In Defense of Outcomes-based Conceptions of Equal Educational Opportunity

By Kenneth R. Howe

James Coleman’s¹ suggestion that ‘equal educational opportunity’ may be interpreted in terms of equal educational outcomes has taken a bit of a philosophical beating. The focus of criticism derives from putative conceptual relationships that underpin what I shall call the “outcomes entail choices” argument, an argument which has the following basic form: (1) an educational outcome results from the existence of an opportunity plus the choice to exercise it; (2) choices freely vary among individuals; therefore (3) insofar as educational outcomes vary as choices to exercise educational opportunities vary, equal educational opportunity cannot be identified with equal educational outcomes. Indeed, according to Nicholas Burbules and Ann Sherman,² “the equal [outcomes] interpretation is not really a view of equal educational opportunity at all.”

In this paper I will challenge the view that the conceptual relationships among opportunities, choices, and outcomes associated with the “outcomes entail choices” argument serve in general to undermine outcomes-based³ conceptions of equal educational opportunity. Although this argument enjoys a good deal of plausibility when applied to adults, it faces serious difficulties when applied to children. For, analyzing the concept of opportunity in terms of paradigm cases of adult choice making, a mode of analysis that characterizes the “outcomes entail choices” argument, ignores the complexities involved in applying the concept to children. Because children’s capacity and responsibility for choice making are limited, the sense in which they enjoy opportunities is attenuated. And because the focus for choices and the responsibility for outcomes that follow accordingly falls on surrogates — parents and the state — not on children, it makes perfectly good sense, or so I shall argue, to endorse “mandatory opportunities”⁴ for children, such that equalizing certain educational outcomes is required in the name of equal educational opportunity.

Removing the obstacle posed by the “outcomes entail choices” argument will clear the way for a consideration of broader questions regarding the just allocation of educational resources. I will entertain and reject libertarian and utilitarian distributive schemes and then advance a scheme that combines Amy Gutmann’s⁵ “threshold principle” with Kenneth Strike’s⁶ Rawlsian approach.⁷ By way of bridging the criticisms

Correspondence: School of Education, 124 Education Building, Campus Box 249, University of Colorado at Boulder, Boulder, CO 80309-0249.

³. It is important to note that I will be using “outcome” in an expansive sense, to be identified with the entire spectrum of effects of schooling — like attitudes, achievement, critical thinking, democratic character — and not with the narrower sense, associated with the accountability movement, in which outcomes are identified with what is easily and efficiently measurable. Although the risk of “outcomes” being trivialized still exists, it forms an important part of the vocabulary of the discussion surrounding equal educational opportunity initiated by Coleman. Also, the substitutes I consider — “success,” “end state,” “results,” “consequences,” “effects,” “achievement,” “accomplishment,” and “criterion” — either suffer from the same problem as “outcomes” or are otherwise misleading or awkward.

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of the "outcomes entail choices" argument and questions about the just allocation of educational resources, I will examine Burbules and Sherman's distinctions among "formal," "results-based," and "equal educational opportunity." In this intermediary strand of argument I will seek to disseminate conceptual and normative controversies and to establish that the central question regarding equality of educational opportunity (for children) is not the wholly conceptual one of whether it is coherent to hold that the evidence for or against equality is educational outcomes, but the normative one of which educational outcomes ought to be equalized. My general conclusion will be that when viewed as a criterion of distribution within a broader philosophical theory of the just allocation of educational resources, equalizing educational outcomes in the name of equal educational opportunity is not only perfectly coherent, it is also more conducive to a just allocation than the alternatives.

The Outcomes Entail Choices Argument

Although somewhat elaborate arguments have been proffered, the "outcomes entail choices" argument boils down to the observation that because opportunities can either be exercised or passed up, "opportunity" incorporates, as part of its meaning, the concept of choice. As a consequence, or so the argument goes, equal educational opportunity cannot be identified with equal educational outcomes because choices, which are free to vary, determine outcomes. For example, an individual who chooses one entrée on a menu over another, say, spaghetti over steak, can hardly later claim to have been denied the opportunity to have had steak because of the outcome — spaghetti for dinner. Similarly, a student who is accepted to both Harvard and State U can hardly claim to have been denied the opportunity for a Harvard education if he or she freely chooses to attend State U.

Of course, these examples might require that some additional conditions be met in order for them to qualify as genuine opportunities, depending on the conception of opportunity being employed. Because an individual might not have the money to afford a steak or the tuition at Harvard, these so-called opportunities could be dubbed "formal": in order for them to be "actual," to be opportunities that actually could be exercised, it would be necessary to ensure that the individual in question could indeed afford the cost of the same thing. If no years prior to his decision to attend Harvard, were applied to children. One way to see this, in particular, is to examine what is involved in denying an individual an opportunity. Daniel Dennett observes that there are two ways to deny opportunities: brute force and withholding information needed for deliberation. These two ways seem straight-forward enough when it comes to adults; jailers deny prisoners the opportunity to take a movie, and the Senate keeps informed. But what happens when a child is denied an opportunity? Should a moral judgment be made about the child's potential to gain a strategic advantage? Things are more complicated with respect to children, however. One of the things education is supposed to do is to make children good information users or, in more traditional language, to make them rationally autonomous; children are thus incapacious (up to a certain point at least) of being denied opportunities in Dennett's information sense, since they don't know what to do with information even when it is provided. In order to make them into good information users, rationally autonomous citizens, it is perfectly reasonable to deny children opportunities in Dennett's brute force sense. Children's opportunities, then, exist only in attenuated form; accordingly, choices are legitimately denied them in the interest of promoting genuine opportunities down the road, after they mature.

In this way, equal educational opportunity bears a special relationship to equal opportunity more generally construed. As Charles Frankel observes, "There are . . . contexts in which the primary desideratum [of equality of opportunity] is in virtue of acknowledging the importance of the interaction among outcomes and personal characteristics, they amount to no more than a species of outcomes-based conceptions. First, however, I will call into question the more general assumption, common to both formal and results-based conceptions alike, that the concept of opportunity con=}
FORMALIST, ACTUALIST, AND OUTCOMES-BASED CONCEPTIONS

The argument of the first section called into question the largely unexamined presumption that choice is a conceptually necessary aspect of opportunity. This section will concentrate on the same general question but will approach it from a different angle. I will take Coleman’s suggestion that “inputs must be effective,” i.e., must be interpreted in terms of outcomes, as my point of departure and then argue that from among the three alternative conceptions of equal educational opportunity identified by Burbules and Sherman — “formalist,” “actualist,” and “equal results” — the first is untenable and the second collapses into the third. As far as possible, I will aschew questions of distributive justice, about which I will have much to say in the next section. The basic aim of this section is to establish that the central issue pertaining to equal educational opportunity concerns normative commitments regarding which outcomes public education is responsible for providing or mitigating, not whether equal educational opportunity per se should be interpreted in terms of equalizing educational outcomes.

Inputs Must Be “Effective”

The notion that equal educational opportunity might be outcomes-based gets off the ground as soon as one observes that the only way to make much sense of what counts as an equal opportunity to education is to determine what features of schools are germane to educational outcomes: in Coleman’s language, “inputs must be effective.”14 Although Coleman’s finding that the characteristics of students’ classmates are a more powerful predictor of educational outcomes than school facilities or teachers’ credentials may have come as a surprise, it should not have come as a surprise that he didn’t bother to investigate variables like the color of school walls.15 Wall color, and a host of other potential inputs that might be imagined, like teachers average height and the color of their hair, are simply not the sorts of inputs that are relevant features of outcomes. Social conditions and the position of a situation that determines the level of educational opportunity are those that have been demonstrated to be, or can be reasonably be inferred to be, causally linked to educational outcomes.

Given this basic observation, a general outcomes-based schema for equality of educational opportunity may be formulated as follows: Educational outcomes must be evaluated, controlling for equality on X1, X2, . . . , Xn. What this formula means is that there are various inputs (indicated by X1, . . . , Xn) that morally justify departures from equality of outcomes. These inputs are then employed to create reference groups of students such that educational outcomes must be equal only within the groups in question, not among them. For instance, in one of his formulations Coleman suggests that family background may serve as a relevant input, in which case children are afforded equal educational opportunity if the educational outcomes they enjoy are equal to the outcomes for those with similar family backgrounds. Other candidates for morally relevant input (X’s) include student ability, motivation, and interest (the sort of inputs used to justify the unequal educational outcomes associated with “tracking” schemas, magnet schools, and so forth).

Before applying these observations to formalist and actualist conceptions of equal educational opportunity, it should be noted that not even thoroughgoing outcomes-based conceptions advance (or need advance) the position that educational outcomes must be equalized, period. That is, any such conception will have to take into account possibilities in which some outcomes are deemed irrelevant. For example, the outcomes that should be equal for first-graders obviously will be different than the outcomes for high school seniors; likewise, there will be special cases, like severe emotional

12. On this point, see, for example, “Children’s Rights and Children’s Lives,” Ethics 98, no. 3 (1988): 445-63, it suggests that the language of rights should be replaced by the language of duties when it comes to children, partly because rights must be asserted on children’s behalf (by parents or the state). Given the parallel between mandatory rights and mandatory opportunities, a similar argument could be used to support the abandonment of the concept of equal educational opportunities as a concept that applies to children.
13. Gutmann, Democratic Education.
17. This example owes to Strike, Educational Policy and the Just Society.
disturbances, such that the ordinary outcome requirements will be unattainable. I will be suggesting later that the difference between outcomes-based and actualist conceptions is simply one of degree — a difference regarding what factors (X's) may justify unequal outcomes or, what comes to the same thing, what reference groups should be created — not one of whether educational outcomes should be equalized within groups. First, however, I will dismiss formalist conceptions.

Why Formalist Conceptions Are Untenable

A formalist conception of equal educational opportunity, as the name suggests, holds that so long as no formal barriers exist to an individual's or group's access to school and so long as, once in school, no formal barriers exist to available educational resources, equal educational opportunity exists. The position taken by San Francisco school officials in the celebrated Lau v. Nichols case (1974) may serve as an illustration. When a suit was filed on behalf of Chinese children because they could not understand instruction in English (the only language in which instruction was offered), the San Francisco public schools responded with a formalist argument: providing the same inputs to Chinese children, in the form of the same textbooks, teachers, and facilities, is all that can be required in the name of equal educational opportunity. The Supreme Court dismissed this argument as follows: "Under these state-imposed standards there is no equal treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education." In short, the Court rejected a formal conception of equal educational opportunity, tacitly accepting Coleman's observation that inputs must be "effective," i.e., must be causally linked to desirable educational outcomes.

The Court's appeal to the notion of "meaningful education" captures the intuition that genuine opportunity requires more than the removal of formal barriers — the same sort of intuition that is invoked to justify policies like busing, education for the handicapped, and affirmative action. The general principle underlying all of these policies is that individual and social characteristics are constitutive of one's opportunities. What is, determining whether an individual (or group) is afforded an equal opportunity requires taking into account how individual and social characteristics interact with the features of the educational setting. For example, insofar as there is no way to assuit me (who am five feet, seven inches and who can jump about a foot off the ground) playing basketball in the NBA, I possess an equal opportunity to play in the NBA, for my height and jumping ability. But if stretching things more than a little, however, to suggest that I have a genuine opportunity, let alone one equal to Magic Johnson's. In general, if some outcome is simply unattainable for an individual, he or she has no opportunity to try for it. Similarly, if conditions exist that diminish an individual's chances of attaining a given outcome, then such conditions also diminish an individual's opportunity. In the case of Lau, for instance, teaching Chinese-speaking children in English diminishes their opportunity to benefit from schooling.

What to do about diminished or nonexistent opportunity is, of course, a different kind of question. For instance, getting philosophers into the NBA isn't very pressing, ensuring children get a decent education is. Demonstrating why this should be so would quickly lead to substantive normative questions about the just allocation of educational resources, questions I am largely trying to forestall until the next section. The general point I want to make here is simply that formalist accounts of equal educational opportunity are untenable because they presuppose implausible conceptions of both 'having an opportunity' and 'having an equal opportunity.'

Equal Educational Opportunity

How Actualist Conceptions Are Outcomes Based

Actualist conceptions attempt to avoid the defect in formalist conceptions, but nonetheless do support more thoroughgoing outcomes-based accounts. Actualist conceptions may be distinguished from formalist ones in virtue of acknowledging the importance of individual and social characteristics in identifying opportunities; they may be distinguished from more thoroughgoing outcomes-based conceptions in virtue of denying that taking individual and social characteristics into account entails equalizing educational outcomes. What I intend to show in the remainder of this section is that in virtue of moving beyond merely formal characteristics of opportunity to include individual and social characteristics, actualist conceptions tacitly embrace a form of educational equality as the criterion of equal educational opportunity. They stop short of equal education outcomes-based conceptions not by avoiding the criterion of equality of educational outcomes, but only by endorsing more kinds of inputs as justifying departures from equality.

Consider the Lau decision in terms of the schema introduced earlier — educational outcomes must be equalized, controlling for equality on X, X. The effect of the decision is to deny that being non-English-speaking is the sort of input (X) that should be controlled for, i.e., its effect is to deny that being non-English-speaking is the sort of input that is morally relevant. Accordingly, and against formalist conceptions, because being non-English-speaking is causally linked to not performing well in an English-based curriculum, active steps have to be taken to adjust the curriculum to the learner so as to eliminate the effects of being non-English-speaking. Thus, Lau illustrates two dimensions of (nonformalist) reasoning about equal educational opportunity: (1) a known or presumed causal linkage between some input and some educational outcome, and (2) a normative question about whether the input in question is morally relevant in the sense that it justifies unequal outcomes.

Generalizing these two features of the Lau decision, the question of causal linkages between educational inputs and outcomes does not distinguish actualist conceptions from outcomes-based conceptions (or from formalist conceptions for that matter); questions about such linkages are empirical matters that lie outside of conceptions of equal educational opportunity. If actualist conceptions are to permit departures from equality of outcomes that more thoroughgoing outcomes-based conceptions would not, then they must do so by virtue of permitting more kinds of inputs to justify unequal outcomes. Formally, the difference between actualist conceptions and outcomes-based conceptions boils down to the difference, respectively, between (1) educational outcomes must be equalized, controlling for equality on X, X, and Educational outcomes must be equalized, controlling for equality on X, X, and Educational outcomes must be equalized, controlling for equality on X, X, and Educational outcomes must be equalized, controlling for equality on X, X, and Educational outcomes must be equalized, controlling for equality on X, X. Whether a given X is causally linked to desirable educational outcomes is something about which actualist and outcomes-based conceptions do not dictate different answers, and unless actualist conceptions, both take the evidence provided by educational outcomes to be important.

If this characterization of the relationship between actualist and outcomes-based conceptions is correct, and it seems to be the only way in which actualist conceptions can occupy a middle ground between formalist and outcomes-based conceptions of equal educational opportunity, then the difference between the two does not turn on the appeal to outcomes per se. Rather, the difference between the kind of reasoning associated with actualist conceptions and the kind associated with more thoroughgoing outcomes-based conceptions would hold that actualist conceptions are wholly a normative one; whereas actualist conceptions would hold that schools have no responsibility to mitigate things like unequal ability, interest, and perhaps motivation, more thoroughgoing outcomes-based conceptions would deny this. That is, more thoroughgoing outcomes-based conceptions tend to lump things like ability, interest, and motivation in with things like race and being non-English-speaking — things that are not legitimate for creating differential reference groups. Thus, to the extent that they tend more readily to include things like ability, interest, and motivation among the class of educational inputs that are not to be tampered with, actualist conceptions are more formalist, nonontologists, or libertarians than more thoroughgoing outcomes-based conceptions. In the end, then, actualist

18. An account of this case may be found in Louis Fischer, David Schimmel, and Cynthia Kelvy, Teachers and the Law. 2nd ed. (New York: Longman, 1987). 19. Ibid. 308.
conceptions are simply a conservative variant of more thoroughgoing, i.e., liberal, outcomes-based conception; they differ from the latter solely in terms of normative questions about what input (X’s) ought to be included or ignored in devising the reference groups within which educational outcomes should be equilized.

To complicate matters, however, it is likely that the normative stance implicit in actualist accounts spills over into its empirical methodological assumptions. What inputs — individual, social, educational — lead to what educational outcomes is, more often than not, a matter of uncertainty. There are two ways to handle this uncertainty: one — the actualist way — is to assume that when outcomes are unequal and causation relations are uncertain, it is best to assign responsibility to X’s deemed legitimate (like ability, motivation, and interest) and to maintain the status quo; the other — the outcomes-based way — is to assume that when outcomes are unequal and causation relations are uncertain, it is best to assign responsibility to X’s deemed legitimate (like ability, motivation, and interest) and to attempt a remedy. That actualist and more thoroughgoing outcomes-based conceptions of equal educational opportunity have different methodological tilts does not undermine the basic point that they are both outcomes-based; it just provides another lesson regarding the way in which educational research and evaluation are shot through and through with value commitments.

The general point of this section is not new. I am by no means the first to have claimed that the degree to which educational outcomes ought to be equilized is a normative issue. On the other hand, I do hope to have added some clarity to the role of educational outcomes in assessing equal educational opportunity. In particular, it confuses the issue to claim that equal educational outcomes conceptions do not count as conceptions of equal educational opportunity at all. On the contrary, once formalist conceptions are dismissed, equality of educational opportunity must be identified with equality of educational outcomes. The only questions that then remain concern what variables are legitimately used to determine the degree to which educational outcomes should be equilized. Again, no conception would be silly enough to maintain that outcomes must be equilized regardless of auxiliary considerations, like the difference between the first grade and the twelfth or between normal children and those with severe handicaps. On the other hand, denying, carte blanche, that equal educational opportunity requires equilizing educational outcomes only serves to muddy the issue in such a way as to enhance the possibility that regressive formalist conceptions will get in through the back door.

Before turning to the next section and the issue of distributive justice, it was worthwhile to test the analysis to see if it was far in terms of particularly challenging example,21 an example that brings into sharp relief fundamental sources of disagreement.

Example. A ten-year-old, call him Johnny, has all the benefits — he has a high I.Q., his parents are wealthy and highly educated, they encourage him to do well in school, the home is filled with books, television viewing is restricted, intellectual conversation is frequent, he gets a ride to school every day, is never absent, he has been thoroughly tested for learning disabilities, and on and on. Yet, Johnny does very poorly in school. It seems reasonable to say in this case that despite the bad educational outcomes, Johnny has nonetheless enjoyed an equal, indeed a superior, educational opportunity. What follows from this is that equality of educational opportunity cannot be identified with equality of educational outcomes.

I suspect the reason for the strong intuitive appeal of this example is that children with Johnny’s advantages usually are quite successful. Since no causal factor can be identified with Johnny’s advantage account for (and excuse) Johnny’s poor performance — he is not poor, he doesn’t suffer from a learning disability, he receives support at home, and so forth — it must be Johnny himself, what he chooses to do and not do, that is responsible for his failure. In this way, the example of Johnny is an instance of the way in which the “outcomes entail choices” argument might be applied to children after all and, accordingly, is a challenge to outcomes-based conceptions of equal educational opportunity.

There are at least two ways in which one might respond to the example of Johnny.

One way is to endorse the intuition associated with the “outcomes entail choices” argument and to view Johnny as having been indeed provided with an equal educational opportunity, a failure that results from ignorance of what produces educational opportunities. Whether educational opportunities might be appropriate on the model of, say, dyslexia, before it was identified as a serious obstacle to learning. This second way appeals to the intuition that children’s choices (at least not to insofar as it is not to be held responsible for maintaining them responsible for not being educable) — a moral intuition that conflicts with the conceptual intuition associated with the “outcomes entail choices” argument.

Although such conflicts in intuitions frequently leave argument at an impasse, in this case a test exists which suggests the second intuition should outweigh the first and suggests, accordingly, that the challenge to outcomes-based conceptions of equal educational opportunity posed by children like Johnny fails. The test is simply this: suppose some technique was discovered that would vastly improve Johnny’s performance, for example, psychological counselling, biofeedback, trips to his library time, or whatever, and suppose Johnny would rather spend his time playing video games. Would his parents and school authorities be justified in requiring him to undergo the effective and significant against his expressed wishes? If the answer to this question is “yes”, and I mean this this estimation is the only reasonable answer, then it follows that it is morally permissible, indeed obligatory, to override Johnny’s choices.

What follows in turn is that the example of Johnny will not do what it is supposed to do. If one takes the upshot of the above analysis, whether the discretionary sense of opportunity associated with the “outcomes entail choices” argument or the nondiscretionary sense associated with “mandatory opportunities” applies depends on whether paternalistic interference is justified. If Johnny were eighteen, singing high in the local diner, and refused to further his education, his choice would have to be honored. Since Johnny is ten, however, it is not wrong-headed to override Johnny’s choices in order to achieve the educational objectives that would further his best interests. The problem, instead, is simply that no one knows what should be done in order to produce the right educational outcomes, no one knows what educational inputs would be effective.

Outcomes-based Conceptions of Equal Educational Opportunity and the Just Allocation of Educational Resources.

My discussion to this point has been designed to show that wholly conceptual arguments against outcomes-based conceptions of equal educational opportunity are not conclusive at best. In the process, I have shown how normative considerations regarding the justifiability of paternalistic interference are an inescapable consideration and are the only means by which to distinguish “actualist” from “results-based” conceptions. This section will focus on a positive defense of outcomes-based conceptions within the broader normative context, particularly within the context of theories of justice.

Following Strike22 and Gutmann,23 I will make two general methodological assum-


21. I owe this example to Nick Burbules.

22. I do not mean to suggest here that moral education cannot begin until children become adults, not that it must be purely a matter of conditioning prior to the child’s becoming an adult, but that it is not to be held responsible for maintaining them responsible for not being educable, but that it is not to be held responsible for maintaining them responsible for not being educable.

23. Strike, Educational Policy and the Just Society.

24. Gutmann, Democratic Education.
tions regarding conceptions of equal educational opportunity: (1) 'equal educational opportunity' is best construed as a principle that dictates the distribution of educational resources, and (2) how the principle is interpreted (or how binding it is) depends on the broader political theory in which it is embedded.

Using this framework, I will consider four normative views: libertarian, meritocratic utilitarianism, liberal community libertarianism, and Rawlsian contractarianism. These libertarianism eschews outcomes as irrelevant; meritocratic utilitarianism views outcomes as requiring at least some outcomes be equal; Rawlsian contractarianism views that many (all relevant) outcomes be equal. The argument of this section aims to show that libertarianism and meritocratic utilitarianism are unacceptable, that at the very least some educational outcomes must be equalized in order for the distribution of educational resources to be consistent with the demands of justice in a liberal democracy.

Libertarianism

Libertarians like Robert Nozick object in principle to the redistribution of goods alike. For libertarians, individual liberty is the overriding value; only a "minimalist" state is able to be free from things like crime, foreign belligerents, and interference in executing contracts. In particular, unequal patterns of outcomes cannot be used to justify taking certain individuals' resources in order to promote the welfare of others.

The meaning and function of 'equal educational opportunity' thus takes on a somewhat unconventional meaning and function in libertarian theory. Respect for equality of educational opportunity is not given the same weight as the principle of merit at all: the means by which to distribute educational opportunities. For example, hiring by the "lottery." Thus, the questions of determining the history of transfers and of mitigating bad parental choices are not an issue. Second, it is by no means obvious that the appeal to merit is therefore consistent. Because libertarianism is based on free-market/free-contract principles, parents would seem free to distribute educational opportunities on the basis of any criterion to which they freely agree, including (and especially) ability to pay. Embracing ability to pay as the principle of distribution is tantamount to abandoning the principle of equal educational opportunity altogether and treats children as if they were their parents' chattel. On the other hand, if merit is truly to serve in a libertarian scheme as the criterion of distribution of educational opportunities, then it must be incorporated as an additional principle that limits the kinds of agreements that can be struck. There is thus no way to sanction any plausible principle of distribution without moving beyond the confines of libertarian political theory.

Meritocratic Utilitarianism

Utilitarianism is notorious for the number of interpretations to which it is open; I shall focus on the version I believe is most pertinent with respect to the issue of educational opportunity: "meritocratic utilitarianism." This is the basic framework of deontologists, and is made up of two principles: (1) educational policies are to be evaluated on the basis of their effects on economic productivity, and (2) educational opportunities are to be distributed (and designed) on the basis of economically valuable skills.

A program like Head Start, for example, could be justified on the grounds that it promotes equal educational opportunity by distributing opportunities on the basis of economically valuable skills, "merit." Because such economically valuable skills would otherwise go undetected and undeveloped, such a program for the disadvantaged also maximizes productivity. Meritocratic utilitarianism has no difficulty with the notion that governments have a right to distribute the resources in order to achieve desirable outcomes — indeed, that is the major aim for the theory — and equal educational opportunity is simply one potential device for promoting this aim. Thus, unlike libertarianism, utilitarianism has no built-in hostility toward outcomes-based conceptions of equal educational opportunity.

On the other hand, equal educational opportunity suffers a precarious existence within meritocratic utilitarianism, because it is held hostage to maximizing productivity and because it is easy to imagine a set of conditions under which maximizing productivity would conflict with equalizing educational outcomes. Consider again the example of Head Start. Suppose the children enrolled are faring better than they otherwise would — educational outcomes are being equalized — but that a cost-benefit analysis reveals that economic productivity would be enhanced if the resources devoted to Head Start were spent on scientific and technical education for children talented in these fields. Under these conditions, equalizing educational outcomes would not be sanctioned by meritocratic utilitarianism. On the contrary, the theory would dictate instead that the resources go to scientific and technical education and, as a consequence, that educational outcomes become even less equal.

One way for meritocratic utilitarians to justify this egalitarian result would be to argue that the productivity of maximizing productivity and merit dovetail in such a way that educational opportunities on the basis of economically valuable skills also increases economic productivity. But this response faces a significant obstacle. Norman Daniels has shown that the principle of maximizing economic productive and the principle of merit may conflict. Put simply, the most economically productive arrangement may require assigning individuals to positions for which they are not best suited (or most meritorious). For example, an individual might make a better physician than school teacher relative to other individuals in each pool, in which case the principle of merit would dictate that he or she be permitted to pursue a career in medicine. But if there were a shortage of minimally competent teachers in comparison to physicians, the principle of maximizing productivity would dictate that the individual pursue a career in teaching. Thus, the principle of merit would dictate one thing and the principle of maximizing productivity another.

An alternative utilitarian gambit would be to find some good other than economic productivity that justifies the move. But the price that utilitarians must pay for this move is the need to come up with some intersubjective criterion of the good other than money. This is a notorious problem for utilitarianism, and a discussion of it goes beyond the scope of this essay. It is sufficient for my purposes here to note that contemporary utilitarians are in general uncomfortable with the marked inegalitarian implications, as well as with counterintuitive implications about moral reasoning, that follow from the unconstrained application of the principle of utility. Sophisticated utilitarians like Thomas Scanlon and R. M. Hare have responded by providing utilitarian arguments for suspending the principle of utility. Such attenuated forms of utilitarianism may hold some theoretical interest for moral epistemology, but from a more practical point of view, they seem to amount to no more than post hoc (or ad hoc) justifications for moral beliefs and practices. In particular, they do not provide a principled way in which the principle of utility would be applied in situations where opportunities are unequal. Economic educational opportunity is rendered secondary to maximizing the good, however the good might be defined. Utilitarianism, then, fails to provide an adequate framework within which to ground the principle of equal educational opportunity.

30. In my estimation, Bernard Williams has provided some of the best criticisms of utilitarianism with respect to moral psychology. See his Ethics and the Limits of Philosophy (Cambridge, Mass.: Harvard University Press, 1985). Also, see his discussion in J. J. C. Smart and Bernard Williams, Utilitarianism: For and Against (London: Cambridge University Press, 1973).
education is rightly required to plug the holes with remediation, affirmative action, and so forth.

In summary, Gutmann's conception may be explicated in terms of four overlapping points and several concepts introduced previously:

First, education up to the democratic threshold is an enabling good. That is, individuals require the knowledge and skills associated with the capacity for democratic say in their lives.

Second, education up to the democratic threshold is (should be) a mandatory and of the democratic state. Thus, the state has the obligation to provide its citizens with an adequate political education, and its citizens have the obligation to ensure their in which children enjoy opportunities because it limits the scope of the "outcomes for first, in his view, children have reached the age of majority. The objection to outcomes education and neglects the state's legitimate power to equitably distribute resources and effort must be distributed differently, according to need, so as to ensure that as many individuals as possible meet the threshold.

Finally, education up to the threshold is limited in two ways with respect to equalizing educational outcomes: (1) educational goals and activities other than those that education up to the threshold are subject to a threshold outcome in which individual and children above the democratic threshold in the knowledge and skills that make it (2) communities are free to educate their their threshold, not sameness unfeathered liberty or the principle of maximizing the aggregate good, "equality"—the requirement of an equal political voice for citizens, which in turn is a democratic threshold to exist.

Several general difficulties in Gutmann's analysis should be noted, so that they can be distinguished from the question of whether the outcomes-based feature of her up to the threshold, where the lines are drawn regarding who should be allowed democratic procedures should be used, but what it, as is likely, certain groups (e.g., adequate education? Third, what about other causes and kinds of inequality? is not Gutmann's threshold principle, then, too weak?

Although each of the problems has the potential to undermine Gutmann's theory, educational opportunity. The first problem involves the ubiquitous difficulty of setting special education to who qualifies for food stamps to who qualifies for Harvard. The second problem raises a more fundamental philosophical issue: the potential conflict between pluralism and equality. Again, however, the problem is not a consequence of Gutmann's analysis of the capacity of equal educational opportunity —formalist, activist, or outcomes-based—will involve disputes about the contents of the curriculum and procedures for establishing it as well.


as whether children should be compelled to undergo it. The question the pluralism-equality conflict raises is the conditions under which the state may legitimately overrule community or individual discretion in order to ensure that opportunity is equalized, however this is conceived.

The third charge against Gutmann's analysis, that her threshold principle is too weak, likewise does not turn on the feasibility of outcomes-based conceptions. On the contrary, it rests on the view that a more thoroughgoing outcomes-based conception is required.

Rawlsian Contractualism

Strikes provides just such an outcomes-based conception: he endorses Gutmann's threshold principle but demands more. Before proceeding with the details of Strike's analysis, however, it should be noted that it is set against a Rawlsian theory of distributive justice, and a proper understanding of Strike's views requires interpretation in that light. In the interest of keeping this essay manageable, I shall simply have to assume some basic understanding of Rawls's theory on the part of the reader.

According to Strike, the state indeed has the obligation to ensure that its citizens are politically empowered in the way Gutmann's threshold demands. Furthermore, however, Strike contends that any systematic differences in outcomes associated with group membership that are not the result of "morally relevant" differences are the mark of injustice, and that it is education's responsibility — as a public institution that importantly affects the lives of citizens — to intervene and eliminate injustice wherever possible. Such inequalities are not acceptable solely in virtue of being sanctioned by democratic procedures, as Gutmann's analysis suggests they would be.

Strike departs from Gutmann because of the way in which she dismisses "equalization" as an acceptable interpretation of equal educational opportunity. Although it is not clear to me that Gutmann does what Strike charges her with — denying that there are any such things as morally relevant differences — she nonetheless identifies "morally relevant" differences with individual parity. She thereby ignores the possibility of a Rawlsian interpretation that focuses on group parity.

Strike identifies equality above the threshold with group parity and proposes a formula for ascertaining when such parity obtains. He claims that an educational outcome is a function of three variables: morally irrelevant characteristics (MIC), morally relevant characteristics (MRC), and opportunities. He characterizes the relationship among these three variables as follows: "Outcomes = f[MIC, MRC, Opportunity]." An example of a morally relevant characteristic is academic ability; an example of a morally irrelevant characteristic is race. Opportunities are, so to speak, solved for, given the values of the other variables in the equation. For example, assume that, as a group, blacks score lower on a high school graduation examination than whites. Solving Strike's equation would go as follows: (1) race is a morally irrelevant difference, (2) academic ability is a morally relevant difference but is distributed in the same way among races, (3) the outcomes as measured by the graduation test are unequal, therefore (4) the educational opportunities afforded blacks and whites are unequal. Strike would conclude from this result that policies should be implemented to that will eliminate the group differences in educational opportunities, i.e., differences in educational outcomes.

This involves equal educational opportunity with group parity. As a consequence, equal educational opportunity is a weak principle for Strike that cannot by itself guarantee a just allocation of educational resources; it must be augmented with at least two further principles. First, although individual parity, Gutmann's threshold

35. Strike, "The Ethics of Resource Allocation in Education."
principle in particular, is not really a principle of equal educational opportunity, it is a prior requirement for the just distribution of educational resources. His justification — with Gutmann’s. Second, distributions are subject to Rawls’s “difference principle.” That is, equal distributions among groups does not guarantee that the distributions within groups are just. In general, distributions within groups must always be to the advantage of the disadvantaged. For example, an arrangement that equalized the distribution of outcomes between blacks and whites but left a significantly disadvantaged number of individuals in both groups would be just only if it were not possible for all individuals, black and white.

Strike’s analysis involves two primary difficulties, both of which he himself identifies. He says: “First, it may be argued that I have unrealistically assumed that morally relevant and morally irrelevant characteristics are independent. Second, it may be argued that these are reasons why we should not use the expanded conception of analysis, focusing, as with the criticisms of Gutmann’s view, on the issue of how (if the source of problems.

Strike concludes to the first objection that morally relevant and morally irrelevant considerations may be confused. He notes, for instance, the difficulty of disentangling a morally irrelevant difference, religious conviction, and a morally relevant one, educational aspirations. He denies, however, that such complexities undermine his basic any systematic associations between morally relevant and morally irrelevant characteristics that any departures from parity result from the association between morally relevant and morally irrelevant characteristics.”

As Strike clearly recognizes, this solution is complicated by the issue of deciding just what is to count as a morally relevant consideration and the related question of affiliation might be to a morally irrelevant difference per se, the sort of educational aspirations. He implies that on the morally relevant difference between religion-based educational aspirations. Deciding questions of what is to count as a morally relevant difference, however, does not turn on the issue of whether equal educational opportunity should be met when it turns instead on the question of whether reasons for departures from parity shall be endorsed, i.e., if turns on the broader question of how the pluralism versus equality controversy is to be resolved.

The second objection to Strike’s proposal, one involving his “expanded conception of opportunity,” also rests on the pluralism versus equality controversy. For Strike, a person’s opportunities are identified with the “entire set of environmental influences that interact with individual characteristics” and that “affect relevant social "conceptually odd" and contends that the real objection is to the kinds of the policies influences, the ideas is that the state will invade the home and community life in the name of equal educational opportunity.” Strike’s response is thus the same one as 38. Ibid.
39. Ibid.
40. ibid., 19.
41. ibid., 22.


advanced earlier in defense of Gutmann’s analysis: the pluralism-equality controversy turns on how much authority a political theory is prepared to grant to the state, not on whether equal educational opportunity may be sensibly interpreted as outcomes based.

An Outcomes-based Conception

I shall now advance an outcomes-based conception of equal educational opportunity that combines Gutmann and Strike, and, consistent with my focus throughout, I shall restrict the conception to children. The conception requires that educational outcomes be equalized in two ways:

(1) Party among individuals must be achieved regarding the outcomes that go into the democratic threshold.
(2) Beyond the threshold, parity among groups of individuals is required on all educational outcomes that affect an individual’s chances to enjoy other social goods. Moreover, distributions within groups must satisfy the “difference principle.” It should be observed this conception is not altogether faithful to either Strike’s or Gutmann’s position. Gutmann does not endorse the more demanding conception of equal educational opportunity that results from augmenting the threshold with group parity and the difference principle; Strike contends that although the threshold must be met in order for the distribution of educational resources to be just, the threshold is not a part of the principle of equal educational opportunity.

I endorse Strike’s more thoroughgoing requirements for the same reason that he gives: Gutmann’s failure to consider a conception of equalization based on group parity. On the other hand, my agreement with Strike is not complete. I see no good reason to restrict ‘equal educational opportunity’ to group parity.

Strike does not say exactly why ‘equal educational opportunity’ should be restricted in this case: presumably, it follows from his intuitions about the meaning of ‘opportunity’. In particular, Strike defines ‘opportunity’ in such a way that opportunities vary as morally relevant individual characteristics and social influences vary — the person’s opportunities are identified with the “entire set of environmental influences that interact with individual characteristics.” Given this definition, individual parity, as called for by the democratic threshold, cannot be a principle of equal educational opportunity because it does not permit equal educational outcomes to vary as morally relevant characteristics differ. Thus, the democratic threshold must be construed as a principle distinct from the principle of equal educational opportunity.

Although it is beyond the scope of this essay to provide much by way of elaboration, my earlier discussion of ‘mandatory opportunities’ suggests the general tack I would take with respect to intuitions about the meaning of ‘opportunity’. One feature of Strike’s analysis that seems to be particularly vulnerable is his apparent assumption that “individual characteristics” are relatively stable and can be set over and against “environmental influences.” He seems to attack the idea of ‘opportunity’ and to thereby overlook the malleable nature of children and the attenuated sense of opportunity that applies to them. Put in another way, Strike seems to overlook the possibility that, with a few exceptions, there are no morally relevant differences in individual characteristics with respect to the democratic threshold.

Of course, Strike does endorse the state’s obligation to shape and empower children through education, but only by divorcing this obligation from the concept of opportunity and incorporating the threshold as a separate principle of the just allocation of educational resources. The choice between Strike’s position and mine thus boils
down to the question of whether, all things considered, it is better to have a conception of equal educational opportunity such that equal educational opportunity may exist resources (Strickland's view) or to have a conception such that equal educational opportunity is tantamount to a distribution scheme that justly distributes educational resources. Whatever it is that I believe to be the case, I am not sure that my conclusion is more promising than the common-sense view to the extent that the common-sense view is less costly and does not require the assumption of a distribution scheme.

The fact that I have just made the point that the equal educational opportunity view is less costly and does not require the assumption of a distribution scheme means that the equal educational opportunity view is more difficult to defend than the case I have made for it. The equal educational opportunity view is more difficult to defend than the common-sense view because the equal educational opportunity view is a more general statement than the common-sense view. The common-sense view is a statement about the distribution of educational resources, whereas the equal educational opportunity view is a statement about the distribution of educational opportunities.

In conclusion, I believe that the equal educational opportunity view is more difficult to defend than the common-sense view. I believe that the equal educational opportunity view is more difficult to defend than the common-sense view because the equal educational opportunity view is a more general statement than the common-sense view. The common-sense view is a statement about the distribution of educational resources, whereas the equal educational opportunity view is a statement about the distribution of educational opportunities.
is not to repress differences but rather to postpone them, so that children learn to be citizens first — workers, managers, merchants, and professionals only afterward.**

From another direction, equal educational opportunity (in general) is criticized on the grounds that it is an impotent principle or, worse, a principle that serves merely to rationalize vast inequality of opportunity in its broader sense. This objection is correct in the limited sense that it is a mistake to assume that equality of educational opportunity — even equality of educational outcomes — is sufficient to guarantee equality of opportunity per se. On the other hand, it is surely a necessary condition, and therefore its attainment would just as surely be a good thing. Indeed, if our children were really instilled with democratic character — with values such as nondiscrimination, nonrepression, and tolerance** — other problems might largely take care of themselves.


49. These values are ones that Gutmann, Democratic Education, associates with democratic character.