Distributing Educational Opportunities
– Strengths and Weaknesses of Different Approaches

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Abstract

When there is scarcity of educational position, we need a just system of distribution that decides who’s to be admitted to said position. In this text I argue that the common system of using grades and test results as merit to distribute educational opportunities is unjust. The reason being that we simply cannot assign grades that are neither fully reliable or valid. I describe a generalized education system that we have today distributing educational opportunities. The system is characterized by having a compulsory basic education that distributes its educational opportunities strictly egalitarian. Later introducing grades and standardized tests to progress into higher education creating a meritocratic distribution. Furthermore I introduce Nozickian libertarianism and a version of Rawls distributional principles including affirmative action policies. All of which have their merits and drawbacks, which is why I lastly put forth my own proposed approach. The proposal consists of the fundamental right that every person with the adequate knowledge and skills to succeed in referred education is entitled to it. The building blocks for this education system and its distribution of educational opportunities is compulsory basic education, specialized admission tests and lottery accompanied by a queue system.
Acknowledgements

Coincidentally this thesis brings up the subject of the difficulty to reliably measure a person's knowledge in time of adversity. With that in mind I sincerely want to thank my partner and family for helping me through this period of time.

Furthermore I really want to direct my great appreciation for the teachers of the programme of Applied Ethics. They have all helped me to find focus within the field that relates to my interest for equality, education and children's rights. By strengthen previous interest in the field and also by opening my mind to totally new concepts. This also goes for my great fellow students who have contributed to this learning experience, without them I wouldn’t have come as far as I have.

Thank you

Linköping June 2019

Adam Ek
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Introduction

There are many problems that arise when trying to decide what is just concerning distribution. The frameworks that shape a society; our laws, institutions, policies, contracts etc. all play a role in how goods are distributed. These frameworks are important for they have a direct impact on people's lives. Arguments of which frameworks we ought to opt for constitutes the topic of distributive justice.¹ This thesis will specifically address the distribution of educational opportunities.

Today two common distribution of educational opportunities are strict egalitarianism and meritocratic distribution. Strict egalitarian distribution is what we often see in basic education, everyone within a certain society gets the same education. This is possible when we have the resources to supply the education for everyone, but as soon as resources dwindle and we cannot supply everyone with the education some kind of measurements have to be taken. A meritocratic approach is often seen in higher education, meaning that those with the right and highest merits are those to hold the educational positions. This is commonly done with summarized grades and/or standardized test results. These merits have their issues however. For example, grades can be and are used to motivate students future endeavours, whereas teachers assign higher or lower grades than the student actually have demonstrated.²

³ Teachers use many different factors in assessing grades⁴ ⁵ ⁶, meaning that when students merits are compared they are not based on the same criteria.

There are many factors making grades and test results unreliable and thus deeming them invalid as merits when used in a distribution principle. In this thesis I will address these issues. If we have a system that is unjust when it comes to the distribution of educational opportunities we should find one that is just. I will therefore introduce other normative distributive principles that can be used, and argue for and against their validity. The

⁵ S. M. Brookhart et al., ‘A century of grading research: Meaning and value in the most common educational measure’, Review of Educational Research, 86(4), 2016.
approaches I present all have their drawbacks, which is why I will give my own proposed approach.

The layout of the thesis is very straight forward. First I will describe what we have; a description of distributional principles common today under my umbrella term the *general education system*. This serves the purpose of describing distributive methods that are common in several education systems instead of addressing one specific education system as a whole. The second part of the thesis will discuss the issues with what we have and argue why it is unjust. In the third part I will introduce other approaches on how to distribute educational opportunities and also argue for their weaknesses. In the last part of the thesis I will argue for my own proposed approach which I find more compelling than the other ones examined.

**Note to reader**

The terms ‘educational opportunity’ and ‘educational position’ are used interchangeably throughout the work. The reason why one is used over the other is merely due to how it fits in the context when it is mentioned.
Chapter 1: What we have

There are many different education systems in the world and of course I cannot address all of them in this thesis. At the same time I will not present one specific education system as a whole. This thesis will address a general education system with certain commonalities, a general education system that can be seen as part of many of the worlds different education systems. I chose this approach to address a wider scope of education systems whilst also being able to focus on the specific topic of the thesis. In this chapter I will describe the commonalities to give a clear picture of this general education system. The commonalities that will be presented here are related to strict egalitarian compulsory basic education and meritocratic distribution of higher education.

1.1 Strict egalitarian compulsory basic education

This principle of distribution is rather simple as first glance. Distributing according to strict egalitarianism simply means that everyone will get the same amount of resources (and burdens) with the most common motive that every individual has the same moral equality. In the context of education that would mean that everyone would get the same education. I will address compulsory basic education as being strict egalitarian in my described general education system. This is of course a simplified view of the compulsory basic education seen throughout the world, but that is also the purpose of describing this general system. Certainly there are differences in the compulsory basic education systems both between and within countries, but they all have similar grounds; to give the whole population the same basic educational starting point. To write about compulsory basic education it is difficult not to address the involvement of the human rights movement.

The right to education have been clearly addressed though several of the United Nations treaties. Most notably in the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention on the Rights of the Child (CRC). These treaties have been an important part of structuring the education systems in the world.

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In 1948, after the second world war, 48 countries voted for the UDHR.\textsuperscript{8} Under article 26 the parties supported that every person has the right to education, that elementary education should be free and compulsory. Furthermore it states that access to vocational, professional and higher education should be equal to all on the basis of merit.\textsuperscript{9} These same goals are described in ICESCR\textsuperscript{10} and CRC\textsuperscript{11}. Though there are some changes. In the two later treaties elementary education is changed to primary education. Another change is that access to secondary education is to be equally accessible for all. Access to higher education is to be determined by capacity instead of merit. Capacity meaning a person's relevant expertise and experience, thus more or less interchangeable with the term 'merits' previously used. Furthermore these two later treaties include that access to secondary and higher education ought to be pushed by the progressive introduction of free education. ICESCR and CRC have been signed by 71 and 140 countries respectively,\textsuperscript{12} which showcases that these values concerning education are widely accepted as goals to strive for.

The amount of countries that have voted and signed these treaties along with the statistics showing how an extensive majority of the world having adopted compulsory basic education\textsuperscript{13} are the basis on why this is a part of the general education system exemplified in this thesis. In this general education system the compulsory basic education is strictly egalitarian in the sense that every person has to attend it and in that sense it is distributed equally among everyone. In an ideal world there would be no obstacles in attaining this basic education; your location, gender, race, religion, socioeconomic status etc. play no role in the distribution; everyone will get it. Being compulsory, everyone will not only get it but have to attend.

1.2 Meritocratic distribution of higher education

Following up with the distribution of higher education, the UN treaties also have had an influence here. As the treaties puts it, the distribution of higher education should be according

\textsuperscript{9} UN General Assembly, \textit{Universal Declaration of Human Rights}, Article 26, 1948.
\textsuperscript{12} UN General Assembly, \textit{Status of Treaties}, Online database: https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=\_en
\textsuperscript{13} Index Mundi, \textit{Compulsory education, duration (years)}, Online database: https://www.indexmundi.com/facts/indicators/SE.COM.DURS

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to the merits or capacity of the person. A meritocratic distribution would mean that the only obstacle standing in a person's way to access educational opportunities are their merits.

What a merit is needs to be specified however. One limit of this concept is that people have to be able to acquire merits before pursuing these educational opportunities. This becomes problematic when on the subject of children for they, in their early years of life haven’t yet been able to acquire that much in terms of merits. However the vast majority of the world have opted on a compulsory basic education for all, eliminating this issue simply by forcing every child to go through the same type of early education.

When we look at progressing further into higher education, merits play a greater role. Entrance requirements, aptitude tests, or grades on exams are common ways to measure merits. One common way of doing this is to assign grades to a person's accomplishments and/or failures during their time in basic education, summarizing these into a document. This often known as a grade point average (GPA), where the students grades are calculated into an average score. These summarized grades are then used to see whether or not the person can progress into higher education by comparing them to entrance requirements and other peoples summarized grades competing for the same educational opportunity. This intends to see that the person has the right merits to be able to pursue the education and that the ones with the highest merits of all those who compete for this educational opportunity gets to pursue it. Deeming grades very important to those who want to pursue education after basic education.

Another common way to attain merit to progress further in the education system besides grades are standardized tests such as Gaokao (China), Högskoleprovet (Sweden), SAT and ACT (USA). These tests commonly include parts that examines the test takers knowledge in language (reading and writing), math and sometimes social or natural sciences. The results from these tests are then used as merit for a person to be accepted into colleges or universities. Meaning that they function much in the same way as a summarization of grades during basic education. However in the case of these standardized tests they are taken at one point rather than taking shape during many years and can function as a compliment to the summarized grades from education. These standardized tests can function as to give people a

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16 Ibid.
chance to strengthen their merits if their merits from past education isn’t enough to grant them the educational opportunities they want to pursue.

Once again this is a simplified view, often a meritocratic distribution of educational opportunities is working in combination with other selection methods. Tuition payments, introduction programmes, specific admission tests etc. are often combined with merits as deciding parts on the distribution of these opportunities.

Chapter summary
The general education system I have described consists of two distinct parts: a strict egalitarian distribution of compulsory basic education and a meritocratic distribution of higher education. This meaning that everyone will receive the same basic education. When people pursue higher education their merits will be the deciding factor on whether they will be able to attend said education. Be that summarized grades from basic education, test results or a combination of both. This is a common distributional model of educational opportunities seen in the world, or at least have similarities with many distributional models in the world.
Chapter 2: Issues with what we have

The general education system described in the previous chapter is of course not without flaws. The distributive principles in both main parts have several shortcomings. In this chapter I will put forth both common arguments as well as my own against the parts of the general education system.

2.1 The same for everyone and compulsion

This part of the system have two distinct parts that I will address; the first being strict egalitarianism and the second being compulsion. In terms of strict egalitarianism, that everyone gets the same basic education it becomes very problematic to settle on what this education should contain. Most would probably agree that basic abilities such as literacy, oral expression, numeracy, and problem solving should be attained. But what about the abilities such as swimming for example? Should it be an obligatory part of basic education? A person living somewhere far from any kind of water might not have the need for that while a person living close to the sea might. Cultural context also matters on what is thought as a necessary part of basic education. The more local the curriculum of the basic education gets the less it would be strictly egalitarian, but the more global it gets the more selective it has to be as to strictly contain what everyone has a significant use of.

The second issue concerns the compulsion part. The issue being quite obvious, depriving people from their autonomy. The concept of autonomy is very complex and widely debated, thus I will not be able to discuss this at length in this thesis, I will however describe a simple version for this context. An autonomous person is a self-governing agent. The agent is the one who initiates an act and the only one who has the authority to do so. The difficulty is where to draw the line when an agent is the one actually initiating an act and when other factors have been crucial manipulators.\(^{17}\) However in the context of compulsion, it is quite easy to draw the conclusion that the individual has been deprived of their autonomy. They have no say in the matter, no matter if the act is truly initiated by the agent or externally manipulated.

2.2 Reliability and validity of merits

Assessments, grades and tests have been used for a long time through history, with different arguments for its good purpose but have also seen a lot of critique. I will lift three categories concerning grades and test results. The first category is motivation, concerning how these are used in the context of influencing students' motivation. The second category is measurement, concerning what and how we are measuring these achievements. The third category concerns luck and time; luck referring to things that the involved parties simply aren’t in control of and time referring to the period of time that the grade or test result covers.

2.2.1 Motivation

That grades have a psychological impact on people is often addressed in discussions concerning grades. With parties supporting and opposing its use. It can be seen as a tool to motivate students to pursue grades needed to reach the future positions they want. It can also function in a demotivating way when a student gets a lower grade than they expect.

Roger Fjellström portrays an example (set within Swedish frames for grading) where a student does not reach the criteria for a passing grade in a course.18 The course is obligatory in Sweden to be able to progress further in the education system. The teacher who is going to assign this grade knows that the student have worked very hard to reach a passable grade, and does show good results in other courses. Depending of how you interpret the rules for grading in swedish schools you would be allowed to give the student a passing grade. In not letting the student pass, the risk of the student losing motivation and not succeeding further down the line would increase. However, if you would give the student a passing grade then the students hard work would have payed off, at least psychologically for the student, increasing self-confidence for future endeavors - and maybe first and foremost not hindering any future endeavors. Looking at this example we can clearly see the impact a grade might have on a student, making it a tool to manipulate people's motivation. An important aspect of this view on grading, as formative assessment, is that it is used as a tool before the student reaches their final grade, as to steer them towards a better result. But putting this into the context of the general education system described in the first chapter, these grades gets summarized before

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using them as a merit to progress into later education. The big issue here being that if grades are altered to be used as a tool to motivate students the grade loses its reliability as a measurement of achievement. If we want to utilize the positive aspects of being able to steer students motivation through grades it cannot be done with permanent grades that later will be used to compete against other students for an educational opportunity. The positive effects would have to be attained in other manners, such as qualitative formative assessments.

In relation to this, studies have shown that students show less interest in learning when they are being graded.\(^{19}\) Pointing to the motivational psychology parallel that the higher a person is rewarded, the less they find interest in how they’ve got the reward. Meaning that the process and learning itself gets overshadowed by the reward, in this case grades being the reward. Furthermore, students who wants high grades might shift their motivation towards the grades rather than learning in a way that they choose to study strategies to maximize grades. Instead of challenging themselves they try to find the easiest way to attain the grade they aim for.\(^{20}\)

\[\text{2.2.2 Measuring}\]

Grades and test results are measures of educational achievements, but what are they actually measuring? Several studies have shown that in assessing grades, teachers individually include many different factors.\(^{21, 22, 23}\) This makes it very difficult to pinpoint what determines a grade, i.e. what is actually measured. In the example given previously under the context of motivation where a student hasn't performed well enough in tests and assignments to reach a passing grade, some teachers might find it valid to take the students efforts outside of the tests into account. Maybe the student have shown great improvements, but not simply enough at the time. In such a case we are not only measuring the expertise within a school subject, but also their determination and potential improvement. In line with this it’s quite well established that an assignment might get two different grades depending on the teacher assigning the grade.\(^{24}\) Deeming it a subjective measurement rather than an objective one.

\[^{19}\text{A. Kohn, 'From Degrading to De-Grading', https://www.alfiekohn.org/article/degrading-de-grading/, 1999.}\]
\[^{20}\text{Ibid.}\]
\[^{21}\text{Allen J.D., 2005.}\]
\[^{22}\text{Brookhart S.M. et al., 2016.}\]
\[^{23}\text{Guskey T.R., 2006.}\]
\[^{24}\text{Kohn A., 1999.}\]
In line with the subjectivity of teachers assessments a study by Robin Tierney highlighted reasons why teachers alter students grades.\textsuperscript{25} The three overarching categories was future opportunities, giving a life lesson and compassion. This showcasing once again how other factors play part in the assignment of grades. The study showed how teachers lowered grades with reasons such as students having missed classes, wanting to give the student a life lesson by lowering the grade. Teachers raised grades in cases where they wanted to give a student a future opportunity, such as a job or future studies. There were also cases where teachers raised grades on compassionate grounds, where they’ve had knowledge of students going through a rough time that most likely had and impact on their school work. Again, none of which really measure expertise in the subjects at hand, but a mix of that and other factors such as effort, circumstances and attendance. These many factors justifies the question on whether grades are valid measurements to use when comparing students on a bigger scale, such as when applying for higher education.

Looking into standardized tests, they rely on set rules for the grading and are supposed to measure only the expertise within the given subjects (language, math, science etc.). This to both their strength and weakness. For the results will only show how well a person have performed on those exact questions and assignments. The strength being precisely that it doesn’t involve other factors in it’s result. However, the tests are too narrow to fully showcase the students knowledge in a certain field.\textsuperscript{26} In a standardized test you cannot simply ask enough questions about every branch of a certain subject. Let's take math as an example, it is very broad and deep with its content; algebra, division, sequences, multiplication, context specific problem solving, the list is enormous to say the least. When creating a standardized test one has to be selective as to what is in the test and what is not, for we cannot test everything. This leading to the quite obvious conclusion that standardized tests only show a sample of what as student knows within a certain field.\textsuperscript{27}

Furthermore, the case can be that those school subjects of a standardized test are more or less relevant for what a student is going to use the result for. As an example, in Sweden the most widespread standardized test to use as merit to apply for university studies is Högskoleprovet. The test consists of two distinct parts, one being math and one being

\textsuperscript{25} Tierney R., 2015.
\textsuperscript{26} P. Harris et al., The Myths of Standardized Tests : Why They Don't Tell You What You Think They Do, Rowman & Littlefield Publishers, 2011, pp. 23-32.
\textsuperscript{27} Ibid.
language (testing Swedish and English).\textsuperscript{28} Looking past the issue that one cannot test everything within these two parts, one issue is that the result from this test is then used to compete against others when applying to a university course or programme even if the course or programme aim is towards something completely different than what the test measures. If a person would want to use this result to apply for a programme in theology, their score in math would still be an equal part of the result as if the person would apply for a programme in math. One of these programmes clearly being more beneficial from a good knowledge and skills in math. This showcases the example of where grades or test result mismatch on what is measured and what is relevant.

One part of measuring that also has to be addressed is the probability of cheating. When using tests to measure a student's level of knowledge, there's always the risk of the student cheating. Studies have shown that students who focus on getting a good grade is linked to their likelihood of cheating.\textsuperscript{29} In a case where a student is cheating, the grade would obviously measure wrong, for it would rather measure how well the student was able to cheat than the students actual knowledge. If this is an issue with the cheating student or the system that opens up for such shortcomings to be abused is however up to debate.

2.2.3 Luck and Time

In this last category I will go into how time in different ways can play a part in grades. The concept of timing is much less explored in the context of grading and will thus mostly consist of my own reasoning. I touched on this subject in the segment concerning what grades actually measures, where teachers altered students grade because of compassion.\textsuperscript{30} Referring to teachers raising grades on students that have gone through rough time, like losing someone close. One could argue whether this is right or not, but one thing that is difficult to shy away from is that a person's wellbeing does have an impact on their performance in different work (be it household, leisure, job or school). A teacher cannot be aware of everything that happens in every students life and difficulties might vary greatly in their time span. A student might perform under their usual level just because they had too little sleep during the night and missed breakfast the day of a test. Not much of a personal adversity focusing on the lack

\textsuperscript{28} Universitets- och högskolerådet, Högskoleprover, 2019, https://www.studera.nu/hogskoleprov
\textsuperscript{29} Kohn A., 1999.
\textsuperscript{30} Tierney R., 2015.
of sleep and food for one day, but a possible impact on performance nonetheless. One such an incident probably won’t impact the learning as a whole for that student but then there are those bigger events that can put a person in a less able state for a longer amount of time. Divorces, sickness, loss and other more or less affecting events. Events that can make a person less able to perform well over a period of time. The person might be able to perform much higher than showcased under this period, but if the person’s work is graded under that period of time and the person assessing doesn’t take that into account the grades will be somewhat misleading.

My second part of how I believe time needs to be addressed is that a grade always reflects the past, with no exception. When a teacher assigns a grade to a student, they evaluate what the student has accomplished thus far. Even if they include other factors such as behaviour or potential. If they include behaviour in a grade, it is the behaviour up until that point. If they include potential, indicating that they think that the student will perform better in the future they still assign a grade to a potential that they’ve seen up to that point.

One instance where this becomes problematic is when grades or standardized test results are used to apply for education later in life. A person might use grades assigned several years back to apply for higher education, grades that might not reflect the current level of knowledge and skills of the person. An example could be that a person gets a low grade in English in their final grade of basic education. After that they work a lot in an international context, being exposed a lot to the English language. During that time greatly improving their skills in the English language. Then some years later they apply for a university programme with the grades containing their low grades in English, not reflecting their current level of knowledge. The same can of course happen the other way around, we forget things over time. In many cases we might have less knowledge some time later than we had at the time the grade or test result was assigned. Including the factor of time to the context of grades or test results thus implies that they have some sort of validity expiring date. Some standardized tests have acknowledged this by having a period of validity for the test results.31 32

Chapter summary

In this chapter I have described issues and argued against the distributive parts of the general education system. Concerning the strict egalitarian way of distributing basic education I addressed the issues of creating a curriculum that suits everyone. If the same education is distributed to all, then everyone should benefit from the curriculum at least somewhat equally. Creating such a curriculum would be tricky. Secondly I addressed the issue with depriving individuals from their autonomy with compulsory education. No matter where you draw the line for truly autonomous acts, forcing someone to do something clearly violates people's right to make an autonomous choice.

In the second part of the chapter I presented the severe issues with using grades and test results as merits that would be used to distribute educational opportunities. Firstly that it has an impact on motivation, both positive and negative. But only grades that promotes success seem to add motivation. While this could be used as a tool to motivate, as soon as the grades are used to compete against other people for an educational position they lose their validity as they do not really portray the students merit. Secondly I pointed out that grades and test results have issues concerning measuring. They are incoherent in what they measure from teacher to teacher and they measure only a sample of the student level of knowledge. Lastly I addressed the issue of temporary luck, that people go through more or less severe situations that influence their performance that later will show in grades or test results. Furthermore I pointed out that skill and knowledge that are assessed for grades and test results are always showcasing past tense and have an expiring date. Meaning that these merits are not forever valid.
Chapter 3: Other approaches, a selection

This chapter is dedicated to putting forth other normative principles on the distribution of educational opportunities. I will present established principles of distributive justice along with counter arguments why they might be flawed in this context. The normative theories I will address are those previously used to describe the current general education system, strict egalitarianism and meritocracy but implemented in other ways. I will then go into the very common distribution principles used in Nozick’s version of libertarianism. The reason behind choosing this being that it is very commonly coupled with meritocracy. Then I will address a Rawlsian approach that includes affirmative action as a way to distribute educational opportunities. The affirmative action being to benefit those least well-off.

3.1 Strict egalitarianism and meritocracy, revisited

Before I introduce completely different normative principles of distribution I will shortly revisit the ones used in the general education system but with other implementations. I clearly pointed out their weaknesses in chapter two, but that was in relation to how they generally are functioning now. By using these normative principles of distribution in other ways, we get other results.

With strict egalitarianism everyone would get the same educational opportunities. They have access to all educational positions but do not however need to pursue them all. This quickly leads us to the problem of strict egalitarianism, scarcity of specialized education (i.e. higher education). In terms of basic education it is somewhat simple to provide since everyone goes through the same basic education more or less. But as soon as the education becomes more specialized and at a higher level the scarcity of resources becomes evident. For one, there isn't enough professionals to be able to examine the progress of each student in a qualitative way. And before students start to occupy positions that requires certain professional skills, they need to be examined in a qualitative manner. E.g. a surgeon needs to be qualitatively examined before they put the scalpel to a patient. The only potential savior of this way of distribution on educational positions as a whole is the implementation of future technology. Lectures and other learning material can be available to all with the use of
The substitute and/or addition to teachers would be AI. Truly speculative, but maybe not out of question in future discussions.

Moving on to merits as distribution of educational opportunities. Earlier I dismissed the current use of grades and test results as valid merits but maybe there are other ways. Addressing the issues might lead to something more viable. I would argue that we would need to get rid of the current grading system having several level of grades (e.g. A-F, 1-5, 0-100% etc.). It makes it difficult to determine what grade the student actually has and becomes more problematic with the subjective assignment of different teachers. Thus I suggest a 2 grade system, either a student has sufficient knowledge and skills to pass, or they don't. That would mean that everyone who passes would have the same formal merit. In addition to this I would argue that grades are not to be summarized into a total score that is then used to compete with other people for an educational position. When applying for an educational position only the merits that are relevant for that specific education should be taken into account. These suggestions within a meritocratic distribution system would decrease the issues previously mentioned but there is a great pitfall.

This would give more reliable and valid measurements of merits, but it would also lead to a vast increase in students being eligible for every educational opportunity. And thus needs a merital deciding factor. With a two grade system, we can only measure how many school subjects or courses a student has passed. We could use the amount of passed courses in the relevant fields to decide who gets the educational position, but then the validity is jeopardized. For it would be difficult to draw the line which courses that are relevant. We should only be concerned about the merits needed rather than the highest amount of merits for it again becomes problematic to measure.

3.2 Nozickian libertarian principles

In this section I will put forth a description on how a Nozick based libertarian distribution of educational opportunities could be used. Unlike other theories of distribution that are based around patterns as to who's ought to receive what, libertarian theories revolve around just acquisitions and transfers within a market.33 To understand how the distribution of

33 Lamont J. and C. Favor, 2017.
educational opportunities could work in relation to Nozick theories we need to address ownership, acquisition and transfer.

The first and simple part concerns ownership of oneself. People own themselves, deeming compulsory education as described in the general education system unreasonable. That would be a state violating their populations right to self-ownership. Furthermore, since people own themselves, they also own their talents. In the context of distributing education it is significant since what is distributed is the talent of teachers and other professionals in the school system. They own their talents and thus they are in the rights of distributing it as they please within a free market.\(^\text{34}\)

Moving on to principles of acquisitions and transfers. According to Nozick people are entitled to their holdings according to these rules;

A. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
B. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.
C. No one is entitled to a holding except by (repeated) applications of (A) and (B).\(^\text{35}\)

It is difficult to make a clear-cut interpretation of whether the principle of justice in acquisition or transfer should be used in this context. The product or service we are dealing with here is an educational opportunity, which contains many parts. To make it comprehensible let's say we are trading education of which is knowledge and skills. Either the student acquires the education with the help of the school or the student transfers the education from the school. Not to delve too deep into this I will argue that it is a mix of both. The school have education as a holding that they will transfer to the student. At the same time the student uses their own knowledge and skills in the transfer, acquiring the education. The important part to take out of this is that a school have a product and/or service, that is education and they have the right to trade it.

Putting this into context, a school owns their products and services. They have locales, teachers, an established system on what and how to teach etc. It is a rather simplified view whereas in reality there could be owners of a school that have obtained teachers by

\(^{34}\) Ibid.
\(^{35}\) Ibid.
justifiable transfers in the form of employment. The teachers own their expertise but sell it to the school on agreed terms. However, to make it less intricate we’ll settle with the statement that the school owns their products and services and they decide on how to provide it. In order to provide these products and services they have to gain economically in order to be able to continue to provide these products and services. One reasonable way being tuition payments.

Tuition payments simply meaning that a student have to pay for their educational opportunity themselves. The price would be determined by the seller (i.e. school) and payed by the student. How the student pays for the tuition can be done in different ways; scholarship, bursary, loans or straight up cash. A scholarship would be a school or company paying for a student that they believe have good educational prospects. Bursary, similarly to scholarships is where a school or company pays for a student, but in this case for a student who cannot afford the fees and in return is obligated to be employed by the paying institution. The student can of course pay the school in cash, that of savings by the students or provided by someone else (e.g. parents or guardians).

Another way a school could finance their products and services would be through sponsorship, where the tuition fees could be lowered or completely removed for the student. In this case companies would invest in a school, probably with the intention that they somehow would gain from it. For example it could be beneficial for an IT company to invest in a local university programme within their expertise which they then have the possibility to recruit students from. Financing and distribution are not the same thing however, which leads to my arguments for why a libertarian distribution of education is inadequate.

The biggest issue with distributing education with libertarian principles is that they do not fully address who should get access when there is a scarcity. This would lead to that we need other deciding factors. Let’s use an example, we have a well established, highly esteemed school for physicians. A lot of people want to attend their programmes, but there is a limited number of student positions. The school, being well established and highly esteemed has made it possible for the school to take high tuition payments. This have ruled out many people who want to attend, for they cannot simply afford it. However, there’s still many more who are able to pay than there are positions. The school then have to, in some way decide which of these people who gets admitted. To say what this deciding factor would be a libertarian distribution principle is more or less impossible, for it is up to the school.
They sell their products and services in the manner that they want, as long as it follows the just principle of transfer. The deciding factor could once again be money, turning it into a bidding scenario. The ones who pay the most are the ones who get admitted. It could be distributed to the ones with the best merits, prospects or the ones who would benefit the school the most as a company. All of these would be justified under a libertarian distribution principle.

I argue that libertarian principles of distribution are too flexible within its frame. At least within this context. The ultimate deciding factor of who gets admitted to an educational position can be anything as long as there’s an agreement between the provider and receiver. Furthermore it becomes very problematic in the context of basic education. For what do a child have to offer a school? Payment from their parents, but then we end up with the issue of children's inability to choose parents. Which is my second most important issue with a libertarian distribution of educational positions. It doesn’t show any concerns towards peoples unavoidable and unjust distribution of background. Studies have shown that socioeconomic background is a strong indicator on how well students perform in basic education.\textsuperscript{36, 37 38} Showing that in people's early lives they depend on their parents or guardians resources. A child’s economical situation is determined by the people around them willing to give them money for example. What else could be a tradable good for an educational opportunity; aptitude, merits, prospects? The same goes for these, they are dependant on the luck of which environment people are born and raised in, making them unjust. Especially when we are talking about children.

Concluding libertarian principles as grounds for distributing educational opportunities. They function and are just, as long as you agree that educational opportunities can be viewed as a collection of products and services. And that those products and services can be traded in the same way as other products in the free market where the seller assigns price and conditions and the buyer agrees. Thus creating a justified transfer. I’ve pointed out two severe issues with this kind of distribution, according to me deeming it inappropriate. The first issue is that it doesn’t have a specific way of distributing educational positions that are scarce among people. That is fully up to the seller, making it an extreme variable. The

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second issue is that it doesn’t show any concern for people's socioeconomic background, creating a great risk of excluding a lot of people from education all together.

3.3 Rawlsian fairness and affirmative action

The reason behind this category of principles is that they appeared as my foremost contenders in my own proposed solution. I find them to have great leverage, but however lacking certain qualities that deem them not fully justified. First I will describe Rawls two principles of justice and secondly I will present how an affirmative action policy could be combined with it.

The guiding idea of Rawls justice as fairness is that a person's morally arbitrary features are not to generate any benefits or disadvantages. Meaning that a person shouldn’t get benefits or disadvantages because of features such as gender, the economic situation one is born into, natural talents, race etc. Thus addressing what Nozick’s principles didn’t take into account at all. The two principles Rawls puts forth to ensure distributional justice are;

First Principle: Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

Second Principle: Social and economic inequalities are to satisfy two conditions:
A. They are to be attached to offices and positions open to all under conditions of fair equality of opportunity;
B. They are to be to the greatest benefit of the least-advantaged members of society (the difference principle).

The first principle concerns every person's right to equal basic liberties. These principles are in lexical order meaning that the former principle is always paramount. For example we cannot give extra votes to a certain group of people in elections, even if it would benefit the worst-off for we would then reject the first principle. The first part (A) of the second principle, fair equality of opportunity refers to that people with the same talents and willingness to use them have equal rights to an opportunity no matter their socioeconomic

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40 Ibid.
background. The second part (B) of the second principle, the difference principle concludes that the only time where inequalities of distribution are justified are when they benefit those worst-off.\textsuperscript{41}

Looking into the context of distributing educational opportunities we would look into the principle fair equality of opportunity. People with the same talents and the willingness to pursue an educational position have equal right to that position. This indicates that those with the greater talent would be the ones to get the educational opportunity. But if we are in a situation where there’s scarcity of positions and we have two people with the same talents (and willingness to pursue), who are we to admit to the position? Looking at the difference principle the distribution ought to benefit the worst-off. Can we then give the position the person of the lower socioeconomic status? No, since socioeconomic status is a morally arbitrary feature it cannot be used as a deciding factor for inequalities in opportunities for education. That would take away from the other person’s liberal rights given in the first principle.

The theory Rawls gives is ideal in nature, referring to that citizens are acting according to the principles and there are favorable social conditions in which the citizens are not in such situations where their moral reasoning would suffer.\textsuperscript{42} In the article \textit{John Rawls and Affirmative Action}, Thomas Nagel argues that affirmative actions could be justified in terms of distributing educational opportunities. Affirmative actions is, in its simplest form described as measurements to increase representation of those historically excluded.\textsuperscript{43} Nagel’s argument is that we live in a non-ideal world and we are in the right to apply measures that address unjust inequalities that our systems have permitted.\textsuperscript{44} In Nagel’s argumentation it concerns black people being admitted into college positions on the basis of that social group being systematically deprived from such opportunities previously. It would mean depriving those well-off of rights in order to work for a more ideal situation where people would have fairer chances in obtaining opportunities.

In the context of this thesis it would mean that when there’s scarcity of an educational positions, a certain number of those positions would be distributed to those worst-off. Now

\textsuperscript{41} Ibid.
\textsuperscript{42} Wenar L., 2017.
this is only in the case where there is a limited number of positions. In the case of compulsory basic education for example, where every person is to attend, this type of distribution is not applicable (provided the different schools in this basic education are of similar standards).

To the issues with this model of distribution. With the original principles by Rawls, in a situation of limited educational positions and people with the same talents and willingness, we cannot make a just decision to who’s to be admitted. Not without depriving others of their rights, deeming it unjust. By adding affirmative actions to admit the one’s worst-off we land on the issue that for most higher education you need to have certain previously attained knowledge and skills. This being attained by previous education and if those worst-off already have attained these through previous opportunities then this affirmative action doesn’t serve its purpose. Furthermore, in the scenario of where we would have to choose between two equally talented and willing, how are we to measure who’s worst-off? In many scenarios we wouldn’t be able to tell who would be the worst-off. In a scenario where many similar people apply for a certain educational position, we wouldn’t be able to reliable measure who’s worst-off. I would argue that this is a just model of distribution in many cases, however it lacks direction on how to address certain cases and thus we would need to resolve for other principles of distribution.

Chapter summary

In this chapter I have revisited strict egalitarianism and meritocratic distributional approaches. The strength in a strict egalitarian distribution is that everyone would have access to the same education, but this is also why it doesn’t work in cases of scarcity. It isn’t possible to provide every educational opportunity for everyone, there are limited resources as to realize that scenario. In the case of a meritocratic distribution I argued that a two-grade system would be preferable to the grading systems used today that have many levels. It would decrease the problems of deciding which level a student is at, as it would only require to acknowledge when a student have sufficient knowledge and skills to pass. The issue then would be that much more people would be eligible for educational positions. We would then need other ways to determine who’s to be admitted and we cannot resolve to the other methods of assessing levels of merit previously discussed for they are unreliable and thus also invalid. A libertarian approach would, in its simplest description mean that educational opportunities would be distributed according to a free market. The seller is the one who
determines the price for the education. I argue that this method lacks a just ultimate deciding factor on who’s to get an educational position when there’s scarcity. Furthermore a libertarian approach doesn’t show any concern for personal arbitrary features such as the socioeconomic class a person is born into. This however, a Rawlsian approach does show concern for. Everyone with the right talents and willingness to pursue an educational position are justified to it. This however becomes problematic when there's scarcity of a position. We either need a reliable way of measuring talents, again as argued under a meritocratic distribution not reasonably attainable or we could introduce affirmative action to admit those worse-off. In that case we would invalidate Rawls lexical order of the justice principles, but with the motivation that it would be an action aiming to better a failed system. But that would lead to scenarios where we couldn’t reliably tell who’s worst-off. All these approaches have their merits but then also their own distinct pitfalls, thus leading to my proposal.
Chapter 4: My proposal

In this last chapter I will state my own proposed solution on how to address the distribution of educational opportunities. It is a mixture of previously examined principles with the addition of lottery as a deciding factor. It will be a brief exposition but it will hopefully get the main points across. I will present each part of my proposal one at a time, together forming a system I find more justified then the other approaches examined.

The foundation of my solution is based on a right to education. Much like the rights mentioned in the UN treaties\(^45\) that education should be accessible for everyone possessing the capacity to pursue it. These voted for and signed by a majority of the worlds countries.\(^46\) Showcasing that I by no means hold this idea alone. I do however formulate it in a more concentrated way;

Every person with the adequate knowledge and skills to succeed in referred education is entitled to it.

I have adopted an orthodox view on human rights. Charles Beitz describes this view on human rights as rights that all humans possess, simply because of their human status.\(^47\) Human rights are seen as fundamental, only obtained through reason or rational intuition. To be able to accept the rest of my proposal, one has to agree with this foundation. This right is what all later parts revolve around, except the special case concerning compulsory basic education. What the right states is that everyone is entitled to an educational position as long as they possess the knowledge and skills to be adequately certain that they would be able to succeed in said education. The underlying reason of this right is the role education plays for a person to be able to pursue either further education or occupations.

4.2 Compulsory basic education

The rights based foundation does not address that basic education should be compulsory. Thus this will stand as an argumentation by itself. The reasoning behind it being quite simple;

\(^{46}\) UN General Assembly, Online database.
compulsory basic education is necessary to avoid a class society where the ones getting education are the children in certain privileged groups in society. My argumentation goes in line with Rawls principle of fair equality of opportunity. To reach a point where people have fair equality of opportunity we need to make arbitrary background factors less crucial for their success to pursue their opportunities. Making basic education compulsory functions as to equalize peoples starting point in life to a degree, and by that also affecting later parts of the life. This will still contain the issues I addressed in chapter two concerning depriving people of their autonomy, but by doing this there will be an increase in what people can do with their autonomy later in life. One important factor to point out is that basic education isn’t as limited in its positions as higher education, thus a final deciding factor of who’s to receive a position isn’t as relevant. However, in the case that it would be a scarcity, admission tests and lottery (as later presented) would apply.

4.4 Specialized admission tests

This section aims to address the “the adequate knowledge and skills to succeed in referred education”-part of the founding right. The function of admission tests is to see that those applying for certain courses and programmes have enough knowledge and skills related to said course or programme to be able to succeed in it. Without this, anyone could apply to whatever they want no matter their knowledge and skills. This would of course create some issues, to apply for a course in advanced french, one ought to know the basics prior to that otherwise the likelihood of succeeding is more or less non-existent.

Admission tests would have a similar function as a two-grade system mentioned in the revisited meritocratic system. The benefit with admission tests rather than passing grades is that they 1) measure only what is relevant for the education being pursued and 2) measures the person's skills and knowledge close in time to when the education is to take place, removing the issue with grades showcasing past and not current skills and knowledge.

The purpose of the admission test is quite simple, but how would these tests be realistically executed? These tests needs to be designed by those giving the education, those are the ones with the best understanding of what knowledge and skills that are required. The designers will have to address what are the least knowledge and skills required for a person to succeed in this education without any unforeseen obstacles. In an advanced course that could
be a simple test showcasing that the person knows the basics addressed in previous courses. In programmes with the intention to lead into an occupation with strong social elements, interviews could be used to examine social skills. The point is that each institution distributing educational positions designs their admission test to check only what is relevant, both in terms of its context and in terms of its level of expertise needed.

Admission tests do share the issue with the measuring of merits, that of the difficulty to draw the line where a person has reached a level of knowledge and/or skills. When does a person pass the threshold of having adequate knowledge and skills? This issue will persist, but compared to summarized merits such as GPA and some standardized tests it is supposed to measure only what's relevant. Furthermore it doesn’t structure the results in several levels of expertise (e.g. A-F, 0-100% grades) but only to ensure that the person has stepped over the threshold required to pursue the education with feasible success.

4.5 Lottery and queuing

Lastly I will address the inevitable in my proposal. With a system that makes a lot of people eligible and entitled for the same limited educational opportunities, there has to be a deciding factor on who’s getting admitted. I’ve settled for a system of lottery with the reason that other methods of decisions either need to create intricate valid measurements that inevitably will be unreliable or they will deprive those not chosen from their right to that position. As long as a person meets the criteria and another person is picked before them, that person’s right is violated deeming it unjust. Neither does it matter if a person has higher knowledge and skills to succeed in their education, as long as they have sufficient they are entitled to that educational opportunity.

Lottery does not take certain people or groups into account, neither their race, religion, socio economic background, superfluous merits etc. Lottery will simply take people, all eligible for the opportunity and randomly assign who gets it. Now this has one big flaw, inherit in this method; being all left to chance, what about those who by chance constantly would be unfortunate to pursue their desired opportunities? That is where the queue system applies.

When a person isn’t fortunate to be allowed into an educational position, they are put into a queue system whereas they, the upcoming times have their odds in the lottery
increased. Thus eventually allowing them to pursue this educational opportunity, if they still have the wish to. One important part needs to be addressed to legitimize this queue system; wouldn’t this prioritize those who are patient, making patience a valuable merit meaning that the system would fail in not prioritizing certain people or groups. It could be viewed that way, however it is not the way I intend it. The way it is ought to be viewed is that as soon as a person eligible for an educational position and decides to pursue it, the person have been admitted. However, due to scarcity of resources, the person cannot begin their education yet. Would this mean that the person is first in line coming the next opportunity? No, just at a higher chance of being admitted, otherwise it would deem the lottery more or less useless, only creating a queue system with a time-buffer in front of it. The queue system is there in place to ensure that people aren’t able to be subjected to unlimited cases of misfortune thus eventually allowing them to pursue their educational opportunity.

The introduction of lottery might be seen as paradoxical since I argued for compulsory basic education to decrease random chances in form of personal arbitrary features. The key factor here is scarcity; if basic education was scarce, lottery for positions would be applied.

Chapter summary

In this chapter I proposed a way of distributing educational opportunities. The core of the proposal is based in that everyone with the adequate knowledge and skills to succeed in referred education is entitled to it. In the case that we can provide basic education for everyone, we ought to do so with the purpose of decreasing personal arbitrary features such as the socioeconomic class a person is born into. In the case of scarcity, the same deciding principle as for higher education applies; admission tests and lottery. Admission tests serve the purpose of ensuring that people applying for an educational position possess adequate knowledge and skills to succeed in referred education. Since everyone to pass the admission test are entitled to the position, any prioritization of a certain person or group is unjust. Thus the implementation of a lottery deciding who’s to be admitted to an educational position, with the addition of a queue system ensuring that people won't be subjected to the potential of constant misfortune in the lottery.
Conclusion

The aim for this thesis was to identify issues with common ways of distributing educational opportunities and look for a better solution. Initially by describing a general education system in which the distribution of basic education is strictly egalitarian, giving everyone the same basic education and higher education being distributed in a meritocratic fashion with grades and test results. My arguments against this system is much more directed against the meritocratic part for the strict egalitarian distribution of basic education doesn’t face the same issues of scarcity. In addition to strict egalitarianism and meritocracy I examine the validity of a Nozickian libertarian and Rawlsian approach.

My conclusions are that strict egalitarianism only functions in cases where there is no limit on resources for us to be able to give all educational opportunities to everyone. Which of course is not feasible.

A meritocratic approach leads to issues concerning the reliability of merits such as grades and test results. When assigning a grade there are too many factors playing part as to make it valid. Summarizing grades and test results and using them as means to measure people against each other for an educational position becomes problematic for we are then using knowledge and skills that are more or less relevant for that position. I introduce the idea of a two grade system where people only pass or not, reducing the amount of levels we would have to measure merits. This however also fails for we would then have a great increase in people eligible for each educational position and we would have to resolve to other deciding factors. If those deciding factors are to again measure merit, then we are back at the problem of measuring those in a reliable way.

My findings in a Nozickian libertarian approach points out that education would be distributed as a product in a free market. The seller would be the one determining who’s to get the educational position. Be that through payment, merit or other means, they are all just in this approach. Which is why I argue that this is not a valid way of distributing, it doesn’t have clear deciding grounds on who’s to be admitted when several people are applying for the same educational position. Furthermore it doesn’t show any concerns towards peoples unavoidable and unjust distribution of arbitrary features.
In the case of a Rawlsian approach we cannot choose one person over another for an educational position under the circumstance that they have the same talents and willingness to pursue that position. We would either need a reliable way of measuring talents and willingness, but then stepping into the same issue as with measuring merits. I introduce affirmative action as a viable change in Rawls original distribution method. Meaning that those worst-off would be chosen in the case of many similarly talented and willing people apply for a limited number of educational positions. But we then run in to the issue that we in many cases wouldn’t be able to measure who’s worst-off.

My own proposal is based on that everyone with the adequate knowledge and skills to succeed in referred education is entitled to it. In the case of basic education, where there is no scarcity we should keep the strict egalitarian compulsory approach for it serves the purpose of decreasing arbitrary factors determining a person's prospects later in life. However, in case of scarcity I argue that we should opt for admission tests and lottery as to decide who’s to get admitted to said educational positions. Admission tests to ensure that the person have sufficient knowledge and skills to successfully pursue the education. This would lead to a lot of people being entitled for certain educational positions and we cannot choose one over the other. In these instances lottery would be used, simply because we cannot choose one over the other, they all have the same entitlement for the position. Furthermore I introduce a queue system to the lottery as to remove the possibility of people being constantly subjected to misfortune in the lottery whereas their odds of gaining a position through the lottery is increased every time they aren’t admitted.

Telling which approach to distribution that is most justified is a tricky matter to say the least. I’ve tried to compose a solution that addresses some issues that can be found in the other approaches examined. It is not without flaws, but at least with merits strong enough for further development.
Litterature


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