

# WHY STATE PROVISION IS NOT NECESSARY TO ENSURE EQUALITY OF EDUCATIONAL OPPORTUNITY

JAMES TOOLEY



## INTRODUCTION

Recent critiques from 'the left' in Britain of moves towards a market in educational provision have focused on reasons why 'market forces' should not be permitted to play a role in educational provision. The critique is aimed at both the 'internal market' introduced into state provision of education, and also *a fortiori* at what is feared to be the ultimate aim of the Conservative government's reforms, the privatisation of schools and a genuine market in education (Chitty, 1991).

The arguments given usually point to the failure of the market to produce 'externalities' of education, (for details see Weisbrod, 1962; Krashinsky, 1986). These are benefits that accrue to the whole community when individuals are educated; conversely, failure to satisfy them is detrimental to society as a whole. The relevant externalities of education are: a 'politically literate' citizenry; alleviation of poverty; inculcation of common values; and equality of opportunity. The argument from 'the left' is that with market provision of education, these would not be provided, or be underprovided, by individuals pursuing their own private ends.

In this paper, one of these externalities, equality of opportunity, will be explored. Could it be met through 'the market'? It might be thought almost trivially obvious that existing inequalities of wealth and income would be bound to be reproduced or exacerbated in market-led educational provision, and hence equality of opportunity is an externality that needs extensive state intervention. However, I do not think the case from 'the left' is so easily won. By examining 'equality', I suggest that actually 'the left' might be satisfied with something much less than the eradication of all inequalities in education, namely, an 'adequate education for all'. I arrive at this by considering the work of three influential philosophers of 'the left', Williams, Rawls, and Dworkin.

Given this weakening of the requirement, I speculate whether the market could provide this 'adequate education for all'.

## EQUALITY OF EDUCATIONAL RESOURCES

By 'equality of opportunity', I take it that 'the left' wouldn't mean anything as anodyne as simply opening up competition to school-

ing, higher education and employment, for all without regard to their social backgrounds. For such equality would simply mean that those from disadvantaged backgrounds have to compete on the same terms as the privileged (Williams, 1962, p.127). What is meant by equality of opportunity is something like, given the reality of social classes, children of similar abilities and aptitudes from different classes should be given similar educational opportunities, that is, have *equality of educational resources*.<sup>1</sup> This I will take as my interpretation of what 'the left' might be afraid that the market would fail to satisfy, and why increased government intervention is needed.

Now, I have framed this requirement in the language of *equality*. Can this condition be weakened while still keeping 'the left' happy? Why is equality sought? First, I turn to Bernard Williams's argument on equality of opportunity, then to Rawls and finally to Dworkin on equality of resources, to suggest that those philosophers, and by implication, those on 'the left' writing about education, could be satisfied with something *less* than equality of educational resources.

## BERNARD WILLIAMS

Williams considers the '11+' system of selection to grammar schools in England and Wales, and objects to the fact that a middle-class child, with a favourable background, had a better chance of passing the examination than a working-class child. Hence "there is a necessary pressure to equal up the conditions" of the classes (*ibid*, p.127). But why does this follow, even from the grounds that Williams gives? What he objects to is not that the different children's conditions are unequal, but that the working class child's is *inadequate* for passing the examination. Williams's other remarks about 'equality' lend support to this interpretation. For example, he objects to a difference in the treatment of the "rich ill and the poor ill" (*ibid*, p.122), because the 'proper ground of distribution of medical care is ill health' and so those whose needs are the same should receive the same treatment (*ibid*). But again, is it the *inequality* of treatment that is of concern to Williams? The richer person could be treated in plush surroundings, with many luxuries, by very eminent highly paid consultants. The poorer person could be treated in a large ward, without any luxuries, by less eminent and hence cheaper medical practitioners. But as long as both treatments were *adequate* to deal with the patient's ill health, it seems that Williams couldn't object to the inequality, at least not from the principles he has stated.

Can we transfer this principle across to education? I think we can. The grounds for distribution of education would then be educational need, and providing an 'adequate' education is being given to all, it would not matter if there are even extreme inequalities of educational provision. What is meant by an 'adequate' education? For our purposes here, (obviously it needs to be looked at in further detail) I suggest it would include things such as basic skills and knowledge in order to live in a democratic, industrialised society, and sufficient intellectual and artistic stimulation to ensure that the abilities of all are brought to the surface and encouraged. This stimulation would then ensure that those with the ability to pass a selective examination, as in Williams's example, would be able to do so, and also to qualify for higher education and so on.

I suggest that Williams could accept this dilution of the demand from 'equality' of educational resources, to 'adequate' educational resources for all. What about Rawls?

## RAWLS

One of Rawls's two arguments for equality more generally, which we can assume would subsume an argument for equality of educational resources, uses the notion of a 'social contract'.<sup>2</sup> He claims that a 'tendency towards equality' will be the result of agents designing a society and the distribution of income within it, from behind a 'veil of ignorance' where their relative positions in society were not known.

Suppose that from behind the veil of ignorance, the choice is between the following four societies:

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25 Chapter Chambers, Esterbrooke Street, London SW1P 4NN  
www.libertarian.co.uk email: admin@libertarian.co.uk

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James Tooley is a PhD student in Philosophy of Education at the Institute of Education, University of London. He previously worked as a mathematics teacher, and as a Research Officer with the National Foundation for Educational Research.

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Director: Dr Chris R. Tame

Editorial Director: Brian Micklethwait Webmaster: Dr Sean Gabb

FOR LIFE, LIBERTY AND PROPERTY



- Society 1: all incomes £15,000  
 Society 2: half incomes are £5,000, half £25,000.  
 Society 3: 1% incomes are £6,000, the rest £15,090.  
 Society 4: 1% incomes are £200,000, the rest £13,132.

Rawls contends that agents would be irrational not to choose society 1, chiefly because the other alternatives would be too risky (Rawls, 1971, p.154). However, to a gambler this is very odd. For each of these four have the same 'expected value' as a lottery, namely £15,000, give or take a few pence. So a rational gambler would regard equality - ie society 1 - as no better and no worse than any of the other societies in which there are substantial inequalities.

Earlier social contractarians such as Rousseau and Locke may have been entitled to think that any alternative to equality would be too much of a gamble, because one might end up with nothing at all; there is less excuse for Rawls to assume the same. For Rawls must also be aware of the possibility of extremes of inequality coexisting with a *safety net* under which level no-one can fall. Given this possibility, a very different ideal society might emerge from the initial position behind the 'veil of ignorance'. All that is needed is knowledge of the minimum level of income needed to live modestly comfortably, and, for the purpose of our example, to provide an adequate education for ones' children. Suppose in the example above, the amount was calculated to be £6,000. The rational gambler would now eliminate society 2 as a possibility, but be indifferent to any of the others. It is not rational to choose equality, because the risks of the other societies would *not* be too great.

Kymlicka, in his critique of Rawls, misses this point entirely. He considers three possible societies, two with extremes of inequality, and the third with fairly close incomes:

- Society 1: 10, 8, 1  
 Society 2: 7, 6, 2  
 Society 3: 5, 4, 4

He writes:

If you do not know how likely it is that you will be in the best or worst position, the rational choice according to Rawls is the third scheme. ... The problem with the first two schemes is that there is some chance, unknown in size, that your life will be *completely unsatisfactory*. (Kymlicka, 1990, p.66).

But if this is true of the first two schemes, then it is as true of the third, because nowhere has it been specified what a minimum, or adequate income would be. Using Kymlicka's numbers, if this figure was 10, then only the first highly unequal scheme would give anyone a life which was not 'completely unsatisfactory'. So that would be the rational society to choose, because then there would be at least some chance of survival. If the figure was 100, then you'd be indifferent between *all* of the societies - they would all be as equally as bad. If the figure, however, was 1, then *in none* of the societies is there a chance of life being 'completely unsatisfactory'. Kymlicka has confused the notion of relative inequality with that of poverty.

Hence for our purposes, it certainly seems plausible that Rawls too, is not concerned with equality *per se*, but with minimum adequate levels below which no-one can fall. Put in terms of educational resources, it seems he too might be happy with 'adequate educational resources for all'.

## DWORKIN

Dworkin's complex argument about 'equality of resources' (Dworkin, 1981) is based on the assumption that equality is desirable. If we want equality, *then* equality of resources is the way to go about achieving it. So we can't look to this argument to see whether it is equality that he really seeks, or whether some lesser notion will suffice. Elsewhere, however, he has written two papers ostensibly setting out to explain why equality is desirable. In the first of

these, he puts forward an abstract egalitarian thesis, that "from the standpoint of politics, the interests of the members of the community matter, and matter equally" (Dworkin, 1983, p.24), a principle which is too fundamental, "to admit of any defense in the usual form." (*ibid*, p.31). Instead, he attempts to show how implausible it would be to deny any of its components. He gives an example of one implication - for him - of the abstract egalitarian thesis, namely the need for subsidized medicine (*ibid*, p.32), financed from taxation. He then examines, and dismisses, various reasons why some might object to this principle. But each of the objections is quite beside the point in our context, because someone could have absolutely no problem with there being subsidized medicine, (or education, etc) but not think that this has anything to do with *equality*. It could be desirable simply because it prevented anyone from falling beneath a minimum level: above that level we might not mind what anyone had. Again, the notion of 'adequacy' seems compatible with his argument.

Dworkin's second defence of equality comes under the helpful title of "Why Liberals Should Care About Equality". Surprisingly, then, nowhere here does he explicitly say why this should be the case. However, there are hints as to what the problem with inequality is, which reveal exactly what we suspected in Williams and Rawls. He notes that in the United States a "substantial minority of Americans are chronically unemployed or earn wages below any realistic 'poverty line' or are handicapped in various ways or burdened with special needs;" (Dworkin, 1985, p.208). Or: "Do they make a case for ignoring those in the economic cellar now? ... Children denied adequate nutrition or any effective chance of higher education will suffer permanent loss..." (*ibid*, p.209). But here his problem is not that a minority earns less than others, that there is inequality, but that the minority lives in poverty, that they don't have enough. He virtually admits as much in the conclusion to his essay, when he says: "We need not accept the gloomy predictions of the New Right economists that our future will be jeopardized if we try to provide everyone with the means to lead a life with choice and value," (*ibid*, p.212, emphasis added). So he has jumped from trying to show that what is important is that everyone has enough choice and value, to that everyone should be equal. This is a luxury not afforded by his argument.

Neither Williams, Rawls nor Dworkin seem wedded to the notion of equality. Each it seems would be content with 'adequate resources for all' as a desirable state of affairs. My assumption is that others on 'the left', including those writing about education, would be equally as satisfied with this notion; I assume that they would be satisfied with not 'equality of educational resources', but 'adequate educational resources for all'.<sup>3</sup> Given this as our desideratum, we now turn to ask whether it could be met by the market provision of education. What follows is speculative and brief, but I hope it will give a flavour of the kind of argument required.

## ADEQUATE EDUCATIONAL RESOURCES FOR ALL

In order to address the reservations of 'the left', I propose to consider the imaginary situation where there is no state provision or funding of education at all. What would education be like under those circumstances? This will lead us to consider the degree of state intervention that would satisfy 'the left', if, that is, they have agreed with the discussion so far.

Before doing this, however, note that the criticism of 'the left' suggests that this 'adequate' education may not have been delivered in Britain with 100 or so years of state intervention. This is important to recognise: there has been *state failure* to provide an adequate education for all in this country. Too often when 'market failure' is talked about, it is assumed that the converse is 'state success'. Given this background of current state failure, my contentions are that:

(1) without the state, there would be private provision of a large number of schools and other educational 'institutions', to which, with the vastly lower level of taxes, the great majority of parents could afford to send their children.

(2) This private education could be of a level defined as 'adequate' for all children, and superior to the worst state provided education of today.

Hence my suggestion is that, without the state, an adequate education could be provided for *nearly* all children. This isn't quite what 'the left' would be after, even on my modified dilution of their terms, so I still need to look at what happens to the small minority of other children. But first, what evidence do I have for these two assertions? As there are no market systems of education in operation anywhere, the evidence must necessarily be tangential. I offer empirical and theoretical perspectives.

### EDUCATION IN VICTORIAN ENGLAND

The empirical approach looks at the situation in England and Wales prior to the crucial state intervention in education in 1870. (Similar arguments can be made about the situation in America prior to state intervention). The economic historian, E.G. West, reviews contemporary evidence and argues that, even under the terrible poverty that existed in Victorian England, the vast majority of children were in school for up to 6 years, and that literacy rates were very high (90% or more), (West, 1970, chapters 9 and 10). But lest it be thought that it is just writers from 'the right' who argue the virtues of the system: Gardner (from 'the left') shows how working class people set up private schools - the dames' schools - which very cheaply and flexibly provided working class families with their basic needs. Contemporary evidence suggested that 25% of working class children were in these schools, (Gardner, 1984, p.76) which were deliberately stamped out by the state seeking stronger social control (*ibid*, chapter 6).

West's conclusions are disputed. For example, Green is highly critical. Green has not cited Gardner's work, but his criticisms of West and of education in Victorian England are revealing. He states that West

has attempted to rehabilitate the reputation of English educational *laissez-faire*, arguing that reformers ... exaggerated English deficiencies. However, comparative data, which West largely ignores, vindicates the deficiency verdict, *at least in terms of the relative position of English education*. (Green, 1990, p.11, emphasis added).

That is, Green suggests that the main thrust against the English system is that it was failing to achieve the same levels of enrolment and literacy as the heavily interventionist European states. Two points emerge here. One is that even Green accepts that there were opportunity costs of that extensive state involvement:

this does not mean that what [was] taught was necessarily desirable from all points of view, and indeed, the kinds of knowledge and attitudes that were transmitted by the most efficient systems, notably in Prussia, often reflected most illiberal and doctrinaire purposes on the part of the state, and consequently engendered great suspicion amongst those with more democratic leanings. (*ibid*, p.8).

Secondly, and most significantly, when Green actually gets around to reviewing this evidence, it transpires that England's relative position in the mid-1880s was *better than France's* as regards the percentage of the population receiving schooling, (*ibid*, p.15) and with regard to adult literacy (*ibid*, p.25). Green neither disputes that there was a widespread "national network" of schools in Victorian England and Wales without the state (*ibid*, p.8), nor does he dispute that this was more effective than the French centralised state educational system. It doesn't seem that his challenge to West is as substantial as he suggests.

Perhaps the debate is really about the quality of education transmitted through these 'market mechanisms'? This of course would have direct bearing on the issue of an 'adequate' education. Again, both West and Gardner suggest that the reformers, anxious to increase their own power, sought to portray the working class private schools as being of a very poor quality. But it is argued that the reformers concentrated on such indices as the physical squalor of the premises, the moral unsuitability of the teaching, and the lack

of professional qualifications of the teachers. When pushed, however, they were forced to admit that not only were the schools very successful in teaching literacy and numeracy, but that parents often transferred pupils from the inspected and free public schools to the dames' schools claiming that their children learnt nothing in the former, *even though* this meant parents had then to incur school fees! (Gardner, *op cit*, p.170-2; also see West, *op cit*, chapter 11).

Green, however, argues that the quality of post-elementary schooling even for the middle-classes was inferior to that found in continental Europe. His method of arriving at this is rather odd. First he gives a figure of 100 secondary schools in England and Wales that even aspired to the standards of the German *Gymnasien*; "and one may doubt whether any of these matched the latter's academic standards." (Green, *op cit*, p.17). But even if this figure of 100 is correct, then this is to be compared with 139 *Gymnasien* (*ibid*, p.16) which is more, true, but not that much more. Moreover, in France, there were only 77 *lycées*. But how is the figure of 100 obtained? He notes that there were in total, according to the Taunton Commission of 1868, 9 public schools, 46 boarding schools and 209 endowed grammar schools, plus a "dense outgrowth of 'lesser' private schools" (*ibid*, p.17). As the Commissioners found most of the lesser private schools "unspeakably bad", and the endowed grammar schools generally "very unsatisfactory" and "chaotic" (*ibid*), Green wants to ignore most of these from his calculations. However, he admits that 70 of the grammar schools sent children to university, which suggests that these at least can't have been that bad. So even taking these 70, and adding them to the 46 and 9 upper class élitist schools, then we actually have not 100 but 125 schools - which is much more comparable to the German system, and nearly twice as high as France. But note that, while he has doubted the quality of the English schools, he has assumed that all of the continental schools were of a high standard. This is surely not comparing like with like. Perhaps if there had been similar Commissions set up in Prussia and France, they too would have found some at least of those schools below standard? It seems that Green's evidence does not lead us to conclude that the quality of education without the state in England & Wales was necessarily so bad after all.

No doubt this historical dispute will continue. But clearly we can say that *if* West and Gardner are right, then it seems plausible that, had the state not intervened, the quantity and quality of education would have continued to improve, as the people had grown in wealth and sophistication.

### CHOICE AND AUTONOMY

Is there other empirical and theoretical support to suggest that, with a decreasing of the role of the state in educational provision, there will be a continued *supply* of schools of a *high quality*? Evidence from Manhattan's District No 4 in East Harlem, New York, shows how there was a mushrooming in growth of schools accompanying supply-side de-regulation (Chubb and Moe, 1990, p.212ff). Moreover, this proliferation of a diversity of schools did not lead to chaos, as some might have feared. Instead, teachers became more "enthusiastic ... empowered, professional, and satisfied" (*ibid*, p.214), while student achievement rose from the bottom of the league of New York's schools to around the middle. I suggest that this experience would not be unique to East Harlem, if there was a decreasing of the role of the state in educational provision. One of the levers of quality in those schools, and it is suggested more widely in market systems of education, is 'choice'. Through the familiar principles of 'exit' in the market, schools that fail to attract enough pupils would be closed, hence there is always an incentive for schools to ensure that they do attract pupils. Having the threat of withdraw is an effective means of communicating disapproval to a school. It is the same principle that keeps supermarkets, restaurants and car manufacturers producing high quality goods. In this context, it is important to note that Forster, the architect of the 1870 Act in England and Wales, had explicitly stated that fees were essential for parental power to ensure quality provision, and that these needed to be maintained (West, *op cit*, p.182).

This cannot be countered by saying that in a democracy, parents and students have a powerful way of controlling educational provision: voting in a democracy is a far less 'powerful' method of making choices known, than 'voting in the market'. This is an important argument with which it is not possible to deal with in depth now. But the main objections to 'political voting' are as follows: Firstly, that it gives advantages to those that can get organised, into pressure groups or political parties. This discriminates in favour of organised professional educationalists against ordinary parents, and also in general in favour of middle class parents against poorer parents. Secondly, that political voting requires choices to be made periodically, rather than at the convenience of the parent or student. Finally, political voting is for packages: a policy on education must be taken in conjunction with policies on housing, sewage, roads, defence, etc. In the market, the choice of education can be about education alone.

Another mechanism for the improvement of standards in the East Harlem schools is that of school autonomy from democratically-controlled bureaucracy. Chubb and Moe in their extensive survey of American schools suggest the more effective schools are those that are more autonomous, and this effectiveness is translated into higher quality education for their students. (Chubb and Moe, *op cit*, chapter 5). If this result was applicable more generally, it would suggest that any transfer of control from the state to 'the market' would lead to an improvement in the quality of schools.

Each of these considerations suggest, I contend, that the quality of education for the great majority 'without the state' would be higher than with extensive state control.<sup>4</sup>

However, I have said the *great majority* of children, which means I concede that there will be some, from very disadvantaged backgrounds, with parents either who don't care about education, or are too poor to provide what they do care about, who will not be catered for. These children are clearly a very serious problem. But when considering the issue of state intervention needed to ensure for them an adequate education, a useful analogy can be made with the way the state deals with children who are physically neglected by their parents. The agents of the state, the social workers, are vigilant for cases of neglect. Upon locating them, they then intervene to ensure that those parents are given money to feed and clothe their children, and to police the arrangements to ensure that the money is spent on the children. But because there is a problem with a small minority of families, it is not suggested that the state should intervene in a blanket way for all families to ensure that adequate feeding and clothing of children takes place, nor to provide state food and clothes agencies for all children. It is odd, then, that a problem with a small minority of children as regards schooling is often seen as sufficient reason for the state to intervene in the educational provision for all. Even in the case of the educationally severely disadvantaged, it is not suggested that for them the state would need to provide schooling itself. What is needed is for the disadvantaged child to experience the education that other children are getting, not a 'ghetto' state schooling. So disadvantaged children could be made *educational wards of court*, provided with vouchers and compelled to attend schools, evening conversation classes, educational toy sessions, museum trips etc and whatever else it seems that the more privileged children are benefitting from. With this 'safety net' thus in place, it is suggested that the market could provide 'adequate educational resources' for all, and hence satisfy my interpretation of what 'the left' really requires from equality of opportunity.

## CONCLUSION

This essay took one of the 'externalities' of education, equality of opportunity, and suggested that the more extensive state intervention argued for by 'the left' was not needed for its provision. This was argued by saying that what 'the left' wanted from equality of opportunity was *not* equality as such, but merely 'adequate resources' for all. An 'adequate' education it was suggested, could be provided without extensive state intervention for the great majority of children. Only for those children who were too poor, or whose parents were too irresponsible, would it be necessary for the state

to intervene to ensure the provision of education, and then only to ensure that these children had access to sufficient funds to enable them to share in the educational experiences provided for other children.

The argument given here was a sketch only, there are many gaps in it, including the important matter of exactly what an 'adequate education' might comprise. However, my thesis is that the details can be spelled out in a way which does not detract from the argument here. Moreover, I believe that each of the other important externalities of education can be explored in a similar way, to demonstrate that moves towards a market in educational provision will not lead to the sacrifice of those externalities which 'the left' holds dear.

## NOTES

1. Defining it in this way avoids the difficulty of whether more or less resources should be devoted to children of lower ability. The definition of 'equality of educational resources' is compatible with more resources being devoted to 'brighter' children, or the converse. The only requirement is that children of the same ability are treated in the same way, irrespective of social class.
2. The other is an intuitive argument, which is amenable to similar treatment.
3. One objection might be that education is a *positional good*. I have addressed this in part elsewhere (Tooley, 1992).
4. Note that the arguments of Chubb and Moe are directed against the liberal democratic state. It may be that a more authoritarian state, with effective policing, could ensure that standards were raised. My argument emphasises that democratic control of bureaucracies brings with it unforeseen problems.

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