

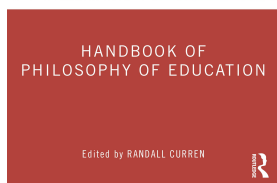
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9

THEORIZING EDUCATIONAL JUSTICE

Meira Levinson

There are hundreds, perhaps thousands, of good articles and books about justice and education. Philosophers have done robust work on topics including school choice, the aims of education, the content of the curriculum, school financing, special education and inclusion, parents' vs. states' vs. children's rights, creating just classrooms and schools, school discipline, and dozens of other salient issues. I am struck, however, by the fact that virtually no contemporary theorist has proposed a comprehensive theory of educational justice itself.

Michael Merry gestures toward doing so in *Educational Justice*, but he focuses primarily on issues of inclusion, exclusion, and choice rather than developing a truly comprehensive theory of educational justice; furthermore, he explicitly rejects systematic theory-building about educational justice in light of the importance of always attending to empirical particulars (Merry 2020). By contrast, Harry Brighouse et al. argue in *Educational Goods* that one can (and should) integrate a broadly applicable normative theory with empirical data in making educational policy decisions, and they propose a theory of educational goods plus additional non-education-specific values as an approach to doing so (Brighouse et al. 2017). But like Merry, Brighouse et al. frame their work as a proposed “method for assessing and evaluating policy options” (Brighouse et al. 2017: 1), rather than as a substantive general theory. Winston Thompson has gone the furthest in arguing for “a uniquely educational genre of justice” (Thompson 2016: 3), building on Robbie McClintock’s theory of formative justice. In contrast to both Merry and Brighouse et al., Thompson argues (following McClintock) that educational justice should be theorized not as a subgenre of political justice but instead on its own terms, as a theory of children’s just development of potentialities (Thompson 2016; Cherry 2017). He points out that many of the classic questions that philosophers ask about educational justice, from the aims of education to distribution of educational resources to allocation of legitimate authority over children’s learning, can be formulated in terms of educationally-specific questions about the finite opportunities that children have to develop their manifold potentialities. I am excited to see how Thompson’s project unfolds over time, as I think it has immense potential of its own, but I also have some concerns about developing a theory of educational justice primarily from the top down and on the basis of a single abstract concept such as formative justice.

My purpose in this chapter, therefore, is to offer some initial reflections about the project of theorizing educational justice on its own terms from the bottom-up: *why* we should do so, *how* we might go about it, and if we were to do so, *what* we would be theorizing about. For reasons of space and coherence, I will treat “education” as referring to formal, school-based teaching and learning; I will also concentrate solely on children. I take it as given that schools’ aims, practices, and policies

with regard to children are an appropriate central focus of educational justice, and hence that starting with children in schools is a reasonable place to begin, even if not to end.

I start by presenting a case that I trust readers will intuitively recognize as a paradigmatic dilemma of educational justice: whether and how to accommodate one child's special needs in a mainstream class setting. In so doing, I start neither from an analytic concept nor from a hypothesized original position, but instead from phenomenological experience. This is in part because I want to start with an educational relationship that is not already grounded in – and potentially limited by – prior political concepts or assumptions. I also think that phenomenological approaches may be warranted by the intrinsically “non-ideal” features of theorizing about education; if nothing else, it is helpful to confront head-on what it means to theorize about children and not just presumptively free and equal adults. At the same time, I have intentionally chosen a case that is relatively idealized, with few hints of external social injustice infecting the internal decisions that have to be made within the school.

The rest of the chapter draws out elements of this dilemma in order to establish some key characteristics of any coherent theory of educational justice. Insofar as extant ideal theories of justice rest on fundamental principles about agents and institutions that I show are nonsensical in the educational context, I conclude that questions of educational justice cannot be resolved solely by applying more general theories of justice about and for adults. Rather, educational justice requires an original normative theory that will also likely incorporate “non-ideal” methods and principles.

Rocky Choices: One Dilemma of Educational Justice¹

Rivers Elementary School is a public primary school in a wealthy school district in the United States. It has a reputation for outstanding academics, a nurturing school culture, and ready responsiveness to parents' concerns. Kate, the eight-year-old daughter of an art historian and a doctor, has proved to be one of Rivers' more challenging students. Her first few years were “delightful,” in the words of her first-grade teacher. During the summer before second grade and into that fall, however, Kate became increasingly oppositional for reasons that no one could identify. By the spring of second grade, she was regularly disrupting class by shrieking and banging her desk, causing other children to cry or even cower in fear. After being diagnosed with “nonspecific opposition-defiance disorder,” she received an Individualized Education Plan (IEP) that included a part-time aide and other accommodations intended to help her remain in a mainstream setting. Her parents also agreed that during her outbursts, she would be removed to the “Think Room,” which is a form of solitary confinement used to help children contain themselves. Although the Think Room is controversial within the district – many teachers and parents see it as developmentally inappropriate and punitive – both Kate and her parents were grateful to have a place that she could go when school became overwhelming.

Kate's third grade teacher, Ms. Brown, was a twenty-two-year veteran with certifications in general education, special education, and science. Ms. Brown had a soft spot for “tough kids,” and asked to have Kate assigned to her class; Kate's parents were thrilled, and Mr. Thomason, the school principal, readily agreed. Knowing that Kate's classmates got upset about her behavior, Ms. Brown led conversations with the students about inclusive communities that honor many kinds of difference. The children excitedly identified their many differences and discussed how classroom norms and procedures enable everyone to “be their best selves.” At the same time, many children privately expressed concern about Kate's continued disruptions. They knew that Ms. Brown was not open to accusations that “Kate messes everything up,” but they did complain to their parents and each other when an exciting learning activity came to an abrupt end during one of Kate's mini-explosions. Some children also seemed so concerned about setting Kate off that they concentrated more on mollifying her than on the subject of the lesson.

In light of these concerns, a group of parents met with Principal Thomason to discuss Kate's participation in class. These parents expressed concern about classroom safety and culture. They also

questioned the academic rigor of a class that was sporadically disrupted. In response, Mr. Thomason expressed support for Ms. Brown, and emphasized that all children are entitled by law to the least-restrictive appropriate educational setting. At the same time, Mr. Thomason reassured the parents that “it is of paramount importance that every child feel safe and secure in class, ready and able to learn.” At the end of the meeting, one of the lead parents – the only father in the group – thanked Mr. Thomason for his concern and said he hoped he wouldn’t have to “take it to the next level” in response to continued disruptions.

Mr. Thomason met with Ms. Brown the next day. She was frustrated that the parents had not contacted her directly and said that the parents’ own concerns were feeding their children’s worries. “It’s not the kids who are scared of Kate; it’s the parents,” Ms. Brown explained. “They say stuff to their kids over dinner, about how Kate shouldn’t be there or is disrupting other kids’ learning, and then the children come in the next day with complaints that they never had and blow things all out of proportion.”

In response, Mr. Thomason emphasized that he was responsible for all children and their families. “If you see Kate starting to get upset, I want you to ring for help so an adult can escort Kate to the Think Room,” Mr. Thomason instructed. “Remove Kate from the classroom *before* she explodes. That way, Kate can feel some success that she hasn’t disrupted another day of learning, and her classmates can feel confident Kate won’t be allowed to get out of hand. We can’t afford to let this escalate. No need to get the superintendent involved.” Mr. Thomason was firm; although Ms. Brown tried to protest, he made it clear their meeting was over.

The following Monday, Kate came in late, looking agitated. Her parents told Ms. Brown she had had a rough morning but was eager to get to school to learn about rocks – a favorite subject. Students were working in small groups to classify rocks by their sedimentary, metamorphic, or igneous characteristics. Ms. Brown assigned Kate to work with two boys, Philip and Frank. Both boys were welcoming, although Philip, who identified as a “future world-famous inventor,” had occasionally gotten upset about Kate’s disruptions in the past. It was his father who had threatened Mr. Thomason with “taking it to the next level.” Frank was a soft-spoken, reserved child. A struggling reader, he often seemed to disengage from classroom activities if they seemed too challenging. Ms. Brown worried about his self-confidence, reminding him frequently that he was a great thinker and observer, even if “your brain needs extra help matching letters to sounds.”

Initially, the group work went smoothly. Frank took on the role of holding each rock up for examination. All three children expressed their opinion about its classification; finding that they were unanimous, Philip recorded the group’s decisions on a worksheet. About ten minutes in, however, the two boys began to squabble over the designation of a rock. Philip insisted it was igneous; Frank was sure it was metamorphic. Kate did not take a position in the debate. Instead, she squirmed and moved away, as if trying to shield herself from the conflict. She then returned to the table, but again seemed undone by the boys’ vehement disagreement. The boys weren’t misbehaving – to the contrary, they were passionately involved in the science task at hand – but their argument continued unabated.

Ms. Brown was across the room, helping a group that was struggling with the classification exercise; they kept trying to organize the rocks by shape and size. Noting Kate’s increasing distress, however, Ms. Brown crossed the classroom and quietly asked Kate if she would like to switch groups. Kate refused, seeming hurt. She did not want to walk away from the important work she had already done sorting rocks! Ms. Brown then turned to Philip and Frank. “Why don’t you present your debate to Kate, and let her be the judge?” But Kate nervously shook her head, feeling pressure at being in the spotlight. Frank, uncharacteristically, also scowled. He was on the verge of convincing Philip he was right, he felt; this wasn’t the time to start over!

Ms. Brown could tell that Kate was close to breaking down. She had little time to decide what to do. Should she pursue her tactic of having the boys present their argument to Kate for adjudication,

potentially agitating Kate to the point of no return, leaving the other group to founder, and risking censure from her principal? Should she send Kate preemptively to the Think Room, causing her to miss the lesson for which she had worked so hard to get to school? Should she move one of the boys out of the group, effectively punishing them for doing their work, and undercutting Frank's newfound academic engagement and self-assertion? Should she shift to whole class instruction, scrapping the current lesson plan and perhaps diminishing all children's active engagement in learning? What was the right course of action?

Theorizing Educational Justice: Necessary Presuppositions and Features

There are a number of struggles and dilemmas built into the case above: curricular, pedagogical, political, social, administrative, and ethical (among others). Some of these are certainly dilemmas of justice: of who is owed what and why. What are Kate, Frank, Philip, and the other children in the class each owed, and how should potential conflicts in satisfying those obligations be resolved? Furthermore, who is responsible for making such determinations, for setting the conditions under which justice might be done, and for actually enacting just decisions? Are these the same or different agents? Ms. Brown clearly has duties of justice, and presumably Mr. Thomason does, too, as head of school. How about the parents? The children in the class? The US government has taken a stand in declaring that Kate has the right to a "free and appropriate public education" – a right that it notably does *not* attribute to students without diagnosed special needs; is this claim a defensible one, and is the federal government the right entity to make it? Some (but not all) of these dilemmas of justice are bound up in questions about sameness and difference: what does it mean to treat like as like in this case? Which differences matter, how, and why? Of what relevance are Kate's mental illness, Frank's dyslexia, Philip's confidence, or the other group's confusion over principles of classification?

I raise these questions not to answer them, but to highlight how the case embodies some paradigmatic dilemmas of justice in general, and of educational justice in particular. I also wish to note that this is arguably an "ideal" case, in that it occurs in a well-resourced school and district with highly trained school personnel, involved parents, and no evident history of domination, oppression, or other forms of institutionalized social injustice more broadly speaking. It is the kind of case that would arise even in a "well-ordered society" (Rawls 1971). The question I want to address is how we might go about theorizing educational justice in a way that would help us address a case such as Kate's. Most specifically, what features of the educational context or subjects would any theory of educational justice have to take as given in order to reason meaningfully about the kinds of dilemmas that arise in this case?

Children Are Appropriately Non-compliant, Sometimes Because They're Also Unreasonable and/or Irrational

Let's begin with Kate herself. Kate poses a challenge in large part because she is defiant and disruptive. She does not allow the class to get on with its work. In some ways, Kate is an outlier in this regard. But on the other hand, misbehavior and disruption of others' projects are normal, even developmentally healthy, features of childhood. We would be very worried about a toddler or adolescent, for example, who never acted out, tested limits, or tried to substitute his or her independent judgment in place of adults' advice/directions. This is true in matters of justice and morality as much as in anything else. Children snatch things from one another, refuse to share, attack others physically and emotionally, renege on promises, manipulate parents and siblings, lie, coerce, and wantonly interfere with others' projects – often all in a day's work. In theorizing educational justice, therefore, one must assume that the primary subjects of such justice – children – will at least sometimes be non-compliant and fail to fulfill their obligations to others.

Such normatively condemnatory terms as “attack, snatch, renege, and coerce,” may feel like the wrong way to characterize children’s actions, since young children, at least, are not morally responsible for their non-compliance. But this illuminates another essential presupposition of any plausible theory of educational justice: namely, that children have not yet learned to reason properly about moral obligations to others nor fully to regulate their actions even when they know what morality demands. That’s one important responsibility of adults, to help children develop moral cognition, emotion, and self-regulation (Dahl 2019; Malti et al. 2021). It’s also important to note that children may be unreasonable or even irrational about non-moral actions – not only as Kate is when she is in the throes of her mental illness, but also as Frank arguably is when he withdraws from lessons that are specifically designed to help him learn essential reading skills, or as Philip and Frank both are when they push their argument to the stage that is likely to trigger an outburst from Kate. It would be much easier for Ms. Brown to fulfill her duties of educational justice (whatever those turn out to be) if Kate could recognize the boys’ argument as a part of learning, if Frank would reliably engage with equal vigor in future lessons were he to be shut down now, if Philip would recognize that his own behavior was partly to blame when he tells his father over dinner that Kate exploded during science class (leading his father, say, to contact the superintendent), and even if the other group could figure out that classifying rocks by their origins has nothing to do with classifying them by size. But such complaints also miss the point. Sure, Ms. Brown would have an easier time enacting justice if her charges were consistently compliant, reasonable, and rational. But then she wouldn’t actually be dealing with *children*, who are the primary subjects of any theory of educational justice. Again, therefore, any theory of educational justice must take account of the fact that its primary subjects – children – are sometimes non-compliant and unreasonable, and similarly that methods for fostering compliance and reason are themselves an essential object of theorizing about educational justice.

Corrective and Distributive Justice Need to Be Theorized Simultaneously

Because both compliance and reason (including reasonable emotions) are *products* of educational justice, rather than being stipulated presuppositions as they are, say, in Rawlsian ideal theory, any exercise in theorizing educational justice must simultaneously address both corrective and distributive concerns. In other words, the theory must address the just correction of children’s behavior, and also the just distribution of educational goods. Neither can be set aside for a future date.

We would consider it outrageous if the fact that a child was obstreperous at age five, for example, was offered as a moral justification for his failing in school at age 13, let alone his inability to qualify for living-wage work or a place in college at age 18. One can easily give a *causal* account of this child’s trajectory: getting in trouble initially leads him to develop a self-concept as a “bad kid”; he fulfills his expectations by misbehaving and being punished further; these punishments cause him to miss lessons and get behind; he eventually disengages from school altogether since he feels like a failure at every stage. This is a depressingly common occurrence. But we would presumably disavow any theory of educational justice that claimed this child’s poor life outcomes were *just deserts* for his behavior as a five-year-old. So, a theory of educational justice has in some way to disavow responsibility in at least some of its subjects, while also giving an account of why, when, and how the transition from blamelessness to blameworthiness, from childish innocence to adult responsibility, is both effected and administered.

Furthermore, distributive and corrective justice are not only each part of any theory of educational justice, but they are also intimately intertwined. This is true for two reasons. First, a theory of educational justice has to clarify which elements of children’s development are subjects for distributive versus corrective justice – or if both simultaneously, how the two should be understood in relation to one another. When Ms. Brown works with Kate to help her control her behavior, for

example, is she helping Kate acquire key social and emotional skills – and hence distributing educational goods – or is she teaching Kate how to comply with others’ appropriate expectations – and hence administering corrective action? Is such a distinction even meaningful? A plausible theory of educational justice could potentially characterize all exercises in corrective justice in distributive terms, insofar as the aim of correction is to help children develop social, emotional, and intellectual capacities (other-orientation, perspective-taking abilities, self-control, capacity to delay gratification, etc.) that are essential for shared social life. A competing and equally plausible theory of educational justice, however, could define corrective justice as that which fosters children’s development as moral agents – as people who can properly be held morally responsible and be evaluated as deserving (or non-deserving) – while defining distributive justice as that which, say, enables children’s acquisition of essential primary goods. This maintains conceptual distance between the two. I take no position here on the proper definition of or relationship between distribution and correction in a theory of educational justice; my point is simply to show that any theory of educational justice will need to attend to such questions.

Second, distributive and corrective justice are also intertwined on an empirical level, insofar as how teachers deal with a disruptive child has both corrective and distributive consequences for all concerned (see Curren 2000 for a thoughtful exegesis of this relationship). A child like Kate who is removed from the classroom in response to (the threat of) an outburst, for example, is not only experiencing (let’s say) corrective justice, but is simultaneously being denied access to educational goods. She can no longer learn about rock classification, nor about working effectively in groups, by directly observing rocks’ characteristics and discussing their features with Philip and Frank. She is also potentially being prevented from developing the skills and dispositions that will help her remain in class more consistently, which negatively impinges on her social, emotional, and academic development. If Ms. Brown leaves Kate in the classroom until she explodes, however, then this impinges on all the other students’ access to academic educational goods. At the very least, they will stop classifying rocks for the time it takes Ms. Brown to call for someone to remove Kate; they will also likely be distracted for a few minutes afterward. It may also affect their emotional and social well-being, making it further challenging the next time Kate is in the classroom for some children to concentrate on learning rather than on mollifying her. If Ms. Brown alternatively reassigns Philip to a different group or shifts to whole-class instruction about rocks in hopes of preventing Kate from exploding, then this also has distributive consequences for other students in the class. So, for both conceptual and empirical reasons, a theory of educational justice must attend to both distributive and corrective considerations and theorize appropriate relationships between them.

Educational Justice Even in a “Well-ordered School” Is Neither Stable nor Closed

Now let’s say that Ms. Brown rightly believes that the most educationally just course of action would be to shift to whole class instruction and invite Philip and Frank to present their arguments to the whole class. The class would benefit from Philip and Frank’s modeling of scientific reasoning; Frank would receive academic affirmation (he’s right that the rock is metamorphic); the group that is confused about classification principles may learn better from their peers why size is irrelevant; and Kate would have an opportunity to collect herself emotionally so she could then reengage academically. But Ms. Brown also knows that students are likely to misinterpret her decision to switch up the lesson. For instance, she fears that Kate, Frank, and Philip will all perceive that Kate’s contributions to the group aren’t valuable and conclude that academic engagement matters more than inclusion of diverse learners, even though neither of those is actually true nor are reasons that Ms. Brown would shift the lesson plan.

Ms. Brown is now in a bind. What may *be* most educationally just from an adult perspective may not be *perceived* by the students as most just, and it may even teach students lessons about educational justice that are antithetical to what she actually wants them to learn. As a result, Ms. Brown may conclude that it is better to take a different approach – say, to pull Philip and Frank aside and explain to them that their vehement argument is excluding Kate, thus teaching them important lessons about inclusion and social-emotional awareness even as the scientific lessons are lost – because it will (somewhat paradoxically) teach students better lessons about justice despite otherwise being the less just action.

Rather than a stable system providing an exemplar that all are moved to embrace and maintain, therefore, the most just educational institutions will be dynamic systems that intentionally accommodate instability and change. Educators may have an end state in mind that they want their students eventually (as adults) to achieve and maintain, but their actions in the here-and-now may look quite different from, and even at the extremes be antithetical to, that end state because of where their students are developmentally. In this respect, educational justice is both *being* and *becoming*, bootstrapping itself from the imperfect present to the more perfectly imagined future. Any plausible theory of educational justice must take this dynamism into account and treat it as a core feature of the theory, rather than as an exception to the norm.

A second reason that even the most idealized theory of educational justice must disavow both stability and closure is because children enter and exit school every day from institutions – namely, families – that are themselves not necessarily internally ordered by justice, and that also externally interact with schools in unequal and sometimes destabilizing ways. This is not to say that considerations of justice are irrelevant to family life.² But it is to say that justice is not the highest good *within* families; love and care should trump, as might a number of other values.

There will also always be significant differences *between* families that, even if they do not result from injustice, threaten the stable realization of educational justice. Children from a linguistically minority family who do not speak the language of school instruction will be at least temporarily disadvantaged when they start school, for example, and they may continue to be disadvantaged if their parents and teachers remain unable to communicate with one another. There may also be cultural mismatches in expectations about, say, what it means for a parent to support a child's learning. A child whose parents are undergoing a nasty divorce may come to school distracted and angry. A quiet child may get somewhat lost in the shuffle of a large, emotive family with lots of siblings. Examples also obviously fall on the positive side of the ledger; a child whose parents are authors may enter school with a strong identity as a capable writer, while a family with lots of children at the same school may benefit from institutional knowledge about how the place runs and what is essential for success. Note that none of these differences necessarily reflects any broader social injustices or even any disagreements between families about the value of school success – but they still have a profound influence on children's preparation for and potential for success in school.

Once such further differences do enter the picture – disagreements over the value of higher education, say, or over a child's obligations to concentrate on school versus church versus domestic chores or paid work – then educationally-relevant inequalities become even further exacerbated, and any pretense to the school's being able to function as a closed and stable system (even under idealized circumstances) becomes impossible to hold onto.³

I suggested above that educational justice is dynamic, always moving children from the compromised “now” toward a more perfect “what might be.” Now we see that schools are also daily effecting a second kind of dynamic shift, from the disorderly, unregulated education that families are providing their children outside the school day to the orderly, regulated education being provided within the school walls. The school's porosity means that it cannot treat its own educational provision as a self-contained, closed system. Rather, it must constantly mediate between what it expects of and for children and what children's parents and guardians expect of and for them. Any theory of educational justice must offer an account of the school's responsibilities, if any, to address such differences.

Educational Justice Is Recursive and Plastic, as Are “Natural” and “Socially Constructed” Differences

One reason these non-school-based inequalities matter in the context of educational justice is that they both shape and are shaped by what happens in schools. Ideal theories of justice about adults tend to talk about “natural endowments,” treating individuals’ capacities essentially as fixed, and then debating the extent to which such endowments should influence life-chances in a variety of ways. Meritocratic theorists may embrace the association between endowments and life success, while luck egalitarians, say, may try to mitigate the effects of such endowments on the grounds that they constitute “brute luck.” From an educational perspective, however, this approach is nonsensical. The whole point of education is that it is an inherently *developmental* enterprise: education enables people to master and apply new knowledge, ideas, skills, habits, dispositions, etc., that they did not previously have.⁴ Any theory of educational justice, therefore, must treat children’s capacities as plastic; that’s what makes it a theory about *education*. Furthermore, as we consider what is owed to children, we must recognize that children’s capabilities are themselves developed or retarded by the provision of education itself. Hence, educational justice is also recursive: what happens at one point in time may profoundly influence a child’s ability to benefit from educational resources at a later point in time.

This recursivity and plasticity are central to what makes theorizing educational justice so challenging, because it means that difference is both an input and an output: it is both an independent and a dependent variable. Students come in with differences, and these differences will shape not only what they potentially need from schools, but also how they will make use of or respond to what schools do for/with/to them. Consider Frank and Philip, for example. Philip is a strong reader and confident learner. He sees himself as embracing intellectual challenges; his aspiration, after all, is to be a world-famous inventor. By contrast, Frank is a struggling reader who feels self-conscious about his dyslexia. He disengages from learning activities when he suspects they will be too hard for him. Frank is not only starting further behind, therefore, but he also will likely need much more support simply to move the same amount, let alone to catch up with Philip. Helping Frank learn and succeed in third grade may well be much more resource-intensive than helping Philip learn and succeed in third grade. On the other hand, these differences aren’t fixed. Once Frank does learn how to compensate for his dyslexia, for example, his newfound confidence plus his native intellectual skills may kick in and enable him to catch up to or even surpass Philip academically. If Frank gets intensive literacy support in third grade, therefore, he could be an academic high-flyer for the rest of his school career. These services may come at a cost to Philip, however, as his opportunities to develop his talents are restricted by Ms. Brown’s inattention. Frank and Philip may end up with equal outcomes – but at a cost to equality of opportunity, which is usually thought to trump equality of outcomes in contemporary theories of social justice.

Part of the task of any theory of educational justice is thus to set boundaries around the social construction of difference: around incoming difference, outgoing difference, and differences required to mediate children’s pathways between the two. At Rivers Elementary, for example, there is disagreement about whether Kate’s incoming differences are socially acceptable. Should a classroom be expected to accommodate a child who frequently disrupts academic learning and makes other students fearful? Ms. Brown clearly believes yes; Philip’s father is far more skeptical. Students’ capabilities leaving school are also significantly constructed by their educational experiences. How much heterogeneity versus homogeneity should be produced and/or tolerated by a just educational system?

These are tough questions that go far beyond debates about adequacy versus equality or the “achievement gap.” They touch on fundamental questions about human identity (Curren 2020; Howard 2015). Some disability activists and theorists, for example, argue that the deployment of intense therapies such as those used to “cure” kids of autism is in fact a means to deny their identities

and to impose an unjustified hegemonic normative conception of neurotypical development (Rosqvist et al. 2020). “What you see as pathology, I see as me,” they in effect are saying. At what point does a just educational system have to take such claims seriously and back off its transformative vision? Education always begins as at least in part a paternalistic exercise: we believe we can see for children possibilities for both being and becoming that they cannot see for themselves. We can see Frank’s future as a strong reader. We can see a future for Kate as a master of her inner life and outward behavior. When and where does such exercise of paternalistic judgment end? These, too, are questions that any theory of educational justice must address.

Educational Justice Must Address Justice Across (and Within) a Lifespan

The dynamic and recursive natures of educational justice are reminders of the importance of *time* in distributing educational goods. As a developmental theory, educational justice must contend with children’s time-bound transition from developmentally appropriate but still non-ideal states of irrationality and unreasonableness to more ideal states. As a theory that recognizes recursion, educational justice must take account of the fact that a person’s access to educational goods at time T1 will change both their need for and even their capacity to make use of educational goods at time T2. Any theory of educational justice must also contend with temporality in a third way: namely, by addressing how to distribute bads and goods across a person’s lifespan.

When a child asks, “Why do I have to go to school?”, we usually offer a future-oriented answer, about how their own lives will go better as a result. We recognize that even the most joyful school often subjects children to experiences and expectations that they would avoid if they could: taking tests, sitting quietly without squirming, working with people they don’t like, studying subjects that bore them. This seems relatively unproblematic, as a number of theories provide fairly compelling accounts of why it is okay to force children to engage in activities that they would not freely choose, but that their adult selves will be glad they were forced to do. “You’ll thank me for it later” does have at least some moral weight – which is one reason that Philip, Frank, and Kate all find themselves in a classroom together with Mrs. Brown.

At the same time, there must be some limit to the hardships that it is okay to impose on children in the present for the sake of their future adult lives – and what that limit is seems to be rarely specified in theory or in practice. Consider the “Think Room,” which some parents consider so inappropriately punitive that they have threatened litigation to shut it down. One objection to the Think Room might be that children (perhaps excluding Kate) don’t actually benefit from being sent there. In this case, Rivers Elementary should presumably find a different way of removing children from the classroom who are disruptive or need to calm down. But another objection might be that even if it does have some benefit – say, children hate feeling isolated, so they control their behavior in class to avoid being sent to the Think Room – the present-day pain of being sent there is too great to be justified by the long-term benefit. I believe that any theory of educational justice needs to address this kind of question: when, why, and how the goods of childhood balance against the goods of adulthood, and more generally how to distribute goods across a lifespan.

Educational Justice Must Address Both the Aims and the Practices of Education

In grappling with these questions about the social construction of difference and the present- versus future-orientation of schools, a theory of educational justice must therefore address both the aims and the practices of education. A classroom that prepared all children equally to work compliantly and efficiently on the factory floor, for example, would not be just simply because it treated students equally. But at the same time, a theory of educational justice can’t be confined to the aims of education, nor can the aims of education help us derive everything we need to know about educational justice.

When there are a number of children in a classroom with a variety of academic needs, and a teacher has to judge how to address them, then her knowing that the ultimate aim of education is to foster students' capacities for autonomy, say, is likely insufficient for guiding her lesson planning. Furthermore, depending on the circumstances in which she is teaching, the teacher may rightly judge that she is unable to achieve that aim altogether. What we might think of as the "technology" of education – pedagogies, setting, resources, context – therefore partially determines what aims are possible. But likewise, the aims also partially shape which technologies are developed and deployed.

Theorizing educational justice thus needs to take place on multiple levels. In part, a theory of educational justice should address questions that arise *in* the classroom, school, and district – for example, questions about what principles and practices should guide a teacher like Ms. Brown when she is trying to meet diverse students' needs, or how a school district should allocate places at high-quality schools. But theories of educational justice also need to address questions *about* these spaces – questions such as what range of students should be in the classroom in the first place, what aims schools should strive to achieve, and whose voices and preferences should be attended to, in what ways, in answering these first two questions. For instance, what role if any should the parents at Rivers Elementary have in shaping school policies and practices around inclusive classrooms or the existence of the Think Room?

Furthermore, educational justice needs to be theorized in part in the intersection between these spaces *in* and *about* schools, since judgments about justice at one level has implications for what questions arise, and what answers are delivered, at the other level. There is value in integrating micro, meso, and macro perspectives in the process of theorizing about educational justice – if there is some way to do so without ending up with a bloated or incoherent theory. Finally, these different levels of analysis may be useful only if they are informed by the kinds of pragmatic perspectives and understandings that arise in practice, and not just in theory. Although theorizing educational justice is an inherently philosophical activity, it should be informed by concrete understandings of pedagogy, child development, organizational perspectives on schools and districts, political analyses, and so forth. Otherwise, I fear that we will end up asking the wrong philosophical questions, and reaching the wrong answers, because we misunderstand the landscape of possible actions in any particular situation. In thinking about Ms. Brown's decisions regarding Kate, Philip, and Frank, for instance, it is essential that we recognize that her choices include not just corrective or administrative moves (such as removing Kate from the class) but also a wide variety of pedagogical moves, such as shifting to whole-class instruction, making Kate the judge of the boys' debate, or changing a student's group.

Some Final Thoughts about Epistemology, Methodology, and Completeness

These considerations are obviously not exhaustive. They arise solely from one case; other cases may raise utterly new issues that a theory of educational justice would need to address. There are important questions about the epistemology and methodology of constructing a theory of educational justice from the ground up that also require attention: case selection, case analysis, saturation (meaning that one is no longer encountering new questions or identifying new theoretical features), connecting ideal and non-ideal theory and principles, and so forth.

Theorizing educational justice is also an explicitly multidimensional exercise. It demands that one address issues specific to *education*, such as indoctrination, human capital development, teaching and learning, and education as a primary good or resource. It demands that one address issues specific to *children*, such as development, children's interests in the present versus their interests as future adults, and family membership. Educational justice will also benefit from being theorized with respect to *schools as institutions*, including discipline, control, classroom dynamics (Geron 2021), and curriculum provision. And, of course, there are considerations of *justice* itself, regarding the aims, criteria, procedures, goods or resources or opportunities, and so forth. In evaluating the aims of education,

for instance, a theory of educational justice will need to address how and to what extent these aims should be responsive to broader theories of justice.

This is simply a beginning, therefore, not an end. But I hope it is a constructive starting point for theorizing educational justice from the ground up.

(Related Chapters: 3, 6, 8, 14, 15, 16, 32, 33.)

Notes

- 1 I have slightly adapted this case from Levinson and Ben-Porath (2016). I am grateful to both Sigal Ben-Porath and to Harvard Education Press for permission to reuse the case here. I have also received incredibly helpful feedback on previous versions of this chapter from colleagues at the following universities and meetings: CIDE Mexico, Hebrew University, Haifa, Warwick, Edinburgh, Oxford, Institute of Education UCL, Université de Montréal, Harvard, Tel Aviv, American Philosophical Association Central Division, and Society for Applied Philosophy. I am particularly grateful to Adam Swift and Randall Curren for their insights about this chapter and the larger project.
- 2 For convincing arguments as to why justice is *an* important value both within and among families, see Brighthouse and Swift (2014); Okin (1991).
- 3 This is not even to mention parents' direct interactions with the school in trying to claim educational benefits for their children, and potentially denying them to others. I do not address the parents' meeting with Mr. Thomason due to space constraints, but it obviously raises important questions about parent partiality and educational justice.
- 4 For a developmentally-attuned account of corrective justice in an educational context, see Curren (2013).

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