Luck, Choice and Educational Equality

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Abstract

Harry Brighouse (2010) recently discussed two conceptions of educational equality. The first is a fairly traditional and familiar species of equality of opportunity of the meritocratic type; indeed he calls it the meritocratic conception. It disqualifies factors such as a person's class background as a legitimate determinant of educational achievement and owes a clear debt to the work of John Rawls. The other, more demanding conception – Brighouse calls it the radical conception – adds a person's natural talent as an illegitimate determinant of educational achievement. The logic of his argument seems to point in the direction of the radical conception being the better one, but Brighouse favours the meritocratic. This paper argues that the meritocratic conception is flawed as a conception of educational equality and that Brighouse's radical conception is the better one. It seems to draw on a theory of distributive justice commonly called luck egalitarianism. Although a superior conception of educational equality, the radical conception is still not quite right. This paper develops what it calls the luck egalitarian conception of educational equality. It is argued that this conception more faithfully reflects current thinking about equality and avoids some of the difficulties with Brighouse's two conceptions. Finally, two objections to a luck egalitarian conception are considered.

Introduction

Egalitarians claim that equality and educational equality are values of the utmost significance. As a consequence, there is some obligation to be clear about what is meant by these complex and contested values. It is easy to find a range of uses of the term educational equality, varying not only in how the value is understood, but also in how explicitly the writer explains what they mean by the term. These, unsurprisingly, reflect the underlying theoretical commitments of the writer. Sometimes a vague notion of what a term means is quite sufficient, so in some contexts speaking about educational equality may be a placeholder for a belief in social justice or that every child should have a fair chance in life. Here though I am aiming for a little more precision and advance a conception of educational equality that is informed by a particular theory of distributive justice, *luck egalitarianism.* This choice requires some justification.

Firstly, it is clear that, among other things, education is a good that is of benefit or advantage to the individual. Education is also a public good, of benefit to the whole of society. But as a society is made up of individuals, this is just another way of saying it benefits individuals, albeit not just the person gaining the education. It can be argued that an educated citizenry benefits our social structures, for example, that it contributes to more robust democratic institutions. But again, this can only matter to the extent that robust democratic institutions serve the interests of citizens better than shaky ones. As a good, it is an open question how education ought to be distributed, and in most countries the government plays the principal role in deciding this. The term educational equality can then be thought of as reflecting a certain belief about how education ought to be distributed, namely, equally. This by no means settles the question of what an equal education is however. Rather, this is intended to show that one way of thinking about educational equality places it within the sphere of *distributive justice,* traditionally understood as being that part of justice concerned with how the benefits and burdens, the advantages and disadvantages, of society are distributed. It is widely agreed that

education is one of the benefits or advantages that a person can have, not only for its own sake, but also because of the role it plays in facilitating access to other goods and advantages and the profound effect it has on how a person's life goes. This does not preclude there being other ways of interpreting what is meant by educational equality. For example, that it is more to do with just social relationships. But this is not necessarily in conflict with a distributive understanding; indeed there are reasons to think this particular way of looking at equality is complementary to it. But the intention here is to look at educational equality from the perspective of distributive justice. That educational equality should be seen this way is a point also made by Harry Brighouse (1998, p. 148) who has said that education is more than a public good, it is a requirement of justice in much the same way that the right to a fair trial is.

The second reason for looking at educational equality from the point of view of luck egalitarianism is simply that this particular theory of distributive justice is arguably the dominant one at present and certainly the most intensely researched in political philosophy over the last few decades. It may be questioned whether one can just take an egalitarian theory from political philosophy and apply it to education but, as will shortly be outlined, there is at least nothing idiosyncratic in doing this; there is a tradition of adapting and applying egalitarian theories to education. But this undertaking should also be seen as testing the theory itself by seeing whether it has any power to illuminate a specific area of interest.

Luck Egalitarianism

A quick sketch of luck egalitarianism is required, which will also serve to foreshadow where I intend to head with educational equality. Kwok-Chor Tan (2008) has said that the core motivating intuition of luck egalitarianism is that "persons should not be disadvantaged or advantaged simply on account of bad or good luck" (p. 665). Luck egalitarians say that it is bad, unjust, if some are worse off than others due to no fault of their own, due to circumstances over which they had no control, circumstances which are a matter of luck. The thinking is that things like the family into which you are born, your race or sex, are all, from the moral viewpoint, arbitrary. They are a matter of luck rather than being things earned, deserved or in some other way morally accounted for. So luck egalitarians say it is unjust if a person's fate is largely a matter of luck; but it is not unjust if it has been shaped by choices and decisions freely made. This is because it is also unjust if you have to pay the cost of my choices. Circumstances the result of a person's choices, for which they can rightly be held responsible, are not morally arbitrary; "it is morally fitting to hold individuals responsible for the foreseeable consequences of their voluntary choices"(Arneson, 1989, p. 88). G.A. Cohen (2000), writes: "My root belief is that there is injustice in distribution when inequality of goods reflects not such things as differences in the arduousness of different people's labors, or people's different preferences and choices with respect to income and leisure, but myriad forms of lucky and unlucky circumstance"(p. 130). The fundamental distinction at the heart of luck egalitarianism is therefore between luck and choice, or more alliteratively, between chance and choice. For convenience Tan calls this the luck/choice principle.

Luck egalitarianism can also be interpreted as maintaining that equality is the default position, deviations from which must be justified, and the only possible justification is some suitable condition of choice (c.f. Persson, 2007). Carl Knight (2009) has written that the purest form of luck egalitarianism is "that variations in the levels of advantage held by different persons are justified if, and only if, those persons are responsible for those levels"(p.1). The critical part played by choice is what distinguishes luck egalitarianism from other varieties of egalitarianism. The language of choice and responsibility is more normally a part of the rhetoric of the right and sits very comfortably within

neoliberal thinking. Predictably then, fitting choice and responsibility within an egalitarian framework is difficult and is proving to be one of the most difficult parts of the luck egalitarian project. But it is also hard to see how any thoughtful account of distributive justice can ignore it. The intuition that responsible people ought to accept the consequences of their choices is fairly powerful. There is however much more to be said about this and I believe many caveats attach to inequalities which are the outcome of choice. But luck egalitarianism can be viewed as confronting the challenge to incorporate choice within an egalitarian theory of distributive justice, a brave attempt to re-appropriate for the left the moral high ground of choice and responsibility.

Tan (2008) also claims that luck egalitarianism needs to be seen as a motivating or grounding principle and not a substantive principle. By this he means that the luck/choice principle tells us *why* distributive equality matters; namely, because luck should not be the dominant factor determining a person's life prospects. But it does not tell us *what* should be distributed equally and *how* it should be distributed; that is what a substantive principle does. Tan argues that substantive principles do not just fall out of the luck/choice principle but require further investigation of the implications of this principle. Luck egalitarianism is perfectly compatible with a number of beliefs about what ought to be distributed equally; the more commonly debated candidates being goods like, resources, welfare, opportunity for welfare and capabilities. Following Tan, it is possible to view my task here as an attempt to supply a grounding principle for educational equality. In brief, I am saying that education ought to be equally distributed, because its distribution should not be a matter of luck, a matter of where you live, who your family is, or what sex you are, for example. But the more detailed implications of how this happens, what exactly it might mean to distribute education equally – is it a matter of resources, achievement outcomes or opportunities, for instance – requires further working out within a framework that says choice but not luck can legitimate inequalities.

It might still be wondered why we should think that people's life prospects ought not to be a matter of chance. It is not my purpose here to defend this, but a brief sketch of why we should think equality is a desirable value is necessary as it plays a part in shaping how we think through the implications of the luck/choice principle. I would say that the values of equality, and educational equality, are both founded on a belief in the equal moral status or the equal objective importance of each life. This being the case, egalitarians believe that people ought to be equally well off, in some to be specified way, that it is equally important that each life goes as well as possible. If people are moral equals then it follows that they ought to have their interests weighed equally alongside everyone else's. This thought is particularly significant when it comes to the actions and policies of governments. Ronald Dworkin (2000) has said that to be legitimate a government must give equal care and concern to the interests of each citizen, and one of those interests is in education. In line with this, Brighouse (2000) states that the value of educational equality rests on a belief that "social and political institutions should be designed or reformed to realize equal respect for the value of all individual persons"(p. 116). So the ideal of equality does not require treating people equally, but treating people as equals. That is a very quick outline of luck egalitarianism, and so to educational equality.

Equality of educational opportunity and Rawls

In its widest sense and understood as a part of distributive justice, educational equality simply means the equal distribution of the good of education or the equal distribution of educational advantage. But this does not go close to settling the question of what exactly about education is to be equally distributed and how. It can be argued that educational equality involves the allocation of equal educational resources to each child, or it is equal achievement outcomes, or that children should be equally well educated to live flourishing lives, or that they should be able to realize their full

educational potential. All these have some appeal and speak to something valuable about education. They are also quite general, but this need not be a shortcoming. Initially a broad conception is perfectly acceptable and specificity only enters when the detailed implications of a conception are being worked out. However, the most common, and influential, thought is that educational equality is best understood as *equality of educational opportunity*. In fact, such is its widespread and popular appeal that it is enshrined in our education policy as one of ten National Education Goals (NEGs) set by the New Zealand Government. NEG 2 boldly states that we should aim for "[e]quality of educational opportunity for all New Zealanders, by identifying and removing barriers to achievement." A couple of observations are worth making about this legally mandated goal.

First, we see equality of educational opportunity being framed with an eye on the outcome, namely, achievement. While the value being enunciated is described in terms of opportunity, what ultimately seems to matter is the educational outcome. The thought is that if opportunities are equal then inequalities in outcome will be permissible. Within a context where education is thought of as a private good that one competes for, that is probably perfectly reasonable. Another thought is that there is a big space between having access to education and experiencing educational success. Educational outcomes depend to quite some extent on decisions made, or not made, by the learner. After all, a person can just choose to not take advantage of an opportunity. There will be many factors influencing an individual's choices for which they are not responsible, but this does not alter the fact that they will make choices that have a profound effect on the outcomes. Who has the opportunity to go to university may well be a matter of justice. But who actually enjoys the ensuing benefits is not, at least to the extent that this reflects free choice rather than any barriers to achievement (Miller, 1999, p. 7). It has also been usefully pointed out by Kenneth Howe (1993) that in education, what is at one stage a desired outcome, such as knowing your times tables, is later a prerequisite for having a meaningful opportunity, such as learning calculus. He writes that "because certain educational ends (or results) must be accomplished in order for certain other educational opportunities to have worth, educational opportunity is inherently "outcomes-based""(p. 331).

The second thing to note about NEG 2 is that a great deal hinges on how we identify "barriers to achievement". Howe (1993, 1994) distinguishes three versions of equality of educational opportunity. These could be described as lying along a continuum that recognizes an increasing number of barriers to achievement; barriers which must be removed or mitigated for there to be equal opportunity. The least demanding conception is a formal one that requires little more than the absence of legal barriers to an education. This could be satisfied by what many would think was the minimal requirement on a state; to provide a universal and more-or-less free education. But few think such a minimalist concept of equality of educational opportunity is adequate and Howe identifies two further conceptions. The compensatory conception recognizes the barriers to education posed by the various ways in which individuals can be disadvantaged due to facts about themselves and their backgrounds. Most demanding is the democratic conception. This acknowledges that, as well as disadvantages due to social and personal causes, there are also disadvantages due to who has the power to define what is of educational worth. The idea here is that, historically, what has been deemed worth knowing, and is reflected in things like school curricula and assessment systems, has been defined by the dominant group in a society – usually white, wealthy, straight and male – and to their advantage.

Now partly what interests me about these conceptions of equality of educational opportunity – and Howe explicitly acknowledges this – is how much they have been influenced by the work of John Rawls (1971), and how much Rawls continues to influence thinking in this area. This is not surprising, Rawls' work is extraordinary. It is especially not surprising when you look at a key part of

his project to develop a theory of justice as fairness; his principle of *fair equality of opportunity*. This states that:

> Those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of their initial place in the social system, that is, irrespective of the income class into which they are born (1971, p. 73).

For Rawls then, a person's prospects for success should not be influenced by factors such as a person's race, sex or class. The main reason he gives for this is that such circumstances are historically and socially contingent and for that reason, from a moral standpoint, they are arbitrary and so should be irrelevant to determining a person's distributive shares.

Rawls' principle also seems to very naturally and easily lend itself to a parallel principle of equality of educational equality. This impression is further strengthened when it is seen that, in the paragraph straight after the one quoted above, Rawls goes on to say that a person's prospects for acquiring knowledge and skills should not depend on class and so the education system should be designed to remove barriers to achievement caused by class differences. Using the principle of fair equality of opportunity as the basis for a principle of equality of educational opportunity is exactly what Howe and many others in the liberal tradition have done. The principle that results has considerable intuitive appeal. I think that accounts for its widespread support and its appearance in official documents like the NEGs. It also rather clearly, by its reference to talent and ability, lends itself to a conception that is meritocratic in nature, and this is what I want to look at now.

Brighouse's two conceptions and Rawls

Two very clear conceptions of educational equality have recently been spelled out by Brighouse (2010). He starts from the observation that the socially produced benefits of society – income, wealth, jobs, status and the further opportunities that possession of these allows – are very unequally distributed in modern societies. For an unequal distribution to be legitimate it has to be the result of fair procedures. Now this claim depends on Rawls' notion of *pure procedural justice* which says that we have no independent way of determining a just distribution, so instead, we ought to aim at designing a social system based on just or fair procedures such that, whatever the outcomes, they are similarly just or fair (1971, pp. 83-90). Presumably too, unless there is fair competition, it is unreasonable to expect the losers in the competition to accept the results. The moral basis of the case being built is therefore the idea that there should be *fair competition* for the goods and benefits society has on offer.

The next short step for Brighouse is to point out that education plays a crucial role in giving people access to the benefits of society. Now, it is unfair if some get a worse education than others due to no fault of their own for this would put them at a disadvantage and make the competition for the benefits of society unfair. So from this he derives a fairness based understanding of educational equality which, as we will shortly see, is best expressed in fairly familiar meritocratic terms. This conception rules out an influence such as class as a legitimate determinant of educational achievement, because class background puts some at an unfair competitive disadvantage – and others at an unfair advantage – unfair because the circumstances of a person's birth are beyond their control.

There are some difficulties with this account of what grounds educational equality. One is with what makes an inequality legitimate. There are other accounts of what it takes to make a state of affairs just and therefore what it would take for inequalities to be legitimate. A consequentialist, for example, may not be too concerned with how a state of affairs has come about as long as it accords

with some independently worked out notion of what constitutes a just state. Of more particular relevance here, the luck egalitarian is not so likely to be concerned about issues of procedural justice and will be more inclined to say that inequality is intrinsically unjust, but may be permissible if validated by suitable conditions of choice.

But the main difficulty with Brighouse's argument is that it relies too much on the idea of competition. It is true that we live in a society that can be quite competitive. But it is a moot point to what extent we should see life as a competitive venture and how much inequality losing a fair competition could legitimate. The idea of competition makes too much seem like a prize to be competed for rather than what many would see as the reasonable expectations of citizens in a democratic society. Another way of looking at society would have it that it is more a cooperative enterprise and the equal participants in a cooperative enterprise are entitled to an equal share of the fruits of their cooperation. Indeed, the fact of social cooperation is more basic than that of competition that Brighouse appeals to. The relatively constrained competition that neoliberals favour is actually parasitic upon a much more fundamental framework of social cooperation. Without this we would have, not a free market, but rather some sort of Hobbesian war of all against all. Cooperation is a more apt and accurate characterization of much of life's circumstances, particularly if you think people are moral equals with equally valuable lives to lead. The proper distribution of the products of social cooperation also makes use of fairness, but more the idea of fair shares as a reflection of equal moral status. Perhaps this is a less exciting ideal in a free market economy. Brighouse does point out that society is not actually a race, but he claims that it *is relevantly like* a race. It is a race that we do not choose to participate in and which is structured to reward people differentially according to how well they compete. This is certainly true to some extent at present, and indeed there is much rhetoric to the effect that life is a competition. But that is what much political discourse is, unargued rhetoric, generally serving the interests of those who would appear to be the winners and unmindful of the fact that most of us go about our business every day in a more-or-less cooperative way. But even if society is structured competitively, there is no argument given for why it ought to be or why we should accept it this way. However, for now we'll go with Brighouse, it may not ultimately matter.

It is notable too that Brighouse's case for educational equality makes no use of any intrinsic value to education and depends only on its instrumental value for gaining access to a range of goods in a competitive society. He has argued elsewhere (Brighouse, 2005) for this focus. It seems to be based on a belief that equality does not require the equal distribution of income and wealth, so education will always have competitive value, and that the case for education's intrinsic value is not as strong as for its instrumental value. Both these claims are questionable and besides, as he notes, in practice the intrinsic and instrumental value of education cannot be disentangled. So his focus solely on the instrumental value remains a little surprising as his case could only be strengthened by considering education's intrinsic value. If education has intrinsic value then it would be even more unfair to distribute it differentially to children based on arbitrary facts, unrelated to educability, and over which they have no control such as their race or sex or their parent's ability to pay. Such facts do not seem to provide a relevant reason for discriminating between recipients, although other characteristics of the children themselves, such as their natural talent, may do.

However that may be, Brighouse offers the following as a conception that reflects the idea of educational equality as a requirement for fair competition:

> The Meritocratic Conception: An individual's prospects for educational achievement may be a function of that individual's talent and effort, but it should not be influenced by her social class background (2010, p28).

This conception is recognizably a species of equality of educational opportunity, clearly influenced by Rawls and, as Brighouse says, arguably the dominant current model of educational equality. Few would find anything exceptional in the place given to talent and effort in this conception as these may seem like exactly the sort of facts about a person that should be relevant to the distribution of education.

But this conception, demanding when compared with prevailing education systems, is not quite right. And it is unsatisfactory for reasons pointed out by Rawls in relation to the principle of fair equality of opportunity. Rawls was quite aware of the effect that differences in natural talent and ability could have on a person's life prospects and wrote that "[t]here is no more reason to permit the distribution of income and wealth to be settled by the distribution of natural assets than by historical and social fortune"(1971, p.74). Furthermore, even the influence that ought to be allowed to effort may be overstated as "[e]ven the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent upon happy family and social circumstance" (ibid.). We see here the same intuitions I earlier claimed that luck egalitarians find compelling.

Will Kymlicka (2002, pp. 57-60) gives a nice summary of the logic of this argument. He says that the traditional ideal of equal opportunity has seemed intuitively fair to many people because it means a person's life is shaped by their own choices and efforts rather than the circumstances they happen to be born into. How our life goes ought to be a matter of what we choose to do rather than a matter of the contingent social environment we are raised in. This traditional conception of equal opportunity is normally given a meritocratic interpretation. Distributive shares are fair, are merited, if they reflect talent and effort and not things like class, race, religion or sex. But, as Kymlicka points out, this prevailing idea is unstable for the reasons given by Rawls. The natural talents people are born with and the social contingencies people are born into seem equally a matter of chance and hence equally arbitrary from a moral standpoint. If our argument is that morally arbitrary factors, factors that are a matter of luck, ought not to affect life chances and we then admit that one type of these (social circumstances) ought not to affect our life chances then, to be consistent, we have to allow that the other type (natural talents) are also impermissible as a source of inequality. Ronald Dworkin has been even more scathing in his assessment of this position. He has said that the traditional meritocratic conception of equality of opportunity – equal opportunity for those of equal talent and diligence – is not so much unstable as fraudulent, "because in a market economy people do not have equal opportunity who are less able to produce what others want" (1985, p. 207). Many also believe that people are able to cultivate their talent, to some extent, by their own efforts. But the initial possession of talent, its degree and nature, is a matter of chance, as is the environment people find themselves in which is so significant in the nurturing and development of that talent.

Brighouse is fully aware of these arguments. If it is unfair for some to get a worse education than others because of their social origins, then it is equally unfair for their educational achievement to be influenced by their natural talents. Both social circumstances and natural talents are beyond a child's control and cannot therefore be legitimate determinants of educational achievement if educational achievement is a necessary precondition for fair competition. Brighouse therefore gives us a second conception of educational equality:

> The Radical Conception: An individual's prospects for educational achievement should be a function neither of that individual's level of natural talent or social class background but only of the effort she applies to education (2010, p.29).

This conception has clearly been influenced by luck egalitarianism and the logic of the argument seems to imply that the radical conception is to be preferred over the meritocratic. However, while Brighouse unfortunately avoids committing himself explicitly to one or the other, in his discussion it

is clearly the meritocratic conception that he favours. At least three reasons can be adduced for his preference.

The first reason, probably Brighouse's major reason, is the Rawlsian framework he is working within. Rawls was not a luck egalitarian and his answer to the inequality caused by the 'natural lottery' was the difference principle. This was to be read in conjunction with the principle of fair equality of opportunity and states that "[s]ocial and economic inequalities are to be arranged so that they are... to the greatest benefit of the least advantaged"(1971, p. 83). Similarly, Brighouse seems to prefer a theory of educational equality that combines the meritocratic conception with a principle of benefiting the least advantaged, by which he means that "social institutions should be designed to benefit those who have the lowest prospects for a flourishing life" (2010, p. 41).

Much has been written on the difference principle, but I am just going to give two reasons why an egalitarian may not want to go down this path. The first and simplest reason is that a principle of benefitting the worst off may have the effect of reducing inequality, but it is not a distinctively egalitarian value, rather it is prioritarian (Parfit, 2002), by which I mean it is concerned with giving priority to the worst off rather than with equality. Its underlying basis is essentially humanitarian in nature and, while no doubt providing some motivation for egalitarians, it is not their primary motivation (Scanlon, 2003). Egalitarians value equality for its own sake and the fact that it may improve the lot of the worst off is gratifying, but misses the point.

A second reason for rejecting this Rawlsian path has been argued, at length, by Cohen (2000, 2008). I'll just provide the flavour of some of his argument here. To begin, we must be clear about what the difference principle is saying. It tells us that some inequality is not only permitted, but that it is actually just, provided it is to the benefit of the worst off, who are better off than they would be if the inequality were removed. Cohen challenges this. Given certain facts about people (e.g. we can be selfish) and given the nature of markets, it may well be that it is sensible to accept some inequality. But we should not mistake this with justice rather than what it is; a realistic and reasonable social arrangement. According to Cohen, the difference principle, if interpreted as it often is, as justifying incentive payments to some in order to induce greater productivity which benefits everyone, describes not a just condition, but more a regrettably unavoidable state of affairs. Partly this is because of what happens when the difference principle is invoked by the talented to justify their greater rewards for being more productive in a way that improves the lot of the worst off. When the talented do this, the truth of their claim that they require inequality causing incentives is true because they make it so. It is their choice not to expend greater effort unless given greater reward that makes the need for incentives true. Cohen argues their claim is like that of a kidnapper who reasonably argues that unless you pay the ransom, your child will be killed and so this matter is beyond his control. It is entirely up to you and your choice about whether to pay or not. It may be true that if you choose not to pay, the child will be killed. But this is not because of your choice but rather the choice of the kidnapper to make this true. In the same way, those who are capable of being more productive but aren't unless they receive greater rewards, are themselves responsible for making it true that they require incentives.

The second reason Brighouse may have for preferring the meritocratic principle seems to be a concern about what is more palatable or more feasible, particularly if you take the view that theories of educational equality are more about ameliorating the worst aspects of current systems than realizing ideals. Brighouse is clear that, while sweeping radical reforms may be morally justified, without a broad consensus and the political will to make such changes, it makes more sense to advocate small feasible reforms that can correct the worst of current educational practices. As we are far from meeting the demands of the meritocratic conception then advocating the more demanding

radical conception may seem wildly implausible. After all, there are real children to be taught, real parents to be placated and real politicians to be persuaded. But practical feasibility does not constitute an argument against the radical conception being philosophically better and does not give us any reason to believe the meritocratic conception any truer.

Brighouse's third reason for rejecting the radical conception is a concern he has with luck egalitarianism; the "bottomless pit problem"(Brighouse, 2005, pp. 6-7). This argues that some individuals may be so badly off that luck egalitarianism would require the transfer of enormous amounts of resources to improve their position. This could have the consequence of soaking up all, or almost all, available resources, to the grave disadvantage of everybody. This is a difficult problem. That there are difficult problems does not disprove a theory, although it would add to their implausibility if there were too many. But this problem is difficult for any account of distributive justice and Amy Gutmann's (1987) *democratic threshold principle*, which Brighouse cites as a more plausible response, is no less troubled by it. However, the bottomless pit problem is not as fatal to luck egalitarianism as Brighouse believes. For one thing, luck egalitarianism is not an account of the whole of justice, certainly not the whole of morality, and considerations of distributive egalitarian justice are quite separate from those of humanitarian assistance (Tan, 2008). Further, luck egalitarians can be value pluralists. They can point out that, while inequality is always unjust, other values, such as utility or efficiency, will sometimes outweigh considerations of egalitarian justice. It should not be thought that the just thing to do is invariably the right thing to do.

So I don't think the Rawlsian, meritocratic conception of educational equality, supported by a principle of benefitting the least well-off is correct. Brighouse should have been bolder, trusted the logic of his argument and thrown his lot in with the luck egalitarians.

A luck egalitarian conception of educational equality – beyond Rawls

Let's take Brighouse's radical conception as our starting point then. Invoking the luck/choice principle means that prospects for educational achievement should not be a matter of luck but only of choice. So, somewhat wordily, we get:

> The Luck Egalitarian Conception (A): An individual's prospects for educational achievement should not be a function of those circumstances which are for that individual a matter of luck e.g. neither of that individual's level of natural talent or social class background, but only of the choices she freely makes, choices for which she can rightly be held responsible, and which could include choices about the effort she applies to education.

This is still not quite right. I have claimed that equality ought to be seen as the default position, deviations from which require justification, and I earlier noted Howe's observation that equality of educational opportunity is inherently outcomes-based. It still remains to be argued what exactly about education should be equalized (e.g. resources, outcomes or opportunities) but the foregoing suggests there should be a bias to an outcomes-based interpretation. Conception (A) however seems skewed towards an opportunities type conception. A small alteration (italicized) leads us to:

> The Luck Egalitarian Conception (B): An individual's *educational achievement* should not be a function of those circumstances which are for that individual a matter of luck e.g. neither of that individual's level of natural talent or social class background, but only of the choices she freely makes, choices for which she can rightly be held responsible, and which could include choices about the effort she applies to education.

There is still a problem. This conception makes educational equality the default condition, variations from which can only be validated by suitable conditions of choice. But it also seems committed to a view of education that sees it predominantly in terms of achievement. That may be right but requires

further argument. As it stands there is a risk of conflating educational equality with the separate value of educational excellence. Brighouse is quite clear that they are separate values. He argues though that educational excellence is ambiguous: should it refer to the excellence of the education system as a whole or the excellence of individual's achievements within the system? He also believes that it is less important than educational equality. However that may be, our idea of educational achievement needs to be broad and more than just a matter of academic excellence. If it just had that meaning it could have the absurd consequence of requiring someone to be a university lecturer in order to be called properly educated. Therefore we need:

> The Luck Egalitarian Conception (C): An individual's *educational well-being* should not be a function of those circumstances which are for that individual a matter of luck e.g. neither of that individual's level of natural talent or social class background, but only of the choices she freely makes, choices for which she can rightly be held responsible, and which could include choices about the effort she applies to education.

The term *educational well-being* is a little clumsy. I mean by it that, just as egalitarians hold that people should be equally well off, so people should also be *educationally* equally well off. This is vague and needs to be worked out further in the same way that the egalitarian needs to work out what it is to be equally well off. To be educationally well off could include notions of opportunities, resources and achievement, but it has the advantage of leaving open possibilities which can be independently argued for. Just as there are many theories about well-being, so there are likely to be many theories of educational well-being. It allows a luck egalitarian conception to fit a range of interpretations of what constitutes or is valuable about education and educational achievement. For instance, educational well-being could include measures of how much education a person has, in terms of years and institutions, and how good their education is, in terms of grades and qualifications. Someone who has not finished high school on this understanding does not have as much education as someone with a tertiary degree. It would be hard to disagree with this judgement, but there are other comparisons that should give us pause before we conclude that this is all that educational well-being or educational achievement means. For instance, it is not obvious that someone who leaves school at 16 and trains for a number of years to become a diesel mechanic is educationally worse off than someone with a law degree. They may be if we mean having the credentials to command high wages. But this is a matter of how the market rewards skills, not a matter of education. They may be if we mean a certain sort of academic training. But it is implausible that education is just a matter of a certain sort of academic achievement. I think it likely that educational well-being encompasses ideas about people's ability to make their way in the world as autonomous adults and live flourishing lives as they understand them and in ways they value. But all this remains to be argued in much greater detail. For now, the vagueness of educational well-being is its strength.

Finally then, with all the elaborations in (C) taken as understood, we can move to this more succinct version of educational equality:

> The Luck Egalitarian Conception: An individual's educational well-being should not be a function of those circumstances which are for that individual a matter of luck but only of the choices she freely makes about her education.

Two objections

Two particular objections are obvious, and have been touched on, but require some further comment. These are that it is ridiculous to think that educational equality is coherent if inequalities due to

natural talent are not permissible and, the opposite objection in some ways, that it cannot be right that choice can legitimate any inequality.

The first objection is based on a narrow understanding of what is meant by educational well-being and mistakenly equates it with narrow academic excellence of the type valued and developed in universities. The preceding discussion set out why I think this is mistaken. Academic excellence is part of educational well-being; it would be foolish to deny this. But it is neither all of it nor perhaps even the most important part of it. Free market economies and education systems narrowly focused on exams and assessments – the two things are related – have distorted our understanding of what education is about. Brighouse provides an argument that indicates we do actually think that people should not be worse off, in at least one way, due being less naturally talented. So we generally do think extra funding is owed those with greater educational needs, in the belief presumably, that they are entitled to extra as compensation for a natural inequality and they are entitled to an education that helps them to live as well as possible. We don't handicap the talented however, as some think egalitarianism implies, as there are other values we hold that block this course, such as believing it would be wasteful and a violation of the person to lobotomize them in order to make people more equal intellectually. Cohen has said; "educational institutions ought, of course, to be just in the way they distribute educational benefit, but sometimes such justice conflicts with educational productivity itself, and when that is so, justice is not always to be preferred" (2008, p. 304). Regardless of talent, the luck egalitarian asserts that each person should have an education that equips them as well as possible to live their lives. That some can command greater income in the market due to their talents is more a fault of our economic system than a failure of this conception of educational equality.

Choice is even more problematic but one thing to say is that choice only legitimates inequalities to the extent that they are actually the outcome of genuinely voluntary choices. Both in theory and in practice choices are inextricably entangled with the countless contingent circumstances of a person's life. We typically recognize that choices can be less than free and we do not generally believe that individuals should always bear the full costs of their choices. This means there are limits on the amount and extent of inequality that choice can legitimate. Particularly in the earlier stages of education not much inequality will be legitimate at all as we do not normally believe that children can be genuinely held fully responsible for their choices. Much that happens is beyond their control and their agency is, shall we say, under development. However, if we want a society with adults who can fairly be held responsible for the consequences of their choices, then we do need to foster in children a sense of responsibility and part of doing this is to have individuals progressively having to bear more and more the full costs of their choices. So by the tertiary level we might think it fair to hold students as responsible for the consequences of their choices as we would hold adults.

There may also be some who think inequality is the result of social structures and responsible agency is therefore illusory. I have some sympathy with this view but it offers no difficulty to the luck egalitarian conception of educational equality because, if choice is illusory, then no inequality is legitimate. However, to think all inequality is just a matter of social structures and not also due to the choices people make within that structure is misguided. An ethos of equality that guides individual choice, and structures that support those choices, are both needed. That is why educational reform has the possibility of ameliorating inequality in society; our choices matter and education has the power to influence choices.

Conclusion

It is often pointed out that the distribution of educational advantage is not fair because it fails to live up to a meritocratic conception of educational equality. Individuals appear to be disadvantaged

because of various morally arbitrary factors such as race, sex and class. This paper has argued that, while this is true, the meritocratic conception itself is fatally flawed. Luck egalitarianism has the potential to clarify our conception of what educational equality involves, that is, a distribution not based on luck but only on the genuinely free choices of individuals. It is demanding, but once it is accepted that individuals should not be worse off due to social contingencies there seems no reason to believe that natural contingencies have any greater power to legitimate inequality.

Thomas Nagel (1991) has an interesting thought. He asks us to imagine a day when the talented, while considering their great good fortune in the natural lottery, feel some embarrassment and discomfort. A day when they are not inclined to just smile happily at their luck, to shrug their shoulders with equanimity at their undeserved good fortune that advantages them over the less talented. After all, if a white male today were to happily thank his lucky stars for his good fortune without any sense of guilt, as if his luck reflected some immutable fact about the world, we would rightly judge his attitude reprehensible.

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