

## AN EXPOSITION ON THE RAWLSIAN IDEA OF EQUALIZING OPPORTUNITY IN PUBLIC EDUCATION SYSTEM

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### INTRODUCTION

John Rawls was an American political philosopher in the liberal tradition. His theory of *justice as fairness* envisions a society of free citizens holding equal basic rights cooperating within an egalitarian economic system.<sup>1</sup> Rawls' theory of justice directly addresses the question of what is a just distribution in a society and whether inequalities which exist in the society are justified, and if yes, what kind and amount of such inequality. The answer to this is that only those inequalities are justified which are to benefit the least advantaged, because some inequalities of position or of resources may bring greater productivity and thus greater benefits to all. Rawls' idea implies erasing all 'accidents of birth' which give to one person more opportunity than another, and thus creating a full equalizing of opportunity for all.

### VEIL OF IGNORANCE

In *A Theory of Justice*, John Rawls (1971) proposes principles of justice that free and rational persons would accept in a hypothetical original position. These principles serve to regulate social arrangements and the division of social benefits. In the original position, each member of a society is ignorant of their own abilities and social status. No one is aware of his or her intelligence, strength, or social class. Each person is also ignorant of their own conception of the good, creating a situation in which principles can be selected without anyone manipulating the process to advantage themselves. In the original position Rawls claims two principles of justice would be chosen:

1. Each person is to have an equal right to the most extensive basic liberty compatible with a similar system of liberty for all;

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<sup>1</sup> <http://plato.stanford.edu/entries/rawls/>

2. Social and economic inequalities are to be arranged so that they are both:
  - a. to the greatest benefit of the least advantaged, consistent with the just savings principle; and
  - b. attached to offices and positions open to all under conditions of fair equality of opportunity.<sup>2</sup>

The application of this idea of ‘veil of ignorance’ to the present day public education system would aid in understanding the fundamental reason for the poor quality of primary public education in India.

Today’s system systematically disadvantages the poor. What does the public system do for those children who find themselves growing up in the economically lower strata of the society and learning in poor urban/rural schools? These schools all too often have with them decades long histories of academic failure. The result—students will never learn at the developmentally appropriate age. Being unable to learn, they dropout in large numbers and spend the rest of their lives engaging in odd jobs, at the most.

#### EQUALITY V. LIBERTY

Rawls’ treatment of justice in his treatise *A Theory of Justice* raises certain questions that accentuate the conflict between equality and liberty. One situation where this conflict is likely to arise is in the field of education. In the sphere of education, we are dealing with the intangibles of human qualities and their development, and any theory of justice raises question of the relationship of the human qualities to the distribution of primary goods in the society. The argument of equality versus liberty is essentially the argument of Rawls’ versus Nozick. With respect to education, the application of the ideas of Rawls’ would require equality in terms of opportunity. His ideas necessitate removing the child from all influences of his family since families provide differential opportunities, and raising him as a ward of the State, subject to precisely the same conditions as any other child. Nozick’s position implies, in contrast, no system of public education at all. For public education is redistributive, and going by Nozick’s “entitlement” principles, each child is entitled to the full untaxed benefits of his family’s resources. Thus, for Nozick, all education is private, paid for individually by each family, according to its resources and preferences. By moving in direction of equality, we lose individual liberty to central authority which imposes equality, and by moving in the direction of individual liberty, we lose equality to accidents of birth reinforced by the market and institution of private property held by individuals.

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<sup>2</sup> John Rawls, *A Theory of Justice*, Second Print (2005)

### EQUALITY OF OPPORTUNITY

Equality of opportunity is a political ideal that is opposed to hierarchy. The background assumption is that a society contains a hierarchy of more and less desirable, superior and inferior positions. Or there may be several such hierarchies. In contrast, when equality of opportunity prevails, the assignment of individuals to places in the social hierarchy is determined by some form of competitive process, and all members of society are eligible to compete on equal terms.<sup>3</sup>

Equality of opportunity in the arena of education would imply that every individual, irrespective of differences in circumstances, wealth, and awareness would be able to avail education. Justice, according to Rawls' would exist when the above mentioned factors do not hinder one's chance at obtaining education. Such a policy would ensure that the members of a society are not penalized for factors such as the circumstances of the place of birth. John Rawls' would agree to policies and schemes which work towards the universal grant of education.

### DISTRIBUTIVE ECONOMIC JUSTICE

The presumption or the genesis of this concept/idea rests strongly in the belief that individuals have different natural endowments and are born into and grow up in different social circumstances. Since such factors are not the results of the choices made by people, and thus are beyond one's control. It would go against the principles of justice to hold them responsible for the same. These factors, however are not negligible and have the potential to drastically alter one's life and prospects, either positively or negatively. These factors, according to John Rawls' are the primary reason for the existence of inequalities between people. The existence of such inequalities sets the ground for the idea of 'democratic' equality of opportunity, which involves taking remedial steps to reduce the initial difference in advantages that accrues to individuals, arbitrarily from their starting points in life. The leading idea here is to attempt to make people less unequal at the point where they actually enter into adult life, being not only responsible citizens, but also contributing members of the society.

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<sup>3</sup> <http://plato.stanford.edu/entries/equal-opportunity/#JusEquOpp> (August 26<sup>th</sup>, 2016)

### DIFFERENC PRINCIPLE

In *A Theory of Justice*, the difference principle plays a very important role, since the jurisdiction of social and economic inequalities is made to depend upon satisfying it. It states that in the long run, expectations of the least-advantaged social group should be maximized.<sup>4</sup> We should choose that option that most reduces the resultant inequality in outcomes between the top-most and the bottom-most groups. The purpose of this is to minimize the gap between the persons by taking account of both starting points and end results. The difference principle can be represented, then, as proceeding through a series of stages each of which embodies a conscientious effort at achieving equality of opportunity and each one of which repeats the same theme: first, satisfy the standard of mutual benefit (or of efficiency) and then reduce the differences in outcome between the top-most and the bottom-most group.<sup>5</sup>

More often than not, most of the State-funded welfare schemes, such as reservation, affirmative action, educational schemes, aim at benefitting the members of the least-advantaged social group, and ridding the society of the inequalities that exist, in the process of doing so. Some of the educational policies and schemes adopted by India with respect to granting certain facilities and thus benefitting the least-advantaged are:

- a) Non-Formal Education Scheme introduced in the 1979-1980 which focused on the educationally backward districts of Andhra Pradesh, Assam, Bihar, Madhya Pradesh.
- b) Mahila Samakya (MS), a scheme that aims at imparting education to women in order to establish women's equality was launched in 1989. The program was conceived as a women's empowerment program for socially and economically marginalized women.
- c) Kasturba Gandhi Balika Vidyalaya was introduced in August 2004, then integrated into Sarva Shiksha Abhiyan program, to provide educational facilities for girls belonging to Scheduled Castes, Scheduled Tribes, Other Backward Communities, minority communities, and families below the poverty line in educationally backward blocks.

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<sup>4</sup> JEJ Altham 'Rawls' Difference Principle' (2005)

<sup>5</sup> David Boucher & Paul Kelly, *Political Thinkers* (2<sup>nd</sup> ed. 2009)

d) The Right to Education Act 2009 which was introduced aims at limiting the adverse effects of circumstances and place of birth on children with respect to the attainment of educational opportunities. Schemes and policies such as the Sarva Shiksha Abhiyan, Right to Education Act 2009, National Policy on Education, District Primary Education Project are a few examples, the objectives of which are strongly rooted in the principles of equality of opportunity as propounded by John Rawls.

### APPLICATION OF DISTRIBUTIVE ECONOMIC JUSTICE IN THE INDIAN CONTEXT

State-supported primary and secondary education, and at no cost to the individual student would be an apt example for the idea that Rawls' has highlighted. India has adopted the Rawlsian idea in several forms in the domain of education.

1) The passing of the Right to Free and Compulsory Education Act 2009 is a practical example of the application of Rawls' idea. This Right, conferred upon the citizens of India provides for a just legal framework that entitles all children between the ages of 6-14 years free and compulsory admission, and completion of elementary education. It aims at removing any obstacles that any citizens of India might face due to the inequalities that exist in the society either in the form of wealth inequalities, or the lack of equality in terms of opportunity which arises from the former. The conferring of such a Right upon the specified age group essentially implies that the inequalities that exist in the society in terms of awareness and wealth would no longer act as an obstacle in the process of education.

Investing of economic and financial resources in the implementation of the Right to Education Act 2009, would lead to the application of the difference principle propounded by John Rawls. Its implementation involves the injection of the resources of the State in order to benefit the least advantaged group of the society. The target population of such an Act is undoubtedly those individuals who would otherwise be incapable of availing the luxury of education.

The inclusion of Right to Education involves the adoption of the ideas of not only Rawls in terms of equal opportunity, but also the ideas of Amartya Sen. Sen believes that development can be measured against narrower terms of development such as the increase in personal income, industrialization, etc. According to him, development involves the removal of various "unfreedoms" such as poverty as well as tyranny, poor

economic opportunity as well as systematic social deprivation.<sup>6</sup> The conferring of this Right upon children between the age group of 6-14 years ensures the removal of poor economic opportunity that Sen refers to in his book.

However, considering the present day situation of India, going a step ahead of the ideas of Rawls' is essential. The application of the ideas of Rawls' would ensure the grant of basic opportunity at primary education, but one cannot determine if this education would have a positive correlation with the future prospects of that said individual, and the nation at large. In an over-populous country such as India, with fewer job and income earning opportunity, it is of paramount importance to ensure vocational training along with the prescribed academic curriculum.

2) The Government has not only conferred the Right to Education on children between the age group of 6-14 years, but has also implemented various State sponsored schemes the objective of which is the furtherance of the aim of the Right to Free and Compulsory Education Act 2009. The Sarva Shiksha Abhiyan (SSA) which is at its implementation stage is India's main program for universalizing elementary education. The goal of which includes universal access and retention, bridging of gender and social category gaps in education and enhancement of learning levels of children. From the analysis of the objectives of the Sarva Shiksha Abhiyan, one would understand that its aim goes a step beyond the mere granting of the opportunity of education. While its primary focus is of universalizing primary education, simultaneously, it also aims at improving the learning levels of children, which involves the imparting of quality education to students which would help them think and learn in a manner that would go beyond the mere understanding of the prescribed academic curriculum.

3) District Primary Education Project aims at supporting the Government of India to build national, state and district managerial and professional capacity for sustainable primary education development. The project includes three components, building national institutional capacity to support, monitor and evaluate a national, decentralized primary education development program by establishing a strengthened framework for national management and professional technical education, building state institutional capacity in six states to appraise, supervise and manage district-level projects institutions for improving the quality and effectiveness of primary education, improving quality and access in primary education in 23 districts and 6 states through strengthened district institutional capacity, strengthened community participation.<sup>7</sup>

<sup>6</sup> Amartya Sen, *Development as Freedom*, 6<sup>th</sup> edition, 2000.

<sup>7</sup> <http://www.worldbank.org/projects/P010464/district-primary-education-project?lang=en>

## CONCLUSION

ASER Survey 2011, an all India representative survey of school children in rural areas found that only 58% of the children enrolled in classes 3 to 5 could read, less than half (47%) were able to do simple two digit subtraction, and only half of the children in classes 5 to 8 could use a calendar.

*“The remarkable neglect of elementary education in India is all the more striking given the widespread recognition, in the contemporary world, of the importance of basic education for economic development. Somehow the educational aspects of economic development have continued to be out of the main focus in our country”,* writes Amartya Sen.

There is no doubt about the fact that the Government, both Centre and State have adopted several schemes and policies which aim at imparting basic education. However, the question of great significance is whether or not these schemes have been efficacious. On the basis of the statistics mentioned above, the answer to the question would be in the negative. The mere existence of schemes and policies directed towards the welfare of the masses would not automatically lead to the achievement of the objectives of the said schemes and policies. What is essential would be the successful implementation of such welfare-enhancing schemes.

The schemes and policies enacted must have a strong footing in the ground realities which exist in the country. The law must not only have an objective, but must also comprise the mode of its achievement. It is no secret that the failure of any education-related right in the country is due to the lack of incentives that children receive so as to attend school and the lack of incentives that the parents receive in order to send them to the school. Children, are often a source of earning additional income to a family; which explains population explosion in the country. At a time where children are looked at a means of achieving additional income, what would act as an incentive for them to receive elementary education?

Mid-day meals have been induced into the education system in the hope that that would prove to be sufficient to incentivize the children and parents thereof. However, incentives in the form of monetary benefits would act as a greater encouragement. It would also ensure that the family does not lose out on obtaining that additional money, that the child would have earned had he/she not attended school. Thereby, incentivizing the parents to send their wards to school. It would act as a means to earn some easy money as well as receive education.

In light of the child exploitation that has been a perpetual phenomenon, it would also be essential to assure the children as well as the parents the safety of their children. The grant of the fundamental right to education would not be limited to the mere construction of schools, and the hiring of teachers. It would require certain other corollary as well; to name a few, humane environment at schools, safe transport.

The duty of the State, post the grant of the fundamental right to education extends to the grant of other necessary and reasonable conditions that must be satisfied in order for the children to truly enjoy the fundamental right to education. Merely the conferment of the fundamental right to education on paper would fail to achieve all the objectives that it once set out to achieve. It must also be remembered that the State cannot afford to grant the fundamental right on paper, and then deny the same at the time of demand on the touchstone of financial constraints. Such reasons, howsoever justified cannot adequately justify the denial of a fundamental right. Fundamental right, in an ideal situation must have been granted taking into account the likelihood of its implementation. However, since political aspirations and requirements are often the basis of such decisions, they fail to truly endow children with the fundamental right to education. The question that one must ask are:

- 1) Should the right to education be granted as a fundamental right?
- 2) If yes, what are the resources that the State would require?
- 3) Would it be possible to grant such a Right on demand?