Rawls, Nozick, and Educational Equality

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Two recent treatises on moral philosophy have attracted far more general attention than is ordinarily given to works in academic philosophy: A Theory of Justice, by John Rawls, and Anarchy, State, and Utopia, by Robert Nozick. Together, they offer a framework for considering the difficult problems of inequality in education. Rawls' theory of justice directly addresses the question of what is a just distribution in society—or, put differently, whether inequalities are justified in society, and if so, what kinds and amounts of inequality. Rawls' answer is that only those inequalities are justified which are to the benefit of the least advantaged. Because some inequalities of position or of resources may bring greater productivity and thus greater benefits to all, they may be justified by this principle—though only those such inequalities are permissible.

Nozick's book is in part a response to Rawls. He points out that most inequalities are not created by some central authority, but arise because of individuals' innate or acquired differences in skills, capabilities, and other resources. Thus, he argues (correctly, I believe) that Rawls' principle presupposes that these resources and their products are collectively held, and that individuals have no rights to them. Nozick's own theory is diametrically opposed to this principle. Beginning with the assumption that each person has a set of natural rights, Nozick argues that justice demands neither equality nor an inequality that must benefit the least advantaged, but rather the full entitlement of each person to what he has justly acquired. Whereas for Rawls, a central authority is entitled to distribute the fruits of everyone's labor, for Nozick, only the individual is entitled to the fruits of his own labor, and he has full rights to the use and disposal of them.

Although these are merely the positions of two philosophers, they express both the principal argument for regarding equality as the only just distribution, and the principal argument for regarding inequalities as justified and equality as an artificially imposed state. The equality position begins with an imagery of a set of benefits held by a central authority; and the question is then raised: How shall these benefits be distributed? Isaiah Berlin has expressed well this position in his answer to that question:
...no reason need be given... for an equal distribution of benefits—
for that is "natural"—self-evidently right and just, and needs no justifi-
cation. . . . If I have a cake and there are 10 persons among whom I
wish to divide it, then if I give exactly one tenth to each, this will not,
at any rate automatically, call for justification; whereas if I depart from
this principle of equal division I am expected to produce a special
reason.

The inequality position begins with a very different imagery: a
set of individuals each having produced certain goods through his
own skills and efforts. The question is then asked: Who has the
right to these goods? The answer is as self-evident as the answer to
the parallel question raised by the equality position: Each has the
right to the product of his labor until and unless he chooses to trans-
fer some portion of it to another (or perhaps to a central authority
for redistribution). According to this position, imposition of equal-
ity in benefits constitutes a significant loss of rights, not only for the
"haves," but also for the "have nots" (for after redistribution, they
must be restrained from market transactions that would destroy the
pure equality and reinstate inequality).

Now what do these two positions imply for education? Rawls'
position implies erasing all the "accidents of birth" which give
one person more opportunity than another, and thus creating a full
equalization of opportunity for each child. As political philosophers
have long noted, this necessitates removing the child from all influ-
ences of his family—because families provide differential opportu-
nity—and raising him as a ward of the state, subject to precisely the
same conditions as any other child.¹

Nozick's position implies, in contrast, no system of public educa-
tion at all. For public education is redistributive, and by Nozick's
"entitlement" principles each child is entitled to the full untaxed
benefits of his family's resources, insofar as it chooses to use those
resources for his benefit. Thus for Nozick, all education is private,
paid for individually by each family according to its resources and
preferences.

These are extreme positions; few persons would assent to the edu-
cational structure implied by either. And it is clear from the extreme
educational structures they imply that neither position can be a
correct expression of a just society. For if justice in society requires
a Rawlsian solution, then justice must also bring many undesirable
consequences in its wake. And if justice in society requires no more
than a Nozickian solution, then the sins of the fathers are indeed
visited on the sons, with no outside alleviating influence to mitigate
the inheritance of advantage or disadvantage.

¹ There are passages in Rawls' book which indicate that he does not envision
such a radical transformation of the child's environment. Nevertheless, such a
transformation does follow quite directly from his position concerning permis-
sible inequalities.
Yet these two extreme positions are useful, because they show the different ends toward which each philosophical position points, and they sensitize us to what is gained or lost by moving in either direction. By moving in the direction of equality, we lose individual liberty to a central authority which imposes equality; and by moving in the direction of individual liberty, we lose equality to the accidents of birth reinforced by the market and the institution of private property.

The existence of the family is a negation of Rawls' position; the existence of the public school is a negation of Nozick's position. But the balance of power between the family and the school, and the balance of power among the forces that control the school, reflect the balance in society between these two positions. As the latter balance shifts, then there will be a shift in the relative power of family and school, and a shift in the character of the school itself. Before examining the principal issues of equality and liberty that have arisen in the schools, it is useful to examine some general processes that have changed American public education since its inception, processes that have implications for these issues.

Public education in America from the outset had two properties: It was locally financed and controlled, and it was egalitarian. Local communities set up, ran, and oversaw their own schools, with only slight aid, encouragement, or interference from the state, and none from the federal government. But because this country had no remnants of the hierarchical feudal society which spawned a two-tier public school system in Europe, but had instead an egalitarian ethic, the public schools were common schools—one school for children from all walks of life. To be sure, there were private schools used by some, particularly in the less egalitarian East, but as the public school movement grew, the single, common public school became the overwhelmingly dominant institution in American education. The schools showed some homogeneity, because different communities and, in the cities, different neighborhoods had different populations. Yet, in general, the banker's son and the laborer's son went to the same school, because their fathers lived and worked in the same community. (The dual school system of the South was an aberration, a persistent residue of slavery.) I don't mean to imply that the "common school" was highly egalitarian in practice: The very social diversity of its population led to practices within it designed to preserve the advantages of some and to reproduce, without too much reshuffling, the social structure of the preceding generation. Yet the school remained a common school, in which children from all social levels mixed—and in the smaller communities of that early period, social levels were not as far apart in social style as they are today. If a family was strongly opposed to anything about a child's school, but without the money for private school, it could move to satisfy its educational tastes; or in some cities with optional attendance zones or city-wide schools, it could choose another school without changing residence. But these choices were
highly constrained, because limitation in transportation kept residence, workplace, and school physically close.

However, in more recent years, particularly since World War II, several developments have greatly altered the patterns of the early public schools. One is the great growth of metropolitan areas and the concomitant decline of the independent small town. For the first time, most American children were attending school in a city of some size or the suburbs surrounding it. Parallel with this was the growth of a remarkably flexible and adaptable transportation system based on the automobile. These two changes, together with a general increase in affluence for all—and thus a greater range of economic options—made possible the separation of workplace from residence, and the development of large socially homogeneous residential areas served by socially homogeneous schools. In principle, the possibilities of choosing a school by choosing residence had not changed; but in practice, the possibilities had expanded greatly, as residence anywhere in the metropolitan area became a practical possibility for many persons in many cities. The result was a much greater social homogeneity of the population within each school, and an erosion of the egalitarian principle that underlay the common school. These possibilities coincided with the large-scale movement of blacks to large cities in the South and particularly in the North. This accelerated the residential homogenization and the choice of school by choice of residence.

At the same time, there were more subtle changes taking place in the control and financing of schools. School districts became larger and more removed from the effective control of parents in the community. State governments substantially increased their financing of schools and began to exercise more control over school policy and operations; and in 1965 the federal government began for the first time to add to general school finances—and with this financial wedge gained the possibility of some control. At present, over the country as a whole, just about half of school finances are provided by state and federal funds: about 41 per cent provided from state governments and about nine per cent from the federal government.

Thus at the same time that schools were homogenizing—increasing the separation of social classes and races through residential choice—the localism of school control was giving way to large districts and a financial structure appropriate for the exercise of state and federal power. What had happened was two movements in opposing directions: on the one hand, a movement toward greater local differentiation and greater social homogeneity of individual schools; and on the other hand, a movement away from local finance and control of schools and toward increasingly centralized finance and control. The first movement was a movement away from the egalitarian principle of the common school; the second was a movement that placed more power in centralized hands that could
attempt to reinstate the egalitarian principle, or to impose new, even more stringent, egalitarian measures.

The impasse to which these two movements have led is the impasse that currently confronts schools. There has been an increased exercise of residential choice of school, a right which most persons regard as a natural right (in Nozick's sense), and at the same time attempts by governmental agencies at the district, state, and federal levels to impose equality of opportunity through restriction or withdrawal of this right. There are two major issues in education where this impasse has occurred: school finance and school desegregation.

The most direct clash of the two principles of liberty and equality has occurred over the imposition of compulsory busing within school districts; and an even more intense clash appears ahead with the possibility of compulsory busing across school district lines within a metropolitan area. I am not discussing here school desegregation that rectifies the discriminatory actions of school boards and school administrations. But by definition, nearly all busing seeks to rectify that school segregation which arises from residential segregation—that is, from individual choice. By compulsory busing I mean the assignment of children by a central authority to schools at some distance from their homes to insure that all schools have a similar racial composition.

It is useful to pause for a moment and ask just how the issue of compulsory busing relates to the positions of Rawls and Nozick regarding equality versus liberty. Compulsory busing of children within a jurisdiction involves two ideas: first, that different children, because of their differing backgrounds, constitute resources for the learning of other children; and second, that a central authority has the right to redistribute such "resources" equally among all children. Opposition to compulsory busing accepts the first idea, but rejects the second: If there is to be redistribution, opponents of busing hold that this is a matter to be left up to individual parents who, through their choice of residence, decide where their children go to school. The advocates of compulsory busing (whether within the city, within the metropolitan area, or within some differently defined jurisdiction) subscribe to the premise underlying the arguments for equality: Resources or benefits are under the legitimate control of a central authority, not of individuals. Opponents subscribe to the premise underlying the arguments for liberty and against equality: Resources or benefits are under the legitimate control of the individuals who generate them (the family—or at a later age, the children themselves), not of a central authority.

Much can be said against both positions. The first is obviously a violation of individual rights as they have existed in this country. The second is blind to one fact: Exercise of individual rights under reduced external constraints (i.e., reduced constraints on contiguity of workplace and home) can lead to great increases in inequality. When the physical constraints that ensured the diversity of the
common school in early days no longer exist, the result is social homogeneity within the school and social diversity between schools. In this situation, there are two obvious policy alternatives, and a third that is not so obvious:

1. Withdrawing individual rights, vesting them in a central authority which can assign children from different backgrounds in equal measures to all schools. This option attaches total value to equality, and is indifferent to any loss of liberty that may result.

2. Retaining the individual rights of families and children to the choice of school by choice of residence. This option attaches total value to individual liberty, and is indifferent to whatever inequality may result.

3. Rather than withdrawing rights from those who have the (economic) power to exercise them effectively, enlarging the rights of others. This is a less obvious alternative to both positions that provides a set of "countervailing rights" which when exercised will increase equality rather than inequality. In the case of busing, this alternative would be to provide any child in a metropolitan area the right to transfer to a school of his choice, so long as the receiving school has a smaller proportion of his race than the school he leaves. The school would be required to accept children from outside its attendance zone, up to its capacity (which would be arbitrarily defined as a fixed percentage of the student body). Thus the right to choose school by residence remains; but in addition, the right is added to choose a school even if a family is otherwise effectively excluded, by economics or by race, from the residential area of that school—a right that when exercised reduces inequality. By this alternative full equality is not realized, nor is the full liberty of the economically advantaged to maintain homogeneous schools realized. But neither is equality fully sacrificed for that liberty, nor is liberty fully sacrificed for equality. And in addition, a new liberty or right is provided for those previously without it. (I should mention that I am not the first to suggest this alternative. Congressman Richardson Preyer has introduced in Congress a "National Educational Opportunities Act" affirming this principle.)

If the addition of this right did not create desegregation to the degree desired by the community (that is, if the community regards a greater degree of desegregation as a public good), then the proper solution according to this alternative would not be to remove liberty by coercive reassignment of children to achieve racial balance. The costs of this public good should be borne, instead, by the same group that demanded the greater degree of desegregation—that is, the community as a whole. Schools that are less integrated than desired could only use inducements to obtain a more heterogeneous student body. The most obvious inducement would be a direct payment from public funds to the family of any child whose enrollment would make the school more heterogeneous. Thus the liberty to attend the school of one's choice remains, and a degree of equality is realized at the expense of a tax on the community as a whole.
The second area of impasse between the two movements—toward social homogeneity of schools, and away from local finance and control—is equity in school finance. So long as schooling was locally financed from the relatively self-contained economies of independent towns and cities, few problems of equity arose among school districts. As with Nozick's position concerning individual liberty, each school district was regarded as entitled to its own resources, locally generated and locally held, whatever inequalities may have resulted. But the situation has changed, in part, to resemble that presupposed by the Rawlsian imagery: Half the school resources are now collected by a central authority (the state or federal government) and redistributed to local levels. In such a circumstance, the presuppositions behind the notion of equality in financing are met—for at least half the finances— and Berlin's or Rawls' arguments for equality become persuasive. In this case, the issue of liberty versus equality is a little different: It is the liberty not of the individual, but of the local school district, to use freely its own resources for its own schools. And it is the equality, or equity, not among individuals but among districts, which opposes this district-level liberty.

This issue has arisen in several court cases in which the plaintiffs demanded equal financing by the state, or at least financing in which the level of expenditure is made independent of the wealth of the district. The plaintiffs lost in the Supreme Court, but the issue remains alive, in state courts and legislatures.

The principle in this case seems less in dispute than in the case of school segregation: Individual rights to keep one's own resources for the schooling of one's own children have been voluntarily surrendered long ago by votes to impose taxes for public schooling. So school resources are now, and have been, collected and redistributed from a central authority. The only point at issue is the size of the unit within which equal expenditures are to occur: Is it the local school district, the state, or even the nation as a whole? Equal expenditures at the last of these levels, the national level, are not currently an issue, probably because of the small fraction of total school expenditures that are federally financed. It is between the other two levels that the issue lies.

As in the issue of school segregation, there exist two obvious alternatives, and a third that is not so obvious:

1. Expanding the equality position, providing full state funding. This forecloses the liberty of individual districts to spend more on education by taxing themselves more heavily, and its does so to insure full equality of financing for all children in the state. (The issue is made more complex by the different costs of education in different localities of a state, but I will ignore these complexities here.)

2. Maintaining the position of liberty for local communities by maintaining local taxation and local decision-making about the level of expenditure. State supplementation occurs as at present, but
with no attempt to constrain expenditures of local districts in the name of equality. This position ignores the principle of equality throughout the state, except in a secondary way through state supplementation, in order to preserve the liberty of individual districts to use their taxes as they see fit for education.

3. Neither maintaining the full liberty of local control nor wholly discarding it in favor of equity. This alternative to both positions would be to permit each district to determine its own rate of taxation, based on the desired level of expenditure for education; but the taxable wealth is in effect equalized throughout the state, so that two districts which vote the same tax rate will raise the same educational revenues per pupil, though one district may contain little taxable property and the other much. This proposal has been made by others, and I merely restate it here (John Coons, William Clune, and Stephen Sugarman, Private Wealth and Public Education, Cambridge, Belknap Press, 1970). This alternative, like the third alternative in the issue of school segregation, does not achieve full equality, nor does it sacrifice full liberty. It gives each district in effect the same wealth, and then allows the district the liberty of determining its tax rate for education.

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It is not often that theoretical statements in disciplines as arcane as academic moral philosophy are directly relevant to issues of social policy, or are in such sharp opposition on these issues. But the recent theoretical statements by John Rawls and Robert Nozick are both relevant and incompatible concerning the two central issues of current educational policy, and they illuminate the moral or philosophical bases on which the opposing policy positions are grounded. The benefit of drawing out the policy implications of these philosophical theories lies not in any greater persuasiveness lent to the respective policies; on neither issue does the policy position that I personally favor (the third alternative on both issues) follow from either Rawls' or Nozick's theory. Rather, the benefit lies in showing the inherent conflicts in educational policy between equality (which Rawls elevates to supremacy) and liberty (which is supreme for Nozick). And the connection in moral theory between the conception of centrally held resources and a principle of equality (evident in the work of both Berlin and Rawls) suggests the social conditions under which the principle of equality will gain greater or lesser ascendancy. In addition, the fact that for certain policies (such as school desegregation) children themselves are regarded as resources implies that however centralized the financial resources of the schools are, these human resources—not centrally held, but rather products of individual families—will offset the centrally held resources, thus providing the context in which natural rights theories (like that of Nozick) are persuasive.