

## Reconciling Educational Adequacy and Equity Arguments Through a Rawlsian Lens

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### **Abstract**

*A theory of educational opportunity that combines adequacy and equity arguments is informed by examining two popular philosophies of resource distribution. Amy Gutmann's democratic threshold theory provides an adequacy argument that mirrors in several ways arguments that have held favor in educational policy. Similarly, the distributive justice theories of John Rawls parallel the logic opined in several key school finance cases. The Rawlsian influence is particularly strong in developing connections between educational opportunities and the expression or enjoyment of basic liberties.*

**Keywords:** *Rawls, equity, adequacy, justice, education*

### **Introduction**

In *A Theory of Justice*, John Rawls (1971) proposes principles of justice that free and rational persons would accept in a hypothetical original position of equality. These principles serve to regulate social arrangements and the division of social benefits.

In the original position, each member of a society is ignorant of their own abilities and social status. No one is aware of his or her intelligence, strength, or social class. Each person is also ignorant of their own conception of the good, creating a situation in which principles can be selected without anyone manipulating the process to advantage themselves.

In the original position Rawls claims two principles of justice would be chosen:

1. Each person is to have an equal right to the most extensive basic liberty compatible with a similar system of liberty for all;
2. Social and economic inequalities are to be arranged so that they are both:

- a. to the greatest benefit of the least advantaged, consistent with the just savings principle; and
- b. attached to offices and positions open to all under conditions of fair equality of opportunity.

The first refers to the liberties of citizenship that emerge in a social arrangement. The basic liberties accounted for by Rawls include the right to vote and the right to hold public office along with basic right of free speech and thought, due process, and the right to hold property. The second principle is concerned with social and economic inequalities, specifically the distribution of opportunity, power, income and wealth. These broad categories make up the primary social goods that are presumed to further the success of rational individuals in pursuing their own interest, whatever those interests may be.

The provision in the first principle that each individual has the right to access certain social liberties has implications for the division of educational resources. While the rules that govern a society establish the availability of the basic rights of citizens, learned skills play a role in determining one's ability to take advantage of these opportunities. It is unlikely that an individual that has no reading skills will be able to make use of the right to vote or hold public office on par with highly literate members of society. In addition to literacy, people must understand their role in government, the process of participation, and the rights available to them. Rawls (1971) refers to this as "fair value of equal liberty" (p.61)

In a Rawlsian society in which public schools have been charged with providing reading skills and socializing children, there is a responsibility on the part of the state to ensure that these educational opportunities are available to all in accordance with Rawls First Principle of Justice. To that end, educational resources should be distributed to emphasize basic skills needed for political participation in a fashion that provides students with an equal opportunity to access the rights of citizenship.

The Second Principle has two parts that both have implications for the financing of schools. The first part is known as the Difference Principle and allows for inequalities in the distribution of primary goods under the condition that it maximizes the position of the least advantaged. In other words, the allocation of educational resources may benefit some over others as long as all benefit, particularly those with the most need. Rawls (1971) places this in an educational resource allocation setting: "In pursuit of [the difference principle] greater resources might be spent on the education of the less rather than the more intelligent, at least over a certain time of life, say the early years of school" (p. 101). However, the Difference Principle also permits more educational resources to be spent on the more able providing that it benefits the least advantaged. For example, investing in the education of physicians may serve to improve the health of all members of a community.

The second part of the Second Principle provides that all have a fair opportunity to access social and economic goods. Any inequities that exist should not result from

irrelevant criteria. Both parts of the Second Principle are relevant to the distribution of educational resources for those skills that affect primary goods. At first glance it appears that the Second Principle provides for the fair distribution of basic skills that serve as a foundation for economic and political participation. Although it is unlikely that Rawls would permit discrimination based on trivial characteristics, according to this interpretation extracurricular offerings that are not, or do not affect, primary goods are not subject to the same criteria of justice. However, Rawls (1971) also states that personal and social fulfillment are primary goods: "[R]esources for education are not to be allotted solely or necessarily mainly according to their return as estimated in productive trained abilities, but also according to their worth in enriching the personal and social life of citizens, including here the less favored" (p. 107). To the degree that schools assume a role of character development as part of the primary or hidden curriculum, the application of the Second Principle can be seen as applying to resource allocation practices traditionally outside the core skills area of the curriculum.

### **The Democratic Threshold**

According to Amy Gutmann (1987) educational resources should be allocated in a manner that provides adequate democratic participation, allows for choice in pursuing different conceptions of good lives, and promotes the identification with and participation in the larger society as well as its smaller sub-communities. Gutmann's focus on adequacy in the distribution of certain education resources is illustrated in the Democratic Threshold Principle. This theory justifies the unequal distribution of educational goods under the condition that each child is provided the skills needed to effectively participate in the democratic process. The Democratic Threshold Principle provides constraints on the Democratic Authorization Principle, which allows democratic institutions discretionary authority to determine educational inputs. Once the democratic threshold is met democratic institutions may allocate resources above the education threshold. However, Gutmann recognizes that the threshold itself may be affected by this practice and provides that at some level the relative education of the least advantaged children could reach a point that renders that level inadequate.

Gutmann places limits on democratic authority to choose educational goals in the Principle of Nonrepression and the Principle of Nondiscrimination. The Principle of Nonrepression holds that the authority to make decisions about education should not be used to inhibit deliberation of different views of the good. Gutmann expresses nonrepression as compatible with the use of education to teach values of honesty, tolerance, and respect.

The Principle of Nondiscrimination implies that all children that can be educated should be educated. According to this principle educational resources must be distributed so that all groups receive adequate resources to participate in the democratic process. This includes providing additional resources when necessary to bring disadvantaged students up to the threshold standard. The level of educational resources may vary but no person is to be excluded from having an adequate education.

Gutmann's Democratic Threshold Principle finds support from Rawls' perspective in the First Principle of A Theory of Justice. Both theories agree that there is a need for members of a society to have access to the skills that allow them to effectively participate in the political process. However, the distribution of educational resources that affect democratic participation does not meet a Rawlsian standard of fairness.

According to a strictly adequacy based approach to resource distribution reaching a threshold level of skills that allow citizens to engage in the political process and take advantage of their basic liberties is paramount to providing the equitable distribution of additional resources. An adequate level of education should provide for meaningful democratic participation. It would be of no benefit to have an institution that provided no one with the needed level of education to make effective use of the democratic process but did so on an equal basis for everyone. However, once the threshold level has been reached inequitable distribution of resource is allowed.

The Democratic Authorization Principle does not meet the standards of resource distribution established by the Difference Principle in Rawls' Theory of Justice. Democratic institutions are able to allocate educational resources beyond the minimum standard without regard to the impact on the least advantaged. According to Gutmann an institution could choose to provide additional resources for advantaged groups at the direct expense of the least advantaged. Rawls' theory rejects this in the first part of the Second Principle. Moreover, if the allocation decisions are the result of a democratic process they need not provide equal opportunity, a clear violation of the second part of the Second Principle.

It is possible that with regard to public finances the Difference Principle and the democratic threshold serve as fiscal black holes. It requires reallocation of resources to the least advantaged until giving them more actually makes them worse off or equality is achieved. In education finance this could lead to very high expenditures on the least advantaged for minimal impact. Ultimately, efficiency of spending plays a role in equity as it is possible that the greater good is significantly decreased by directing funding away from high yield spending towards low yield programs that are intended to be more equitable. As the pie shrinks, the least advantaged's share may also shrink even as it becomes more equitable in relation to the other shares.

Although it is not clear that institutions working under the theory described by Gutmann would necessarily result in gross inequalities or that the inequalities would be based on irrelevant characteristics, it is clear that these possibilities are allowed within this theory of democratic education. How much depends on how high the adequacy standard is set. According to Rawls, it is not enough that members of society not be excluded because of irrelevant characteristics as provided for in the Nondiscrimination Principle. The inequities in the distribution of goods must also not be linked to irrelevant characteristics. Rawls (1971) points out that, "chances to acquire cultural knowledge and skills should not depend upon one's class position, and so the school system, whether public or private, should be designed to even out class barriers" (p. 73).

The points at which the theories of Gutmann and Rawls converge provide insight to a theory of educational resource distribution that serves both adequacy and equity. The following section will examine further the relationship between notions of adequacy and equity and propose the conceptual underpinnings for a sliding scale approach that could be used for evaluating fairness claims in the provision of educational opportunities.

### **A Sliding Scale Theory of Adequacy**

Education to take advantage of political liberties is a notion promoted in Rawls' Theory of Justice as well as in the language from many state courts that attempt to define adequacy levels. These skills tend to include some level of literacy and an understanding of the political process, including an explicit awareness of the liberties available to citizens. In some cases the core skills needed to fulfill this threshold also includes the capacity to understand and synthesize complex information.

The work of Rawls can be interpreted as expanding the concept of a basic education to include those educational opportunities that are primary goods or lead to primary goods. This includes economic participation and the basic elements of personal and social fulfillment. It is open to argument how extensive a core curriculum must be to meet this requirement. Once those parts of the curriculum that impact social, political and economic participation have been provided in an adequate and equitable fashion it is permissible for extras to vary as a factor of parental or district wealth. However, when accepting a Rawlsian perspective of primary goods it is difficult to find elements of the curriculum that do not impact primary goods such as the ability to exercise basic liberties, social and economic participation, and self-worth. Clearly traditional core curriculum areas such as math, reading, history, science and physical education have an effect on these goods. Foreign languages and vocational courses can also be included in this list. The issue of self-worth is particularly broad in its implications for defining what counts as an extra.

However, once these educational goods have been provided in an equitable fashion the state has fulfilled its charge of providing an education that prepares children to interact socially, take advantage of their basic liberties, and compete financially to advance their own goals. It is unlikely that inequitable distribution of resources for education that does not affect these areas will have a significant impact on one's ability to realize their own perception of a good life. If it did affect a primary good, then that offering may be reconsidered as no longer being an educational extra. For this reason it is necessary to limit what constitutes a basic opportunity structure.

Amy Gutmann argues that it is acceptable to allow basic educational goods to vary on the basis of parental or district wealth as long as a minimum threshold level of education has been provided to all. However, the primary goods in question do not operate on a threshold level. The ability of citizens to benefit from educational training is relative to others in a society. Politically a person who is considerably more literate, and better educated to express their ideas and exercise their basic liberties, is more powerful to have influence within the political process. Economic success is not based on a level of minimal skills, but on competition between

individuals. For the poorest communities, inequities in basic skills education has a similar impact as an inadequate education. For these reasons it is arguable that equity standards are more important for some educational opportunities over others. To conceptualize equity concerns within an adequacy argument a tier approach may be useful.

Adequacy includes by definition some level of appropriateness or sufficiency that relates to a stated purpose. Horizontal adequacy refers to the elements or specific educational opportunities of an adequate education. Traditionally, this has included establishing a core curriculum but can be expanded to include other elements of education such as the context, supplies, and teachers. The horizontal nature of adequacy defines what within the educational system is subject to a sufficiency standard.

It is helpful for the sake of this discussion to think of both the horizontal and vertical elements of adequacy in groups, with thresholds that divide them. Along the horizontal we can imagine curricular content that varies according to its relation to certain primary goods. The more important educational features are for allowing access to valued goods, the more valued those features are along the horizontal axis. The most valued educational goods I refer to as *primary educational goods* and they may arguably include skills like literacy and computation among others. *Secondary educational goods* comprise the second tier along the horizontal and also hold a relationship to one's ability to access certain primary goods. Secondary educational goods may include content often considered to exist outside the core curriculum such as art. The final tier is characterized as *educational benefits* and these educational features hold a limited, if any, association with one's capacity to access and take advantage of primary goods.

Other elements that may be considered along the horizontal adequacy axis are enrichment or extracurricular activities such as music lessons or sports. Additionally, materials, supplies and other educational resources related to instruction, and even capital expenditures may be considered to exist along the horizontal axis. The availability of computers and teacher student ratios are examples of non-curricular adequacy pieces that have played a role in adequacy policy arguments. Horizontal adequacy serves to inform the resource distribution debate in the following manner:

Assuming a society that believes that

1. people are more or less entitled to keep what they earn, and
2. people are entitled to a fair opportunity to succeed on their own merit.

Society must balance the right, implied by parents to spend their resources on their own children against the implications which limits this right. The solution is to identify core educational offerings that constitute a basic opportunity structure. The basic opportunity structure must be equal, but outlying educational offerings may depend on parental wealth.

Vertical adequacy thresholds mark the level of provision for each element along the horizontal axis. Using an outcome standard it may refer to the level of achievement for a particular type of educational opportunity. Vertical adequacy refers to the level of educational opportunity that is provided for each element of educational opportunity defined as part of the horizontal adequacy framework. Where horizontal adequacy answers the "what" question, vertical adequacy responds to the "how much" question of an adequacy argument. How much may refer to either input or output measures and contains a threshold at which point a sufficient level of education has been provided to attain a desired good.

Determining the appropriate threshold is difficult for several reasons. The primary reason for setting a threshold is to evaluate at what point adequacy has been reached and the outcome goal is achieved. Part of the difficulty rests in the seamless nature of educational attainment. There are no natural cutoffs for educational opportunity and so they must be created to define a threshold. Because the connections between education and other goods is not completely understood any outcome standard will be limited.

A sliding scale approach would assign different levels of scrutiny for meeting equity and adequacy standards depending on the position of an educational opportunity on the scale. Achieving threshold levels for the greatest number possible is more important when providing children with the tools to access the basic institutions of society. In comparison we may not choose to hold the same standard for secondary educational goods or benefits that have relatively little effect on attaining access to primary goods. Basic literacy skills vs. accordion lessons are an example of two educational opportunities on different places in the scale that we can imagine treating differently when working with limited resources. Literacy skills play a role in one's abilities to compete economically and participate democratically, and although we can imagine a great accordion player making a living with their musical talent the distinction in the respective ability of these two endeavors to benefit in relation to other primary goods is clear. Given this, it may not only be important that literacy skills be provided for as many people as possible, but that the threshold level be relatively high.

Moreover, there may be instances where inequity in the distribution of educational opportunities directly affects the adequacy of an education. This is the case when the enjoyment of goods is norm referenced rather than fixed. Education that directly affects economic participation is an example. A fixed threshold level for the ability to read may have no meaning with regard to its effect on allowing people the opportunity to compete for jobs. If a significant number of children are provided educational opportunities well above the less advantaged the threshold of what is "adequate" becomes a product of the comparison of relative skills between peers when competing for jobs. In these cases, equity becomes important for the adequacy standard to have any meaning. In a sliding scale approach the distribution of educational goods is subject to increasingly rigid standards of equity as they are more closely associated with primary goods. This is particularly true for norm referenced goods vs. fixed goods.

## **Adequacy and Systemic Reform**

Centralized goal formation alone is not inconsistent with democratic localism or Rawls' theory asserting an individual's right to pursue one's own sense of the good. There is room for theories of adequacy and distributive justice to survive within a more centralized education system. However, at higher levels of governance centralized control policies may conflict with certain liberty arguments.

Local control has several advantages. By placing control over school policies in the hands of local citizens they are more likely to support them both in practice and with resources. Community members are also offered the opportunity to participate democratically in a way that directly influences their lives beyond the act of simply voting. Moreover, Gutmann contends that this process results in more effective control because the policies selected are more likely to be in line with the wishes and educational tastes of the local community. This is the element of Gutmann's democratic theory of education that has the greatest difficulty existing within a centralized goal formation system. The very nature of local decision making implies that educational offerings will vary in accordance with local preferences and needs.

Gutmann (1987) does however recognize the importance of centralized goal formation in some areas of the curriculum. Specifically, "cultivating a common culture and teaching essential democratic values . . . might be better safeguarded by higher levels of government." Gutmann goes on to explain the need to place limits on local control to the point of describing the efficacy of federal mandates that affect such areas of the curriculum as history, reading, writing, computation, religious tolerance, and the role of the citizen in the democratic process. The key for Gutmann is that there is an opportunity for local communities to set additional standards and to exercise some discretion in the implementation of federal or state standards.

Rawls' theory also allows for the possible implementation of a centralized goal formation system within certain limits. Fundamental to the theory of justice presented by Rawls is the right to choose one's own conception of one's own good. One can argue that this precludes a centralized system of goal formation, assuming that decisions made at a higher level of government would restrict local decision making and that decisions made at the local level are more sensitive to variations across localities in conceptions of the good. However, there are elements of Rawls' theory that if applied to the governance structure alleviates some of these concerns.

Assuming the goals established included educational goods that are considered primary goods or result in primary goods, the ability of citizens and local communities to form their own conception of the good remains intact. Rawls (1971) asserts that all rational persons would desire these primary goods. Moreover, these primary goods assure people of, "greater success in carrying out their intentions and in advancing their needs, whatever these ends may be." Accepting this as true, establishing goals around primary goods at a central level of governance would be acceptable, providing opportunities remained for disparate theories of the good among communities. This still allows for local communities to make decisions that affect civic participation specific to the community as well as additional educational offerings that address community preferences and conceptions of the good. Local



control can also include influencing the delivery of centralized goals in a way that meets the need of the local population. Those goals tied to primary goods would be defined by horizontal adequacy as core.

## **Conclusion**

Although the preceding arguments support some form of central goal formation there are several limits on the scope and form it may take. It is unlikely that systemic reform that establishes a core curriculum at the federal level will address the liberty concerns inherent in the theories of Gutmann and Rawls. Attempts to address the tension between local control and standardized goal formation include developing broad curriculum standards at the state level and allowing local education agencies to interpret the content and process used to reach those standards. Using this approach one can imagine a system in which state curriculum guidelines carry very little meaning.

A governance system that reconciles local control with adequacy standards will distinguish goal formation responsibility across different levels within an educational system in a principled way. There may be elements of an educational adequacy argument that can be supported at central levels of governance without infringing on the rights of local communities to make educational decisions for its children. Similarly, there may be educational adequacy standards that when enforced at the state or federal level creates significant conflict with local liberty interests. An approach to tempering these interests is a form of sliding scale argument that regulates control over educational offerings at the centered level. The sliding scale is guided by the strength of the connection between educational offerings and primary goods, as well as the importance to democratic participation shared by all. As educational goods become less important for access to primary goods and the liberty interest becomes more important, central control over those educational goods infringes more deeply on the right to local control. This sliding scale approach to the role of different levels of educational governance in making adequacy threshold decisions has direct implications for limits that may be placed on determining the right to an education within different levels of the judiciary.

As we look to better understand how judicial remedy may be defined and how the state will know an adequate education when they see it, several next steps in the analysis of this topic emerge, and they include exploring the following questions:

1. Where within the education hierarchy do decisions get made about establishing appropriate levels of minimal vertical and horizontal adequacy?
2. How does a move towards adequacy affect arguments for local control vs. standards driven systemic reform?
3. How can schools be resourced to support an outcome based adequacy system of education?
4. To the extent that equity plays a role in this adequacy argument how are resources divided?

5. What is the unit of measurement and across what units should adequacy and equity be measured (intra-district, inter-district)?

### **References**

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