

The morality of school choice

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ABSTRACT

Summarising the arguments of *How Not to Be A Hypocrite: School Choice for the Morally Perplexed Parent* (Routledge Falmer 2003), the article discusses three questions. The first is whether parents who disapprove of elite private schools to such an extent that they would vote to ban them are acting hypocritically or inconsistently with their principles if they send their children to such schools. My answer is that they need not be. The second is whether parents should have the option of sending their children to such schools; whether those schools should be allowed to exist. My answer is that they should not. The third is whether, given that such schools do exist, parents are justified in sending their children to them. My answer is that in certain circumstances they may be, but that most of those who opt for such schools are not justified in doing so. As long as the state school is 'good enough', parents should send their children to that school, even where it would not be as good for their children as would private alternatives.

KEYWORDS *equality of opportunity, hypocrisy, private education, school choice, social justice*

INTRODUCTION

IN THIS BRIEF account of the main themes of *How Not to Be A Hypocrite* I am going to discuss three questions. The first is whether parents who disapprove of private schools to such an extent that they would vote to ban them are acting hypocritically or inconsistently with their principles if they send their children to such schools. My answer, which I think fairly straightforward, is that they need not be. The second is whether parents should have the option of sending their children to such schools; whether those schools should be allowed to exist. My rather more controversial answer is that they should not, or at least not in anything like the form they take in the UK. The third asks

Theory and Research in Education

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VOL 2(1) 7-21 ISSN 1477-8785 DOI: 10.1177/1477878504040574

whether, given that such schools *do* exist, parents are justified in sending their children to them. My answer is that in certain circumstances they may be, but that most of those in the UK who opt for private schools are not justified in doing so. They should send their children to state schools even where such schools would not be as good for their children as would private alternatives.

How Not to Be A Hypocrite was explicitly written for a UK audience. The UK education system incorporates extensive opportunities for parents to make choices about their children's education and the option for their children to attend expensive, academically oriented, private schools is ever-present for wealthy parents. But many of the issues I deal with in the book, and here, are also pressing in the USA and in other educational 'marketplaces' in Anglo-phone countries, if in slightly different ways.¹ Certainly, the moral issues raised by school choice are more apparent in the UK than in the USA. The division between the state and independent sectors has far greater social significance and political resonance. This is not because the independent sector is particularly big in the UK. Fewer than 7 per cent of children in the UK go private. About 12 per cent go private in the USA. It is because private schools in the UK are, predominantly, elite schools, patronized by the advantaged and widely regarded as important mechanisms in the reproduction of the British class system. To give just one example, nearly half of the UK undergraduates at my university, the University of Oxford, come from that 7 per cent of students who go to independent schools. This is completely different from the USA. The average cost, in the UK, of sending one's child to a private day school (not a boarding school) is twice that spent by the government. In the USA, it is almost exactly the other way round: on average, private schools cost half the amount the state spends on educating each child. The US private sector is primarily religious and committed to the education of children across the range of socioeconomic classes. In the UK, it is primarily the domain of a social and cultural elite.

This makes a big difference. For example, powerful studies suggest that the existence of private schools improves the quality of state schools in some parts of the USA (e.g. Hoxby, 2000). I do not think anybody believes that the state system in the UK is better because it is operating alongside an independent sector that systematically deprives it of the most advantaged and easily educable children and of the political influence of their parents. This matters, because the main argument for getting rid of private schools in the UK is the fact that they are bad for the 93 per cent of children who do not go to them. The example of the USA, of course, opens the possibility of a very different kind of private system, where the advantages of the market mechanism are separated out from the disadvantages of unfair inequalities in market power. Egalitarian voucher schemes – parental choice, equal resources devoted to each

child, no top-ups, private schools competing for children but oversubscribed schools selecting randomly from those who apply – may well be the way to do that (Brighouse, 2000, 2002). When I write of private schools, think of expensive elite private schools. It is the unfairness, not, the privateness, with which my arguments will be concerned.

But students at some schools can enjoy unfair advantages over those at others without going to private schools, for there can be unjust inequalities within the state sector. If, in the UK, the focus for concern about educational injustice is the division between state and private, in the USA attention naturally turns rather to the savage inequalities between school districts (Kozol, 1992). In the UK, public funding per pupil is essentially the same across the country, with some extra resources devoted to particularly deprived areas. There remains wide variation in the quality of state schools and many parents regard the quality of local schools as a key factor when deciding where to live. But that issue is even more salient in the USA. So US readers might do well to substitute ‘unusually well funded public schools’ for ‘private schools’ in what follows. The same issues arise, about hypocrisy, and about the extent to which parents may legitimately pursue their children’s advantage. In particular, I am rather unsympathetic to those who oppose school choice, but who themselves allow school quality considerations to enter their decisions about where to buy a house. Those with the money can, when deciding where to live, make choices within the state system. They should think hard about why they are justified in denying that choice to the less fortunate.

Although my book focuses on the policy issues in the UK, it is fundamentally about the moral quality of personal and collective decisions and much of the argument both there and here is devoid of empirical content. My concern is with principles – concerning parents’ rights, the extent to which parents may legitimately pursue their children’s interests, and so on. Some of it is about the connection between what some regard as different kinds of principle: on the one hand, those to govern the public realm, properly informing the way one should vote on matters of policy, seeking the common good, when acting as an impartial citizen; on the other, those appropriate to one’s private decisions, concerning one’s nearest and dearest, when acting as a loving parent. Deciding the issues at this level of abstraction does not require the reader to know anything about the differences between the educational systems in the UK and the USA.

HYPOCRISY

Let me start with the question of hypocrisy. This may be the easy bit of the argument, but it is also in many ways the most significant for public debate. When leftist parents go private, critics seem more concerned to accuse them

of hypocrisy than of doing the wrong thing. Its publishers were very keen that my book have the word 'hypocrite' in the title. When *The Guardian* newspaper chose an extract for publication, it was the section on hypocrisy that they (I am sure rightly) judged most likely to interest their readers. Personally, I think that this focus is somewhat misplaced.

That is partly because there is a very easy way to send children to a private school without even risking the charge of hypocrisy. All one has to do is think that there is nothing morally problematic about private schools. I imagine that the vast majority of parents who send their children private are doing nothing hypocritical, simply because they see nothing wrong with private education. Sending your child private only opens you to the charge of hypocrisy if you think that people should not be allowed to do that. I think I would rather be someone who had principled objections to private schools, but failed to act on those principles when it came to my own children, than someone who could not even see why those schools might be objectionable in the first place. You cannot qualify as a hypocrite unless you have some principles not to live up to.

Even for those who do object to private schools, there are still some fairly straightforward ways in which one can send one's children to them without hypocrisy. Hypocrisy, by the dictionary definition, is 'the practice of falsely presenting an appearance of virtue or falsely professing a belief to which one's own character or conduct does not conform'. All one need do to avoid hypocrisy, then, is not profess beliefs one does not really hold. In which case, the issue is clear: does the fact that one sends one's children to a private school show that one does not really believe such schools should be abolished?

Of course not. Take an easy case. Suppose a parent believes that the existence of the private sector is bad for those who go to state schools, and bad in a way that makes her local state school unacceptably inadequate. Without private schools, the state school would be good enough. With them, it is inadequate. So she goes private while wishing that she did not have to, and believing that it is only because private schools exist that she does have to. No hypocrisy there.

The belief here is the one I mentioned in my introduction, that private schools are bad for those who do not go to them. More specifically, the claim now is that private schools are so bad for the local state school that they render it inadequate – below a threshold of acceptability. Parents may believe that they are justified in ensuring that their children go to an adequate school while simultaneously urging an end to private education. Indeed, I will argue that they are right to do so. But let me point out now that there are two different ways in which private schools might be thought to worsen things for those in the state system and two different ways in which the local state school might be judged inadequate.

On the one hand, education is, in part, a positional good. As an instrumental means to jobs and the money that goes with them, what matters is not how much education one has, or how good it is, but how much one has, or how good it is, relative to the others with whom one is competing for jobs. This gives education something of a zero-sum aspect: the better educated you are, the worse for me (and vice versa). While there is some controversy about whether private schools are in fact better, all things considered, for the children who go to them, than state schools would be – and while measures of added value constructed by educational sociologists suggest that many private schools in the UK are poor value for money – it seems undeniable that, in terms of competition in the labour market, at least some private schools do indeed bestow considerable advantages on the children who attend them. But, because of the zero-sum aspect, this means that such schools inevitably make things worse for those who do not go to them. And parents might think that they make things *unacceptably* worse. If going private gives you an unfairly good chance of getting a good job, then not going private would seem to give you an unfairly *bad* chance – and why should parents make school choices that leave their children with an unfairly bad chance of getting a good job?

The positional aspect to education suggests a way in which private schools disadvantage those who do not go to them that makes no claim about the effects of private schools on the absolute quality of what is delivered by the state system. State school children are harmed simply by the fact that others are getting more or better than they are. But, as suggested above, there are good reasons for thinking that the existence of the private sector worsens the education of those in the state schools in *absolute* terms also. Allowing affluent and influential parents to opt out is one way to depress standards, as is creaming off those children of the relatively advantaged, who are more likely to have been socialized into aspirations, skills and attitudes conducive to educational success. Here, of course, it is importantly relevant that many private schools do not admit children solely on the basis of their parent's ability to pay. They also select by children's educability, partly through scholarship schemes, and in this way are able to filter the more able and motivated students away from the state system. All in all, peer group effects – the fact that children's educational experiences and achievements depend, in part, on who they go to school with – mean that this kind of filtering process has a negative impact on the education of those in the state system, where the quality of that education is understood absolutely and not comparatively. A parent could thus believe that her local state school was inadequate in absolute terms, because of the private system, vote to abolish the private system and send her children private in order to obtain an absolutely adequate education for her child.

Alternatively, imagine a wealthy parent who thinks: 'I care about social

justice enough to be willing to abolish private schools and thereby deprive my son of the tip-top education he might otherwise enjoy. Still, private schools exist, and other people use them, so social justice is not an option. And although I care about social justice more than my son's getting a tip-top education, I'm not willing to deny him that education for the sake of anything less than a substantial contribution to social justice. My sending him to the local state school may mitigate the unfairness but it won't bring about *that*. So I send him to an elite private school'.

This is entirely consistent and there is no hypocrisy involved. One lesson is that consistency comes cheap. But another is that consistency is a red herring. What matters is not just whether beliefs are consistent, but whether they are *justified*, whether they are the right beliefs to hold. The parent in this example may be consistent, but crazy views can be consistent. We should be interested in whether parents can avoid hypocrisy, while believing things that they would be *right* to believe. It is not just a matter of identifying beliefs. We also have to evaluate them. Only then will we know whether – or under what conditions – parents are justified in sending their children to schools they believe should not exist.

That is why the issue of hypocrisy is less important than some people think. But focusing on that aspect does yield one worthwhile lesson: letting parents off the moral hook has a flipside. True, parents who would abolish private schools can consistently send their children to private schools. But that means that parents who send their children to private schools can consistently think they should be abolished. Confusion can act as an obstacle to political action. Parents who believe themselves justified in using such schools sometimes think they cannot also favour their abolition. They give up on their belief that such schools should be banned. If they make choices that give their kids unfair advantages over others and think their choices justified, they feel that they cannot be that committed to values like equality of opportunity after all.

The argument cuts both ways. Sending your child to a school you would abolish is not necessarily hypocritical. That is one side of the story. But the corollary is that you can opt out without abandoning your belief that opting out should not be allowed. On the contrary: the fact that your kids are unfairly benefiting from a system you would wish otherwise gives you extra reason to try to change it.

THE MACRO-ISSUE: CHOOSING THE SCHOOL RULES

Should parents be allowed to send their children to expensive private schools? I have argued that such schools are bad for those who do not go to them. That thought could be presented in terms of the value of equality of opportunity:

to permit expensive private schools is to allow parents to favour their own children in ways that tell against the idea of a level playing field. This is indeed a reason to abolish them, but it is hardly decisive. After all, parents do many things for their children that are bad for other people's children and undermine equality of opportunity, but which we would hardly want to prevent. Some children are read bedtime stories by their parents, others are not so lucky. Those who get stories will tend to have better lives than those who do not, partly because those who have had stories tend to be better placed in the competition for jobs and their attendant rewards. The mechanisms by which advantaged parents convey advantage to their children are many and myriad and they remain so even if we focus exclusively on *competitive* advantage: the kind of advantage that makes things worse for those who do not have it. To decide whether parents should be allowed to buy their children competitively advantageous educations, we need a theory of what parents should be allowed to do to, with, or for their children. We need, that is, a theory of *legitimate parental partiality*.

Now it might seem that parents have a right to do the best for their children. Indeed, parents sometimes claim that they have not merely a right but a duty to do so. But a moment's reflection shows that neither view is correct. There must be limits on parental partiality, as can be seen by the case of the woman who was charged of attempted murder, accused of trying to kill a girl who was competing with her daughter for a place as cheerleader. (When arrested, she apparently said: 'the things we do for our kids'.) That woman went too far, obviously. Our pursuit of our children's interests, like of our own, must be constrained by the requirement that we treat others justly. Sending your children to expensive private schools may not be as bad as murder. But if it means treating other people's children unjustly, then perhaps one should not be allowed to do it. A theory of legitimate parental partiality is a theory that tells us what kinds of partiality towards one's children are morally acceptable. I am currently working, with Harry Brighouse, to develop such a theory. Here I shall only sketch the outline and try to explain why I think it requires us to permit bedtime stories but not private schools. (For a slightly more developed preliminary account of this theory and more general discussion of its implications for equality of opportunity, see Swift, forthcoming.)

Imagine you are in John Rawls' original position, ignorant of your personal circumstances, deciding the principles that should govern the distribution of benefits and burdens in society (Rawls, 2001). You will choose those principles impartially – without regard to your own particular interests. But of course those impartial principles will acknowledge the importance of people's special relationships with their loved ones, recognising that those relationships are of fundamental value in human life, create special obligations, and license certain

kinds of special treatment and partiality. What we are looking for, by taking the perspective of the original position, is an unbiased theory about how biased we can be. We seek a theory that gives proper weight to special relationships, but understands the weight that is properly given to them as that which can be approved on impartial or impersonal grounds (Nagel, 1991; Scheffler, 2001 especially chs 5–7).

I think that all who understand the value to human beings of intimate relationships between parents and children will see why we should permit bedtime stories and all manner of other informal interactions within the family. True, those informal interactions will, in practice, tend to generate inequalities, and those inequalities will be unfair. It is unfair that some children should have worse lives than others, simply because they were unlucky in their choice of parents. But to deny parents and children the freedom to experience and enjoy intimate familial relationships – to adopt Plato’s solution of a universal state-run orphanage – would be badly to misjudge the balance of values. A world in which no human beings could enjoy such relationships would, though fairer, be worse than an unfair world in which some could.

What about private schools? My relationship-focused understanding of what is valuable about the family yields no reason to respect parent’s freedom to send their children to schools that will give them competitive advantage over others, unfairly buying them a higher place in the queue for well-rewarded and interesting jobs. That, simply, is not what families are for. If we were to abolish such schools, we would be restricting freedom, but we would not be restricting any freedom that ought to be respected for the sake of ‘family values’.

A couple of clarifications are in order. First, I am not saying that parents are never justified in sending their children to an unfairly advantaged private school. I will speak soon of why, here and now, parents may, in certain circumstances, be justified in doing just that. The issue at present is whether voting to abolish such schools would violate anybody’s rights or involve an unacceptable curtailment of freedom. I am claiming that it would not.

Second, I am not denying that parents have *some* rights over their children’s education. I think, for example, that they must be free to ensure that their children receive certain kinds of religious education (though not much). Generalising from that case, parents must be free to bring up their children to share their enthusiasms, to raise them in ways likely to lead to sustained close relationships as their children turn into adults, and so on.

Some will see here the basis of a case in defence of private schools, fearing that their abolition would mean a kind of uniformity, a lack of pluralism in provision, that will inevitably conflict with these rights to cultural difference.

I do not share those fears, seeing no reason why the state should not be able to provide as much pluralism as is warranted. That may partly reflect my view about how much pluralism *is* warranted. In any case, however, as I hope I have made clear, my argument is not for state provision, or against private provision, as such. It is against parents' being free to buy their children unfairly advantaged schooling, not just different schooling. If, suitably regulated, the market can supply educational pluralism without objectionable injustice, then, other things being equal, the market is justified.

I realize that my view is controversial. Many see being a good parent as all about giving their children the best possible start in life (and, perhaps, not much to do with loving, intimate relationships). In their view, voting to deny parents an efficient means of bestowing advantage on their children directly contradicts any respect for 'family values'. I do not have space here to do more than simply counter-claim that such people have misunderstood what is valuable about the family. *That* is not why we should not go with Plato's universal orphanage.

I want shortly to move on to the third and final issue: my claim that, even though expensive private schools should not be allowed, parents here and now may be justified in sending their children to them. Before doing that, let me briefly indicate the two best arguments I know for why, notwithstanding what I have argued so far, we should after all permit private schools that unfairly bestow competitive advantage on the children who attend them.

The first does not deny the truth in anything I have said. It points out that, true or not, my view of the family is controversial. In attributing so much importance to the intimate relationship aspect, and so little to anything else, I am in effect lining up behind a culturally specific, ethnocentric, and very recent view. I am no expert in the social history of the family, but even I know that for much of human history the family has not been conceived primarily, if at all, as a site of loving close relationships. Rather, it has been understood precisely as an institution with important economic aspects of just the kind that my view rejects. This objection poses two distinct challenges. The first is this: I need to explain why, despite my view being very recent, culturally specific, and so on, it is nonetheless *right*.

The second challenge claims that, in order justifiably to become state policy, it is not enough for my view about abolishing private schools to be correct, nor even enough that I can persuade a majority of my fellow citizens that it is so. It matters also that I can show that those who disagree with me – perhaps because they take a very different view about what families are fundamentally about – are *unreasonable*. Here, of course, I am alluding to Rawls' idea, in his second book, *Political Liberalism* (Rawls, 1993) that, where constitutional essentials and matters of basic justice are concerned, public policies are only

legitimate where they can be justified by appeal to public reason and political values: reasons and values with which no reasonable person could disagree. Reasonable comprehensive doctrines overlap in affirming the core values of liberal democracy – freedom, equality, society as a scheme of mutual cooperation – but diverge on other issues. If it is reasonable to reject my moral conception of the family, and to affirm as morally fundamental an alternative view that gives a role to the transmission of economic advantage, then even the truth of my view, and its being affirmed by a democratic majority, may not be enough to justify the abolition of private schools.

That was the first argument against my view. The second takes a different tack. It does not deny that private schools are unfair, does not claim that I have misunderstood the scope of legitimate parental partiality or the extent of parents' rights over their children, and does not even claim that my view is inappropriately controversial. This argument claims that, though nobody has a right to go private, and though some going private is unfair to those who do not, nonetheless this unfair inequality is justified because it is the kind of inequality that makes everybody better off in the long run.

The claim is not the mysterious one that the children who don't go to expensive private schools are somehow made better off in the competition for jobs by the fact that others do. The suggestion is, rather, that, despite being made worse off in *that* way, the existence of private schools is good for the disadvantaged in other ways. Allowing parents who can afford it to buy their children an unfairly good chance of getting a well-rewarded and interesting job may be justified because of the incentive effects. Deprived of this means of investing in their children's well-being parents will have less interest in being productive, choose more leisure or consumption and less work, producing economic inefficiency and harming economic growth. Doubtless also some of what they would choose to invest in their children is itself productive, bestowing on them productive skills from which everybody else may benefit. If helping the disadvantaged in absolute terms is more important than equality of opportunity, then the fact that some opportunity-related goods are positional looks less significant a reason for distributing them equally. It remains true that you cannot improve somebody's chance of achieving a particular desired outcome for which they are both competing without damaging somebody else's. But if a fair or equal competition is not so important, compared with the absolute position of the unfairly disadvantaged, that does not matter so much (Arneson, 1999; Clayton, 2001).

I want to make just one observation about this argument. There is an issue about the permissibility of the motivations that produce unfair inequalities but are nonetheless justified in terms of their impact on the unfairly disadvantaged. Are parents who will work less, or less productively, if they cannot use some

of their product to buy their kids unfair competitive advantage over others acting in a way that is justified or not? It may be that we do right when we devise policy to accommodate their motivations, whether or not those motivations are themselves justified, but the permissibility, or otherwise, of those motivations surely makes a difference to our overall normative assessment of what is happening. In my view, a society that permits parents to purchase positional advantage for their children because doing so is, in fact, the best way to help the disadvantaged in the long run, should be seen as (justifiably) pandering to people's unjustified motivations rather than simply respecting their permissible ones. That is why, even if this incentive claim were true, it remains important to distinguish it from any fundamental moral claim about the right of parents to go private (Cohen, 1995).

THE MICRO-ISSUE: CHOOSING SCHOOLS GIVEN THE
RULES

Let me now turn from macro to micro. From the issue of what rules should govern the education system to the issue of what choices parents should make given the rules that, in my view wrongly, currently apply. I have already said that I think parents who agree with my view on the macro issue may, without hypocrisy, send their children to schools they would vote to abolish. But would they be justified in doing so?

My answer is that it depends. It depends primarily on how bad the available state schools are and on how much difference sending one's child to them would make to others. I will take these in turn.

Parents do not have the right to buy their children the best education they can afford. If they did, it would be wrong for us to forbid expensive private schools. More to the point here, however, parents are not justified in giving their children the best education currently available to them under the existing options. Doing that is likely to be contributing to educational injustice, buying their children unfair advantage over, and thereby making things worse for, others. I do, however, think that parents are justified in making sure that their children's education is *good enough*. Though it is wrong to aim for the best, when that contributes to or is complicit in injustice, it is right to aim for *adequacy*. From the impersonal standpoint, we would surely judge it within the bounds of legitimate partiality for a parent to act so that her child's education was adequate. And, in the wrong circumstances, the only way to achieve adequacy may be to go private.

What counts as 'good enough'? I do not have a fully worked out theory, but I would say that a school is inadequate, for a particular child, where it does not cater sufficiently for her special needs, where she is subject to serious

bullying, or where she is likely to suffer emotional or psychological harm. This is not supposed to provide a blanket permission for parents to claim that their children are so unusually intelligent or sensitive that going to the local state school would leave them psychologically scarred for life. The grounds for these claims are often spurious. (In fact, I am suspicious of *all* claims about the alleged inadequacy of the local state school. Parents are very quick to believe that it is essential for the child to go private if she is to avoid various kinds of harm and it is hard not to think that this is because it suits them to believe it.) Still, sometimes such claims are warranted, and where they are, I do not believe that a parent who has alternatives is morally required simply to watch her child suffer.

These considerations are the bottom line when it comes to inadequacy, but I would go further. Some schools may do so badly by their pupils that attending them would give those children an unfairly poor chance of avoiding poverty, or, less drastically, simply leave them at an unfair disadvantage in the competition for desirable jobs. In neither case would opting out into a private school exceed the bounds of legitimate parental partiality. In fact, I think that these two cases are interestingly different. Where the fear is that one's child ends up living a life of poverty – which we may think of as a life below an acceptable threshold of wellbeing – then a parent may act so as to give her child a *better* than fair chance of avoiding such an outcome. Limiting parents to giving their children a fair chance of avoiding such a bad outcome would be like requiring them to toss a coin when deciding which of two children, their own or another, to rescue from drowning. Legitimate partiality, on my view, permits greater bias in favour of one's own children. Where, however, poverty is not at stake, then one is justified in seeking for her only a fair chance, and not a better than fair one, of other good outcomes.

All these considerations may justify going private. But they will do so only where the available state options are genuinely inadequate. And they justify going private in order to achieve a good enough education, not one that is better than that. And as far as the last two are concerned – avoiding poverty and having a fair chance – it is important to be clear that those most likely to be able to go private are those least likely to be justified in doing so. Many parents who have the option of buying unusually expensive schooling will have, and will transmit to their children, advantages that more than compensate for the failings of the local state school. (I know a political philosopher who, when he taught at University of Chicago, sent his son to the local state – I can say now 'public' – school, even though it had a bad reputation. He reckoned that, with his being an academic, his son already had a lot going for him and would continue to have a fair chance of success even if he went to that school.) Overall, then, my view is that, in the absence of specific, unusual

harms parents – especially well-educated, well-off parents whose children have lots of other advantages – should be willing to send their children to an average state school.

I said that the justifiability of an individual parent's decision to go private depended on two things: the adequacy of the available state schools and the impact on others of her choice. I do not have time here to do justice to the complexities raised by this second factor, but let me briefly indicate some of them by comparing the issues of justice with respect to education and justice with respect to money. Under the wrong empirical circumstances, it could be that an individual parent's decision to support the local state school would bring almost no justice-benefit at all. Make all advantaged children go to state schools and the other children benefit from peer group effects. Make one such child go to a school from which those like him have been creamed off and the others get nothing but an easy target. And even if the individual's decision to choose a state school did contribute something positive on the justice front, sending him there might still be requiring him to bear an unfair burden.

Contrast the case of money. A rich individual who judges that she has more than she should have can, by giving away the excess, directly and on her own improve the lives of some of those who have less, thereby making the world a bit fairer. Her making that positive contribution does not depend on propitious circumstances. And the amount that she gives away is under her control. Contributing to a fairer distribution of money does not require her to bear more of the cost than she would be willing to bear. Of course, giving up one's unjust excess as an individual may well be more costly than changing the rules so that everybody has to – even if one ends up with the same amount of money either way. It is surely more demanding to live as someone who once had lots of money and is surrounded by friends and relations who still do, than it is to live among others who, like you, have no more than they should. Even in the case of money, then, everybody's doing it reduces the cost of doing it. Nonetheless, it remains true that the individual can make a contribution to justice and she has discretion over how much chooses to make (Cohen, 2000).

The dynamics of educational justice are different in both respects. The individual may hardly be able to contribute anything on her own. (My sense is that, in the USA, some parents who might in the UK feel some moral imperative to support the local state school have no compunction in going private, simply because public schools in the big cities are *so* big and *so* bad that it simply does not occur to parents that they might, through their own choices, make any difference to the education of other people's children.) And, even where her choice can make a difference, she faces a discrete set of options – in the form of a divided and divisive school system – that may make it impossible for her to make any contribution without her child bearing an unfair burden.

My view, I hope, occupies a sensible middle ground between two implausible positions. At one extreme is the idea that social justice is an all-or-nothing matter, a matter for laws and institutions, or for what Rawls calls the ‘basic structure’, and not at all a matter for individuals acting within that structure. We have, on this account, a duty to vote for, and perhaps in other ways to help bring about, changes in the rules that govern the institutions we live with, but, in their absence, we are justified in single-mindedly pursuing our own self-interest and that of our loved ones. My view is that, while the injustice of the rules may indeed increase the cost of our individually seeking to make a contribution, and may increase it to an extent where it becomes unacceptably high, it is a mistake to think we have *no* obligation to contribute. The fact that we live under unjust institutions does not give us a blank cheque. In many situations, our individual choices can indeed contribute to social justice at no more than fair cost to individuals and their families. Then we should be willing to do our share.

However it does not make sense to go to the other extreme, as some purists would do, and act as one would if the rules were different. In some circumstances, the fact that the rules are wrong can produce choice situations that make it justified to go private – even where this may indeed make things worse for others. Given the wrong rules, the local state school may be inadequate, the cost of sending one’s child there unacceptable, and the justice-benefit produced by doing so negligible. Those at this end of the continuum tend to describe leftists who go private as betraying their principles. But this criticism misunderstands the principle in question. It is a mistake to believe that parents are never justified in buying their children an education better than that provided by the state and available to all, even though it is right to hold that nobody should be allowed to do that. This may appear paradoxical. In fact, it is a straightforward implication of the idea that providing educational justice is a coordination problem, requiring a political solution. Denying anybody the freedom to go private would yield school options such that nobody would be justified in going private. But some *are* going private, and in a way that critically affects the options available to everybody else. It is not particularly pure – I am tempted to say that it is, instead, rather simple – to think that we are morally required to act as we would in a world where others were acting morally.

ACKNOWLEDGEMENTS

The author would like to thank the British Academy for the Research Readership held while writing the book on the ideas of which this article draws, and Nuffield College for institutional support during that time.

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NOTES

- I deliberately restrict my comments to Anglophone countries because the school systems in other countries, especially those in continental Europe, are structured quite differently.

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BIOGRAPHICAL NOTE

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