positional advantage (instrumental value)

I think there is much to recommend these two criteria. The first captures our concern with the intrinsic value of developing human talent and of doing so in a way that is relatively efficient. This is compatible with parents exercising a certain degree of partiality to their own children, which is also a widely held and powerful conviction. This criterion also helps to block the levelling down objection as it insists that higher levels of talent development are better than lower levels. The second criterion captures our concern with the down-stream effects of permitting unequal development of talent for the distribution of goods other than education. This criterion captures our concern with the fairness of instrumental and positional benefits of education.

An example is worth considering at this point because it helps us to focus on justifying our policies to a particular representative. In defending an account of adequacy in education Debra Satz considers a parent who wants to give her child a very good education for the reason that she values education. Satz says,

“Many parents want better education for their children—including private lessons—because they believe that education is intrinsically valuable, not because they want their children to be wealthier or more advantaged than their peers. Their commitment to education does not stem from the desire to help their children obtain competitive advantages in the job market but rather from their appreciation of the good of education for personal development. Or maybe they just don’t want to see their children bored and unhappy in school.” [[15]](#footnote-15)

In this case, the parent does not *intend* to give her child that education *because* of positional instrumental advantages, which are often attached to additional private education but need not be for such education to be valuable. The parent may want every child to have a very good education or an education with these particular goods. This parent’s motivation seems morally innocent and, even though many parents may send their children to private schools to entrench inequality, we should try to design an education system that makes acting on *this*, quite different, motivation morally innocent by minimizing the chances of acting on it leading to unfairness. Satz’s suggestion that egalitarian principles are wrong to block these kinds of benefits seems compelling, but we know from the previous discussion that we cannot entirely do without considerations of equality in determining educational fairness. Below I outline a proposal that meets both criteria and offers hope for making this parent’s motivation innocent consistent with greater educational fairness.

1. *The Proposal*

The proposal I wish to advance has two key components. The first component applies to compulsory schooling usually to age 16 or 18, referred to in the US as K-12. The second component applies to university or college-level education for the reason that the main instrumental and positional advantages of education are concentrated at elite university and college level in our society.

Variations of this proposal could simply refer to “elite schools”, which may include selective, but non-fee paying schools such as UK grammar schools or simply the schools in some territory that send vastly disproportionate numbers to elite colleges, such as certain prep-schools. The specific location of the positional advantages may change depending on context and so the specific policy design should be sensitive to local factors. Moreover, nothing I say here supports maintaining elite college education as the primary location of positional advantages. It just supports having fair access in this way if they are a primary location of these advantages. This is why I describe it as a type of proposal rather than a specific one, but for discussion purposes I focus on a more specific example to help fix ideas and to give a clearer sense of what good it may do.

First, I propose that we aim to provide everyone with a compulsory education that is at least adequate, as given by some conception of adequacy in education.[[16]](#footnote-16) This is consistent with unequal educational opportunities up to high-school, including private schooling and private tuition. This would allow parents, such as the one in Debra Satz’s example, to invest in their child’s education to a greater extent than others where private providers, in the form of tutors or private schools, are available. Other parents may prefer to spend their money in other ways, on things to which they attach intrinsic value.

In addition, I propose that we cap elite college admission of students who attended private or elite pre-college schools to the proportion of the population that attends them. So, for instance, if 10% of children in some year group attend those elite schools, then no more than 10% of students from that year group at elite colleges should be from those schools. This would eradicate a good deal of unfair positional advantages, which are attached to elite college education, to be gained from sending your child to a private or elite pre-college school, but it would not diminish the intrinsic gains that are available in pre-college and extra-college education. Students from elite or private schools would, effectively, compete for college places *only* with those who had a comparable level of educational opportunity. The cap therefore establishes a level playing field with respect to the positional instrumental benefits of education.

To test this proposal, recall our representative parent. This parent would be happier with the system for pre-college education, given her reasonable scope to promote her child’s development of potential for intrinsic reasons, and she would be happy or at least indifferent about the fact that she was not purchasing an unfair advantage in terms of the positional advantages that elite college confers. The proposal confines competition for positional benefits to those with roughly equal educations while promoting efficient development of human potential, possibly through differential parental investment, prior to college.

The proposal would require an extensive system of scholarships for those from poorer backgrounds, affordable student loans, or else low or non-existent fees would be supported. If none of these measures were in place, then only the wealthy among those who go to state schools would be able to afford to take up a place at an elite college or university, but since in many places there are either affordable student loans, low or nominal fees or extensive systems of scholarships in most developed countries in North America, Australasian and Western Europe, this is not such a problem.

1. *Objections*

Data from the UK suggests that this proposal would be a radical one. According to the educational charity The Sutton Trust, in 2007-2009 private school pupils are seven times more likely to be admitted to Oxford or Cambridge University than non-private school pupils. They are also twice as likely to be admitted to the UK’s top 30 Universities. Around 7% of all school pupils attend private schools, but they make up 48% of those admitted to the top 30 UK Universities. Such a radical proposal raises further questions and possible objections that must be addressed. I take these up below.

*What about those who want to send their children to private school because they want their children to fare better than other children?*

It is true that these parents would be deeply unhappy with the proposal I put forward and I do take justification to representative parents as an important test for the proposal. However, the impulse to ensure that one’s children do *better* than other children in terms of the instrumental and positional benefits of education, is not morally innocent. Our initial convictions about the unfairness of inequality in in terms of the positional instrumental benefits of education explain why the impulse is not morally innocent. Moreover, if such an impulse was morally innocent it would imply that diminishing the education of other children rather than simply promoting the education of one’s own child is in some way excusable or justifiable, but that is counter-intuitive. For these reasons I don’t consider this representative parent for the purposes of justification.

Instead, I focus on parents who want their children to do well and develop talent because this impulse seems to be consistent with the two convictions we started out with but, as a practical matter, is difficult to act upon without creating or exacerbating unfairness so long as the cap is not in place. Those with morally innocent impulses, like the one Satz describes, are, at worst, indifferent to the performance of other children. It is possible, in principle, for these parents to positively want the same thing for other children. The same is not true of those parents who want their children to do better than others and this explains why they are not relevant representatives for the purpose of justification.

In addition, it is a further benefit of the proposal that critics would have to reveal themselves as having a particular motivation that is not morally innocent by purchasing private education for the reason that they want their child to do better than others and not for the reason that they want their child to have very good opportunities to develop talent. As such, the proposal provides an interesting focal point for public debate and academic debate about relevant reasons for purchasing private education.

*Is it equal enough?*

Some egalitarians may complain that the proposal still allows unjust inequalities to be transmitted through generations. I need not claim that these inequalities would not be present in a perfectly just world. But more radical proposals to stop that inter-generational transmission of advantage seem less attractive for other reasons. For example, we could engage in more serious re-distributive taxation or through more interference in the family, such as requiring the reading of bed-time stories or greater monitoring.[[17]](#footnote-17) But these approaches seem no more politically feasible than the one that I propose here, they would lead to sacrifices in intrinsically valuable human talent development and there are other normative reasons to be concerned with them.

Minimizing inequality would likely involve interference in the family that many would consider to be unjustified and the logical conclusion of a thorough-going equality of prospects principle would require a very serious revision of the family, a source of great value itself, and the partial relations that constitute it.[[18]](#footnote-18) But more importantly, proponents of these views have to explain why levelling down is permissible, which I think is an extremely difficult task, particularly when it must be justified to representative parents. Of course, one could have a pluralist view and not deny that perfect equality is a desirable ideal, but it would have less weight attached to it than other principles concerning adequacy or the efficient promotion of advantages in order to avoid levelling down. It would have to have less weight than the value of the family too, in order to avoid implying that the family should be revised beyond recognition. As such, if this egalitarian thought is valid, it plays only a minor role in recommending or condemning the policy proposals considered here. Since the proposal I outlined has several advantages in terms of weightier criteria, I think this objection, in its most plausible form, is not a serious one.

Nevertheless, more egalitarian proposals are not mutually exclusive with the proposal I defend. We could pursue both more redistributive taxation alongside capping the number of students who attended elite pre-college schools attending elite colleges/universities. But if we can purpose only one, then reason favors my proposal.

A softer critique from an egalitarian stand-point is as follows. On this proposal, positional advantages will remain within the two systems (private school and public school). As a consequence, those children who are most advantaged at home will still enjoy positional advantages over those who are from less advantaged homes within the private and public systems of compulsory education. This is a genuine problem since home environment accounts for huge disparities in educational and other achievement. However, there are two important points to note in response. The first is that, this will happen in any system that permits some foreseeable levels of inequality between families and permits familial partiality. This is not a special problem with my proposal, it is a residual problem that is not solved by this proposal. The second is that, within the state system we have more control over how to distribute resources to compensate for inequalities at home. In the private system, those who are not from the wealthiest backgrounds may decide that they cannot compete with others and opt back into the state system, where they can be monitored for equality. If this happens, then our ability to control the problem and further eradicate inequalities, without interfering with the family, is enhanced not diminished. For these reasons, I think that this softer critique about residual inequality within group is, though problematic, not serious enough to reject this proposal relative to alternatives.

*Will it lead to opt-out of private system?*

Another question is whether my proposal will lead to the end of private education, since that education is usually chosen for the positional benefits it confers of children.[[19]](#footnote-19) The answer to this question partly relies on empirical matters that I am not qualified to address, but there are some things that can I can say.

It certainly does seem that the proposal I have put forward creates a strong incentive for parents who want their children to attend elite colleges to opt-out of private schools and thus increase their chances. If they did, this would likely improve the state school system due to peer-group effects and other effects too.[[20]](#footnote-20) But it is still worth examining, and responding to, the reasons that can be given for thinking an opt-out of the private system is an undesirable consequence of the proposal.

If the policy would lead to an opt-out of the private system, then we should recall that the motivation for opting-in in the first place was not morally innocent. Purchasing education for the reason that it makes one’s children better able to enjoy the instrumental benefits of education than others is at odds with our initial conviction about fairness in educational opportunity.

*What if private schools do not cultivate talent development and elite colleges do not confer positional advantages?*

This objection highlights the assumptions that I make in putting forward the proposal. It is true that I do assume that elite college education disproportionately confers positional instrumental benefits on individuals who have had private or elite pre-college education. And I do assume that private schooling and private tuition confers intrinsic benefits associated with talent development. But some might deny each of these assumptions. I take them both in turn.

One may deny the first assumption by claiming that elite college education makes little or no difference to who secures the best jobs and the highest wages, rather the kind of students who attend elite colleges succeed because of the social networks that they already have behind them. If this is true and elite college education is epiphenomenal then restricting private school student’s access to them in the way I have proposed will not enhance fairness in the instrumental positional benefits of education.[[21]](#footnote-21) However, I think that due to increased focus in employment on credentialization and general “meritocratic” tendencies to see the best qualified applicant secure the position it is reasonable to think that those who attend elite universities do get positional advantages because of them, even if there are some people for whom attendance at those institutions makes no difference because they are so wealthy or advantaged or well-connected in the first place.

A long-term effect of the proposal may be that the notion of elite college erodes because non-elite colleges get intakes of lots of very well educated and ambitious students from higher social classes. If this were the case one might think that the proposal would make itself obsolete. But note first that this would be a good outcome. It would lead to overall improvement of universities. The second thing to note is that while you might think that we wouldn’t need the proposal any more due to the lack of concentration of positional instrumental value of education, it may still be worthwhile maintaining something like it to prevent such a concentration from arising. So, the improvement in other universities may support the widening of the proposal rather than it bringing about the conditions in which the proposal is obsolete.

With regards to the second assumption on the value of pre-college elite schooling, some may doubt that these schools actually develop talent or if they actually just train students to secure elite college places. But it is clear that private tuition for music or language, for example, does develop skills and skills that can generate further positional advantages unless something is done about it. And, if such schooling doesn’t develop intrinsically valuable human talent, then there are additional meritocratic reasons for being concerned that such schools send disproportionate numbers of students to elite colleges, taking places that could go to others.

*Isn’t This Proposal Politically infeasible?*

It certainly seems to be significantly unlikely that the proposal will be adopted any time soon. However, I think that this proposal makes important concessions to widely held values and ones that are relevant to political feasibility. If one believes, as I have argued we should, that education is valuable instrumentally and intrinsically, and that the instrumental benefits are also positional, while the intrinsic benefits are not, then worries about inequality and inefficiency should animate us and should inform policy.

Recent major developments in the USA and the UK systems have seen the creation of charter schools, academies and free schools in the name of greater parental choice. [[22]](#footnote-22) This indicates that, as well as a tolerance of inequality in the compulsory system, there is an appetite for proposals that permit parents to choose different sorts of education, for their children, or are at least consistent with it. Note that my proposal promises to reduce inequalities in the instrumental benefits of education whilst remaining consistent with a system of school choice for parents, including private schools and tuition. One problem with the alternative of abolishing private schooling is that it loses this element of parental choice and would arguably lead to some levelling down of individual talent development.

An illuminating recent discussion of feasibility distinguishes between two general types of consideration that help us determine feasibility. So-called “hard constraints”, including logical, nomological and biological, which can rule out proposals as unfeasible. My proposal and most proposals are not ruled out by these constraints. But another set of “soft constraints” help us make comparative judgements of feasibility. Such “soft constraints” are malleable and probabilistic. They include things such as economic, institutional and cultural constraints that, while not unchangeable can make proposals less likely to be implemented successfully. I cannot here provide a complete feasibility assessment of my proposal, but I want to point to some key features that suggest it does well with respect to some soft constraints is feasible relative to some other proposals.

First, we should note that the sorts of institutions required to implement the policy exist and are already required to or are disposed to implement some policies in the name of educational fairness. Consider, for instance, the Office for Fair Access in the UK, whose mission is to “promote and safeguard fair access to higher education for people from lower income and other under-represented backgrounds” and the fact that elite colleges in the US provide substantial numbers of bursaries and use affirmative action in admissions.[[23]](#footnote-23) As such, the institutional actors have what Mark Jensen calls an “indirect diachronic ability” with respect to this policy as they have the ability to implement the policy and so the policy scores better than others that may require many further steps before such actors are even in a position to bring it about. This would be the case with respect to increases in funding schools in poorer areas or in abolishing private schooling, which would require policies to go through several legislative stages and require the co-ordination of several actors and possible tax rises. Second, note that the proposal does not require huge financial costs over and above funding that is already available, unlike funding state schools at levels that approximate private school funding or investing in social welfare programs. Third, it is relatively consistent with the strong motivations of parents to try to do their best for their child in the educational domain. In not abolishing private schooling or cracking down on private tuition it allows for such differential investment. In summary, the proposal I put forward here is in some important respects relatively more feasible than some other similar proposals.

*An Alternative Proposal* [[24]](#footnote-24)

One might argue that rather than the proposal I have defended, we should implement class-based affirmative action.[[25]](#footnote-25) Rather than taking children from privileged schools (such as elite private schools) and limiting their representation at elite colleges and universities we should simply limit privileged children’s representation on the basis of their social class.

Though no conception of social class is without its problems, there are several different ways of defining social class, some of which we can measure and operationalize. The most sophisticated ways often include education and school type as a key determinate. As such, we may doubt the extent to which class-based affirmative action will different from the proposal I put forward except in crude ways pertaining to family income or wealth. In some ways class-based affirmative action may be harder to operationalize than my proposal since it is easier for self-employed people or individuals to mislead when it comes to their income or their job than it is to work out what schools individuals went to, but let’s grant for the sake of argument that some version of class based affirmative action wouldn’t be especially difficult to operationalize.

There are three main differences between class-based affirmative action and what I am proposing and I think that, in light of the discussion of the value of education above, my proposal is superior. However, only the third difference strikes me as giving us decisive reason to favor my proposal.

The first difference between the proposals is that they treat those from lower classes attending elite schools e.g. through scholarships quite differently. My proposal will see those individuals compete with others who attend elite schools for elite college places, while affirmative action will see them compete with those of lower social classes. It may seem regrettable to disadvantage poorer students who have won scholarships to elite private schools, but note that they do benefit from increased talent development, the only disadvantage is in college admissions and there they compete on relatively fair terms with those who have had a similar education if not background. While I agree that this is not an attractive outcome, it should be clear that scholarship students are advantaged in important ways relative to those who would otherwise be their peers who do not win these scholarships. As such, it is also somewhat unfair to place them in the cohort with those who attended non-elite schools.

The second difference between the proposals concerns how they treat those from higher social classes attend non-elite schools. Class-based affirmative action would have these students compete for college places with those from higher social classes who attended elite pre-college schools. On my proposal those who do not attend elite private schools, but are nevertheless in a high social class, would be disadvantaged by having to compete with those who attended elite schools. Again, we can note that these individuals, although advantaged in many ways are nevertheless competing on roughly fair terms with those who received a similar education. It would in some way be unfair to see these students compete with those who received private education simply because they are from similar class backgrounds, but also it would be unfair for these students to compete with those who didn’t but are from lower social class backgrounds.

Finally, the third difference is that class based affirmative action would likely not harness parental motivation for the benefit of all. It is hardly plausible to think that a parents’ response to the affirmative action proposal would be to try as hard as they could to lower their social class and thereby achieve greater equality in the instrumental benefits of education. If a cap on college admissions were in place then parents would be likely to send their children to a non-elite schools and in so doing would likely improve that system for others who are not so educationally mobile. The parental desire, in my proposal, is harnessed for the good of all, by incentivizing parents to place their children in non-private schools whereas with affirmative action it is not harnessed for any good purpose.

1. *Conclusion*

In this paper I have argued that capping the admission of privately educated students at elite colleges or universities can promote two, often conflicting, aspects of educational fairness and provides a helpful focal point for public and academic debates about private schooling. I began by defending a pluralist but partial account of educational fairness that took into account the importance of equality for determining fairness in the positional instrumental benefits of education but recognized the importance of adequacy and permitting inequality in the intrinsic benefits of education. I derived from this account two criteria for proposals promoting educational fairness, these were i) being consistent with unequal but efficient promotion of the intrinsic value of education and ii) limiting inequality when it came to the instrumental positional benefits of education. I then argued that a proposal to limit the number of privately educated students admitted at elite colleges met these crtieria and would be justifiable to a representative parent who held a morally innocent motivation. In the final section I considered some objections, including from feasibility and an alternative proposal, class-based affirmative action, which I explained is less desirable.

1. • I am grateful to reviewers at the *Journal of Applied Philosophy*, an audience the Royal Institute of Philosophy Public Lecture on Education and Justice I gave at Roehampton University and to Hugh Lazenby for thoughtful comments and suggestions that have improved this paper. [↑](#footnote-ref-1)
2. Anderson, Elizabeth. “Fair Opportunity in Education: A Democratic Equality Perspective”. *Ethics*, 117, no. 4 (2007): 595-622; Brighouse, Harry, and Adam Swift. “Educational Equality versus Educational Adequacy: A Critique of Anderson and Satz”. *Journal of Applied Philosophy*, 26, no. 2 (2009): 117-128; Brighouse, Harry, and Adam Swift. “Equality, Priority, and Positional Goods”. *Ethics*, 116, no. 3 (2006): 471-497; Gutmann, Amy. *Democratic Education*. Princeton University Press, 1998; Jacobs, Lesley A. “Equality, Adequacy, and Stakes Fairness: Retrieving the Equal Opportunities in Education Approach”. *Theory and Research in Education*, 8, no. 3 (2010): 249-268; Koski, William S, and Rob Reich. “When "adequate" Isn't: The Retreat from Equity in Educational Law and Policy and Why It Matters”. *Emory Law Journal*, 56, no. 3 (2007); Reich, Rob. “Equality, Adequacy, and K12 Education”. In *Education, Justice, and Democracy. Education, Justice, and Democracy*. University of Chicago Press, 2013; Satz, Debra. “Equality, Adequacy, and Education for Citizenship”. *Ethics*, 117, no. 4 (2007): 623-648; White, John. “The Dishwasher's Child: Education and the End of Egalitarianism”. *Journal of Philosophy Of Education*, 28, no. 2 (1994): 173-182. This reflects a parallel or perhaps more fundamental debate on-going in distributive justice in general between egalitarian and sufficientarian approaches. This debate was triggered by Harry Frankfurt’s, "Equality as a moral ideal." *Ethics* (1987): 21-43. Recent contributions include Axelsen, D. V. & L. Nielsen, “Sufficiency as Freedom from Duress,” *The Journal of Political Philosophy* (forthcoming) and Segall, Shlomi. "What is the Point of Sufficiency?" *Journal of Applied Philosophy* (2014). [↑](#footnote-ref-2)
3. Three influential examples are Anderson “Fair Opportunity in Education; Gutmann, *Democratic Education*; Satz, Equality, Adequacy, and Education for Citizenship”. [↑](#footnote-ref-3)
4. Two egalitarian contributions to this debate are Brighouse and Swift, “Educational Equality versus Educational Adequacy”; Koski and Reich, “When ‘adequate’ isn’t”. [↑](#footnote-ref-4)
5. For discussion of equality of opportunity with respect to education in particular see Jencks, Christopher. “Whom Must We Treat Equally For Educational Opportunity To Be Equal?” *Ethics*, 1988, 518-533; Richards, Janet Radcliffe. “Equality Of Opportunity”. *Ratio*, 10, no. 3 (1997): 253-279. [↑](#footnote-ref-5)
6. Formal, Meritocratic and Fair Equality of Opportunity are among the conceptions most commonly discussed by philosophers. Discussions can be found in: Cavanagh, Matt. Against Equality Of Opportunity. Oxford: Oxford University Press, 2002; Gomberg, Paul*. How To Make Opportunity Equal: Race And Contributive Justice*. Blackwell, 2007; Miller, David. “Two Cheers For Meritocracy”. Journal of Political Philosophy, 4, no. 4 (1996): 277-301; Nozick, Robert. “Life Is Not A Race”. In Equality: Selected Readings. Oxford University Press, 1996; Rawls J (2001) *Justice as Fairness: a restatement.* (Cambridge MA.: Harvard University Press): 43-44.; Williams, Bernard. “The Idea Of Equality”. In Philosophy, Politics, And Society, 110-131. London: Basil Blackwell, 1962. [↑](#footnote-ref-6)
7. Westen, Peter. "The concept of equal opportunity." *Ethics* (1985): 837-850. Also see Campbell, T. D. "Equality of opportunity." *Proceedings of the Aristotelian Society*. Methuen & Co. Ltd., 1974. [↑](#footnote-ref-7)
8. Brighouse, Harry, and Adam Swift. "Equality, Priority, and Positional Goods." *Ethics* 116.3 (2006): 471-497. [↑](#footnote-ref-8)
9. Parfit, Derek. "Equality and priority." *Ratio* 10.3 (1997): 202-221. [↑](#footnote-ref-9)
10. We may suppose that other parents would not be able or willing even in a moderately just society. [↑](#footnote-ref-10)
11. Liu, Goodwin. "Education, equality, and national citizenship." *The Yale Law Journal* (2006): 330-411; Satz, Debra. "Equality, Adequacy, and Education for Citizenship." *Ethics* 117.4 (2007): 623-648; Anderson, Elizabeth. "Fair Opportunity in Education: A Democratic Equality Perspective\*." *Ethics* 117.4 (2007): 595-622. For critique see, Brighouse, Harry, and Adam Swift. "Educational equality versus educational adequacy: A critique of Anderson and Satz." *Journal of Applied Philosophy* 26.2 (2009): 117-128. and Koski, William S., and Rob Reich. "When Adequate Isn't: The Retreat from Equity in Educational Law and Policy and Why It Matters." *Emory LJ* 56 (2006): 545. [↑](#footnote-ref-11)
12. Brighouse, Harry, and Adam Swift. "Educational equality versus educational adequacy: A critique of Anderson and Satz." *Journal of Applied Philosophy,* 26.2 (2009): 117-128. [↑](#footnote-ref-12)
13. For the original statement of prioritarianism see Parfit, Derek. "Equality and priority." *Ratio* 10.3 (1997): 202-221.For an example specifically applying to education, see Schouten, Gina. "Fair educational opportunity and the distribution of natural ability: Toward a prioritarian principle of educational justice." *Journal of Philosophy of Education* 46.3 (2012): 472-491. [↑](#footnote-ref-13)
14. A slightly different phrasing of this criterion would read “generally permit efficient development of human talents.” This phrasing might be more attractive to some as it says that we don’t have any positive reason to promote the efficient development of human talent but we should not prevent it either. However, this version would be more vulnerable to the levelling down objection. It would be compatible with levelling down, though it wouldn’t prefer levelling down to an efficient distribution. [↑](#footnote-ref-14)
15. Satz, “Equality, Adequacy, and Education for Citizenship”: 634. [↑](#footnote-ref-15)
16. For example, Ibid and Anderson ”Fair Opportunity in Education” [↑](#footnote-ref-16)
17. For the debate about the inegalitarian effects of reading bed-time stories see Mason, Andrew. "Putting story‐reading to bed: a reply to Segall." Critical Review of International Social and Political Philosophy 14.1 (2011): 81-88.Segall, Shlomi. "If you’re a luck egalitarian, how come you read bedtime stories to your children?." Critical Review of International Social and Political Philosophy 14.1 (2011): 23-40. [↑](#footnote-ref-17)
18. Brighouse, Harry, and Adam Swift. “Parents’ Rights And The Value Of The Family”. *Ethics*, 117, no. 1 (2006): 80-108; Fishkin, James S. *Justice, Equal Opportunity, And The Family*. New Haven and London: Yale University Press, 1983; Miller, David. “Equality Of Opportunity And The Family*”. In Toward A Humanist Justice: The Political Philosophy Of Susan Moller Okin*. Oxford University Press, 2008; Munoz-Darde, Veronique. “Is The Family To Be Abolished Then*?”. Proceedings Of The Aristotelian Society*. 1999; Schoeman, Ferdinand. “Rights Of Children, Rights Of Parents, And The Moral Basis Of The Family”. *Ethics*, 91, no. 1 (1980): 6-19; Schrag, Francis. “Justice And The Family”. *Inquiry*, 19, no. 1-4 (1976): 193-208. [↑](#footnote-ref-18)
19. Brighouse, Harry. “What's Wrong With Privatizing Schools?” *Journal of Philosophy of Education*, 38, no. 4 (2004): 617-631; Brighouse, Harry, and Adam Swift. “Putting Educational Equality In Its Place”. *Education Finance and Policy, Education Finance and Policy*, 3, no. 4 (2008): 444-466; Clayton, Matthew, and David Stevens. “School Choice and the Burdens Of Justice”. *Theory and Research in Education*, 2, no. 2 (2004): 111-126; Dwyer, James G. *Vouchers within Reason: A Child-Centered Approach To Education Reform*. Cornell University Press, 2001; Friedman, Milton, and Rose Friedman. *Free To Choose: A Personal Statement*. Edited by Houghton Mifflin Harcourt, 1990; [↑](#footnote-ref-19)
20. These and other positive effects of opting-in to the state system are advanced in Swift, Adam. *How not to be a hypocrite: School choice for the morally perplexed parent*. Routledge, 2003: 39-41. [↑](#footnote-ref-20)
21. I am grateful to an anonymous reviewer for this suggestion. [↑](#footnote-ref-21)
22. Anderson, Elizabeth. “Rethinking Equality Of Opportunity: Comment on Adam Swift’s How Not To Be A Hypocrite”. *Theory And Research In Education*, 2, no. 2 (2004): 99-110; Brighouse, Harry, and Adam Swift. “Legitimate Parental Partiality”. *Philosophy & Public Affairs*, 37, no. 1 (2009): 43-80; Brighouse, Harry, and Adam Swift. “Parents’ Rights And The Value Of The Family”. *Ethics*, 117, no. 1 (2006): 80-108; Brighouse, Harry. *School Choice And Social Justice*. New York: Oxford University Press, 2000; Reich, Rob. “Common Schooling And Educational Choice As A Response To Pluralism”. *In School Choice Policies And Outcomes: Philosophical And Empirical Perspectives On Limits To Choice In Liberal Democracies. School Choice Policies*. Albany, NY: SUNY Press, 2008; Scott, Janelle, ed. *School Choice And Diversity: What The Evidence Says*. Edited by Janelle Scott. Teachers College Press, 2005. [↑](#footnote-ref-22)
23. For the office for fair access see <https://www.offa.org.uk/about/>. For elite US university’s financial aid packages note that at Harvard 70% of students receive some financial aid and 20% of students’ families pay nothing; for Stanford 70% of undergraduates receive some financial aid and undergraduates from households with incomes below $125,000, tuition is fully covered by scholarship and/or grant aid, while those from households with incomes below $65,000 pay nothing towards tuition, room and board; at Princeton 60% of students receive financial aid. See https://college.harvard.edu/financial-aid, <https://admission.princeton.edu/financialaid>, https://www.stanford.edu/admission/. [↑](#footnote-ref-23)
24. I am grateful to an anonymous reviewer for suggesting I consider this. [↑](#footnote-ref-24)
25. For an argument in favour of Class-Based Affirmative Action and a discussion of its legal history in the US see Kahlenberg, Richard D. "Class-Based Affirmative Action." *California Law Review* (1996): 1037-1099. [↑](#footnote-ref-25)