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Book Symposium: Harry Brighouse, *School Choice and Social Justice* ⋆

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Brighouse's Arguments From Justice

Harry Brighouse's *School Choice and School Justice* is one of the best works of philosophy of education I have ever read, and possibly the best book on school choice ever written. It is also a valuable contribution to the important enterprise of making a place in political philosophy for children.

The book situates itself in the tradition of political liberalism – the tradition which dominates Anglo-American political philosophy, but seldom informs educational theory – and it displays an expert command of the debates surrounding equality, autonomy, diversity, parents' rights, and religious schooling, in developing an unusually subtle and distinctive position on school choice. It is an admirably sensible book, and one that is convincingly argued in countless details.

The main aim of the book is not "to take sides on the issue of choice, but to offer a theory of social justice for education policy" (209). Brighouse's view is that although the desirability of choice in education depends crucially upon facts about what happens when choice is introduced, we cannot "make a proper assessment of any set of institutions or proposals to reform them [without first identifying] the proper goals of institutional design" (3). Thus, we need philosophy and facts, and the book does a fine job of giving us both.

General Overview

The book's philosophical core consists of a pair of chapters (four and five) which build a case for education which serves children's interests in becoming autonomous adults, and a pair of chapters (six and seven) which build a case for educational equality, which is to say education which promotes equal opportunities for socio-economic success.

These chapters are sandwiched between four others devoted to the school choice debate.

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Chapter two outlines the "generic case for school choice" and offers a preliminary assessment of that case. That generic case consists of arguments from parental rights, efficiency, diversity and innovation, equity, and libertarianism. Brighouse notes that these arguments are mostly admittedly speculative and in need of facts, but that the libertarian argument is confused; it appeals to the value of autonomy, but tries to justify assigning parents exclusive rights to control the education of *other* people – i.e., their children. He rightly insists that this is incoherent.

Chapter three considers and rejects three objections to school choice which have been offered by theorists of the left:
(a) that choice corrupts education by commodifying it;
(b) that schooling should be subject to democratic control;
(c) that because schooling should promote the common good, it should belong to the public domain rather than the private one.

An important conclusion of chapters two and three is that neither the value of democracy nor that of public common goods should have much to do with the design of educational institutions. Brighouse argues instead that "the interests of children should be paramount in guiding ... educational design," insofar as those interests must be promoted *as a matter of justice* (65). Civic stability may be a public good, e.g., but it is a good which could be secured without universal mandatory education, Brighouse argues, whereas there do seem to be requirements of justice which require educating all children, and doing so with certain aims in view. "Education for minors," he says, "is like the right to a fair trial in that it is a good the provision which must be guaranteed by the state as a matter of justice" (45; cf. 62).

Leaping ahead to the concluding chapters on choice, chapters eight and nine, it is in chapter eight that the existing school programmes in both the United States and the United Kingdom are reviewed and their success measured by the standards of justice developed in the core chapters, i.e., the requirements of equality promotion and autonomy facilitation. And it is in chapter nine that Brighouse lays out a school choice proposal – a modification of one developed by Herbert Gintis – designed to satisfy those requirements.

While recognizing the difficulties involved in satisfying both the equality and autonomy requirements, Brighouse concludes that "the support for choice is usually overenthusiastic, whereas opposition to choice is usually overcritical" (206). Choice, he says, "should often be amended, or redesigned, rather than opposed," and it should be amended with equal opportunity and the facilitation of autonomy in mind (208).

With this outline in mind, let me return to the philosophical core of the book, the central chapters on autonomy facilitation and equal opportunity. Brighouse develops three arguments from justice, two on behalf of autonomy-facilitating education and one on behalf of education for equal opportunity. I will examine the first of these arguments at some length, and comment briefly on the other two.

The Instrumental Argument

Brighouse identifies autonomy facilitation as a central goal of schooling, and he identifies instruction in critical thinking as the principal means to that goal:

> All children should have a realistic opportunity to become autonomous adults . . . [and] teachable skills can enable us to avoid or overcome many instances of non-autonomy. Broadly speaking, the capacities involved in critical reflection help us to live autonomously (65, 66).

He offers two arguments for why the state should impose an autonomy-facilitating education on all children, whether or not their parents desire it. The first of these, which he calls the "instrumental argument," can be set out as follows:

> [Pr1:] justice requires that each individual have significant opportunities to live [well] . . .
> [Pr2:] the basic methods of rational evaluation are reliable aids to uncovering how to live well . . .
> [Pr3:] children will be better able to live well if they are able to compare different ways of life . . .
> [Thus, C1:] children should have the opportunity to learn the skills associated with autonomy and . . . parental preference is not sufficient reason to deny them that opportunity . . .
> [and C2:] the state, as an agent on behalf of society, has the authority to provide children with the opportunity to be autonomous (68–70).

Notice that the first premise asserts that it is a *requirement of justice* that children have *significant* opportunity to live well. The argument seems to be that children who are unlucky in their family circumstances *require* autonomy-facilitating education in order to have a significant opportunity to live well, and that autonomy-facilitating education is a *reliable* way to enable them to live well (at least as part of a more comprehensive education). Notice also that premise three (Pr3) supplements and qualifies premise two, inasmuch as Pr2 suggests nothing more than instruction in "methods of rational evaluation," or what is popularly known as critical thinking, whereas Pr3 – with its reference to "comparing different ways of life" – provides a link between Pr1 and the further premise, which is only stated several pages later, that

> [Pr4:] autonomy with respect to one's religious and moral commitments requires exposure to alternative views (75).

With the addition of this unsurprising premise, Brighouse justifies a mandatory autonomy-facilitating curriculum which includes not only a "traditional academic content-based curriculum" (74) preparatory to thriving in "mainstream society" and instruction in discriminating between good and bad arguments (75), but also detailed exposure to "a range of religious, non-religious, and anti-religious ethical

views" (75), and instruction in "the diverse ways ... in which secular and religious thinkers have dealt with moral conflict and religious disagreement, and with tensions in their own views" (75).

I am sympathetic to this argument, but there are some aspects of it which require attention.

First, and least important, is the narrowness of the conception of critical thinking which Brighouse invokes in stating this argument. He refers to learning to identify "fallacious arguments" as the heart of critical reflection (75), but this is a very weak conception of critical reflection or critical thinking. The instruction in the skills of critical reflection which he argues for should thus be conceived of in some other and more adequate way. This is a limitation of the argument which can be easily corrected, however, for it concerns the curricular implications of its conclusions and not the argument's soundness.

Second, and more importantly, I'm skeptical about the assertion of *reliability* in Pr2. Whatever the "basic methods of rational evaluation" may enable one to do beyond identifying fallacious arguments, it is not clear to me that they enable one to determine "how to live well." What Brighouse actually says, of course, is not as strong as this. He says these methods of evaluation are "reliable *aids*" in the enterprise of determining how to live. The interpretation of this which makes the best of the argument, however, is that he means that the methods of rational evaluation are reliable aids in this enterprise in the sense that *in conjunction with the other curricular elements identified* they are reliable means to determining how to live well – reliable enough to generate an expected payoff sufficient to warrant a policy of overriding the desires of parents who do not want their children to consider alternative ways of life, and to justify the expensive retraining of teachers which serious instruction in critical reflection would require. Brighouse refers to rational reflection as "an instrument for selecting well among ways of life" (72), but this may be too optimistic. It seems to underrate the importance of lived experience to a person's perceptions, desires, and horizons of perceived opportunity. For one thing, comfort with the familiar patterns of one's family life run so deep that even when those patterns are decidedly suboptimal, even pathological, it can be enormously difficult to acquire an adequate "outside" perspective on them, let alone opt out. Reading the right novels and self-help books, and undergoing psychotherapy, can help. Perhaps the epistemic training advocated by Brighouse might also help. Yet we all know that we have only limited control over what and who attracts us. Many of us have known far too many people who are mysteriously but predictably drawn to partners who abuse and exploit them, and to obsessions which ruin them or undermine the quality of their lives. Call this the intransigence of desire. The idea of "an instrument for selecting well among ways of life" also seems – like the standard liberal conception of a high school as a "marketplace of ideas" in which children do comparison shopping for ways of life – to ignore the importance of lived experience to which alternative ways of life will present themselves as

live options and which will not. This is a matter not only of desire, comfort, or inurement, but of perceived opportunity or what is imaginable for oneself.[1]

Third, the argument moves too quickly from its first premise, that justice requires opportunities to live well, to the liberal preoccupation with value pluralism and the ethical evaluation of different lives. The argument would be stronger on all counts if it were modified to focus on the more mundane utility of critical reflection in living a good life. We are limited agents; limited in epistemic assets, limited in powers, and limited in the coherence and advantageousness of our structure of preferences. Learning to reflect critically on these limitations and how far we might overcome them in the contexts in which we must act is crucial to living well, and on the whole such reflection rarely rises to the level of ethically evaluating competing conceptions of the good life.[2] Reconceived in this way, the argument yields essentially the curriculum that Brighouse wants, but it becomes an argument for deploying that curriculum towards the facilitation of a more broadly conceived form of autonomy or effective agency.

Fourth and finally, if the premises of the argument justify Brighouse's call for autonomy-*facilitating* education, then they would seem to justify something stronger. The argument commences from the premise that justice requires that each individual have *opportunities* to live well and moves to the conclusion that children should thus be provided with "the opportunity to be autonomous," but the rational abilities which are subsumed here under the language of opportunity (one might have distinguished opportunity from ability) are inseparable in practice from the possession of rational *dispositions*. Rationality is not so much an "instrument" which a person may freely elect to use or not, as Brighouse assumes, as a virtue or cluster of virtues which tend to be exercised by those who possess them. Accordingly, if what justice demands is having opportunities, then it demands the cultivation of rationality, or rational dispositions, and this undermines the distinction between *autonomy-facilitating* education and *autonomy-promoting* education that shapes the framing of Brighouse's conclusions. He endorses the former, but not the latter, since it might be thought to undermine children's opportunities to live some forms of good lives that might otherwise be available to them. In order to avoid promoting autonomy, he proposes that teachers refrain from *persuading* children to deploy the skills of critical reflection conferred by their education (80). This too betrays a conception of rationality as an instrument or set of skills which can be acquired but not used, and of efforts to persuade children to use it as something quite separable and as making all the difference between an education that promotes autonomy and one that facilitates autonomy. It is unclear what kind of persuasion this could be, however, that could make such a difference. It makes no sense to speak of rational persuasion in this context unless one conceives of children as already attentive and responsive to rational persuasion. If they are already attentive and responsive to reasoning, however – if they are already rational – then it is not clear what could be accomplished by offering them reasons to engage in rational reflection. By the same token, if they are *not*

responsive to reason, then it is equally unclear what could be accomplished by offering them such reasons, or how *any* form of persuasion could induce them to become rational or autonomous. In short, persuasion simply cannot play the role here that Brighouse imagines, and because it cannot it is also doubtful that his distinction between autonomy-facilitating and autonomy-promoting education can be sustained. A more realistic moral psychology would recognize the need to inculcate the virtues foundational to being a reasonable person if a person is to have any prospect of becoming rational and autonomous, and would acknowledge that when such efforts are successful they *dispose* a person toward engagement in critical reflection.

It is also true, of course, that a disposition to engage in critical reflection is not an all or nothing thing, and differences in a student's training may result in dispositions that are different in their motivational strength and scope of application. An effective education in critical thinking must inculcate some respect or love for truth and evidence, and it must involve practice in thinking critically about some topics. Yet, it might not go as far as Aristotle did in insisting that "though we love both the truth and our friends, piety requires us to honor the truth first" (Barnes, 1984, *NE* I.6). It might not encourage children to love truth and evidence above everything else, nor compel them to practice their emerging critical powers in every sphere of belief and discourse. Because practice in critical reflection in one domain might "transfer" to another domain only when some special motivation is present, it is conceivable that a substantial disposition to engage in rational reflection might coexist in one person with unexamined beliefs that are foundational to a way of life happy for that person, yet be robust enough to enable a person motivated by unhappiness with her life to engage in useful critical reflection. This is speculative, but plausible enough to warrant investigation as a possible alternative to Brighouse's conception of an autonomy-facilitating education that would enable people to examine and exit unsuitable lives without undermining their ability to lead happy unexamined lives.

The Argument From Liberal Legitimacy

I will turn now, more briefly, to Brighouse's second argument for holding that justice requires autonomy-facilitating education for all children, his argument from liberal legitimacy. Although I must note, as Brighouse does, that he develops the argument at greater length elsewhere,[3] it takes the following form in the work at hand:

> [Pr1:] liberal legitimacy require[s] that, in some sense, all citizens be able to consent freely to the state . . .
> [Pr2:] even the most conscientiously self-limiting state is unlikely to refrain entirely from encouraging consent in ways that bypass or preempt their rational scrutiny . . .
> [Pr3:] by providing for an autonomy-facilitating education, and, in particular,

> by directing the critical attention of future citizens to the justifications of the state itself, the state can mitigate the extent to which it conditions the consent on which its legitimacy depends, by ensuring that all citizens have the opportunity to become the kind of people whose consent counts towards the state's legitimacy (77).

The implicit conclusion is that autonomy-facilitating education which directs "the critical attention of future citizens to the justifications of the state itself" is a requirement of justice or legitimacy.

What Brighouse does not say here, but evidently has in mind, is that the autonomy-facilitating education he refers to, and the supplementary curricular elements that he adds to it (instruction in history, alternative ideologies, and the dynamics of disagreement and conflict; 78–79), are not simply useful in mitigating the state's inevitable conditioning of consent, but constitute a *necessary* condition for the free consent on which legitimacy depends, or one which the state is at any rate *obliged* as a matter of justice to provide. One might object that state provision of this education is not a necessary condition for free consent, on the grounds that citizens might provide the needed instruction to each other through voluntary associations. Brighouse's response, if I understand him, would be that although this is conceivable, the state's own inevitable infringement of free consent puts it under a *compensatory* or *rectificatory obligation* to enable citizens to escape that infringement as much as possible. Alternatively, he might argue on some grounds that states must bear the burden of doing what is necessary to securing their own legitimacy, and so must bear the burden of ensuring that all citizens are provided with education which enables them to give meaningful consent,[4] but if this were his argument then the second premise (Pr2) set out above would have no clear point, and neither would the reference to mitigation in the third premise (Pr3). The argument seems to rest, then, in not only the principle that justice in the form of legitimacy requires free consent, but also some principle to the effect that even *faultless* infringements of free consent must be rectified to the extent that it is possible to do so. I'm not sure how one would justify this latter principle except by appealing to the burden on a state to secure the conditions of its own legitimacy, and if this is how one most justify it then I am inclined to think that one could simplify the argument by appealing directly to that burden itself. Whether or not it is inevitable that a state will undermine free consent in some ways, I am inclined to think that rational consent is the kind we should regard as significant, and that the education necessary to enable citizens to give rational consent is something a state must insure the universal provision of in order to secure its own legitimacy and act with justice in the enforcement of its laws. The argument is, in any case, an important one, and I am in complete sympathy with its fundamental impulse.

Justice and Equal Opportunity

The second demand of justice advanced by Brighouse is educational equality, and he mounts a refreshing defense of equal opportunity in opposition to recent elaborations of thresholds of relative educational equality. He urges that we adults face children not fundamentally through families, but collectively, and that owe them equal respect, which entails education which is in some sense calculated to provide them with equal opportunities for social and economic well-being. This is an important and challenging argument. Once we grant that adults are collectively answerable to all children, in much the way that we normally conceive of the parents in a family being answerable to all their children, the equal treatment of children becomes morally irresistible. The burden of defending the argument thus lies with sustaining the premise that, ethically speaking, adults are collectively, directly responsible for all children. Brighouse offers at least the beginning of a defense, when he argues that a family's right to exist as a unit and raise its children itself is not morally fundamental, but rests instead in facts about who is best situated to meet children's needs (11; 14ff). If this is correct, and the interests of children or our obligations to them are fundamental and paramount in this domain, then it would seem that whatever assignments of responsibilities and rights to families may be appropriate, those assignments cannot abrogate the fundamental responsibilities owed by all adults to all children.

This is an argument well worth pursuing, but I feel compelled to hint at the gaps in it which must be addressed. As I have described it here, the argument is grounded in a principle of equal respect, and it moves from there to the assignment of quasi-parental responsibilities of care owed by all adults to all children. It is not immediately obvious, however, how such responsibilities of care are to be derived from the notion of equal respect. In Kantian terms, respect for persons entails "perfect" duties of non-interference with others, but only "imperfect" duties of mutual aid. The determination of just what is demanded by these duties of mutual aid or care would seem to be crucial to the argument, and might be constrained by various contingencies, including the obligations to specific individuals which people voluntarily assume, the extent to which any consensus has been reached about the scope of individual unilateral rights to bear children, and the terms of any such consensus (cf. 86). One aspect of the difficulties here is that there is some reason to doubt that duties of care or mutual aid are unaffected by the number of people in existence. In the face of studies which have warned that the earth can sustain in the long run no more than half of the human population of the late twentieth century, how would one craft a morally acceptable policy on procreative rights? If collective responsibility for all children id fundamental, then a society could not ethically elect to shift the costs of second and third children exclusively to their families in order to discourage unsustainable procreation while preserving a semblance of individual procreative choice. It would either have to accept catastrophe, find ways to discourage procreation which diminish the well-being of parents without diminishing the well-being of their children (a near

impossibility), or criminalise the bearing of children beyond an acceptable limit. This is a dilemma which one must feel some trepidation in claiming a solution to, and it is symptomatic of the difficulties to be resolved in sustaining Brighouse's argument for educational equality. Whether it can be sustained is an important question for further investigation.

Notes

[1] For a nice development of this theme, see Macmillan (1995).
[2] A venerable tradition has it that god is an infinite being, an infinite agent whose essential features are omniscience, omnipotence, moral perfection, and being the radical creator of the world in which he acts. If this is what it means to be an *infinite agent*, then there is some reason to say that what it means to be a *finite agent*, human or any other kind, is to live in a world not of one's own making, to do so with limited knowledge of that world and a limited capacity to know it, to do so with limited powers to act in and on that world and oneself, and to do so guided by an imperfect structure of preferences. It is characteristic of finite agency, and crucial to the success of a human life, that the agent evaluate the limitations of its epistemic assets, powers, and preferences, in the context of its environment, and exercise its epistemic capacities and powers to selectively overcome those limitations. By contrast, infinite agency would be effortless, and to that extent would not require exercises of critical reflection.
[3] In Brighouse (1998).
[4] As I do at length in Curren (2000), by appealing to the foundations of corrective justice.

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School Choice and the Lesser Evil

Harry Brighouse's *School Choice and Social Justice* is a very important book. The increasingly shrill, predictable, and polarized debate in North America about the future of public education stands in the sharpest contrast to Brighouse's measured tone and meticulous argumentation. I suspect that the book will not much affect the political debate precisely because of its virtues. Those who would seek to use scholarship for narrowly partisan ends will find little charm in a work that is so acutely sensitive to the complexity of its subject, and in popular debate about education, not many people have patience for complexity these days.

Brighouse invites us to consider how an appropriately designed school choice scheme might work to further the ends of social justice by enhancing equal opportunity and providing every child with an education for autonomy. He outlines a

cautious liberal egalitarian argument for school choice, utterly different from the libertarian or quasi-libertarian case made more often by proponents of choice. To be sure, others have sketched the liberal egalitarian case for choice. But none has done so with Brighouse's care and ingenuity. And that is what makes the book so interesting. So long as the critics of public education have been mustering their forces on the right of the political spectrum, the left has tended to circle the wagons around a public education system that is often a grave embarrassment to them – and to which they are sometimes reluctant to send their own children. This is not to deny that scholarly supporters of public education have produced much inventive research on public school reform and the hard business of making it work. But on the basic issue of whether the system of public education is itself the best avenue for reform, a complacent or perhaps a nervous silence often seems to hold. Brighouse makes it harder for us to sustain that silence, and for that alone we should be very grateful. The intransigent public defense of deeply flawed institutions may sometimes be morally right because it saves us from a worse alternative. But if that is indeed the best that can be said now of public education in America, we should be clear and candid about our best argument. I return to this point at the end of my comments.

My comments on the book will be very selective. And I shall say nothing at all on what I might be expected to talk about – viz., Brighouse's somewhat nonchalant attitude to the role of public education in creating citizens. I shall give him the benefit of a *very* large doubt and assume that the best feasible system of school choice would be at least as effective as the best feasible system of public education in cultivating civic virtue in the ways that befit a free society. Setting that point aside enables me to concentrate on other matters that interest me. First, I want to say a bit about Brighouse's "autonomy argument". This is a version of an argument commonly made in liberal political theory about the sense in which autonomy, the good life, and education are connected. I believe the argument fails not because autonomy lacks ethical and educational importance but because Brighouse, like many other liberals, misunderstands the sense in which autonomy is ethically and educationally important. This in turn throws into sharp relief questions that Brighouse does not confront about the feasibility of a state-regulated and sponsored system of private schools that would protect the interests of children in developing autonomy. (He is not alone here. Perhaps I have been insufficiently sensitive in the past to that problem as well.) Second, I want to press some pragmatic objections to Brighouse's very upbeat interpretation of the egalitarian potential of school choice. I think the cumulative effect of my misgivings about the autonomy and egalitarian arguments is to dampen hopes about the comparative merits of school choice over public school reform as an instrument of social justice.

Autonomy and State Regulated Choice

A cardinal principle of liberal politics is respect or tolerance for the many ways of life that thrive under conditions of freedom. The state's role in educational provision has to be crafted to accommodate the range of lives that deserve our tolerance or respect, and liberals rightly worry about how educational requirements the state imposes on all citizens are to be limited by that inclusive accommodation. State-sponsored schools that arbitrarily privilege the interests of one ethnic group over another, say, or favor religious belief over unbelief, are not in keeping with the equal regard a liberal state owes all its citizens. To fail in that regard is to resort to a form of cultural domination. That outcome is only avoidable so far as the state's educational policy expresses a certain neutral or impartial regard for the equally permissible ways of life its citizens lead.

This is a lightning sketch of the moral background to Brighouse's autonomy argument. The purpose of that argument is to defend "autonomy-facilitating" education, a practice Brighouse thinks we have reason to regard as necessary to protecting a basic interest all children share, regardless of the particular conceptions of the good they might come to choose as adults. Thus the autonomy argument is allegedly in keeping with liberal neutrality: it purports to persuade us that all children have an interest in receiving an autonomy facilitating education on grounds that favor no substantive understanding of the good over others.

Autonomy-facilitation is said to be necessary because the skills of autonomous reflection and choice enable people to live well – or at least increase their odds of living well – in circumstances that commonly demand unanticipated adaptations and the revision of belies and values. The idea of "living well" that is applicable here is a pretty thin one. One cannot live well, according to Brighouse, unless one endorses the life one lives "from the inside", so to speak. And this seems plausible enough. Almost everyone would agree that the things apt to make a life good fail to do so unless they are experienced as good from the first-person singular perspective. For example, intimacy is no good – indeed it is a mere counterfeit of intimacy – when another's confessions or affections are unwelcome although one acts as if they were. And religious faith can be no good – in fact, it is a merely fake faith – when it is no more than compliance with religions authority rather than heartfelt religious observance. Parallel claims can be made about other putative constituents of the good life. Moreover, Brighouse assumes that living well in individual cases must reckon with "constitution pluralism". Different personalities or temperaments mean that a way of life that is good for some will not be good for others. In particular, a way of life that is good for a child's parents and systematically encouraged through their parenting may not be good for their child because she is constitutionally ill-suited for that life.

In short, without the skills of autonomy, people are apt to be overwhelmed by the complexity and confusion of the modern world. Even if they could chart a course by latching onto an institution or individual who would exercise control on their behalf, they would be incompetent to judge whether the life imposed from

without really was one they could authentically endorse in their own voice. And they could not rationally judge the fit between their native constitution and the dictates of the controlling institution or individual.

Notice that Brighouse presents this as an argument for teaching the *skills* of autonomy; it is not presented as an argument for cultivating the autonomous *character* of those who cherish those skills in their own lives and habitually exercise them in the formation of beliefs and preferences. In his terms, teaching the skills is mere autonomy *facilitation*; cultivating the character is autonomy *promotion*. This is important for Brighouse because if children were entitled to an education that cultivated autonomous character, then liberal educational policy could not embody neutral regard for ways of life that value autonomous character and ways of life that do not. The necessity of autonomy promotion would significantly contract the scope of liberal neutrality and make education policy designed to protect the interest in autonomy into a much more culturally divisive business than Brighouse wants it to be.

I have two objections to the proposal that what we need only to facilitate autonomy by teaching certain skills. First, I don't think teaching skills of autonomy can always be coherently differentiated from cultivating autonomous character. Second, even if they could be differentiated, the skills of autonomy cannot help us to live good lives, given Brighouse's own reasons for saying they can help us, unless their acquisition coincides with the cultivation of autonomous character.

According to Brighouse, in autonomy-facilitation children are "not taught sympathetically to address views about the good life other than their own . . . only about such views and how to engage them seriously." Sympathetically addressing views about the good life other than one's own is something people with a particular character are disposed to do. Knowing how to engage such views seriously is a "skill" one might acquire and freely use or not regardless of character, or so Brighouse would have it. But the contrast here seems to me entirely bogus. I can only learn how to take views other than my own seriously by becoming habituated to the practice of taking them seriously. This can only occur by developing a disposition to bracket my sense of the unassailable correctness of my own views and enter imaginatively into the belief and values that compose these other conceptions. To depict this as a mere acquisition of skill or character neutral "know-how" is to obscure how the process necessarily involves alterations of emotional susceptibility and patterns of conduct of the kind that change of character entails. Of course, if "sympathetically" addressing alternative conceptions of the good is supposed to mean uncritically agreeing with them, then this is very different from seriously engaging them. But uncritical acceptance of all conceptions of the good is as repugnant to autonomous character as dogmatic and close-minded adherence to one of them.

But even if all the necessary skills of autonomy could be learned through character neutral processes, the argument for autonomy facilitation would still fail because the skills of autonomy cannot yield the instrumental value that Brighouse

would ascribe to them in the absence of autonomous character. Recall that the value of autonomy on Brighouse's account consists in its increasing our chances of living well in a world where the complexity and confusion of the circumstances in which we seek our good put a premium on critical thought and adaptability, and finding and cleaving to that good require a degree of self-knowledge that only episodic self-reflection can sustain. Brighouse also (and rightly) depicts our world as a place in which processes of nonautonomous belief and preference formation abound. For example, people commonly learn uncritically to accept unjust social arrangements as if they were unalterable. But once these facts are kept firmly in view, we simply cannot rationally believe that the instrumental value of autonomy could be realized by the mere possession of the skills of autonomy without autonomous character, assuming for the moment that one might conceivably have one without the other.

Realizing the instrumental value of autonomy will depend on habitually *using* the skills of autonomy against the grain of many powerful incentives not to use them. Therefore, the instrumental value of autonomy must rely on autonomous character to countervail the power of those incentives. For example, nonautonomous belief and preference formation often, perhaps characteristically, works not merely by blocking the acquisition of knowledge or skill. Instead, affect and desire are shaped so that even if the knowledge and skill is later acquired, these will not be used to correct the results of the original process. The child who is taught to believe "I *must* be a housewife when I grow up and serve my family selflessly", and adjusts her ambitions accordingly, might easily revise her belief and preference if all that sustained them were a deficit of information and skill. But if emotional inhibitions were instilled that make her habitually servile toward males and incapable of feeling that she could count for as much as they do, then so long as these attitudes persist no amount of knowledge or critical thinking skills can suffice to shake her sense of domestic destiny. A change of character is needed if she is to be liberated to think independently about her own good; a set of character-neutral skills will make no difference to her predicament.

Nothing in my argument against Brighouse's preference for autonomy facilitation over promotion is contrary to his view that the *best* feasible life for someone, given certain peculiarities of temperament or early socialization, might preclude autonomy. My argument undermines the distinction between autonomy facilitation and promotion and shows that even if the two processes could be the alleged benefits of autonomy facilitation could not be reasonably expected without promotion. None of this means that autonomy is necessary to everyone's good. However, it does make the idea of an education for autonomy into a rather more controversial idea than Brighouse evidently wants it to be. To the extent that schools encourage autonomous character they will disincline students from choosing ways of life that involve little or no room for the exercise of autonomy, even if their autonomy does not strictly disable them from making that choice. Thus Brighouse's argument seems to presuppose a weak liberal perfectionism: the intrinsic value of ways of life threatened by the promotion of autonomy is not sufficient to outweigh the

intrinsic or extrinsic value that accrues to students' lives through the promotion of autonomy. But perhaps this perfectionism will not seem particularly weak to those whose ways of life are threatened by autonomy.

What is the relevance of all this to Brighouse's case for school choice? If a just state must protect the interest that all children have in autonomy, that requirement cannot be met merely by stipulating that all schools must teach children certain character-neutral skills. A regulatory scheme that required the teaching of such skills, assuming that they could be specified in a character-neutral vocabulary, might be accepted by religious schools, for example, that were explicitly committed to a conception of the family that required the servility of women and that systematically discouraged the development of autonomous character, regardless of gender, in all that pertained to their comprehensive religious world-view. But once we acknowledge that any such regulatory scheme would utterly fail to protect children's interest in autonomy, we have to confront the need for regulation of a much more invasive kind – we would need reasonable assurances that any school deserving of state sponsorship would nourish autonomous character. I am not sure what these reassurances could be. But I am fearful about two things that might happen in the American context. First, many who now reject public education on conscientious grounds would want no part whatsoever of any choice scheme that required reasonable assurances that their schools would encourage autonomous character. Second, many others who are defectors or potential defectors from public education would accept state sponsorship and find ways to circumvent the purpose of the regulation. Neither of these outcomes could be welcome for liberals who believe that we owe all children an education for autonomy.

Local Control or Public Indifference

Brighouse's case for choice schemes also appeals to their egalitarian potential. Here is a crucial passage in the case he makes:

> Choice schemes involving public funding in the US have always shifted the funding source away from the most local level toward the state or even the federal level. The greater the proportion of public schooling funded directly by the state or the federal government, the less inequality of funding will be experienced. Whereas unequal funding seems to be defensible when it comes from local sources, it is politically unsustainable when it comes from a distant source. Inequality could, of course, be diminished without introducing choice; but only by challenging directly the deep-set principle of local control that underlies the savage inequalities in the US system (208–209).

This is shrewd but perhaps not shrewd enough. Brighouse's good news for egalitarians depends largely on the assumption that state or federally sponsored choice schemes could find a way to prevent wealthier parents from obtaining a substantially more costly (and presumably better) education than poor parents could afford.

Like Samuel Bowles, Brighouse favors on outright prohibition on any schools charging fees higher than the face value of the government voucher. But surely if "a deep-set principle" of local control is embedded in the American educational system, so too is the idea that good parents will try to provide the "best education" for their own children – that is, a better education that most other children will receive. A frontal political assault on the principle of local control is perhaps Quixotic. But trying to prevent parents from spending more money on their children's schooling than the state allows is hardly an instance of sober realism either.

Brighouse might have a sensible response here. Suppose he says that the critical issue for an egalitarian who cares about incremental social progress is raising the level of expenditure on the education of the poor, and equalizing per-pupil public funding through state funded choice schemes might help to do that. That is to say, the policy might mitigate savage inequality somewhat, without going anywhere near eliminating it altogether. But even this seems dubious to me. I doubt that poor American children tend to go to poorly funded schools just because a deep-set tradition of local control with local funding puts poor neighborhoods at a disadvantage. I suspect that the key factor is the indifference or quasi-indifference of affluent Americans to the fact that poor children in general receive a deplorably underfunded education.

Note that the most commonly adduced argument for school choice in America (and elsewhere) is about achieving greater cost-efficiency. No doubt the argument is appealing in part because some people sincerely believe that public schools are terribly wasteful. But surely another part of the appeal is the thought that America could "get by" with lower public expenditures on education, even if there were little waste on the part of the public school establishment, and even if "getting by" exacerbated the educational disadvantages of the poor. Of course, what makes the thought appealing is the prospect of lower taxes for people who think they pay too much already. The salience of cost-benefit considerations in the public rhetoric of most of the those who favor school choice make me very skeptical that any politically feasible choice scheme in the American context would set per-pupil public expenditures at a level that could benefit the poor. The fear that expenditures would be set at levels that make matters worse is a prudent fear. Here's a quick thought-experiment to provoke your fears: imagine the politician who says this to the American middle-class, "We need to support choice schemes as an alternative to public education. But the right kind of choice schemes will mean higher taxes, and your children will not be the primary beneficiaries of the higher taxes." Now just *try* to imagine rapturous applause.

So when we circle the wagons in defense of public education maybe it should be concern for worsening the fate of the neediest among us that motivates our defense rather than high hopes for a transformed system of public education. That is not something that should surprise even if it disappoints us. When scholars think about policy, prudent fears rather than inspiring ideals must often shape our arguments

lest we inadvertently do more harm than good. The lesser evil is sometimes the greatest feasible good.

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Choice, Autonomy, Need-definition and Educational Reform

It is difficult in a brief summary to communicate the true worth of Harry Brighouse's *School Choice and Social Justice*. Not only does it provide unique insights on issues of educational justice and careful arguments about such things as parental rights, the nature of autonomy, and the role of diversity, it offers well reasoned commentary about specific school reform movements in both England and the United States. It supports choice within and between the public and private sectors, including schools sponsored by for profit companies, but it also offers a scheme intended to bring choice in line with the educational value of autonomy and the political value of equality of educational opportunity. In other words, it is a book that is intended to tame choice and to make it meet progressive concerns.

In this response I want to address three issues that are raised by the book. The first is whether a system of choice that includes private schools, even with the many safe-guards for equality and autonomy that Brighouse proposes, is likely to promote the values of equality of opportunity. The second is whether the conception of autonomy that is offered in the book, and which serves as the foundation for a choice program that can include public support for religious schools, is adequate. The third is whether the ideas Brighouse offers is likely to serve the needs of citizenship education in a democratic society.

Control Mechanisms and Equal Opportunity

The present system of support, at least in the United States, allows parents to send their children to private and religious schools but it does very little to encourage them to do so. Thus parents must spend extra money to support this choice while also contributing their tax dollars to support public schools. Some people believe that this is unfair, an argument which Brighouse does not make. However, if this is unfair then it would be similarly unfair to demand that people without children pay taxes to support schools, and this would be the case in a system of choice as well as in the present one.

There are many reasons for encouraging public schools, but I will not rehearse them here. There are also many reasons for allowing private schools, whether for profit or not. One of these involves a certain conception of freedom of conscience. Allowing private schools also removes considerable pressure from public ones. The system that Brighouse proposes would minimize this distinction and private schools, including for-profit private schools, would receive public

funds, conditional on their willingness to submit themselves to autonomy and equality constraints imposed by the citizens' representatives at the state or national level and as long as they could attract students. The same would hold for public schools, and like private ones, if they are unable to compete by attracting students, then they too would go out of business.

Three Models of Need-Recognition and Control

I want to examine the constrained market model in the light of two other models, the professional and the citizen model. One issue that I want to look at is the question of need-control, who defines a need and who determines when it is satisfied. The issue of control is critical because behind the idea of equal opportunity is the condition that the mechanism for determining what opportunities are appropriate for any given child to pursue is a sound one. In other words, equality of opportunity is truly operational only under conditions in which there is a reasonably accurate assessment of a child's potential as well as an accurate match between that potential and requirements of certain fields. In education need is related to potential, and one of the important kinds of need that educators are concerned about are those needs that must be fulfilled if a child will be able to realize a potential. For example, if a child has a great deal of musical talent, but no one is available to recognize it or to guide it appropriately, then the system of equal opportunity has broken down because the experiences needed to develop this potential will not be recognized. Thus need recognition is a critical aspect of determining which method of control is most likely to advance equal opportunity.

In market models consumers are supposed know what they need, and producers bid in price and quality to satisfy them. In professional models the producer not only services a need, but also defines it and the professional body is supposed to maintain quality. Sam goes to his physician complaining of a headache. Is it an aspirin or brain surgery that he needs? Only the doctor knows. In the citizenship model needs are debated, collaboratively defined and co-evolved. In the citizenship model needs are not just connected to individuals, nor are they uninterpreted, fixed entities. Rather, they are co-defined mutually evolving products arising from initially separate interests.

In fields like medicine, at least until recently, the professional model has dominated and there is still a strong concern about introducing profit motives between the physician and the patient. This is because when the specialized knowledge of a provider is required to define a need, the system depends on maintaining individual trust and systemic legitimacy. When profits are primary this trust is threatened and there is a strong incentive to control information and its significance to the advantage of shareholders or other proprietors. Laborers, for example, have had good reason to be concerned about the company doctor.

When markets dominate areas of professional judgment certain problems tend to arise. For example, measurable outcome becomes the primary standard of

accomplishment, and other factors, such as the development of close and trusting relationships become secondary. For example, the market tendencies in medicine, HMOs etc. is straining the doctor/patient relationship as doctors who take considerable time with their patients are often tagged as non-productive members of the HMO team. Moreover, problems of information flow arise as information is filtered through the profit concerns of the market. The gag orders that some HMO's have placed on physicians are examples of the way in which market shifts the primary relationship between provider and client as are the requirements of some insurance companies that doctors clear expensive procedures with untrained phone monitors.

When applied to education the professional model views profits as inimical to learning. The model holds that like doctors and lawyers, teachers need to be able to report on alternative treatments and explore issues without consideration of sponsorship or the bottom line, including even the bottom line of test scores.

Brighouse is aware of some of these issues and has some interesting things to say about special treatment in his section on effective educational resources. He proposes, for example, that we measure per pupil expenses not just in terms of dollars spent, but in terms of the money it takes to enable a student to learn. Hence, deaf students who need a signer would have to have more money spent on their education in order to receive equal effective educational resources. However, even were such equalizing mechanisms to be approved by an overseeing body, not at all a sure bet, these are examples in which the need is clear cut, and there is not a lot of room for quibbling about how to define the problem. However, many professional issues arise in gray areas in which diagnosis can be pushed up or down. What do we do about the severely hard of hearing, but not deaf child? Is the child who is again out of her seat best diagnosed as hyper active and treated with drugs, or is she best diagnosed as bored and in need of a more stimulating classroom? While these are often hard calls under any circumstances, markets tend to place the teacher in the services of the proprietor rather than the child. If medication and larger classes will bring higher profits, then the pressure is strong to diagnose for hyperactivity. Thus, advocates of the professional model would argue that fairness requires a system in which judgments can be made without an eye on the bottom line.

There are some problems with the professional model. It may not control prices quite as well as a competitive system, and it often assumes an idealized set of motives on the part of the professional provider. However, where its conception of need is correct, that is in cases where a professional provider is in a better position to define a real need than the client (it is *just* a headache) then it is important that those who profit from the rationing of treatment should not be the same people who control the flow of information. And the pressures on those who do control that flow should be minimal. In medicine, the HMO administrators who are accountable to stockholders should not be allowed to gag the physician, because this is not in the best interest of the patient, and physicians should not be evaluated on strictly productivity standards.

True, some professional areas of judgment could be introduced into a market system. For example, independent professionals not attached to the school could determine whether the child is hyperactive or bored. However, the problem is more difficult in education than in medicine because of the day-to-day contact and the moment-to-moment decisions that teachers must make that do not involve a formal diagnosis. We may be misled in evaluating this relationship, by a certain image that we have of private schools where teachers labor for the love of the growth of their students and get paid very little. Yet these images are drawn from not-for-profit enterprises, where a distant stockholder does not decide the fate of an administrator and the teachers, and where the trustees usually buy into the culture and the philosophy of the school. There is no reason to believe that distant stockholders will have a stake in the non profitable, educational aspects of the school.

In non-market public education the professional model is circumscribed by public controls in which schools are ultimately accountable to citizen-elected bodies, but where the provider of services such as teachers operate at a considerable distance and with considerable autonomy from those who ration the services, such as the school board. Thus, a certain amount of pressure is allowed to build up from below before the interest of those who must ration services is exerted from above. In medicine, for example, this works against dismissing patients prematurely from hospitals. In schools it often encourages a richer classroom environment, protected from the anxiety of stockholders about the bottom line, whether translated in terms of higher test scores or higher profits.

From the point of view of the professional model the problem with the market is that it provides too close a relationship between the interests of those who must ration services and the interests of those who profit from this rationing. It is concerned that markets will lead parents to withdraw from situations where their wants are unmet, and foist their unreflective wants onto their children thus narrowing the child's horizons – "forget about science, our people have always been ministers". Thus, the professional model believes the market model has a problem meeting the requirements of equal opportunity and frequently will fail to provide reasonably accurate assessment of a child's potential or to accurately match between that potential to the requirements of appropriate fields.

One difficulty with the professional model that the market model addresses is that of efficiency. If the party that rations services does not have some control, then inefficiencies can grow and resources can be squandered. Yet the definition of squandering is at stake if the market model minimizes the importance of certain kinds of valuable educational experiences – "Your daughter really has a remarkable talent for science, and we would encourage her to stay in the advanced placement class."

The citizenship model views both the market and the professional models as partial because of what its advocates view as an overemphasis on the unreflective claims of individuals. This model emphasizes the collective ability of those in democratic societies to calibrate their individual interests with the needs of others

and to develop the skills needed to alter interests in light of new information and understandings. Since no one has exclusive control over the decision making process, learning how to listen to others and to take their interests into account in determining one's own is a crucial feature of autonomy under this model. If children are to learn the skills required for citizenship of this kind, then it is important that different points of view as well as different classes, religions and ethnic groups, be represented in the schools. The citizenship model fears that the market encourages "producers" to find educational niches where parents locate other parents with similar values. While this is fine from the point of view of the market, from the point of view of those concerned with citizenship education it restricts their children's education to the values and perspectives of those niches. It is feared that this will intensify already existing communal differences, and fail to develop in children the abilities required for autonomous decision making in a democratic context. Markets are seen as creating problems for equal opportunity because they tend to isolate groups and ignore the possibility that discourse and reflection may extend the range of opportunities available for all. Given this view of education the fear is that markets will intensify racial, class, ethnic and ability isolation among others and inhibit opportunities for learning to discourse about need across these divides.

The problem with the citizenship model, for the point of view of the market is that it is often an idealized version of bureaucracy where controls and accountability are uncertain. Moreover, existing schools operating under local control and neighborhood assignments have been able to create the very niches that the model decries. Those who advance the citizenship model, however, believe that these issues could be handled without extending choice to the private sector, say by loosening the bonds between local control and funding, by involving parents and community members in school governance and by allowing choice within the public sector where profit taking is not a factor and where there is a counter balance to the flow of information from the top.

AUTONOMY

Another part of Brighouse's argument concerns public support of religious education through vouchers and the like. Here Brighouse believes that the major issue is that of autonomy, but he believes that a choice scheme can be developed that protects children from the non-autonomous inclinations their parents.

In his argument he walks a middle ground between the view that the state has no interest in autonomy and the view that the state has an abiding interest in promoting it. In arguing against the first view, a view that supports an extreme conception of parental rights, he distinguishes nicely between parents' right to raise their children and their right to have extensive authority over their children's education. Parents have rights because they have obligations to their children. Because of these obligations they have rights against those who would prevent them from

fulfilling these obligations. However, if parents do not fulfill their obligations, say by brain washing their children and refusing to send them to a decent school, these rights are forfeited. I find this argument persuasive and it allows Brighouse to place considerable limits on a parent's right to educate or mis-educate their children.

The other aspect of this argument is more complex, and less successful. It is directed against people like Gutmann who contend that the state has an interest in autonomy because it has an interest in teaching children to be democratic citizens who are inclined to join in active deliberation about the public good. Brighouse's concern is that if we adopt this view then we are *forcing* children to be autonomous and this is something that cannot or should not be done by a liberal society.

In place of the substantive view of autonomy education where children learn to re-conceptualize their own interests as they engage the interests of others, Brighouse advances an instrumental view where autonomy is viewed as an important tool for enabling one to decide what life is good to live. He thus believes that the instrumental conception of autonomy provides a strong presumption for teaching autonomy-gaining skills regardless of parental preferences. He believes that this gets him off the hook because in teaching such skill, the state is not teaching students that one way of life is better than another, it is only teaching them the skills involved in choosing. There are problems with this argument.

First the division between the instrumental and the substantial aspects of autonomy is not as clean as Brighouse believes. When schools teach students how to be reflective choosers, they teach them a substantive conception of the good, one in which critical reflection is preferred over non reflection and where the life most worth living is the one that has been submitted to out of reasoned inquiry. In learning how to be autonomous children learn that a life selected through reflection and reason is a preferred life.

True, this form of life may be and often is compatible with the form of life of the child's parents. I submit myself upon reflection to the authority of my parent's tradition. Nevertheless, when I do, I am aware that I have chosen this way of life and I have some additional reasons for having done so, that is reasons that come from outside of the form of life itself. In other words, there is more to autonomy than choosing how. Choosing how self-consciously and autonomously gives a different quality to the object of my choice, and to the way I consider the reflective choices of those making different commitments. What I have chosen is not just a traditional life, although it is that too. It is a traditional life with an added quality. It is a rationally-chosen-traditional-life, a life that could have been otherwise but that was selected for reasons of my own. This is an unavoidable part of teaching children to be reflective thinkers, but it means that choice is being presented as more than just an instrument.

Second, and more to the point, to speak of autonomy and critical reflection as a tool, as Brighouse does, without teaching how to apply this tool in a collective context in which its effectiveness largely depends on working with others who have certain participatory expectations, is to fail to teach the tool's use. It is like

teaching a student that "this is a screwdriver" without teaching her how it relates to screws and wood. Clearly schools cannot guarantee that students will choose to exercise critical reflection in a participatory context, just as the shop teacher cannot guarantee that the student, once having completed the woodworking course, will ever pick up a screwdriver. Yet the failure to teach students to engage the social context that will test the soundness and the effectiveness of a preference is not, even on instrumental grounds, very effective instruction.

One of the mistakes here is to treat individual and collective autonomy as if they resided on the same plane. We can develop autonomy one by one and then we will have autonomy for all. Yet collective autonomy operates at a different level than does individual autonomy. It provides an arena that encourages reflection and reconstruction of individual preferences in light of a social environment that determines the ease or difficulty with which any single, un-reconstructed preference can be accomplished. It provides as well the opportunity and the material – other people and their initial needs – to reconstruct preferences in the light of the co-evolving interests of others. To fail to teach students to operate in this environment is to fail to provide them with the skills they need to exercise critical reflection in context. To the extent that markets encourage the development of niche programs, then to that extent children will not have opportunities to understand how needs evolve in a reflective social environment.

I want to suggest that these are difficult lessons to teach within the context of publicly supported for-profit schools. Consumer choice is supposed to govern the definition of success and failure, and only the individual decision-maker, not the individual-within-the-group is the object of instruction into autonomy.

ON EXIT AND EQUALITY

One additional point: Brighouse is silent about whether or not all private schools should be required to participate in the system, and gives only slight hints of how he might respond to this question. Perhaps not wanting to force such non-participating non-constrained schools to close their doors, but perhaps sensing they provide an avenue for professional and middle class flight when equality constraints threaten the mobility of their own children, he *quietly* leaves the possibility of an escape hatch open. By doing so he also leaves open the possibility of an ever decreasing commitment to public education as wealthier parents exit the constrained system. This is a very hard problem, it pits freedom of exit against equality constraints and I do not want to leave the impression that I have some secret answer to it that I have not shared with Brighouse, or that public schools as they presently exist are free of this problem, they are not. It just seems to me that it is an issue that we need to acknowledge, both given our present system and any future one. My preference would be to find ways to encourage wealthy and professional parents to remain in the system. For example, they might be allowed to determine the levels of support for their schools, but also required to pay an equality tax that would be

added to levels that exceed the average by a certain amount. The funds from this tax could then be used to raise the support for the poorest schools. This would provide incentives to remain within the public school system while using that incentive to raise the quality of all schools. Yet clearly an idea of this kind needs a great deal of development before it could match in thoughtfulness and detail the proposal that Brighouse has developed.

Conclusion

In conclusion, I am less optimistic about the prospects of the market for advancing equality and autonomy than Brighouse is. I believe that market reform is part of an effort propelled by the Reagan and Thatcher administrations to eliminate public education as we know is and to reduce citizenship skills to market choices. The difference between Brighouse and myself is that he believes this tiger can be tamed and ridden, I think not. He believes that market forces can serve egalitarian and social ends, I remain skeptical. I must admit however, that a turn to the market may hold out the prospect for re-legitimizing education, but I hope it is not simply because it allows each of us to choose our own poison for our own kids.

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***School Choice and Social Justice*: Response to Critics**

I'm very grateful to my commentators for the opportunity to think further about some of the issues in my book, and perhaps even more so for their kind comments. Its delightful to have one's work read by anyone: but to have it read and criticised so carefully and thoughtfully was certainly more than I had expected when writing it. I shall organise my response as follows. First, a comment about the scope and aim of the book. Second, I'll discuss the most difficult philosophical issue raised, by each of the commentators: that of the justification and content of what I have called autonomy-facilitating education. I'll move on to discuss Walter Feinberg's comments on the different models of thinking about the organisation of institutions, and then, briefly, Randall Curren's concerns about justice and the extent of duties of care. Finally I shall comment on the various philosophical, institutional, and political issues directly related to my tentative endorsement of school choice.

SCOPE OF THE BOOK

While the philosophical core of the book is independent of any particular institutional setting, for policy purposes I had in mind two quite different settings: the education systems in the UK and the US. What is politically possible is different in each country, and both the long term and the short term reforms I

would (and do) advocate in each country are quite different. The prospects for radical versions of school choice achieving educational equality and autonomy-facilitating education in each case is also different, and the differences reflect in part the differing functions of the private sector. In the UK the overwhelming purpose of the private school system is to provide superior secular opportunities to children from wealthier families than to other children – it is, in other words, to promote inequality. In the US, where 12% of children attend private schools, the greatest (though not the overwhelming) purpose is to provide education with a spiritual dimension that is unavailable to any in the public schools.

The choice scheme I describe (though refrain from endorsing explicitly) in the final chapter of the book, is addressed to both countries (and to others, like most of the English speaking countries, whose systems resemble either the US or the UK in relevant ways), and it is clear to me that the different elements of the scheme would face different difficulties in each case. For example, I can see some force in Eamonn Callan's conjecture that religious extremists would be able to take the money and evade the regulations in the US, where there are many organised religious extremists and where there is no tradition of inspection, and a weak tradition of state enforcement of regulation. In the UK, by contrast, with its traditions of extensive inspection and enforcement, there is no basis at all for this fear: even private schools in the UK are subject to frequent and elaborate inspection either by government inspectors or by the Independent Schools Inspectorate. I even suspect (although it would be impossible to produce conclusive evidence for this) that state support for religious schools in the UK since 1944 has been an inadvertent factor in keeping religion from being a major source of conflict in public life, and in keeping the demands of faith communities congruent with those of liberal democratic citizenship. Increased support for Muslim schools (with vouchers or without them), with the many strings that inevitably come attached to that could well contribute to making Islam a mainstream and accepted part of British culture, and facilitate the mutual learning implied by that.

The policy-related aim of the final chapter was emphatically not to promote the use of school vouchers, but to force defenders of public schools concerned with social justice to face the problem that existing systems of schooling do badly at delivering justice and that some systems of choice may do it better. This is important at this juncture because, for all sorts of reasons some of which are regrettable and others not, the pressure to allow more parental choice in the education system is ever stronger, perhaps irresistible. It is vital for those of us concerned with social justice properly conceived to respond to that pressure in a thoughtful manner designed to produce the best feasible outcomes for the least-advantaged. My greatest fear is that what Callan rightly calls the circling of the wagons around a deeply unjust education system which is typical of the left is not the way to do that.

One more comment here: all books which deal in a theoretical way with contemporary political problems betray a certain sort of parochialism: debates in the US

about standards for example, and even about choice, display a staggering lack of awareness of and interest in practices elsewhere than in the US. My book is also parochial – but is parochial about the two completely different sets of institutions I feel particularly attached to and knowledgeable about – those in the US and the UK. Responding to the interests of my commentators, in what follows I will mostly restrict my comments on institutional matters to the US.

PERSONAL AUTONOMY

Many of Curren's gentle complaints concerning my narrow conception of critical thinking, my overlooking of the significance of the mundane, and the importance of lived experience, are well taken. Critical thinking does consist of more than just applying deductive rules and identifying fallacies, and although I do attempt to enrich the conception a little (see Brighouse, 2000a, pp. 74–75, 78–79) I accept that more work needs to be done. I have tried to describe in a fairly brief and formally way what should be done – obviously in teaching teachers to provide an autonomy-facilitating education we would do more than point them to four pages of a book on political philosophy. Similarly, I am struck by the power of his injection of the importance of more mundane uses of critical reflection – especially of the idea that part of what it is in our interests to reflect on are our own limitations and capabilities, which of them we ought to extend and develop, and how this affects our ambitions and everyday decisions. I regret neglecting this aspect of the autonomous life, and accept that the discussion in the book is open to misinterpretation as focusing very narrowly on the kinds of deductive reasoning favoured by philosophers.[1] I should emphasise that the neglect is a culpable oversight, but not a disagreement with Curren.

Feinberg criticises me for making too individualistic the conception of autonomy to be taught. His point is not that I advocate people being encouraged to be self-interested economic reasoners, or that I spurn altruism (I do neither), but that human experience is fundamentally social, and that all social situations in which autonomy is to be exercised involve some degree of coordination – and simply teaching the autonomy of each will not necessarily lead to the effective coordination of action in the interest of each.[2] I accept the charge that my focus is on the individual's own use of her autonomy without much reference to social context, and this is probably another weakness of my discussion. But I do not claim or imply that autonomy-facilitation *precludes* attention to the coordination of one's own autonomous behaviour with that of others. The argument I make for autonomy-facilitating education acknowledges only the interest of individuals in living well, to be sure, but in so far as living well is promoted better by being able to coordinate one's activities and the exercise of one's faculties with others, as it surely does to a great extent, the conclusion should acknowledge the need to train children in the relevant skills. As with Curren's corrections to my focus on a narrow conception of critical thinking, though, I cannot say

how acknowledging Feinberg's point would affect practice in the school and the classroom.

I am also aware of the importance of lived experience in determining how to live (and in determining what our own limitations and capabilities are, of course): but here Curren's comments begin to press against the autonomy facilitation/autonomy promotion distinction which all of my commentators, each in their own way, has brought into question. To conclude this section I want to respond to this questioning.

In the book, the distinction between autonomy-facilitating education and autonomy-promoting education is two-dimensional. First there is a difference in aim, or intent. Autonomy-promoting education is often motivated by a perfectionist ideal; that living autonomously is somehow intrinsically superior to living heteronomously. The argument I make instead concentrates on the instrumental value of autonomy to an individual for finding a life that is good and that they can live from the inside. Although of great value for this end autonomy is not indispensable: some children are lucky enough to be raised in, or to hit upon, ways of life that are good and that suit their own personalities, without exercising autonomy. The intent behind autonomy-facilitating education is to *enable* children to exercise autonomy, not to *ensure* that they do so. The second dimension concerns pedagogy: whereas autonomy-promoting education is evangelistic about autonomy, and encourages children to develop autonomous characters, autonomy-facilitating education is more sombre, in that it tries to make children aware of the value of autonomy and to educate them in the associated skills, but tries to remain character-neutral.

I am much less confident about the second dimension than the first, and even in my book I acknowledge the possibility (urged on me previously by Callan and also by Erik Olin Wright) that in practice autonomy-facilitation may be impossible without promoting autonomy (pp. 81–82). Some of Curren's and Feinberg's comments also urge in this direction and I find what they say in support of this somewhat persuasive. At least the following seems to be the case: one could not learn these skills without having some practice at exercising them. I'm not sure that one needs to have a standing disposition to bracket one's own unassailable commitments, but one needs to know how to do that (I can switch on and off myself, and certainly do not have a standing disposition). But the question here is fundamentally empirical and does not bear on the more philosophical justificatory distinction.

I should clarify that my reluctance to support something stronger than autonomy-facilitating education is not grounded in a concern with neutrality. It is, to me, a nice feature of the argument for autonomous-facilitating education that it is more or less neutral concerning the intrinsic value of autonomy, mainly because it enables the proponent of autonomy-facilitating education to say, sincerely, to religious sceptics about autonomy that their substantive views are not being presumed false. This is nice both because it means it is (just a little) more likely that such parents will allow their children to be subjected to such a curriculum without a fuss,

and also because it makes it (just a little) harder for religious political entrepreneurs to promote political opposition to the publicly required curriculum. But although it is a nice feature, it is not one that I recognize as a constraint: politically, neutrality is often nice if you can get it, but philosophically neutrality has no foundational role in liberalism. My interest in neutrality at this level is entirely political. Both a voucher system and a public school system in which religious parents are allowed to exempt their children from publicly regulated curricula allow significant parental license to deprive their children of autonomy and autonomy-facilitation. On both my view and those of Callan and Feinberg the political question is how to decrease the level of exemption. Public policy which is neutrally motivated may help to create a cultural and political atmosphere less hostile to autonomy. In addition: I believe that a highly regulated voucher system can help by making schools with a spiritual dimension but which enforce autonomy-facilitation available to parents at a relatively lower cost than a non-autonomy regarding religious school is in the current system, and than such a school would be when it was outside a voucher system.[3]

But all these are political reasons for not advancing a stronger claim, not philosophical reasons for rejecting the stronger claim. I'm not sure that I do reject the stronger claim, but there are reasons that I am reluctant to accept it. My argument does not make autonomy a necessary part of living a good life, or living well, but only instrumental for learning how to live well in a complex world. I want to defend this, although I'm not sure how to defend it since it seems obvious to me, because this, rather than neutrality, is why I am reluctant to use the more demanding strategy. It sees to me that many good lives are lived 'from the inside' by people who do not choose them autonomously, and who do not exercise autonomy within them. Some personal constitutions may be very ill-suited to living autonomously, and by trying to inculcate autonomous character into those people we may jeopardize their opportunities to live well. We may, admittedly, jeopardize their opportunities by providing them with an autonomy-facilitating education, but if there is any difference in the two practices, we can hope that we shall not be jeopardizing them as much.

FEINBERG'S MODELS

Walter Feinberg's comments on the use of the market, professional, and citizenship models in designing educational institutions constitute the most sophisticated and nuanced defence I have read of the charge that markets wrongly commodify education. I think there is a good deal of agreement between us. Neither thinks that one of these models is the only way to think about designing institutions; both of us believe (I think) that all three models have a role to play. I am more optimistic than Feinberg about the possibility of introducing market-like mechanisms without undermining the proper role of the professional. Or, perhaps it is just that I am much more pessimistic about the effects of the status quo and other viable alternative

reforms on the role of the professional. For example, I believe that the culture and institutional organisation of public schools as they stand, and often the language of professional autonomy, militate against the collaborative culture necessary for effective education. When teachers, or unions, or administrators object to accountability or monitoring of what goes on in the classroom in the name of 'academic freedom' or 'professionalism' they betray a shocking misunderstanding of the proper role of the teacher; one which is encouraged by the institutional framework in which they operate.[4] I am not claiming for a moment that choice is the antidote to this: I just want to indicate that all is not rosy, and that any institutional form will struggle with this issue.

Lets look at a couple of Feinberg's more concrete worries. First, he fears, rightly, that market processes will tend to put teachers in the service of the provider rather than the child. This is a reasonable fear, and one that suffices to defeat anyone proposing a pure market in education. But I do not propose anything like that: any acceptable choice system would have to insure insulation of the teacher, or of the diagnoser of special needs, or other educational professionals, from the day-to-day needs of the profit-making (or non-profit-making) proprietor of the school so they can exercise their professional judgment in the interests of the child. But again, in our existing, rigidly government run, institutions, the professional judgment of the teacher is hardly given free reign. Teachers are subject to pressure from parents (and often from administrators) to inflate individual children's grades unfairly; counsellors are pressured to diagnose (or sometimes not to diagnose) special needs wrongly; teachers are not given relevant information about children's needs; they are pressured not to involve the police in matters which would disgrace a school (in a recent case in my own school district a teacher receiving credible death threats at her home from a student was repeatedly discouraged by her Principal from approaching the police: when she did so a court restraining order was immediately granted). The way high schools are run seems almost a conspiracy to prevent teachers from being able to make professional judgments: with 2–3000 students in just 4 age-cohorts in a school, they have up to 200 students a semester, and none for more than a year at a time, so the idea of getting to know these children well enough to make judgements about their individual needs is a shameful public fantasy. If, as I believe, vouchers would result in dramatically smaller school sizes, they would immediately give much more scope for teachers to exercise professional judgement. If it were combined with external subject examinations, as I recommend, the unhealthy dynamic between teacher and parent of wrangling over grades would help to make parents and teacher partners in education rather than adversaries as is now the case.

There is, furthermore, considerable scope for citizenship and participation in the kind of choice scheme I describe: at the suitable level of governance. I agree with Feinberg that what counts as a need should be defined in the public sphere through reasoned public debate. I do not believe that much of this goes on in local school board elections or (I regret to say) in school board meetings. Certainly, in my

highly educated and privileged community of Madison, Wisconsin I've observed little of it at either. The right place for this debate to take place is at higher levels of governance which would, in the scheme I describe, have much more control over education policy.

I am, however, uneasy about Feinberg's analogy with medicine. He says that the market tendencies of HMOs strain the relationship of trust between doctors and patients, and do so because the profit-motive of the stockholders require them to impose improper limits on what doctors may say to and do for their patients. But I am not so sure of this. Consider three obvious alternatives to the HMO system: one in which insurance companies pay individual contracting doctors for services; another in which the state employs doctors in a national health service and provides a universal service; a third in which the state pays privately contracting doctors for services for all. In each of these systems doctors will have to act under a budget constraint, because the system acts under a budget constraint. It is also important that doctors act under rules about the distribution of resources that are common across the system: otherwise patients' prospects for treatment will be affected by such arbitrary factors as where they live or which doctor they have. Of course, these constraints must leave room for professional judgement and for a healthy doctor-patient relationship. But in every system the professional relationship operates within an institutional framework that tries to control costs and ensure a fair distribution of treatment: i.e., that mimics market mechanisms. These constraints are unavoidable; and the same is true within education.

EDUCATIONAL EQUALITY AND THE CIRCUMSTANCES OF JUSTICE

Curren claims that I do not justify the idea that educational equality is required by justice, because I do not demonstrate the purported derivation of a duty of quasi-parental care on the part of all adults from the more general duty of respect for persons. This derivation, he adds, is probably impossible because it is implausible that the duties of adults are unaffected by the number of people alive. In particular, my view would make it impermissible to require parents to bear the full costs of their third, fourth, or fifteenth children, in order to create disincentives to overpopulation.

In practice the overpopulation problem does not concern me. Since women typically control fertility, it is their motivation that population policy must address, and educating girls, as well as providing them equal access with men to labour market opportunities, raises dramatically the opportunity costs to them of having children. Increasing the wealth of society as a whole and, especially, shifting away from an agricultural base to the economy also raises the opportunity costs of having children for women and men, for several reasons including that it lowers their expected economic value to their parents. Hence the dramatic drops in fertility rates as economies move away from agriculture and as societies distribute education more equally across the sexes. Thus the practical way to avoid overpopulation is

to educate girls highly and provide them with equal opportunities, and to create wealth, both of which measures are required by justice? But the more fundamental theoretical question remains: is the fact that some measure might jeopardise the continuation of justice, or the circumstances of justice themselves, an objection to the claim that that measure is required by justice. This is a very hard question, that requires more attention than I can give it here, and than I have given it. But I think the answer is no. Liberal justice is precarious; it requires us to guarantee freedom of expression, movement, and conscience; the exercise of any of which freedoms in the wrong way can jeopardise the conditions for the guarantee. Even if implementing educational equality were to cause overpopulation that would not decide against it being an element of justice.

Saying this falls far short of justifying the derivation of a quasi-parental duty of care from the duty of equal respect. I'm not convinced that is what I try to do in the book. The central argument I make for education equality simply rests on the idea that personal responsibility is the basis of desert, and that this supports making prospects for achievement as independent of family circumstances and choice as is consistent with respecting the integrity and value of the family. If justice requires this (or, more generally, requires us to compensate for inequalities of luck) then educational equality is a principle of justice, and as such all adults are bound by it, even if they do not have anything as strong as a quasi-parental duty of care.

INSTITUTIONALISING JUST CHOICE

In the final chapter of the book I outline, for the reader's consideration, the skeleton of a choice scheme that would do better in terms of social justice than either the existing choice schemes I survey in the penultimate chapter, or the status quo in the two countries I consider. The proposal is egalitarian in that it requires or provides strong incentives for the participating schools to achieve heterogeneous ability and class mixes, and which imposes strict regulations requiring participating schools to provide an autonomy-facilitating education. But it also allows not only charitable, but also *for-profit* organisations to run schools. The purpose of the proposal is not really to ask people to adopt it, but to focus the reader's attention on the legitimate and illegitimate reasons for being suspicious of choice. I do not actually endorse the scheme, and I am careful in the final part of the chapter to delineate shorter-term achievable reforms, most of which are choice-independent, that would promote social justice in the relevant countries. The scheme utilises vouchers, but vouchers are not necessarily the best choice mechanism: using them to describe the scheme just helps to represent more transparently the proper constraints on choice.

Feinberg points out that I am silent about whether all private schools should be required to submit to the kinds of regulation I propose. Here is what I would like to say about private schools (and I am bemused that this is not pretty clear from the book): I would like to say that we should abolish them, make them illegal.[6] I realise that they serve can serve a vital function in societies in which the state-sponsored

school system is inadequate, whether because it fails to provide an autonomy-facilitating education, or because, as in the United States it builds in a structural inequality of opportunity from which at least some of the least advantaged can partially escape into low-cost private providers. And no blame attaches to those parents who use private schools to provide escape from these conditions for their children. But for most parents who choose private schools in the UK, and for many in the US, private schooling is either a way of providing their children with unjust advantages or of shielding them from the autonomy-producing effects of public schooling.

It has been 20 years, though, since anyone has seriously advocated abolition in Britain, and 70 or more since it has been advocated in the States. But if we do not abolish them what do we do about them? As things stand, the private sector is a blot on the landscape of a society with liberal and egalitarian aspirations: this has to be dealt with by anyone who is concerned with equality and autonomy (whether of the rich variety my critics favour or my own lighter version). This is what motivated me to start thinking about school choice in the first place: if we are not going to abolish the private sector I think that egalitarian liberals should seek to tame it – to draw it inside the regulatory framework for public schools, and prevent it from doing the damage to social justice which it currently does (in different ways in different countries). So, I am silent on whether private schools can opt out – I would like them not to be able to, but realize that it may not be possible to prevent them from being able to. I also believe, however, that in the United States well-funded vouchers would exert a great attraction for private schools, and all but the most elitist and most fanatical schools would quickly come under such a scheme.

Callan's fear that the reason that school funding is so dramatically unequal in the US is because the wealthy do not care about the education of poor children and are politically able to prevent taxation which would make them pay for it, is entirely legitimate. He goes further, and claims that "part of the appeal [of vouchers] is the thought that America could 'get by' with lower public expenditures in education . . . even if 'getting by' exacerbated the educational disadvantages of the poor". This is less clear to me. Over the years Gallup polls have shown that vouchers are consistently more popular with the poor than the rich, and with blacks than with whites. This is not because they want less money spent on their own kids: it is because they are so appallingly badly served by the savagely unequal public school system that they cannot believe vouchers would be worse; and because they want to have available to them the substantive exit options from bad public schools that wealthier people have by virtue of their ability to move house within and across school district boundaries.[8] I predict that what remains of the African-American left is heading for a serious fracture on this issue, and a fracture with allies in the unions. Increasing numbers of left-leaning public figures are entertaining the possibility supporting vouchers: the latest example being Robert Reich, certainly the furthest left of any cabinet member in either of Clinton's terms.[9]

There are two questions if Callan is right that the wealthy like educational equality because they do not care about the poor: i) how do we deprive them of the political power that allows them to reinforce inequality through unequal school funding? And ii) how do we organize educational institutions so as to improve funding for poor children. The second can be addressed only imperfectly without addressing the first, but it can be addressed: some redistributive arrangements are more politically stable than others, other things being equal, because although they are just as redistributive, they are not experienced as being so by those who live under them. This is why, for example, you can raise far more money with a Value Added Tax to spend on the poor than you can with a bare sales tax, compliance with which is harder to enforce and the rate of which is openly visible to the voting consumer. In the book I identify a particular egalitarian dynamic of vouchers which is that they shift funding toward the centre, and thus make it more egalitarian, and also make egalitarianism in funding less likely to be experienced as redistributive. There are similar dynamics in *some* other choice schemes, like the more radical inter-district choice schemes.

Of course, as both Callan and Feinberg fear, this dynamic may be countered by other dynamics – a downward pressure on government spending, middle class flight (partly consequent on that), short-cuts being taken by firms., etc. I mention in the book the fear that coalitions will be formed which will have the dynamic effect of loosening the regulations required to make the system work. All this is the right sort of objection (though I'll say something in response in a moment). But it is the right sort of objection because it is based on scepticism that what the actual workings of markets will yield will be compatible with educational equality, a central principle of justice. It is not based on a visceral objection to market processes, or on prinicipled objections to the commodification of education. Furthermore the objectors understand that their objection requires empirical support (as does the claim to which they are objecting) and that the evidence is far from fully in. A large part of what I wanted to do in the book was to redirect attention on the left away from a priori objections to all markets and toward considering the evidence concerning how particular markets work, and whether they do or can be made to work for social justice conceived in terms of the interests of children.

My second counter-conjecture concerns the fear that the problem of under-funding education for poor children is that wealthy people do not care about them. In the United States for-profit corporations are spectacularly successful in lobbying for and getting increased funding from the government. In contemporary politics the whole corporate world and the wealthy are using their political power to exert downward pressure on the funding of schooling for poor children; and for all their fine words, the teaching unions are often in tacit collusion with this, since their well-organized and powerful members in suburban districts resist the kinds of limits on their own districts' abilities to raise funds and wages that are necessary to promote equality. But in a world where for-profits are involved in schooling there

will be at least one well-organized source of pressure for increased government spending.

In talking about market niches Feinberg objects that vouchers will have a deleterious effect on community, by segregating children along lines of ethnic origin, religious belief, or parental aspiration: he fears that choice will 'simply allow each of us to choose our own poison for our kids'. I recognise this fear, and that is why in my idealised scheme I say that schools should be given financial incentives to achieve populations that are heterogeneous on these dimensions. How well schools can evade these incentives, or how well policy-makers can avoid implementing such incentives, depends on political exigencies over which we have little control. It is worth pointing out, though, that the status quo resembles very little the ideal Feinberg has in mind. As things stand parents who want to impose their own poison on their own children can do so by exempting their children from public schools and sending them to virtually unregulated private schools, or home-schooling with barely any state oversight. Within the public school system children mix in great part with children of their own ethnic origin or class origins. The only grounds for judicial intervention in the mix of a school population is racial segregation that is deliberately enforced by the school district. So where school districts are 98% black, the schools are 98% black. Where they are 99% white the schools are 99% white. And where the district populations are 70% poor, some of the schools are likely to be 90% or more poor, since it is permissible, indeed standard practice, to send children to the school close to their home, and since neighbourhoods are segregated by class, so are schools. Anyone proposing reform has to face the challenge set by Feinberg's objection: but it is impossible for any defender of the status quo to meet that challenge.

Finally, because the scheme I discuss uses vouchers, the discussion here focuses on vouchers. But as I say, vouchers are merely a convenient device for representing the constraints on choice. Many other choice mechanisms are discussed in the book, each with its own advantages and drawbacks. Maybe I have stated my case a bit too extremely in the book, but I did want to push the educational left to be more friendly, in general, to parental choice. There are two reasons for this. The first is simply that I believe that in the US at least there is an irresistible dynamic toward choice and those of us concerned with justice have to figure out how to tame choice as it emerges: how to amend choice legislation so as to maximise its chances of serving rather than denigrating social justice. This is a major challenge for legislators and campaigners in States where voucher and other choice legislation is likely to win. It is a challenge that the teachers unions and the Democratic Party have largely ducked, with their collective willingness, for example, to concede the battle on Charter schools, but continue to fight vouchers, even though much Charter school legislation is far more threatening to educational equality than any voucher legislation that has actually passed.

The second reason betrays my own left-wing prejudices. In America the education system already has three choice mechanisms. There are private schools so that

the very wealthy can choose elite schools for their children and the middle classes can choose non-common schools for theirs: so that arch opponents of vouchers, Jesse Jackson and Al Gore, both sent their own children to phenomenally expensive elite schools without paying any political cost.[10] There are separate school districts, so that middle-to-upper income parents can choose to live in districts which will spend a lot of money on their children, leaving the poor in districts where little will be spent on theirs. And there are neighbourhood schools within school districts so that those with the resources to move within the district can secure the best available schools for their children and those without cannot. Social justice, on any reasonable left-wing understanding of it, requires that we either oppose these forms of choice or ameliorate their injustice. I believe that at the current political juncture opposing them is Quixotic; and that the best way of ameliorating their injustice is to extend choice to all and to regulate the system of choice in the ways I recommend in the book.

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Notes

[1] For one example of such misinterpretation see Shelly Burtt's interesting paper, ' "And the Truth Shall Make you Free": Comprehensive Educations and the Liberal Understanding of Autonomy', presented at the conference on 'Collective Identities and Cosmopolitan Values: Group Rights and Public Education in Liberal-Democratic Societies', held at the Marriott Courtyard Hotel, Montreal, Quebec, Canada, June 22–25, 2000.

[2] He says 'all', but I take him to mean 'each' in the sense I am using it in this context.

[3] For a very lengthy elaboration of this point see my 'School Vouchers, Separation of Church and State, and Personal Autonomy', in S. Macedo and J. Holzworth (eds.), forthcoming in *NOMOS*, Moral and Political Education (New York University Press).

[4] I don't discuss issues of professional discretion and accountability in the book, and cannot go into great detail here. Teachers properly have a good deal of discretion over how to approach teaching their subjects, how to meet the needs of their students with respect to those subjects. Not because they have a right to academic freedom, but because children must be taught well, which no-one can do unless they have a good deal of discretion over how to do it. But the basic content of the curriculum is quite properly prescribed to the teacher from without. To day this is not to defend the extraordinary bureaucratic burdens and intrusive and unconstructive inspection regime the British government has imposed on its teaching profession.

[5] I have eleborated proposals for UK private schools in Harry Brighouse, *A Level Playing Field: Reforming Private Schools* (London: Fabian Society, 2000).

[6] Though exactly when they should be abolished is another question. As long as the state remains the monopolistic provider of schools, and mechanisms other than choice allocate children to schools, there is a great benefit in having exit options for those least well-served by the state's schools. Private schools can provide this exit option: though they typically do not in the UK (where private schools charge, on average, well over double the per-pupil expenditure in State schools).

[7] Abolition of private schools did not even feature in the manifesto of the far-left Socialist Alliance in the 2001 UK general election.

[8] Maybe I should emphasize, albeit in a note, that I am not claiming that all schools that serve the poor are bad, or that when they are the blame is on teachers for not working hard enough or not being good enough. Many schools that serve the poor are not bad: but poor people want to be able to exit if the schools turn bad. When they are bad the fault is with the funding and institutional regimes, rather than the teachers: even when the teachers are bad that is the fault of the institutional regimes.

[9] Robert B. Reich, 'The Case for "Progressive" Vouchers', *Wall Street Journal*, September 6, 2000.

[10] In this respect, if none other, the political culture of the UK left of center is less hypocritical than in the US: it is inconceivable that a member of a Labour cabinet, let alone one of Labour's left wing critics, could now send their children to private schools while simultaneously opposing privatisation.

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