

## Fifty Years of Equality?

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Fifty years after the *Brown* decision monumentally drew issues of equality to the fore, equality continues to occupy the theorizing of educational philosophers, the practice of teachers, and the decisions of judges. Within the past year, questions regarding race and schooling, including the intention to eliminate racial inequality, were raised once again in *Grutter v Bollinger*, the case of a disgruntled white law school applicant who suspected that she was denied admission based upon the criteria of race. In this article, I will trace the history of equality as a concept, a working goal, and an educational right over the past fifty years in PES's house journal, *Educational Theory*.

This benchmark journal offers a unique opportunity to better understand equality as debated within a specific context of scholars and also exposes the attempts and inadequacies of this journal to fully address the issue. Within the journal, however, I extend my concern with equality to include issues of class and gender, suggestive of the multiple and changing ways in which the topic has been engaged over the years. I recognize, however, that the dynamics unique to each category vary and that none should be entirely collapsed into the other.

The Congressional equality reports of the 1960s, the women's movement of the 1970s, and affirmative action movements within more recent decades, have provoked changes in the philosophical understanding of equality. It has been recast in terms of numerical distribution, equal educational opportunity, inclusiveness of difference, equality of resources, and equality of educational outcomes, just to name a few. I aim to elucidate these changes here in hopes of conveying the significance of the *Brown* decision, the complexity of the concept, and the pressing task of eradicating problematic inequalities that linger within our schools.

### *BROWN*, AN UNANSWERED QUESTION OF EQUALITY

In 1954 the Supreme Court took issue with the financial conception of equality that justified *Plessy v. Ferguson* decades earlier. The Court ruled that, while the physical features of schooling may be similar, this does not mean that Negroes are receiving equal protection of the law. Citing the Equal Protection Clause of the Fourteenth Amendment and the description of education as a state provided opportunity, the court proclaimed "such an opportunity is a right which must be made available to all on equal terms."<sup>1</sup> Importantly here, education is hailed a right, the declaration of which allows the state to intervene to ensure its similar availability to all citizens.

The plaintiffs argued that the segregated schools could not be "made equal" and the Court, claiming that no amount of balancing tangible factors could account for the way segregation itself deprives Negroes of equal educational opportunities, concurred. For the Court, segregation itself became the key factor of inequality insofar as separation of races led minorities to enduring feelings of inferiority regarding their abilities and social position. These feelings inhibited Negroes'

ability to equally or fully enact educational opportunities, if they were extended at all. The Court depicted education as an opportunity to develop citizenship skills, cultivate knowledge of cultural values, and secure a good career. Education, then, is not only a necessary opportunity for forming a functional democracy, but is an opportunity which should be extended to increase one's chances at reaping social and economic benefits. Equalizing opportunity within this context meant ensuring that a child's opportunity to undertake and succeed in these endeavors is not determined by race or prohibited by race-related feelings of inferiority.

Following the *Brown* decision, the authors of *Educational Theory* fell relatively silent on the issue of equality for nearly a decade. Other related journals published a flurry of articles and symposia on the *Brown* decision and race relations within America. While many contributions entertained the concepts of "freedom," "liberty," and "democracy," almost none considered equality as intimately and fundamentally tied to these worthy issues. Similarly, race is rarely even mentioned at all during the 1950s.<sup>2</sup> Reflecting nearly fifty years later, the unexplained silence seems unacceptable. It was in these years immediately following *Brown*, when the scholarly community struggled with interpreting the meaning of the Court decision and practitioners toiled with efforts at integration, that philosophically informed policy was most needed. Explanations can be hypothesized, but none seems capable of justifying silence on an issue and a population in need of attention.

#### CONFRONTING NATIONAL REPORTS

The Coleman Report and others presented before Congress during the consideration of the Equal Educational Opportunity Act in the late 1960s and early 1970s did provoke *Educational Theory's* authors to engage issues of equality. Responding to the Coleman Report, W.T. Blackstone proclaimed in 1969 that the *Brown* assertion of education as a right intimately connected to equal educational opportunity was almost universally accepted.<sup>3</sup> To no one's surprise, however, he located the problem with disagreement in interpreting "equality of educational opportunity" and education as a "human right." Of note, though, he proposed that these two are identical in some respects. He linked them by showing that fulfilling the right to education entails enabling each student to fulfill his or her capacities.

Blackstone viewed equality and rights as prescriptive concepts telling us how to treat people. Equality is not innate, but assigned by people because it is a value they want to propagate. The prescriptive element of equality was evident in *Brown*, which began to move past the descriptive nature of *Plessy* by implying that the good society is one where no member is held back from becoming a good citizen or worker because of race. Blackstone contends that equality of treatment does not mean identical treatment for all, rather treatment will vary based on normative judgments about relevant factors of a person. The criteria we select as pertinent to assigning differential treatment are indicative of the way we think society should be.

Blackstone selects social and economic status as relevant criteria. He charges Coleman with failing to take the environmental circumstances of educational problems, including student and community socioeconomic status, into account, and therefore, of failing to capture the full meaning of equality. Unlike others before

him who confined their discussions of inequality to the classroom, Blackstone argues that educational inequality can only be confronted if social and economic inequality in larger society is confronted, for these problems limit equality of educational opportunity and one's ability to enact those opportunities. Blackstone rightly claimed that equal access and more education will not solve this problem. Instead, he suggests redistribution of political power among classes and preferential treatment of the poor. Even though such acts might cost the individual freedom of those in privileged positions, Blackstone's suggestion is the first bold attempt of a theorist in this journal to offer a radical, socially situated, critique of efforts to describe equality and an innovative solution for achieving it.

Robert Curran also took issue with the understandings of equality implicit in the 1966 and 1972 national inequality studies. He points out the problematic ways in which equality of access is described as the number of years of schooling each race receives in comparison to income, job satisfaction, and job status. Curran cuts to the heart of the matter, by investigating the aims of education underlying these measurement standards. He suggests that rather than an individualistic, social elevator understanding of education measured through "materialistically defined success," many Americans prize education as developing cooperative intelligence, scientific inclination, and concern for eradicating class struggle.<sup>4</sup> Appropriately, Curran calls into question the link between the purposes of education and what should be equalized. Contra the inequality reports, Curran does not ask how school differences vary by individual, but rather how all school differences relate to non-school forces and social ideas of education. This is a valuable shift in understanding and achieving equality.

Robert Ennis introduced readers to the widespread disagreement over how equality of educational opportunity should be applied. He proposes that application becomes contentious because people are using different normative definitions of opportunity. For Ennis, having an opportunity entails an absence of factors that would prohibit a person from action and the presence of positive factors that would enable one to enact an opportunity. Interestingly, in his view, only environmental, rather than personal factors like motivation or ability, are constitutive of having an opportunity. This claim no longer allows equality of opportunity to be based on innate ability, which may be sexually or racially determined.

In opposition to other scholars who suggest judging equality of educational opportunity by comparing the similarity of academic performance after the fact, Ennis argues that the relevant aspect for such judgments is the balance of positive and negative environmental factors which affect a student's ability to achieve a goal. Normative judgments about opportunity, then, rely on empirical facts about what environmental factors would have made a difference, what the effects were of existing factors, and how they could be changed. This interpretation offers some guidance for teachers and researchers in how to handle relevant factors of equality *during* an event to ensure the most ethical action in the interest of the student.

A particularly troubling article, an obvious back step in developing articulations of equality, was published by Lloyd Humphreys in 1976.<sup>5</sup> There, Humphreys

attempts to lay out and provide contrary evidence for seven myths about race and sex differences which have influenced employment policies and quota formation. He describes equality in terms of academic performance of the races, shows that blacks are below whites in every area of measurement, and concludes that schools may not be able to overcome the “damage done in the ghetto.”<sup>6</sup> Humphreys is indirectly identifying a key issue of the first decade of Head Start, whether the social justice project of achieving equality should try to overcome inequalities induced externally to the school. Humphreys appears to be putting to rest the myth that such an endeavor could be achieved and he explicitly concludes that eugenics may be the only solution for overcoming the “damage of the ghetto.”

Humphreys contends that schools neither produce nor correct differences of gender. He adds that most Americans would not want to change the gender dispositions of girls, while they would want to correct racial differences. He says girls have different curricular interests and therefore come to be prepared for and choose higher education and jobs differently. For girls, “compensation is required primarily for interests and attitudes.”<sup>7</sup> He adds that the cost of increasing numbers of women or “other minority groups with similar problems” will be large in some professions.<sup>8</sup> Finally, he concludes that “insistence on racial and sexual balance throughout our society could, even in the time span of several generations, result in a reduction in the productivity of our economy, in the quality of our research and development, and in the quality of students graduating from our schools.”<sup>9</sup> The problem, here, is *not* being a white male, which signifies the absence of problems, the norm, possibly even the ideal. Girls should be brought to have boy’s interests and not vice versa. And, even if girls and minorities are brought up to the status of white men, the bar of success will necessarily lower. For Humphreys, equality is set in terms of the weakest link. While, most of the views espoused in this article have been overturned, its publication must be accounted for. It did nothing to further the discussion of equality, rather reified past issues with innate limits and deterministic roles. It may have justified unequal and unjust treatment of girls and racial minorities in schools or in the writings of other scholars.

Two articles in the late 1970s took up another issue addressed in *Brown*, that of preferential treatment in college admissions. Initially, Robert Heslep says that minorities should be admitted out of a spirit of compensatory justice.<sup>10</sup> He reasons that past discrimination has prevented minorities from achieving high indicators which refer to substantive standards. But, in the end, he concludes that such an admission policy cannot be supported because it may lead to injustice to dominant groups by denying them their right to equality of educational opportunity.

Lois Tuckerman Weinberg, however, argues that there is a persuasive moral reason for admitting minorities on the basis of their race or gender.<sup>11</sup> Their admission offers different perspectives and prevents continued harm to those groups. She adds that just desserts should only be assigned based on things for which we are responsible — not on environmental factors or innate traits. While Weinberg sides with a more thoroughgoing distributive justice, Heslep appears unwilling to prioritize compensatory justice or general social well being over personal rights claims which themselves are based on individualistic concerns with equality.

## EDGED OUT BY EXCELLENCE

The 1973 *San Antonio v. Rodriguez* decision found no constitutional problem with school funding based on local tax brackets in Texas, despite the fact that they resulted in wide disparity of educational spending on similar children in different communities. This verdict placed local control of schooling over national interests in insuring equality within schools. Ten years later, *A Nation at Risk* and *Action for Excellence* were published. These reports encouraged individual achievement and competitiveness between students, schools, and international powerhouses. Together, these events promoted excellence over equality. The goal of being a world leader beat out social justice goals on the home front. This change did not go unnoted in the pages of *Educational Theory*.

With a spirit of competitive excellence on the air, William Proefriedt describes the ways in which many people link testing with equality of opportunity.<sup>12</sup> Many saw testing as an objective way to determine a student's merit for selection for an opportunity. These people hoped social hierarchy would correspond directly to the natural hierarchy of merit. While other scholars of the day suggested that equality might be sought by approximating a similar distribution of test scores amongst all categories of students, Proefriedt notes that this goal was dropped when concerns turned to raising academic standards. Proefriedt says that the equality of opportunity ideology rests on meritocracy (which the tests measure) and the "efficacy of individual effort."<sup>13</sup> Insofar as tests predict and determine who is best fitted for certain levels of career, this challenges the belief that individuals can become anything they want to. This leads him to suspect that achieving equality through effort is not so much experienced as just formally stated in American ideology.

In the end, he fears that the current meritocratic play of equality of educational opportunity would not change current structures of social hierarchy, but would only solidify them as a "hereditary aristocracy," led by the most intelligent. Following the logic of equality of opportunity, the leaders could declare that their position was natural, and therefore unquestionably right. Although equality of opportunity is described in terms of resultant economic success following schooling, he is not so much interested in examining the outcomes as indicative of equality as he is the intelligence based meritocracy that entitles certain people to enact opportunities which lead to social status markers. At stake here is an understanding of intelligence as human capital allowing for social mobility which troubles Proefriedt. Alternatively, he suggests intelligence should be "a self-fulfilling ability to understand the world; as the capacity to order, alter and create within that world and to reflect critically upon it."<sup>14</sup> This view of intelligence is not tied to a hierarchical structure, rather equality is described in terms of contentment with life, capacity for understanding the world, and ability to effect change in one's environment.

A 1984 special issue was devoted to the Texas school funding case and funding equity as a whole. Several authors explicated their frustration with the Court's finding. Evoking a minimum notion of equity like that guiding *Plessy*, Barry Bull says "educational equity implies at the very least that similar students should have similar claims upon the educational resources of their society."<sup>15</sup> The Court's ruling violates this minimum and "failed to find that education is a fundamental right."<sup>16</sup>

Because of this, the Court's decision seems anachronistically related to both *Plessy*, insofar as it failed to uphold the minimum, and *Brown*, in that it failed to consider equality in terms of the right to education.

Kenneth Strike's article in this issue offers the most useful contributions to the lasting discussion of equality.<sup>17</sup> He notes that not all opportunities can be controlled by schools. The task of the philosopher is to determine those which should so that they can be equalized. Making the link between equality and philosophy of education clear, Strike claims he will "treat this as equivalent to the question of the nature of a basic education."<sup>18</sup> For Strike, basic opportunities are those which are of fundamental importance and which are necessary for achieving its end. Additionally, basic opportunities allow one to attain political and economic competence. "A basic education can thus be defined as that education necessary to achieving entry to, and meaningful participation in, the political and economic life of a just society."<sup>19</sup> Once specific elements of political and economic skills and their scope are identified, they must be equalized. Finally, Strike differentiates benefits and opportunities. Benefits are desired outcomes, valued for their own sake, which can be earned. An opportunity is an "instrumentality. It is a chance to obtain something."<sup>20</sup> This is a useful distinction which allows him to conclude that benefits do not need to be equally distributed.

#### CLARIFYING CHOICE AND OUTCOMES

A particularly fruitful exchange took place between Kenneth Howe and Nicholas Burbules during 1989 and 1990.<sup>21</sup> Howe attempted to make sense of equal opportunity by drawing attention to outcomes understood as an array of attitudes, achievements, character and the like. For Howe, the key question is not *whether* outcomes should be equal, but *which* should be. To answer this, he turns his attention to outcomes which enable students to have and exercise opportunities and achieve social goods.

To address outcomes, Howe sets himself the task of exploring "the largely unexamined presumption that choice is a conceptually necessary aspect of opportunity."<sup>22</sup> He notes that critics of the Coleman Report claim that educational outcomes depend on the exercise of choice in using an educational opportunity. Because choices and their effects vary, equality of educational opportunity cannot be identified by equality of educational outcomes. This belief goes against earlier writers, like Ennis, who held that personal traits that effect choice, like motivation, were not constitutive of having an opportunity. According to Howe, because children have limited abilities and responsibility for making choices, mandatory opportunities should be instated "such that equalizing certain educational outcomes is required in the name of equal educational opportunity."<sup>23</sup>

Drawing on the work of Burbules and others, Howe discusses formalist, actualist, and results views of equal opportunity. The formalist position, a view akin to that of "separate but equal," holds that if no formal barriers exist to educational resources, then equality of educational opportunity exists. Howe argues that the formalist conception is untenable because the characteristics of individuals and their circumstances cannot be meaningfully separated from formal access. The actualist



view acknowledges this fact, insisting that individual and social characteristics influence whether students are truly able to avail themselves of educational resources even when no formal barriers to access exist. The equal results view goes even further, equating equality of opportunity with equality of outcome. Burbules later distinguishes two versions of the results view: outcomes-based, where “equal outcomes are constitutive of whether or not an opportunity obtained”; and outcomes-sensitive, where “outcomes provide evidence for whether an opportunity obtained.”<sup>24</sup>

Building on the work of Strike, mentioned above, along with that of John Rawls and Amy Gutmann, whose *Democratic Education* had just been published, Howe proposes a threshold model of equality of educational opportunity. He suggests that schools should meet Gutmann’s “democratic threshold,” a limit which marks sufficient support for student democratic participation and achievement of social goods. This threshold is not a sameness model; rather it should be a mandatory opportunity which is based on Rawls’ “difference principle” of needs, requiring different amounts of effort and resources to be achieved. Howe’s outcome-based conception, then, demands that outcomes be equalized in terms of achieving the democratic threshold and enjoying social goods beyond the threshold.

Burbules takes issue with Howe’s oxymoron, “mandatory opportunity.” Insofar as an opportunity is something that “can be passed up,” a mandatory opportunity does not make sense.<sup>25</sup> A genuine opportunity must be able to be chosen or denied. While Burbules agrees that the autonomy of children is limited, he contends that a mandatory opportunity squelches children’s chances to exercise even their limited capacity for choice. Burbules promotes actualism because it preserves free choice and self-determination, yet can encourage equality promoting interventions as long as they don’t interfere with autonomy. Whereas Howe collapses the distinction between the actualist and the results positions, Burbules rightly notes that the focus on choice actually draws a sharp distinction between the two. In fact, he adds, equal results views don’t even need opportunity or choice to be measured. This suggests that outcomes based arguments are misaligned with the project of equality of educational opportunity.

#### GENDER EQUALITY

In the most recent years in particular, postmodern and poststructural feminist critiques have influenced the writings of several *Educational Theory* contributors. An early writer in the area, Barbara Houston, commented on the gender-free strategy popular in the late seventies and early eighties.<sup>26</sup> Through a collection of classroom based studies, she shows that adopting either a weak or a strong gender-free strategy can maintain unequal education opportunity. She suggests “seeing gender differently rather than becoming blind to it.”<sup>27</sup> Houston advocates viewing gender not as a trait, but as a process and relation that structures power.

Similar understandings of gender were later picked up by Mary Bryson and Suzanne de Castell who uncover a troubling paradox in gender equity initiatives.<sup>28</sup> When using conceptually unclarified terms, like gender traditionally conceived as a static trait, gender equity programs verge on logical and, importantly, ontological

contradiction. They note that constructivist approaches to equality that call for inclusiveness of “women’s ways of knowing” may solidify and preserve stagnant understandings of women rather than overturn them, in effect causing a “gender version of a pre-civil rights ‘separate but equal’ policy justifying systematic discrimination.”<sup>29</sup>

Disheartening to some champions of gender equality, Bryson and de Castell show that equality as a drive for sameness may actually conceal the project of normalizing all people to fit the idealized subject of human rights. This subject, who fits in certain roles and lifestyles, is entitled to those benefits of dominance: good jobs, cultural membership, recognition, and the like. Equality initiatives school minorities to be like this subject so that they may be accorded rights and rewarded with equality of benefits, but this is an impossible, contradictory task. Women cannot both fulfill gender-appropriate roles and those of the white, male, middle-class subject. When framed as gender-equity, where one must conform to certain roles as a prerequisite, normatively binding contracts are created that effectively limit, rather than expand, rights.

Most noteworthy, “If public schools are indeed committed to equity, that entitlement is automatic; it is there from the start. It is a fully inclusive acknowledgement of and accommodation to diversity and difference. Taken seriously, it requires us to reverse the order of things: from identity as a condition of equity, to equity as a condition of identity.”<sup>30</sup> Future work on equity, then, should begin with this claim. They also suggest that future work should adopt Judith Butler’s, at the time, new understanding of “gender” as an effect of the power of language and representation. This introduces another paradox to readers working toward gender-equity: the fact that they are creating the very category they are trying to fix as they discuss, identify, and target gender. These problems should not be paralyzing for those committed to equality. Instead, they should be motivating factors for disrupting initiatives that are explicitly about “gender-equity” and, therefore, under- and contradictorily- theorized as such. They should encourage feminists to move beyond coping with current situations and move toward creating strategies which demand that that their agendas and terms be met.

#### A CALL FOR THE FUTURE

With the recent passage of *No Child Left Behind*, questions of equality in education should once again be at the fore of educational theory. Attempts to “narrow the achievement gap” and to serve all children equally need to be sufficiently theorized and their links to the aims of education elucidated. We have seen these links discussed in *Educational Theory* in terms of schooling as a social justice project, purveyor of academic knowledge, and creator of citizens. Conceptual tools for addressing and achieving equality have begun to be spelled out within these pages, but these need further attention.

Feminist, postmodern, and poststructural approaches seem particularly promising frameworks for approaching equality insofar as they complicate broad equality initiatives by pointing out the varying dynamics of race, gender, and class inequality, especially as these are changing in the globalizing world. They offer refined



sensitivities that, while often pointing out problems with past efforts, may also be suggestive of more fruitful and just approaches in the future. And, while it appears that the heyday of liberal theorizing of equality may have past, fresh reworkings concerned with equality in democratic settings may also prove worthwhile. I also suspect that the voices of black feminists, uncommon in the journal, could offer valuable insight. Even a brief look at our nation's schools shows that equality has not been achieved, but it also shows that significant progress has been made since *Brown*. Hopefully some of it may fairly be attributable to the contributions of the theorists described here.

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1. Syllabus of the 1954 *Brown v. Board of Education* decision, 483.
  2. Walter Feinberg and Jason Odeshoo, "Educational Theory in the Fifties," *Educational Theory* 50, no. 3 (2000): 299.
  3. W.T. Blackstone, "Human Rights, Equality, and Education," *Educational Theory* 19, no. 3 (1969): 288.
  4. Robert Curran, "Inequality, Sociologically and Social Philosophically Seen," *Educational Theory* 24, no. 4 (1974): 392.
  5. Lloyd Humphreys, "Race and Sex Differences and their Implications for Educational and Occupational Equality," *Educational Theory* 26, no. 2 (1976): 135-46.
  6. *Ibid.*, 139.
  7. *Ibid.*, 140.
  8. *Ibid.*, 141.
  9. *Ibid.*, 145.
  10. Robert Heslep, "Preferential Treatment and Compensatory Justice," *Educational Theory* 26, no. 2 (1976): 146-53.
  11. Lois Tuckerman Weinberg, "An Answer to the 'Liberal' Objection to Special Admissions," *Educational Theory* 29, no. 1 (1979): 21-29.
  12. William Proefriedt, "Intelligence as Human Capital," *Educational Theory* 33, nos. 3-4 (1983): 113-24.
  13. *Ibid.*, 114.
  14. *Ibid.*, 118.
  15. Barry Bull, "Liberty and the New Localism," *Educational Theory* 34, no. 1 (1984): 78.
  16. Stephen Arons, "Playing Ball with the Rodriguez Court," *Educational Theory* 34 no. 1 (1984): 23-27, 23.
  17. Kenneth Strike, "Fiscal Justice and Judicial Sovereignty," *Educational Theory* 34, no. 1 (1984): 5-21.
  18. *Ibid.*, 10.
  19. *Ibid.*, 13.
  20. *Ibid.*, 11.
  21. Kenneth Howe, "In Defense of Outcomes-Based Conceptions of Equal Educational Opportunity," *Educational Theory* 39, no. 4 (1989): 317-36 and Nicholas C. Burbules, "Equal Opportunity or Equal Education?" *Educational Theory* 40, no. 2 (1990): 221-26.
  22. Howe, "In Defense of Outcomes-Based Conceptions," 321.
  23. *Ibid.*, 317.
  24. Burbules, "Equal Opportunity or Equal Education?" 223.

25. Ibid., 221.

26. Barbara Houston, "Gender Freedom and the Subtleties of Sexist Education," *Educational Theory* 35, no. 4 (1985): 359-68.

27. Ibid., 367.

28. Mary Bryson and Suzanne de Castell, "En/gendering Equity," *Educational Theory* 43, no. 3 (1993): 341-56.

29. Ibid., 341-42.

30. Ibid., 344.