

EQUALITY AND EDUCATION :  
REMARKS ON  
KLEINBERGER

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Mr. Kleinberger discusses five principles that might come under the heading "the principle of equality in education."<sup>1</sup> He advances arguments against taking each of the five as a "guiding principle" in education. In his concluding section he states "Our discussion has . . . led us to the conclusion that there is no reasonable sense whatsoever in which the notion of equality can serve as a guiding principle for educational policy . . . it does not make sense to look for equality in education." (pp. 338-39)

Mr. Kleinberger is not advocating wholesale inequality in education; he is not saying that all of the practices thought to be justified by the various principles he criticizes are wrong. He is simply saying that whether or not such practices are right, their justification is not found in any of the principles of equality. (pp. 319, 339)

The five principles Mr. Kleinberger discusses are these:

- (1) The principle that society ought to give all children an equal education. (pp. 295 ff.)
- (2) The principle that society ought to give all children an equal education and also insure that each receives an equal education. (pp. 299 ff.)
- (3) The principle that certain differences should place no limitation on educational opportunity, namely, those differences like race, that do not derive from differences of ability, merit, and talent. (pp. 301-19.)
- (4) The principle that "any procedure for determining any possible result shall be applied equally to all concerned. (pp. 319-31)
- (5) The principle of according "equal esteem and respect to the different endowments and the different life plans, each according to its different value." (pp. 331-38)

<sup>1</sup> Aharon Fritz Kleinberger, "Reflections on Equity in Education," *STUDIES IN PHILOSOPHY AND EDUCATION*, V (Summer, 1967), pp. 293-340. Each reference to some part of this essay is followed by the page on which it appears.

434 I shall examine some of Mr. Kleinberger's arguments against each of the first four principles of equality. (5) involves issues too complex to be adequately pursued here. In some cases, I fear Mr. Kleinberger has not succeeded in making exactly clear what the principle against which he is arguing amounts to; I have in mind (4) and to a lesser extent (3). In these cases we risk being unfair to Mr. Kleinberger's arguments through failure to understand their intended target. For any such misunderstandings I apologize in advance.

The principle against which Mr. Kleinberger claims to be arguing first (pp. 295-99) is this:

(a) . . . society ought to give all children an *equal* education . . . (p. 295, italics mine)

The principle against which Mr. Kleinberger actually argues is on these pages and is pretty clearly this:

(b) Society ought to give all children *exactly similar* educations.

We have to ask, therefore, two questions in assessing Mr. Kleinberger's discussion: (i) Are his arguments against (b) any good? (ii) Do (b) and (a) amount to the same thing?

(i) Mr. Kleinberger appears to have three arguments against (b), although he has misgivings about one of them. He first points out that any educational policy that takes (b) seriously will be extremely inefficient. This seems likely, but it is not a conclusive argument against a moral principle, and Mr. Kleinberger does not claim that it is. The second objection is that institution of (b) "involves totalitarian regimentation, and . . . deprives parents of the right to choose for their children an education which in aim, content and method agrees with their beliefs and scale of values." (p. 297) That is, as a practical matter, if a society instituted (b), it would have to give up some other guiding principles concerning the rights and freedoms of the individual, for certain individuals might *want* very dissimilar educations. Mr. Kleinberger holds the position that fundamental disputes about values cannot be decided by rational argument, and so he does not claim that this conflict between (b) and principles of individual freedom *proves* his case against (b).

For my part, I would be convinced that (b) should be abandoned by an argument that showed no coherent educational policy could have both (b) and principles insuring individual rights and freedoms as "guiding principles." But it does not seem to me that the difficulties Mr. Kleinberger envisages show

this. It is true that the vigorous enforcement of an educational policy that had (b) as its *sole* guiding principle, would, given the world as it is, probably involve suppression of individual freedoms. But generally when we say that a principle is a guiding principle, we do not exclude the possibility that other guiding principles may, in some particular cases, override this principle. I may have as a guiding principle in conducting my financial affairs the principle of paying debts promptly and also the principle of not writing bad checks. Sometimes these conflict, and the latter overrides the former. It is not clear to me that (b) could not be a guiding principle of a coherent educational policy which also included guarantees of individual freedom. 435

To put this point in another way: Mr. Kleinberger states in his conclusion that none of the principles can serve as “*a* guiding principle.” (p. 338, italics mine) But his argument about what would have to happen for (b) to be put into effect is an argument against a policy in which (b) is *the* guiding principle.

Mr. Kleinberger’s third objection is that (b) will not “stand the test of its own immanent standard.” (p. 298) The point of this objection is that there are educationally relevant differences among students, and so they will not all get equal benefit from exactly similar educations. This is clearly true, and is the important objection to (b).

There is, however, something very paradoxical about Mr. Kleinberger’s statement of this objection. He says that under (b) we would *give* children equal educations but they would not *receive* equal educations, and this is why (b) does not “stand the test of its own immanent standard.” Something has gone wrong here. If (b) is a correct construal of (a), then giving *equal* educations is just giving *exactly similar* educations. If I give Jimmy and Sarah exactly similar candy bars, they must receive exactly similar candy bars, unless something happens in transit — e.g., Jimmy’s Milky Way melts but Sarah’s does not. This possibility does not exist with educations: what amazing transformation is supposed to occur, so that although children are given exactly similar educations they do not receive exactly similar educations? It is true that although the candy bars are exactly similar, Jimmy’s may not be worth as much to him as Sarah’s is to her, (maybe he is not hungry, or would have preferred a Tootsie Roll). Similarly, although the educations may be exactly similar, they are not of equal value to the

436 children receiving them, because some children will be too dull to appreciate them, some too bright to be interested, and so forth. But in what way does this state of affairs reflect badly on (b)? (b) says nothing about giving children educations that are of equal value to them. It says we are to give exactly similar educations. (b) does not fail to stand up to its own immanent standard; there is nothing in (b) that “immanently” or in any other way suggests that the educations should be of equal value to their recipients. The real objection to (b) is not that it does not live up to “its own immanent standard,” but that it does not live up to what anyone who utters (a), most likely has in mind. And that is not objection to (a), but only to the view that (b) says the same thing as (a). This leads us to our next question.

(ii) What is meant by “equal education” in (a)? Often when we use the word “equal” we specify some respect in which the things compared are said to be equal; we say that John and Tom are equal *in height*; that Mohammed Ali and Joe Frazier are equal *in pugilistic ability*; that a law education and veterinary education are equal *in cost* or *difficulty* or *length of time involved*. In such uses “equal” does not entail or even suggest exact similarity; it is perfectly compatible with the very opposite: “In spite of their vast differences a trip to Miami and a trip to Yukon City are equally enjoyable.” But in (a) we have no phrase that tells us in what respect educations should be equal. What then does “equal education” *simpliciter* mean? Could it mean “exactly similar educations”?

I think we might use this form of words in two different situations. In some cases the context makes clear which respect is intended. If we are asking who is better at tackling a shifty halfback, and a coach says “Nodlinski and Brantz are about equal,” we will take him to mean that they are about equal with respect to their ability to tackle a shifty halfback. If we are talking about the amount we will have to spend to send our children to college, and I say “Jimmy’s education and Sarah’s education are equal” you will take me to mean that they are *equally expensive*.

Another use of “equals” without specification of any particular respect occurs in an utterance like this: “The Acme can opener and the Ajax can opener are about equal.” Here what is meant is that the Acme and the Ajax are *equally good* can openers; that they both do what can openers are supposed to do equally well. Of course, if this utterance occurred in

certain contexts, it might not mean that; if you said it while I was looking first at one can opener and then at the other with the obvious intention of driving a nail with whichever one seemed heftier, you might use this sentence to mean that the Ajax and the Acme were equally good at driving nails, which is something can openers are not made to do. But I think that generally, when no respect is specified, and the contexts suggest none, to say of two Xs that they are "equal" means that they are equally good Xs, equally good at doing what Xs are made to do or intended to do or expected to do.

Now these are all the possibilities I can see for a use of "equal education." In none of these does the equality of educations entail or even suggest their exact similarity, any more than the equality of the Ajax and Acme can openers entails that they look alike or work on the same principle or are even remotely similar in design, operation or appearance.

That Mr. Kleinberger, without any hesitation, explanation, or qualification, takes "equal education" to mean "exactly similar education," is shown in these two sentences:

One may take the principle of equality in education to mean that society ought to give all children and *equal* education . . . Of course, one can never expect to create absolutely identical educational conditions for all. (p. 295, italics mine)

There is, as far as I can see, no warrant for this step in our ordinary use of "equals," no reason to think that the appeal for equal educations involves the expectation of creating absolutely identical conditions for all. "Equal" simply does not mean "exactly similar." Not only is there no license in ordinary language, but also advocates of equality have often made it quite clear that this is not what they mean:

. . . equality of provision is not identity of provision. It is to be achieved, not by treating different needs in the same way, but by devoting equal care to insuring that they are met in the different ways appropriate to them, as is done by a doctor who prescribes different regimens for different constitutions, or a teacher who develops different types of intelligence by different curricula.<sup>2</sup>

I do not claim that this position is without problems, but only that, in contrast to (b), it is the sort of thing that might be meant by (a), and the sort of thing Mr. Kleinberger might profitably have investigated.

In sum, Mr. Kleinberger has given a lot of reasons for

<sup>2</sup>R. H. Tawney, *EQUALITY* (New York: Barnes and Noble, 1964), p. 58.

rejecting (b), but these are irrelevant to (a), since (b) and (a) do not even come close to saying the same thing.

438 The second principle that Mr. Kleinberger discusses is one that calls on us not only to give students exactly similar educations but also to guarantee that the results of those exactly similar educations will be exactly similar. The only way to do this is to offer nothing that the dullest cannot master. Mr. Kleinberger draws our attention to the high waste in talent and resources such a policy entails, and he surely thereby offers sufficient reason for rejecting it. This principle is basically an amended form of (b), however, and does not seem to have much initial plausibility anyway.

The principle that Mr. Kleinberger examines in Section II (pp. 301-19) of his paper can be put like this:

(3') If Jimmy and Sarah differ only in illegitimate respects, then they should have equal educational opportunities.

Mr. Kleinberger concentrates on the antecedent of this conditional, and tries to show that there is no "rational justification" for the commonly accepted list of illegitimate respects — race, religion, sex, and so forth. But before discussing the antecedent we should look for a moment at the consequent of the conditional. What is meant by "equal educational opportunity"?

It seems to me that there are at least these possibilities:

- (c) For any particular education, Jimmy's opportunity to obtain it is as good as Sarah's.
- (d) For any education Sarah has some opportunity to obtain, there is an equally good education that Jimmy has an equally good opportunity to obtain.
- (e) The educations that Jimmy has some opportunity to obtain are the same as those that Sarah has some opportunity to obtain.
- (f) The educations that Jimmy has some opportunity to obtain are as good as the educations Sarah has some opportunity to obtain.
- (g) Jimmy's opportunity to get some education is as good as Sarah's opportunity to get some education.

(c) requires an equal chance for the *same* education, (d) equal chances for *equal* educations. (e) requires only that the available educations be the same and (f) only that the available educations be equal. In (e) and (f), the opportunity is not required to be equal. Finally, (g) requires only that the opportunities for obtaining some education be equal, and does not require that the educations be the same or even equal. The principles be-

come progressively weaker. I think that (g) is clearly not what we have in mind. (g) would be satisfied in a society in which every child got *some* education, for there every child would have a "100% opportunity" to get *some* education, even though many might have no opportunity to get as good an education as most others of equal ability. Nor are (e) and (f) reasonable construals of this principle. In a society in which it was *possible* for Negroes to be admitted into any school into which Whites are admitted, but the restrictions are much more severe for negroes, (e) and (f) would be satisfied. But in such a society we would not say that there was equality of educational opportunity. 439

This leaves (c) and (d). We can see the difference by imagining a society in which (c) is satisfied and (d) is not. Suppose that sex is one of the illegitimate factors. Further suppose that a legal education and a medical education are equal (leaving it undetermined what counts as "equal education"). Then a society which allowed only boys to be doctors and only girls to be lawyers would satisfy (d) but not (c).

Depending on our choice of criteria of educational equality, the difference between (c) and (d) may be more or less important. We might say that educations are equal that cost the same, that this is the respect people have in mind when they use "equals" in educational contexts. In this case, there would be a great practical difference between (c) and (d). But if we mean "equally good" and interpret "good education" in such a way that the desires and abilities of its possessor are relevant to the question of an education's worth, then there will be little practical difference between (c) and (d). If both Sarah and Jimmy desire a medical education and are equally able, then the only education that will be as valuable to Sarah as the medical education is to Jimmy will be the medical education itself, for the value of any other education to her will be lessened by the fact that it is not the one she wants.

The difference between (c) and (d) has some relevance to Mr. Kleinberger's criticism of Myron Leiber's rationale for the distinction between legitimate and illegitimate factors: the illegitimate factors are differences which are irrelevant to the legitimate purposes of an educational institution. Mr. Kleinberger says we have a problem determining whether or not the purposes of a certain educational institution are legitimate. He gives the example of an institution whose purpose is the educa-

440 tion of the young in the spirit and beliefs of their country's dominant religion. It seems that religious affiliation, which is on the standard list of illegitimate factors, would be a legitimate factor for determining who should attend such a school. But as far as I can see a society with such a practice would not be in violation of (3') if its consequent is construed as in (b), so long as the society provides equally good schools for those of other religions. (Of course, there would be enormous and perhaps insurmountable practical problems, like those of maintaining "separate but equal" schools for children of different races in a country in which the very fact that a school is attended exclusively by the members of one race or another tends to have an effect on its prestige and the value of an education obtained there. As a matter of fact, but not of logic, the only *guarantee* that we have in some cases that educations provided will be equally good is that they are identical.) If (b) is the proper construal of the consequent of (3'), then this case is one in which religious affiliation legitimately limits the opportunity to go to a particular school, but it is not one in which religious affiliation limits equality of educational opportunity.

On the other hand, Mr. Kleinberger's case would at least appear to be a counter-example to the principle if (a) is the proper construal of the consequent. But then, there may be good arguments to show that such a policy is illegitimate; it is not clear to me there are not.

This brings us to Mr. Kleinberger's central contention in his criticism of Leiberman's suggestion, that it only sets our problem "back one step," for we are now "obliged to find a criterion for distinguishing between legitimate and illegitimate purposes of educational institutions." I think this is a bit hasty. I do not see that whenever we say that this is a legitimate aim or that is an illegitimate aim, we oblige ourselves to find some general rule for determining what are legitimate and what are illegitimate aims. All we need do is provide an argument showing that the aim we are talking about is legitimate or illegitimate. There might be a variety of different arguments which show that various educational aims are illegitimate. These arguments need not have anything of a substantial nature in common; there may be no one characteristic, other than being illegitimate, that all illegitimate aims have in common. The quest for a formula that makes the reasoning behind our rejection of some aims absolutely clear is worthwhile. But we may be justified in saying that some



aims are illegitimate, although we cannot give such a general account of what counts as a legitimate aim.

I am not sure whether Mr. Kleinberger's position is that there is no real distinction to be made between legitimate and illegitimate aims of public educational institutions, or just that it would be very difficult to give the precise and complete justification for the distinction, and any decision about what is a legitimate aim must be made in some concrete context. The first position seems very hard to accept. The latter is no doubt very true. But as long as we admit that there is a distinction between legitimate and illegitimate aims, then I can see no objection to arguing that a certain difference ought not enter into determination of who goes to a certain school because such differences are irrelevant to the legitimate aims of that school. It is true that this argument will only convince those who agree with the person arguing on legitimate aims for the school. That is, I cannot convince anyone by using an argument that employs a premise he rejects. But that is no objection to the validity of the argument. If he thinks that such and such is an illegitimate aim of public education, then he should admit that so and so is an illegitimate factor. 441

It may be the case that although the distinction between legitimate and illegitimate factors is to be justified by an appeal to a distinction between legitimate and illegitimate aims of public educational institutions, there is nevertheless considerably more agreement about what are illegitimate factors than there is about what are illegitimate aims. This is not an unusual state of affairs; most of us are much clearer about the procedure for bisecting an angle than we are about the geometrical facts that justify that procedure, and the procedure may have been agreed upon when the justifying facts were still in dispute.

I admit to being perplexed by Mr. Kleinberger's general position as regards justification of moral principles. On the one hand, he says that persons who are in fundamental disagreement about values cannot expect to convince each other by rational arguments. His attitude seems to be that those principles should be followed which the majority favors. (p. 298) And yet he demands of the principle under discussion that it be given a "rational justification" even though the "common feeling" that it is right is "shared by a majority of persons in many countries." (p. 306) But if Mr. Kleinberger thinks that disagreements about values cannot be solved by rational argument and that no

principles can be given a "rational justification," why does he count it as a liability of this particular principle that such a justification cannot be provided for it?

442 Mr. Kleinberger has another argument against (3). In order to insure that such factors as race and economic status do not effect one's abilities, desires, talents, and merits — that is, to insure that the illegitimate factors do not influence the legitimate — and so do not effect the distribution of educational opportunity, society will have to take positive measures to eliminate any adverse influence of the illegitimate factors. Mr. Kleinberger imagines the results of a remorseless endeavor to do this: children are isolated from the influence of their parents, and so forth. He concludes that ". . . only a society where the majority believes the value of equality (in the sense considered here) to be higher than all competing values — and in particular individual freedom and the rights of parents — will agree with the educational policy described above." (p. 305) This argument employs the same "all-or-nothing" approach to guiding principles we discussed with regard to the discussion of principle (1), and the remarks made there also apply here.

Moreover, Mr. Kleinberger here obscures an important distinction. There is a difference between a policy that refuses to make decisions on the basis of race or national origin or some such factor, and one that refuses to allow race and such factors to causally influence those factors on the basis of which it does make decisions. Even if both policies are wrong or both right, they should not be confused.

This portion of Kleinberger's paper is much too lengthy for comment on every point, or even on every interesting point. Much in it will be thought-provoking to those who assumed there must be some simple rationale for a principle so plausible as (3). But I suspect we will be in the dark about these matters until more light is shed on the workings of the word "equals" in harness with such words as "education," "opportunity," "treatment," and "chance" — for until then, we will not be entirely clear what we are arguing about.

The fourth principle Mr. Kleinberger discusses is called "procedural equality." The idea seems to be that a single set of rules and standards should apply to all. Mr. Kleinberger says this might be called "formal equality," and that it has a "theoretical" advantage over (3) in that we are "freed from the necessity . . . to distinguish between legitimate and illegitimate purposes." (pp. 319-20)

We may think of the single set of rules and standards as a set of hypothetical imperatives of the following form:

If  $F$  is true of  $x$ , then give  $x$  treatment  $G$ .

In Mr. Kleinberger's example,  $F$  would be replaced by such things as "scores over 100 on the IQ test," "passes the 11+ exam," and so forth.  $G$  is replaced by such things as "allow him to go to college," "allow him to go to technical school," and so forth. 443

Any such set of rules will consist of a set of  $G$ s, that is, alternative educational treatments, and a set of  $F$ s, that is, factors used to determine which treatment is given, matched in some particular way. Principle (3) had the effect of *excluding* from the set of eligible factors a certain group considered illegitimate, such as "is a Negro" or "is a Democrat." No rules were in accord with principle (3) which had such predicates in the set of factors. Principle (4) makes no such exclusions, and so does not have to justify their elimination. It allows any factors to enter into the set of rules. The choice of a set of rules, that is, the choice of the set of factors employed and the treatments matched with each, "depends . . . on the particular aims that a given society has laid down for its educational policy and institutions." Thus, I suppose a society that "lays down" the aim of isolating and frustrating the members of a particular race, might adopt the rule:

If  $x$  is a member of such and such a race, do not let him go to school at all.

Such a society would not be violating (4), so long as the rule is applied to everyone, i.e., no one is allowed to go to school unless they are not a member of that race, and the same criteria for membership in the race are used in all cases. In Mr. Kleinberger's example, social class and political views are considered relevant.

Some such very formal and very weak principle underlies the practice of giving *reasons* for the allocation of different treatments. The idea that human beings form a single reference group, so that what is a valid reason for extending a certain treatment to one human being is a valid reason for extending the same treatment to any other, is an important principle that may deserve to be called a "principle of equality." I think, however, that principles of equality are best looked on as *amendments* to this principle. These amendments may exclude certain factors from eligibility for a just set of rules, as in (3), or they may exclude certain differences of treatment. In the first case

we say "There is no difference in treatment justified by this difference among human beings." In the second case we say "There is no difference in human beings that justifies this difference in treatment." At different times, demands for "equality" have taken each of these forms.

444 Mr. Kleinberger's objection to (4) is that its institution would sacrifice the "essence of education." This seems to me an objection to a policy, like the one Mr. Kleinberger develops as an example, that allows into its rules only a very limited number of factors, representing a single dimension of human difference, and has a limited number of available alternatives that differ markedly in prestige. But these bad features of this particular policy do not seem to me to be logically entailed by, although they are logically compatible with, principle (4). It would not be inconsistent with (4) to develop a policy in which a great number of factors representative of all dimensions of human differences are used to choose among a variety of equally prestigious treatments.

Some of the different points made in this discussion are here summed up:

(A) A principle of equality in an ethical system is a principle whose function is to insure a just or fair distribution of what is valuable or good. As such, it presupposes other principles that tell us what is valuable or good. It is by its nature, in whatever form it takes, one principle among others. Mr. Kleinberger at times seems to be arguing against the principle of equality as a final and complete principle of educational practice. He is correct to criticize such a notion, for a principle of equality cannot play such a role. But in order to show that the principle of equality is not, in any of its versions, even a guiding principle for educational policy, he will have to show far more.

(B) Arguments about whether we ought to provide equal educations or equal educational opportunities are of no value until we have a clear understanding of the terms. Such phrases as "equal educations" and "equal educational opportunities" are not, like "equal amounts of sugar," clear prior to analysis. The philosopher's job involves explaining the meaning of propositions as well as arguing for or against them; I do not find this task performed in Mr. Kleinberger's paper. Throughout, and particularly in the first section, there is a bewildering tendency to use "equals" synonymously with "exactly similar" or "same." That there are important relations between these words, and

that a proper analysis of "equal" will employ the concept of identity, seems fairly clear. But "equal" is not synonymous with "same."

(C) Mr. Kleinberger's position about the justification of moral principles in general does not come out very clearly in his paper. His position seems to be that moral principles, or principles involving value judgments, cannot be rationally justified. But Mr. Kleinberger does not want to abandon all moral principles; he wants to accept some and reject others. But what will count as a sufficient reason for rejecting *some* principles? It will not be enough to show that the principles to be rejected cannot be rationally justified, for this is true of *all* moral principles, according to Mr. Kleinberger. It seems, then, that Mr. Kleinberger cannot have been arguing, in his paper, that the various principles of equality cannot be rationally justified. On his own view of moral principles, that is not a sufficient reason for rejection. But he does seem to be arguing just this way, particularly with regard to (3). So what is he arguing? 445

There is much of interest in Mr. Kleinberger's paper that I have not been able to comment on. Of particular importance is the principle that Mr. Kleinberger appeals to towards the end of his paper in explaining why we have a moral obligation to rectify illicit discrimination, and pursue some of the other practices often thought to be justified by principles of equality. This is the principle that every human should be treated as an end and not as a means. One wonders if this principle could not be called a "principle of equality" as appropriately as some that Mr. Kleinberger discusses under that title. It is the idea that although human beings may differ in value when considered as means to the achievement of certain goals their value, when considered as ends in themselves, is equal.