

# What is equality of opportunity in education?

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## Abstract

There is widespread disagreement about what equality of opportunity in education requires. For some it is that each child is legally permitted to go to school. For others it is that each child receives the same educational resources. Further interpretations abound. This fact presents a problem: when politicians or academics claim they are in favour of equality of opportunity in education, it is unclear what they mean and debate is hindered by mutual misunderstanding. In this article, I introduce a framework to ameliorate this problem. More specifically, I develop an important but neglected framework for the *concept of equality of opportunity* and apply it to examine particular *conceptions of equality of opportunity in education*. In doing this, I hope to produce a piece of applied conceptual analysis that can both help clarify existing positions within the equality of opportunity in education debate and allow those seeking to produce new positions to express them more clearly.

## Keywords

Conceptual analysis, distributive justice, education, equality, equality of opportunity

There is widespread disagreement about what equality of opportunity in education requires. This disagreement ranges across a number of distinct dimensions. For example, suppose it could be agreed that equality of opportunity in education requires that no morally arbitrary factors should differentiate attainment between children. We would still have to ask both what counts as a morally arbitrary factor and what terms attainment should be measured in. Even if these controversies were resolved, we would not know which children were in the relevant group: all children in a particular state, the nation or the world?

The fact that equality of opportunity in education admits so many interpretations has led some authors to reject it or come close to rejecting it (Jencks, 1988; Westen, 1982,

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1985). As Christopher Jencks (1998) puts it, the worry is not merely that achieving equality of opportunity in education might be impractical, but 'whether an idea that can embrace so much means anything at all'. I believe that this inference would be a mistake. More precisely, while it is true that equality of opportunity in education may be interpreted in many different ways, it should not be inferred from this that progress cannot be made about its meaning. To determine which conception or set of conceptions we ought to endorse, we should begin by considering both the conceptual structure of equality of opportunity in education and which value(s) motivate our concern for it. That is the primary aim of this article.

A further aim of this article can be made clear by way of an analogy. In *Life's Dominion*, Ronald Dworkin (1993) argues that we may reorient the debate about abortion, viewing the fundamental disagreement between conservatives and liberals to be about what gives life value rather than about whether or not a foetus is a person. When we accept this reorientation, Dworkin claims, those on different sides of the debate will have a clearer idea of what is at stake, offering new possibilities for compromise and resolution. I believe we may similarly reorient the debate about equality of opportunity in education. Rather than viewing it in terms of those who are in favour and those who are opposed or, as is more common, one side labelling the other as disingenuous in their stated commitment, we may view disagreement about equality of opportunity in education as disagreement about the values, or the interpretations of the values, to which we are trying to respond via a conception of equality of opportunity in education.

The article comes in five sections. The first section presents the structure of the concept of equality of opportunity and discusses where value considerations enter into that structure. The second section considers what kinds of values might motivate a conception of equality of opportunity in education and presents a series of examples to illustrate how different popular conceptions of equality of opportunity are motivated by different values. The third section considers how equality of opportunity in general relates to equality of opportunity in education in particular. The fourth section considers how different conceptions of equality of opportunity in education might apply at different levels, the interpersonal and the institutional. The fifth section concludes.

## The structure of the concept

Before presenting the structure of the concept of equality of opportunity, allow me to elaborate the distinction between 'concept' and 'conception'. The term 'concept' refers to a general notion or idea. The term 'conception' refers to a specific interpretation of a notion or idea. Rawls (1993) illustrates this distinction in relation to justice in the following passage:

The concept of justice, applied to an institution, means, say, that the institution makes no arbitrary distinctions between persons in assigning basic rights and duties, and that its rules establish a proper balance between competing claims. Whereas a conception includes, beside this, principles and criteria for deciding which distinctions are arbitrary and when a balance between competing claims is proper. People can agree on the meaning of the concept of justice and still be at odds, since they affirm different principles and standards for deciding those

matters. To develop a concept of justice into a conception of it is to elaborate these requisite principles and standards.

Accordingly, when I claim that I am currently concerned with the concept of equality of opportunity, I am claiming that I am concerned with equality of opportunity in its most abstract form.

How should we understand the concept of equality of opportunity? I propose that we should follow Peter Westen (1985) in viewing the concept of equality of opportunity as composed of four distinct elements. They are as follows:

1. A distributive *pattern*, namely, equality;
2. A description of the *subjects* between whom the pattern is to hold, such as all members of a particular district or all citizens of a state;
3. A distributive *object* around which the pattern is focused, such as jobs, resources or welfare;
4. An account of the *obstacle(s)* to achieving the object that ought to be absent or equalised as an obstacle(s), such as wealth, physical strength or skin colour.

Each of the above elements is a *necessary* part of the concept of equality of opportunity; without any one element, the described concept would no longer be the concept of equality of opportunity. If one hopes to move from the abstract *concept* to a particular *conception* of equality of opportunity, one has to provide a particular account of the elements that compose the conception. That is, one has to describe who is the subject of the conception, which obstacles are relevant for opportunity and which goods constitute the object of the opportunity.

On this view, to say that a certain set of individuals ought to have equal opportunity is to say that a particular set of obstacles should, or should not, be allowed to differentiate the individuals' achievement of some object. It does not mean that *all* of the obstacles that the individuals face to achieving the object must be the same.<sup>1</sup> This conforms to ordinary language statements regarding equality of opportunity. For example, when we ask whether equality of opportunity holds between some group of job candidates, we typically require that the candidates be filtered without reference to particular characteristics such as race or gender. On the given conception, then, race and gender must not constitute obstacles that differentiate between candidates for equality of opportunity to exist. Similarly, when we ask whether equality of opportunity holds between athletes in the 100-m sprint, we typically require that each athlete uses only particular types of sportswear, is not taking performance-enhancing drugs and so forth. Here, drugs and particularly advantageous sportswear are identified as obstacles that must not differentiate between the candidates, and we will say that equality of opportunity exists although some runners are much faster than others. In both cases, and in ordinary language generally, equality of opportunity need not require that each member of the subject group actually be able to or has an equal chance of attaining the object.<sup>2</sup>

I want to suggest one change to Westen's account concerning the role played by 'equality' within the four-part structure. Westen (1985) claims that a commitment to equality is merely 'derivative' of the other three elements. By this he means that the

demand for *equality* of opportunity between some group of individuals for some object is derivative of the demand that each individual should have some stipulated absolute level of opportunity for some object. Or, as he puts it,

in the presence of stipulated standards of opportunity, one has no need to identify equality among agents because the standards themselves tell us everything we need to know: the standards themselves tell us who has (or ought to have) such opportunities and who lacks (or ought to lack) them. (Westen, 1985)

I believe this a mistake. Rather than seeing equality of opportunity as composed of four elements, one of which is derivative of the other three, we should see equality of opportunity as composed of four elements each of which is open to interpretation. In addition to giving account of who are the subjects and what are the relevant obstacles and objects, we must give account of the value underlying our conception of equality of opportunity. The following two points justify my suggested change.

First, sometimes we care about equality of opportunity because we care about the *relative entitlements* of individuals and not, as Westen suggests, because each has an *absolute entitlement* of equal strength to some level of opportunity.<sup>3</sup> For example, on some prominent accounts, equality of opportunity is important when and because fairness requires *proportionality* in the satisfaction of claims and claims are initially equal (Broome, 1990–1991). On this type of view, a fair distribution is an equal distribution even if this means none of the parties receive anything. Here, equality of opportunity is important precisely because each ought to have the same opportunities, not because anyone ought to have a particular amount of opportunity.

Second, Westen's view obscures the important role value plays within a conception of equality of opportunity. An account of value is needed to explain why the particular distributive pattern, namely, equality, is important. In building a conception of equality of opportunity, we must have in mind a value that we hope to realise. To see this, consider again the case of a race. A runner has developed a new kind of footwear. It is compatible with the existing regulations but gives her a considerable advantage. It is up to you to decide whether to allow the footwear or amend the regulation. In order to do this, you must reason about the value that motivates the race and whether or not allowing the footwear will promote that value or detract from it. For instance, you might determine that the relevant value is the identification of athletic excellence and that the shoes will act to mask this, giving you reason to amend the regulations. Or you might determine that it is simply the display of speed that is valuable, and so find reason not to amend. It is only when you have the value in mind that you will be able to determine what obstacles, in this case footwear, count as legitimate and which do not. It is the value you hope to realise in the race that will colour your conception of equality of opportunity.

In sum, debates about equality of opportunity are debates about which values should be considered relevant and which are the weightiest. Only by focusing on questions of value will we be able to tell whether we care about the relative or absolute levels of opportunity individuals have. Only if we make explicit what value supports equality of opportunity will the debate become more transparent and therefore more tractable.

## Value and equality of opportunity in education

What kind of values might inform our concern with equality of opportunity in education? Two broad categories of value can be distinguished.<sup>4</sup> First are values that are concerned with the good. This category is potentially very broad (as broad as the number of ways something can be good). It might include well-being, knowledge and many other things besides. I do not mean to claim that all of these values might plausibly inform a concern with equality of opportunity in education. But some do.

To see how this kind of value is often invoked in public discourse about equality of opportunity in education, consider an affirmative action policy at a public university. The policy demands that we give extra weight to applications from individuals of a particular racial group, Native Americans. Proponents of the policy observe that Native Americans are currently underrepresented in universities and in the positions of power that university attendance is often a prerequisite for. They argue that the policy is justified because better representation of Native Americans in government and other positions of power will lead to a higher quality of democracy and better civic outcomes. Opponents of the policy accept that Native Americans are underrepresented. Nevertheless, they argue that granting their applications extra weight – or indeed any other groups' applications extra weight – will result in less academically able students taking up positions within the university.<sup>5</sup> This will lead to a lower level of academic excellence. And, since we have reason to value academic excellence, the policy should be rejected and the university should select candidates solely on the basis of academic ability. Here, we have two conflicting conceptions of equality of opportunity, each supported by different values concerned with the good. On one hand, there are the civic values of the outcomes we realise through having a more representative democracy. On the other hand, there is the value of academic excellence. It is deciding which of these values we have reason to endorse, or how much weight each should be given, that will determine the contours of the conception of equality of opportunity that the university ought to employ, in particular what should count as an obstacle to admission.

The second general category of value must be defined in opposition to the first: values that are not concerned with the good. Again this category is very broad. It includes values such as justice, legitimacy and consent. Typically, these values are seen as *constraints* on how we may pursue the good. As before, not all of these values might plausibly inform a concern for equality of opportunity in education. But some do.

Consider the following example of how the affirmative action policy might be defended (or opposed) with reference to a value that is not concerned with the good. The government, faced with the problem of how to structure university admission, puts the matter to a referendum. The result of the referendum is that the affirmative action should be applied. Having been selected by the referendum, that conception of opportunity is now supported by the value of legitimacy and so the government acts to realise it. Notice how the value of legitimacy may be thought to act as a constraint. Having bound itself to the result of the referendum, the government must act in accordance with it even if the government believes more good might be realised by a different policy.

This way of conceptualising debates about equality of opportunity – recognising that different legitimate but competing values may motivate competing conceptions – allows

us to improve on the account provided by Christopher Jencks. His deliberately simplified account breaks versions of equality of opportunity into categories with labels such as 'democratic equality', 'moralistic justice', 'weak humane justice' and 'strong human justice', with the suggestion that only one conception is valuable or at least that only one may be selected. But it is not necessarily true that there is only one value that should inform the final conception of equality of opportunity we select. The correct conception might be a compromise between more than one value, and even if it is not, we will have a more constructive dialogue with our opponents if we recognise the underlying values that people with different views are invoking.

## **Equality of opportunity through and for education**

There is a further question that to my knowledge has been overlooked in debates about equality of opportunity in education, namely, how does 'education' connect to 'equality of opportunity'. In what follows, I will sketch two different ways this connection might be made.

First, education may be a vehicle for the realisation of some more general conception of equality of opportunity. On this view, the task is to first identify what general conception of equality of opportunity is supported by some value, before then determining how education should be employed to achieve that conception. For instance, if the conception of equality of opportunity requires that each individual should have the same means for a good life with differences in how they fare depending only on natural talent and choices to expend effort, the educational system could then be employed to provide remedial treatment for those individuals who had been disadvantaged outside of education. Equality of opportunity in education will be achieved in so far as the educational system serves to realise the more general conception of equality of opportunity. One might call this type of view 'equality of opportunity *through* education'.

Second, a conception of equality of opportunity may apply directly to education itself. This view does not see education solely as a vehicle; rather it is the educational system and those in it that are the sole concern of equality of opportunity. Indeed, it is a distinguishing feature of this view that it makes no reference to any more general conception of equality of opportunity. For example, a conception of equality of opportunity in education might require that goods are distributed evenly within schools and exams are structured so as to reward the most able, irrespective of how this affects any more general conceptions of equality of opportunity. One might call this type of view 'equality of opportunity *for* education'.

The distinction between equality of opportunity 'through' and 'for' education can also be explained in terms of the more general distinction between instrumental and intrinsic value. That distinction is typically applied to whether a particular good is valuable for the other goods it can lead to or for its own sake. By contrast, the cut between 'through' and 'for' applies the instrumental/intrinsic distinction to the *distribution* of goods within particular educational contexts. It is concerned with whether the distribution of goods within schools, and perhaps other educational settings such as university and adult learning, is important in itself, or whether it is important because of the education's contribution to the distribution of goods beyond schooling.

There is a tendency to think that equality of opportunity through education must be the correct view. After all, this seems most congruent with the attractive thought that it is a person's life, taken as a whole, that constitutes the fundamental unit of moral concern. But there are a number of philosophers who have defended positions that can be read to support equality of opportunity for education. For one, Norman Daniels (1981, 1988, 2008), expanding on Rawls, has argued that we should be concerned not only with how individuals fare over their whole lives, but also how they fare in particular age-groups, including age-groups like 11–16 where people are enrolled in education. On his view, justice places distributive constraints within particular age-groups, with these constraints determined by how one would choose to distribute goods and opportunities across a lifetime in a hypothetical choice situation. For another, Michael Walzer's view that there are 'Spheres of Justice' gives education an importance that is independent of its wider distributive implications. On his account, different goods have their own distributive principles, and so, in so far as education is a distinct good distributed via the educational system, the distribution of education can be determined without reference to how other goods are distributed (Walzer, 1983).

There are also everyday examples where we seem to value distributions within schools for their own sake. Consider the policy that each child should wear a school uniform. It is plausible that children should wear school uniforms even if this has no impact on how far these children succeed outside of the education system. This policy might be defended on the grounds that it displays the equal status of children. Furthermore, the case for thinking education might be special becomes even stronger when one considers that school is one of the only periods in a person's life where the state forces her to undergo a particular kind of training and enrolment. If this sort of coercion has special moral significance, it might also generate particular, context-specific, moral principles.

Having made this distinction, let me be clear that my aim is not to defend either view. Rather, I hope the distinction can be used to help clarify existing debates, allowing others to make those substantive arguments more clearly. For example, consider the following statements by Harry Brighouse and Adam Swift (2008):

Education is a crucial gateway to these rewards [income, wealth, status, positions of occupational advantage]; a person's level and kind of educational achievement typically has a major influence on where she will end up in the distribution of those potentially life-enhancing goods. It is unfair, then, if some get a worse education than others because, through no fault or choice of their own, this puts them at a disadvantage.

The Meritocratic Conception: An individual's prospects for educational achievement may be a function of that individual's talent and effort, but they should not be influenced by his or her social class background.

These two statements, given just a page apart, can be read as offering two subtly different conceptions of equality of opportunity in education. The first is a conception of equality of opportunity *through* education. It identifies certain goods, such as income and wealth, as being constitutive of some form of 'life-enhancing' advantage and observes that it is unfair when some receive better education than others because this will lead to unchosen or undeserved inequalities in these goods. The education system is seen as a

vehicle. It is not important for its own sake. It is important because it may lead to inequalities in these further advantages. The second statement is a conception of equality of opportunity *for* education. It applies strictly to the educational system, making explicit reference to the goods of educational achievement as the object of the conception. The cut between ‘through’ and ‘for’ allows us to accurately distinguish these conceptions of equality of opportunity in education. It also raises questions about how Swift and Brighouse conceive of their position, whether their statements are consistent, whether they believe one conception is primary and so forth.

Finally, note that the distinction between ‘through’ and ‘for’ can be made with respect to how equality of opportunity relates to any particular subfield, not only education. The relevant distinction is always just whether the distribution of goods in a particular setting, say healthcare, is important for its own sake or important because it serves to realise some broader distributive pattern.

### Scope and equality of opportunity in education

So far, I have argued that discussion of equality of opportunity in education must be sensitive to the different values that one hopes to realise, and I have distinguished two ways in which we might think about equality of opportunity in education, ‘for’ and ‘through’. In this section, I want to introduce one final distinction. It concerns the level of application, or as I will call it the ‘scope’, of equality of opportunity in education. It concerns whose duty it is to realise a particular conception.

My claim is that there may be different conceptions of equality of opportunity in education that operate simultaneously with different scopes. Some may have an institutional scope; others may have an interpersonal scope. Conceptions of equality of opportunity with an institutional scope are concerned with the state and the public institutions of society, including educational institutions. These conceptions determine how public institutions ought to be structured and create duties for individuals holding particular positions within these institutions. Conceptions of equality of opportunity with an interpersonal scope are concerned with us, our everyday lives and the states of affairs we may bring about. They guide our actions and create duties for us in a great range of contexts including our interactions with our children, friends and even distant strangers.<sup>6</sup>

The distinction between the different scopes of conceptions of equality of opportunity and the duties they create is familiar from our everyday practice. Here is an example. Suppose that a certain conception of equality of opportunity in education requires a strict equality in the allocation of state resources to individual students. This conception is supported by the value of justice. According to this conception, Andrew, a teacher, would act wrongly if he were, *qua state agent*, to give additional resources to particular students. But Andrew might also be a parent. The conception applies only to what the state may do and so only to what Andrew may do when acting as an agent of the state. It does not extend to Andrew’s private life. Privately, Andrew might endorse an alternative account of the value of equality of opportunity in education. When acting as a parent, his favoured conception may lead him to spend more resources on some children than others. Here,

there exist two conceptions of equality of opportunity in education that have different scopes and which the same individual adheres to, one after the other.

To see why we need principles with different scopes, note that institutions and individuals face different ethical considerations. For example, note the reasons Rawls gives for rejecting what has become known as the ‘luck egalitarian’ conception of equality of opportunity which demands that individuals’ levels of *well-being* are *responsibility-sensitive*. First, Rawls rejects the idea that well-being could be appropriate for governing institutional arrangements because no particular conception of well-being could serve as the basis of agreement between people with different comprehensive conceptions of the good. The key thought here is that no conception of well-being could be legitimate – the focus of political agreement – as it would privilege some people’s particular comprehensive conception of the good over others (Rawls, 1999). Second, Rawls rejects the idea that it would be practical for institutions to make fine-grained judgments about responsibility. Not only is what counts as responsible action controversial, the state could not have access to the information necessary to determine which part of some superficially deserving action, such as a display of effort, was actually attributable to the person and which was the product of their circumstances (Rawls, 1999).

These are powerful arguments. They show that the luck egalitarian conception is not appropriate as an institutional conception. However, they do not show (and Rawls does not claim that they show) that the luck egalitarian conception is not appropriate as an interpersonal conception. With respect to the first argument, the kinds of legitimacy considerations Rawls mentions are not generally thought to apply to our everyday interactions with those around us.<sup>7</sup> Rather we may act on our own comprehensive conception of the good, including our own favoured conception of well-being, when interacting with others. With respect to the second argument, while it is undoubtedly true that the state could not have adequate information to make these responsibility judgements, the same is not true of individuals. Some people will have lived with others for extended periods of time, become familiar with them and their history, and will therefore have a wealth of personal information with which to make responsibility judgements. Indeed, we make such judgements all the time. We make them when determining whether those close to us have acted well or poorly and hold them responsible accordingly. In our personal interactions, fine-grained judgements about other individuals seem both unavoidable and appropriate. To return to the case of Andrew, it might be quite right that he should act on one conception of equality of opportunity in education in his capacity as a teacher, but that he should act on quite another in his capacity as a parent. The extra information he has at his disposal as a parent and the absence of legitimacy constraints change the kinds of judgements it is appropriate for him to make in that role. Reasons that make a conception appropriate at one level may not be present at another.

Of course, I am not claiming that the luck egalitarian conception of equality of opportunity is correct. My aim is only to illustrate how different reasons may apply, making different conceptions of equality of opportunity appropriate for different scopes. There may be different conceptions of equality of opportunity that individuals have a duty to realise depending on their role at a particular time.

## Conclusion

In closing the article, let me briefly address a pair of objections. As I have described it, equality of opportunity may be concerned with any one of a number of different, sometimes conflicting, values. Perhaps this squeezes too much into equality of opportunity in education. Rather than caring about equality of opportunity in education because it is fair, efficient or agreed to, equality of opportunity in education might be something that we care about for its own sake with no further value supporting it. In fact, I have not denied this. It is possible (although I do not think plausible) that our concern with equality is foundational. The overall conceptual structure would still apply. What I have argued is that usually equality of opportunity operates as a sort of short-hand. Often when people claim they are in favour of equality of opportunity, they are, consciously or not, invoking some further value. Equality taken alone seems under-motivated. When one is asked why a particular group of individuals should be treated as equals, further justification is usually appealed to, such as 'because only this respects their equal status' or 'because we need to determine who is the most excellent'.

What about the concern that in identifying many possible conceptions of equality of opportunity in education, but not arguing for any particular conception, the preceding analysis does not conclusively determine what we ought to do with respect to reforming the educational system? This concern is valid. The preceding analysis does not aim to identify the correct conception of equality of opportunity in education, let alone consider how it could best be realised in practice. What it aims to do is to make sense of existing statements about equality of opportunity in education, explaining disagreement about equality of opportunity in education, and equality of opportunity more generally, as disagreement about the values that we should aim to respond to. If it is successful, it won't conclusively determine which conception of equality of opportunity we should endorse, but it will provide a framework from which a more satisfactory account of equality of opportunity in education can be developed.

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## Notes

1. This account of the concept of opportunity implicit here is relevantly similar to Gerald MacCallum's account of the concept of freedom. MacCallum argues that all statements about freedom can be expressed in the form:

'X is (is not) free from Y to do (not do, become, not become) Z', where X ranges over agents, Y ranges over such 'preventing conditions' as constraints, restrictions, interferences, and barriers, and Z ranges over actions or conditions of character or circumstance.

It needs a slightly different linguistic construction, but statements of opportunity can be expressed in the form,

X has an opportunity for Z, when X may choose to pursue Z in the absence of some obstacle Y, where X ranges over agents, Y ranges over ‘preventing conditions’, or as I have called them ‘obstacles’, and Z ranges over the possible objects of the opportunity.

This account is slightly different from the account offered by Peter Westen. For Westen, having an opportunity requires that none of the obstacles are ‘insurmountable’. I reject this additional requirement because it seems that often we talk about someone having an opportunity although an insurmountable obstacle was present. A second distinctive feature of the formula I have offered is the ‘*may choose to pursue*’ clause. Strictly speaking, an opportunity is not only the absence of an obstacle because sometimes the absence of an obstacle means one will certainly arrive at some object, such as when the absence of a chair means that one will certainly hit the floor. For an opportunity to be present, it must be the case that an individual may choose not to pursue some object. My thanks to Daniel McDermott for this last point (MacCallum, 1967).

2. Note that my general claim is only that at the level of *concept*, equality of opportunity statements do not *entail* that each member of the subject group actually be able to or has a chance of achieving some object. This is entirely compatible with believing that the most morally compelling *conception* of opportunity should include these requirements.
3. The distinction offered here between relative and absolute ways of valuing equality of opportunity is relevantly similar to Joel Feinberg’s distinction between comparative and non-comparative justice (Feinberg, 1974).
4. In referring to values here, I am referring to what Shelly Kagan calls factors as opposed to foundations (Kagan, 1997).
5. This does not imply holding the false position that Native Americans have less natural talent. The opponents could accept that native talent was equally distributed across all persons but argue that because some have been disadvantaged and so have not had the chance to develop their academic skills, some individuals are now less skilled and so make less good candidates
6. For a classic statement of two different understandings of the relationship between the moral and the political, see John Rawls (1982).
7. Note that there are some authors who assert that the same kinds of constraints should be applied to our personal interactions (Matthew Clayton, 2006).

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