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Author

Napoletano, Toby

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Meritocracy, meritocratic education, and equality of opportunity

Toby Napoletano

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Introduction

There are two ways, broadly speaking, that one might conceive of meritocratic education. On a standard, “narrow” conception, a meritocratic approach to education is one which distributes certain educational goods and opportunities according to merit. This conception of meritocratic education is familiar, and requires that certain scarce educational goods—admissions into universities, access to certain educational opportunities, resources, and so on—be allocated in such a way that students with greater merits be prioritized. This is the conception of meritocratic education which is typically appealed to when affirmative action or other non-merit based policies are criticized in the name of meritocracy, for example.

But commitment to meritocratic education is not a commitment to meritocracy itself. “Meritocracy” refers to a particular view about distributive justice, according to which, roughly speaking, certain economic goods (jobs, income, wealth) ought to be distributed in accordance with people’s merits. However, justifications of meritocracy as a view of distributive justice typically appeal to desert, and the intrinsic value of people getting what they deserve. The idea, then, is that people deserve various economic benefits in virtue of their merits, and so giving people what they deserve requires distributing goods according to their merits. Crucially, however, merit does not always ground desert, and in order to do so, one’s merits must satisfy certain other constraints. Most notably, it requires that one’s merits are developed against a background of equality of opportunity (in a sense to be discussed). And given that the educational system is one of the primary vehicles through which we develop our merits, this means that the educational system in a meritocracy would, therefore, need to adhere to a principle of fair equality of opportunity as well. Such a commitment, however, gives one grounds

to embrace decidedly unmeritocratic, egalitarian approaches to allocating educational goods, and would license certain forms of “leveling down.”

The result, then, is that a commitment to a meritocratic view of distributive justice requires rejecting a standard, narrowly meritocratic conception of education. And while commitment to educational equality of opportunity does not commit one to a meritocratic conception of distributive justice, typical justifications of equality of opportunity, I argue, do reveal such a commitment. Understanding the connection between meritocracy and equality of opportunity, I think, helps shed light on disagreements about the role and value of equality of opportunity in education.

The structure of the paper is as follows. I begin with the overlap in the justificatory structures of meritocracy and the narrowly meritocratic conception of education, and broadly lay out the roles of merit and desert in each. I argue that while both meritocracy and meritocratic education can be justified by appeal to the value of getting what one deserves, they appeal to distinct notions of desert, and that educational desert is best thought of as a kind of institutional desert, which is to be distinguished both from moral desert and entitlement. I then argue that the distinction between desert and institutional desert explains why meritocracy requires a commitment to equality of opportunity principles, but narrowly meritocratic education does not. Next, I consider whether the meritocratic justification for fair equality of opportunity can be extended to a more “radical” equality of opportunity. Finally, I discuss the ways in which understanding the relationship between meritocracy and equality of opportunity can shed light on disputes about equality of opportunity in education.

Merit and desert in meritocracy and meritocratic education

In order to assess the relation between the meritocratic conception of education and meritocracy, we need to understand the justificatory structures of each. It will be helpful here to begin with the ways in which they overlap.

“Meritocracy” refers to a view of distributive justice on which certain scarce economic goods (jobs, income, wealth) ought to be distributed according to merit:

Meritocracy (Distributive Justice): Certain scarce economic goods (jobs, income, wealth) ought to be distributed according to merit, as a matter of justice.

That is, the more meritorious ought to be prioritized over the less meritorious when it comes to allocating these goods. The core of the meritocratic conception of education, in

turn, is a commitment to the meritocratic distribution or allocation of certain educational goods:

Merit-based Principle of Distribution in Education: Certain institutional goods of education should be distributed meritocratically.

The goods in question are of various sorts, but they are familiar. They might include admissions into universities or selective schools, funding for schools, opportunities to participate in advanced classes, awards, and so on.¹ I use “institutional goods” to designate these goods that are most plausibly “distributed” by educational institutions. It is not meant to cover the more intrinsic goods of education—the cultivation of knowledge, skills, etc.²

Now, there are two typical ways in which a meritocratic principle of distribution might be justified. First, it may simply be justified by appeal to utility. By distributing jobs and income meritocratically, for instance, we incentivize hard work and productivity, and so (simplifying greatly of course) distributing economic goods meritocratically tends to maximize utility. Likewise in the context of education. We might think that we ought to distribute educational opportunities meritocratically, since doing so will incentivize students to work hard and get the most out of their education. Further, we ensure that extra educational opportunities and resources go to those who will best utilize them. The hope is that, in the long run, this sort of distributive approach will be most efficient, and will maximize utility in the long run.

However, this sort of approach to justifying meritocracy faces difficulties, both in the context of the economy and education. First, so long as the justification appeals to the good consequences of a meritocratic approach, it leaves open the possibility that in certain contexts, it will not be justified. Indeed, in the context of education, it is far from clear that giving extra opportunities to, or spending extra resources on the most meritorious will generate more utility overall than, say, raising the “educational floor”, by focusing on raising up the less meritorious students. Even if one thinks that it is intuitively obvious that the meritocratic approach can be justified by appeal to utility, it must be acknowledged that exceptions may be numerous.

¹See Napoletano (2021) for an argument to the effect that grades are not among the objects that can be deserved.

²It will be no failure of meritocratic education if, for instance, an excellent student, for whatever reason, decides not to make good use of the opportunity to participate in an advanced class, and thus learns less than their less able peers, who are in the non-advanced classes. There is plausibly a failure of meritocratic education, however, if a less able student gains entry into the advanced class over the brilliant student.

The other, more serious difficulty of the utilitarian approach is that it struggles to justify our intuitions that it is unjust when a job goes to a friend instead of the most qualified candidate, or when a legacy student gains admission into a prestigious school over more meritorious peers. At best, the utilitarian approach could justify the claim that non-meritocratic hiring or admissions are sub-optimal, or perhaps irrational from the standpoint of the employer or school (Pojman 1999: 89). It's more difficult to show how the more meritorious student or applicant is wronged or treated unfairly, as our intuitions tend to insist.

Consequently, a more popular justification of meritocracy appeals to desert, and the value of people getting what they deserve (Feinberg, 1970; Sher, 1987: Ch. 7; Miller, 2001; and especially Mulligan, 2018). Goods should be distributed on the basis of merit, then, because people deserve those goods in virtue of their merits, and it is good that people get what they deserve. Indeed, very often, we might think that justice requires this. Our Merit-based Principle of Distribution, then, gives way to a Desert-based Principle of Distribution:

Desert-based Principle of Distribution in Education: Certain institutional goods of education should be distributed in accordance with what students deserve.

Desert-based principles explain why it is good that the most meritorious get the job, opportunity, or admission into a school, and also why we sometimes (or often) think they are wronged, and treated unfairly if they do not. When an admissions board favors a less meritorious student over a more meritorious one (excluding all other complicating factors), the more meritorious student fails to get what they deserve. Thus, they are wronged and treated unfairly.

For our purposes, then, I think that we should think of meritocratic education as not merely involving meritocratic procedures, but also meritocratic *reasons* or *justifications* for those procedures.³ Meritocratic education, as I wish to conceive of it, will distribute goods meritocratically—in accordance with what students deserve—because it is good that students get what they deserve, and perhaps because justice or fairness require it. I think that this view is more faithful to the standard meritocratic conception of education, and it also has better prospects of making meritocratic education compatible with meritocracy, since the latter is best justified by appeal to desert and not utility.

³The idea here is similar to Nozick's (1974: 27) distinction between true "redistribution", which requires "redistributive reasons", as opposed to certain kinds of compensation which appear redistributive, but are justified in non-redistributive ways.

Educational desert as institutional desert

While I think that the most plausible conception of meritocratic education appeals to desert, there is reason to think that the kind of desert that justifies the meritocratic conception of education is distinct from the kind of desert that underlies the meritocratic conception of distributive justice. In particular, I will argue that it is “institutional desert” (as distinct from “institutional entitlement”) which guides the meritocratic conception of education, while it is pre-institutional or “moral” desert which justifies meritocracy as distributive justice. Understanding educational desert this way, it will turn out, is important for clarifying the relationship between meritocracy as distributive justice, and the constraints on the educational system that meritocracy requires.

The distinction between institutional and pre-institutional desert is best brought out by examples. The ideas that the virtuous deserve to be happy, or that the wicked deserve to suffer, that the dog deserves a treat for their good behavior, and so on, are instances of pre-institutional desert (henceforth just “desert” or “moral desert”). But suppose that a hitman is excelling in his role in a crime syndicate. He might rightly complain that he deserves a raise if he is underpaid relative to his less effective peers. On the other hand, we might also think that what the hitman deserves on the basis of his work, if anything, is not some benefit, but punishment—after all, the work is evil and criminal. What the hitman deserves is punishment, but he is institutionally deserving of the raise.⁴

In general, being institutionally deserving of some good requires furthering the aims of the institution in question (regardless of what those aims are). The hitman promotes the interests of the crime syndicate, the sprinters in the race promote the race’s aim of showcasing excellence in sprinting, and the excellent student promotes the aims of developing whatever skills and abilities the school aims at developing. In virtue of their efforts or qualities, then, they might all be institutionally deserving of certain goods. But being institutionally deserving of something is not sufficient for being institutionally entitled to it, which is a matter of satisfying certain institutional rules for allocating the good in question (Arnold, 1987: 391). For example, the most deserving sprinter might not be institutionally entitled to the prize because while they were the most excellent runner (and so most institutionally deserving), they might lose the race because of a freak accident. The hitman, likewise, is not yet entitled to the raise simply because their employer has not agreed to grant it. The more effective the rules, the more likely they are to ensure that institutional desert and institutional entitlement overlap as much as possible, but they typically only imperfectly ensure that people get what they institutionally deserve.

⁴For a thorough discussion of institutional desert, see McLeod (1999).

If we think of institutional desert as the kind of desert that is operative in the educational context, then we get a general way to think about merit as well: the question of what merit is in the context of education will just boil down to the question of what the aims are of a particular educational institution. Thus, criticisms of meritocratic education which seek to alter the substance of what merit is—perhaps a more holistic, less economic notion—are best understood not as rejections of meritocracy, but as calls to revise the aims of educational institutions, and thus the resulting conceptions of merit. The content of these aims, in turn, will be determined by the other institutions with which the educational institution interfaces. For instance, if one thinks of the educational system primarily in terms of its role in bolstering and reproducing the economy, then merit will be understood in terms of the skills that are best leveraged into economic productivity. This will be most clearly visible at the level of higher education, where students may be directly training for their careers. Merit at secondary education will be largely conceived of in terms of its interface with tertiary education, and so indirectly by its role in service of the economy.

But why should we think that meritocracy is justified by pre-institutional desert, and the meritocratic conception of education appeals to institutional desert?

Start with meritocracy as a view of distributive justice first. The argument here is straightforward. To determine whether someone is institutionally deserving of something, we take the aims of the given institution as given. We need to do no more than consult those aims, and then see whether some individual has furthered them (or perhaps furthered them most) in the right kind of way. But an account of distributive justice cannot take the aims of economic institutions as given, since an account of distributive justice must, among other things, guide the design of economic institutions. Thus, the justification of economic institutions depends on an account of distributive justice, and not vice versa.

What about educational desert? The fact that it is educational institutions which distribute the relevant goods is not sufficient to establish that educational desert is institutional desert. After all, one might think that one's economic deserts are morally deserved, or that punishment can be morally deserved, despite the fact that the economy and criminal justice systems are, broadly speaking, institutions. These are institutions, the thought goes—for those who are inclined to such views—that ought to ensure that people get what they morally deserve. There can be facts about what one morally deserves that are prior to the existence of the institutions, and the institutions ought to be designed in such a way that we ensure that people get what they deserve.

The more compelling case that educational desert is institutional has to do with the

fact that the sort of desert that is operative in the context of education does not conform to typical principles of moral desert.

Most notably, it fails to conform to the Proportionality Constraint on Moral Desert:

Proportionality Constraint on Moral Desert: If a subject S deserves an object O on the basis of B , then the magnitude of the benefit of O to S is proportional to the moral value of B .

This proportionality constraint explains our common intuitions that, for example, a more severe crime makes one deserving of a more severe punishment, or that a heroic act makes one more deserving of praise or admiration than a merely courteous act, or that all else equal, a more virtuous person is more deserving of good fortune than a less virtuous one.⁵ Institutional deserts are often, by contrast, much more morally arbitrary. For instance, the hitman is institutionally deserving of greater reward, despite the fact that his acts make him morally deserving of punishment. A musician might institutionally deserve a million dollars, or a new lawnmower, or a loud applause, on the basis of the same quality of performance, depending on the whims and means of a competition organizer.

I think the case can be made that the kind of desert that operates in the context of education fails to meet the proportionality constraint. One need only observe that the stakes in the context of education are often high—whether one is considered deserving of admission into a four-year college or not, for instance, might depend on very small differences in academic ability between students. Furthermore, one might wonder whether—assuming that entry into higher education is of great practical and moral value—the academic ability of a young adult can make one deserving of something so valuable, or preclude them from deserving it. Academic ability, we can suppose, has some moral value, but it's not clear it's more morally valuable than, say, being a caring person. And yet, at least usually, we tend not to think that being caring makes one deserving of anything so valuable as admission into a university.⁶ It also surely exaggerates the importance of academic ability to think that it makes one morally deserving of

⁵There are cases where deserts fail to meet proportionality as when, for instance, compensation is deserved on the basis of being wronged by someone (Feldman, 1995). In these cases, we see a kind of inverse proportionality: the greater the harm one suffers at the hands of someone else, the greater the compensation that is deserved. Typically, these kinds of cases are dealt with by thinking of “compensatory desert” as a distinct kind of desert.

⁶This is not to say that being caring never counts as a kind of merit, as it might for admissions into nursing school, for example. Nevertheless, it is typically a greater advantage to have above average academic ability than to be more caring than the average person from the standpoint of securing something like college admissions.

likely economic advantage, relative to their less academically interested or able peers.

Thus, I think it is institutional desert which underlies the meritocratic conception of education, and consequently, the Desert-Based Principle of Distribution in Education needs to be revised:

Institutional Desert-based Principle of Distribution in Education: Certain institutional goods of education should be distributed in accordance with what students institutionally deserve.

This difference in the underlying kind of desert, I will argue next, makes for important differences in the underlying justifications of meritocratic education and meritocracy, respectively.

Meritocracy and fair equality of opportunity

If it is institutional desert, and not pre-institutional desert that is operative in the meritocratic conception of education, then there are two major differences in the justificatory structures of meritocracy and meritocratic education. The first is that while meritocracy can appeal to the idea that it is intrinsically valuable that one get what they deserve, no such move is available in support of meritocratic education, since it is not intrinsically good that one gets what they institutionally deserve. Consider, again, the case of the hitman, or other cases where the aims of an institution are simply bad. In those cases, it is bad to be institutionally deserving, and it is no better (or at least not necessarily better) that people get what they institutionally deserve.

The value of getting what one institutionally deserves, then, depends on the moral value of the relevant institution and its aims. In the context of an educational institution (as opposed to the crime syndicate), this justification should not be too difficult to provide, in principle. However, there is the concern that since we end up with a consequentialist justification of meritocratic education, rather than one which appeals to the intrinsic value of getting what one deserves, the resulting view loses the advantage of being able to explain the apparent unfairness or injustice that occurs when one fails to get what they deserve. But the defender of meritocratic education can appeal to the fact that, in general, it seems that institutional desert gives rise to similar kinds of unfairness intuitions when someone doesn't get what they institutionally deserve. The underlying explanation for the unfairness here might just invoke a connection between fairness and institutional desert that mirrors the links between pre-institutional desert or fairness,

or it might appeal to legitimate institutional expectations in Rawls' sense (Rawls, 2001: §20).⁷

The more important difference in justificatory structures, for our purposes, however, has to do with differences in the connections between merit and desert in each context. More specifically, in the context of distributive justice, merit will only ground desert against a background of fair equality of opportunity. This idea seems to apply to desert generally: in any competition over scarce goods, the winners only deserve what they get if the competition is, in some important sense, fair. If, for instance, a sprinter in a 100-meter dash starts at the 80-meter line, then when they inevitably win, we will not think of their victory (or their prize) as being deserved.

Fair equality of opportunity (FEO) specifies a necessary condition for the grounding of desert by merit in the competition over economic resources. Just what the precise formulation of FEO comes to in the context of meritocracy is, I think, an open question, but something like Rawls' (2001: §13.2) understanding of FEO is typical:

Fair Equality of Opportunity (FEO): Individuals of equal talents and willingness to use those talents should have equal chances of occupying social/economic positions, regardless of their social class of origin.

While FEO, strictly, constrains the relationship between merit and economic desert, the implications for the educational system are considerable. Obviously, the educational system is one of the most significant factors in the development of one's economic merits, and thus one's economic deserts. So long as, and to the extent that educational merit is leveraged into economic merit, FEO will require that differences in socioeconomic status not result in advantages or disadvantages for students developing their merits.

Thus, since differences in socioeconomic status very often *do* result in differential access to opportunities to develop one's merits, the kind of educational system that a meritocracy requires would be incompatible with, and considerably more egalitarian than the "narrow" conception of meritocratic education that we have been considering throughout.⁸ Call the kind of education that a meritocracy requires, and which is

⁷The utilitarian, of course, can also appeal to legitimate expectations in trying to explain intuitions of unfairness when educational goods are distributed non-meritocratically. However, the utilitarian has the extra difficulty of explaining why it is that people so often reach for the language of desert in explaining the unfairness.

⁸The extent to which this is true will depend on facts about how a given educational system is structured and funded. Failures of FEO are particularly acute in the United States, for example, where socioeconomic status correlates strongly with the amount of money that is spent on a student, both in school (because of how public schools are funded) and outside of school (because wealthier parents spend much more on extra-curricular opportunities for their children). See, e.g., Brighouse (2010) for discussion.

constrained by FEO, the “broad” conception of meritocratic education.⁹

In the context of the broadly meritocratic conception of education, this means that when differences in the merits of two students, say, are merely the result of different socioeconomic backgrounds, and thus inequalities in access to educational opportunities, then the merits of the more meritorious student fail to make them more deserving of the good in question than the less meritorious student.¹⁰ After all, if some people have advantages or head starts in the race to develop their merits, then the competition over scarce goods which depends on those merits seems fundamentally unfair. Indeed, an argument in favor of a meritocratic account of distributive justice is precisely that it offers an explanation of the value of fair equality of opportunity. There are, perhaps, other ways that one could justify a commitment to fair equality of opportunity, but a very straightforward (and typical) way to do so is to appeal to the value of fair competition (Brighouse & Swift, 2006: section II; Lazenby, 2016). The value of fair competition, in turn, might be explained by the fact that a competition needs to be fair in order for the benefits to be deserved by those who succeed in the competition. I will argue in the next section that the link between meritocracy and equality of opportunity is more complicated, but these intuitive remarks will suffice for now.

In most ways, the justificatory structure of the broadly meritocratic conception of education is quite similar to the narrow conception. Educational goods are best thought of as being institutionally deserved in virtue of one’s merits (defined by the particular educational aims of the particular institution), and the value of getting what one institutionally deserves derives from the value of the underlying educational aims. The crucial difference, however, is that on the broad conception, considerations of distributive justice, and particularly FEO, override the value of getting what one institutionally deserves. Again, the value of getting what one institutionally deserves derives from the value of an institution’s underlying aims, but if the institution is acting in such a way as to promote distributive *injustice*, then there will be good reason *not* to give students what they institutionally deserve in precisely the cases where we have failures of FEO.

Thus, the broadly meritocratic conception of education may very well justify policies like affirmative action, or banning private or selective public schools (and other “leveling down” policies), so that the advantages and disadvantages resulting from differences

⁹I call the narrow conception “narrow” because the narrow conception employs meritocratic distributions of educational goods without appeal to a broader conception of meritocratic distributive justice, while the broad conception does.

¹⁰Arguably, most often, it is this negative component of FEO—screening off differences in socioeconomic standing—that is most important. This negative formulation would allow the meritocrat to screen off concerns about the role of innate talent, and how to measure it in education.

in socioeconomic status can be evened out (Brighthouse, 2007; Brighthouse & Swift, 2006; Anderson, 2007). Otherwise, the economic benefits one secures on the basis of their merits (at least insofar as they derive from educational experience) will be undeserved, and will result in injustice. This also means that *some* educational institutional goods, like attendance awards or other benefits which do not clearly give one an advantage in the development of economic merit, need not be constrained by FEO, as they don't make the competition for scarce economic goods unfair.

But the precise realization of FEO within the educational system will depend on how FEO, itself, is interpreted. Perhaps most notably, the notion of "ability" that it appeals to is badly underspecified, and so leaves FEO at least as ambiguous as "ability". A typical interpretation would appeal to some, to-be-specified notion of innate ability, but this commitment has been the target of a number of criticisms of FEO and meritocratic education (Howe, 2015; Giesinger, 2011; Harel Ben Shahar, 2023). Harel Ben Shahar, by contrast, defends a view on which FEO should be understood in terms of student potential, which would, in effect, make it much more difficult to justify inequality of opportunity between students of different skill levels, since current skill levels are not necessarily indicative of potential. This interpretation, therefore, would result in an even more egalitarian notion of educational opportunity than typical interpretations of FEO demand, and thus an even greater departure from "narrowly" meritocratic allocations of educational opportunity.

Meritocracy and radical educational equality

That meritocracy places an FEO constraint on the educational system is sufficient to show that the narrowly meritocratic conception of education is incompatible with meritocracy. However, there is room to argue that meritocracy requires more stringent equality of opportunity constraints than FEO. It could reasonably be argued, for instance, that meritocracy requires something more like what Brighthouse (2010: 29) calls the "radical conception" of educational equality. I sketch that argument in this section.

In the previous section, I gave an intuitive justification for thinking that FEO is a constraint on deserving certain kinds of benefits. However, it's not clear that the connection between FEO and desert is basic. Plausibly, it follows from other, more basic constraints on desert, and in particular, the requirement that one's benefits cannot be deserved on the basis of luck.

Luck Constraint: To the extent that one's merits are had as a matter of luck, then

those merits do not ground one's deserts.

Lottery winners, for instance, do not deserve their winnings, since winning the lottery is almost entirely a matter of luck. Or when a superior athlete loses a competition because of a freak accident which causes them to lose, we might still insist that they deserve to win. Luck, in general, seems to undermine desert.

The idea, then, would be that FEO is justified by the luck constraint because, obviously, one has no control over their social class background, and so their having that background is a matter of luck.

This, I think, is the right way to think about the connection between FEO and meritocracy. By contrast, Brighouse (2010: 30) defends the connection between the two on the grounds that—unlike in other kinds of competitions, like athletic competitions, where we tend not to care *how* the athletes developed their merits—the economic competition for jobs and income is involuntary, as one typically has no real choice but to engage in it. This may very typically be true, but it's not clear why the involuntary nature of the competition brings with it a commitment to FEO.¹¹ The key distinction is between desert and institutional desert, and not between voluntary and involuntary competitions. In athletic competitions, very plausibly, the winners institutionally deserve their prizes since, again, the value of those prizes will very often not be proportional to the moral value of the performance which entitles them to the prize. The fact that meritocracy appeals to the value of desert (and not institutional desert) explains the commitment to FEO via the Luck Constraint.

But if this is the reason why one accepts FEO as a constraint on desert, then it would seem to also justify a more stringent equality of opportunity constraint, since one's natural talents—whatever those come to—are also had as a matter of luck.¹² Thus, the same considerations that justify FEO also justify REO:

Radical Equality of Opportunity (REO): An individual's prospects for attaining economic benefits should be a function neither of that individual's level of natural talent or social class background but only of the effort she applies in securing them.¹³

¹¹Suppose, for instance, that robust safety net policies made it possible to opt out of the economic "race" without extreme sacrifice. One could imagine a meritocratic distribution of luxury goods which, similarly, would require FEO for the same reasons as I sketched above.

¹²Though see Mulligan (2018: Ch. 7) for an argument to the effect that our natural talents are not had as a matter of luck, since having those talents is essential to us, and thus we could not have been any other way. See Napoletano (2023) for critical discussion of Mulligan's proposal.

¹³I alter Brighouse's (2010: 29) formulation of "radical educational equality of opportunity" here so that it applies primarily to economic goods.

This principle would clearly place more radical constraints on educational opportunity, since the only differences in merit that would justify differences in deserved benefits would be those differences in merit that resulted from differences in effort. Much more extreme leveling down policies would be justified than are justified by FEO as well.

The resulting view of educational opportunity would blur (though not necessarily erase) the distinction between meritocratic and luck egalitarian conceptions of educational opportunity (compare Calvert, 2015). Whether or not the two conceptions coincide would depend on how, precisely, the meritocrat conceives of the relationship between desert and different kinds of luck.¹⁴ Miller (2001: Ch. 7), for example, argues that only certain kinds of luck undermine desert, and this sort of (not uncommon) distinction helps the meritocrat distinguish their view from luck egalitarianism, and also helps preserve ordinary intuitions about desert, which often seem to accommodate certain sorts of luck (as when we ignore all of the luck that goes into success in a competitive game).

My primary point here, though, is just that REO can be justified meritocratically, and thus that REO is a possible interpretation of what meritocratic justice requires of the educational system, depending on how one thinks of the meritocratic justification of FEO, and more basically, the connection between desert and luck. These, I think, remain genuinely open questions for the meritocrat. For our purposes, however, it is enough to note that REO is compatible with some conceptions of meritocratic distributive justice, and thus a radical conception of educational equality of opportunity is too. Neither FEO nor REO are compatible with the narrow conception of meritocratic education, however, and so a commitment to meritocracy can justify educational systems which employ highly non-meritocratic allocation procedures.

Distributive justice and the justification of equality of opportunity

Drawing out the connections between meritocracy, desert, and equality of opportunity, I think, helps illuminate certain disputes over equality of opportunity in education. I will argue, for instance, that an explicit commitment to meritocracy and its requirements can bolster the defense of FEO constraints on education. However, there is reason to be concerned that the defense of FEO *requires* a commitment to meritocracy, a view which has had very little appeal among political philosophers generally.

¹⁴In general, meritocratic conceptions of justice and luck egalitarian conceptions bear fairly close resemblance because of the importance in eliminating luck for each. See Brouwer and Mulligan (2019), however, for arguments against luck egalitarianism and in favor of meritocratic or “desertist” conceptions of distributive justice.

Consider, for example, some of Anderson's (2004) criticisms of Swift's (2003) arguments against private and selective public schooling. Swift argues, in effect, that access to private and selective public schools by the wealthy make the competition for the development of merit unfair. In response, Anderson argues (1) that meritocracy does not entail any fair equality of opportunity constraint on education, and (2) that at least part of Swift's commitment depends on an objection from envy, which ought to carry no weight.

Start with the first criticism that meritocracy imposes no substantial FEO constraints on education. Anderson (2004) writes,

“Meritocracy does not care whether people are meritorious because they are ‘natural born’ talents or were born with a driven temperament, or because their parents invested huge effort in developing their talents, and relentlessly pushed them until they internalized their parents’ ambitions. It just wants the most productive workers. How they came to be that way is of no concern to the meritocrat.” (p. 102)

Here, Anderson is talking specifically about meritocratic hiring. And while this might be an accurate portrayal of how employers conceive of and implement meritocratic hiring in their pursuit of maximizing productivity, this is not true of meritocracy as distributive justice. *If* desert of jobs is conceived of institutionally, then, just as with other sorts of competitions, there may be no commitment to background FEO. But meritocracy, as a view of distributive justice, requires that economic goods like jobs and income be deserved, and this requires that there be background FEO with respect to the cultivation of those merits. Thus, it is not that children need to merit or deserve educational opportunities, but rather that because those opportunities are inextricably tied to the development of economic merit, the allocation of those opportunities needs to be constrained by FEO.

Another argument of Swift's, in favor of FEO, starts with the positional nature of educational goods (also Brighthouse & Swift, 2006). That is, since the value of education is (at least in part) a function of how effectively you can leverage it in the competitive marketplace, the value of one's education is partly dependent on the value of everyone else's education. Thus, if wealthy parents are able to spend considerably greater resources on the education of their children, then this lowers the relative quality of the children of less wealthy parents, and this seems unfair.

In response, Anderson writes that “The objection conceives of the development of others' talents as an injury to oneself. This is the essence of envy. People who care

more about education must not be allowed to put their greater concern into action, lest those who care less be put at a competitive disadvantage” (2004: 105; see also Anderson, 2007: 620-621). Whether this is an accurate portrayal of Swift’s objection is not my concern here. But I do want to note that an explicit commitment to meritocracy can justify a commitment to FEO without thinking of differences in access to educational opportunity as constituting harms to the less advantaged. The fundamental issue for the meritocrat is not so much the positionality of education per se, but rather that an absence of FEO means that the economic goods one obtains because of their greater educational opportunities are undeserved. Distributive justice, however, is a matter (or at least partly a matter) of getting what one deserves. If some are getting more than they deserve in a competitive setting, it is likely that others are getting less than they deserve, which is unfair to them, and also constitutes distributive injustice. While those who get less than they deserve are worse off than they would be if they got what they deserved, the objection does not need to rely on the idea that the successes of the more advantaged constitute injuries to the less advantaged. Thus, the meritocrat can fairly easily sidestep concerns that FEO relies on an appeal to envy.

Anderson is clear that her opposition to FEO in education is derivative of her broader position on liberal justice, which requires that parents be free to pursue their various conceptions of the good, which will differ with respect to how much they emphasize the importance of their children’s education. Since liberal justice, for Anderson (1999, 2007), is “democratic equality”, which requires that citizens be able to stand in relations of equality to each other, what matters is that every child have a sufficiently good education to permit their being able to be relate to each other as equals. Educational inequalities beyond this point are irrelevant from the standpoint of justice, and so are the explanations for those inequalities (i.e. it does not matter if the advantages result from the social position of one’s parents).

I would like to emphasize two further points here. The first is methodological: it’s not clear that debates about the role of FEO (or other principles regulating the allocation of educational opportunities) can be productively had without making clear one’s commitments to justice or distributive justice. We might, for instance, have intuitions about whether a given allocation of educational goods or opportunities is fair or unfair. But without specifying further why this should matter, such intuitions should not carry much weight. If one is a meritocrat, for instance, then the relevant unfairness might matter because it constitutes distributive injustice. If one endorses Anderson’s democratic equality conception of justice, however, then such unfairness might not be unjust—and indeed, it might be that justice requires that there sometimes be such unfairness. Since

the very aim of the educational system is logically downstream of one's conceptions of the aims of society generally, constraints on the educational system will also very typically be logically dependent on commitments to certain conceptions of justice.¹⁵ Apparent disagreements with respect to FEO principles, then, may very often just reveal deeper disagreements with respect to justice.

The second point has to do with the relation between FEO and extant conceptions of justice. While I have argued that FEO is justified by a commitment to meritocracy as distributive justice, it is worth considering if there are other plausible ways to justify FEO. Typical justifications of FEO appeal to implicit conceptions of fair competition, and the concern that some children have unfair advantages over others in the competition for economic advantage. And while there may be other ways to justify this concern, I think that the underlying concern about desert—that it is important to justice that those who gain economic advantages deserve them—is the most intuitive, and typical way to do so. If that is the case, then I think that commitments to FEO in education often reveal a general commitment to meritocratic distributive justice.

But while meritocratic conceptions of distributive justice are common (indeed, arguably somewhat ubiquitous) among non-theorists, meritocracy as distributive justice is not a popular position in the distributive justice literature, or among political philosophers. Far more typical, for example, is a commitment to some form of liberal justice (e.g., along the lines of Rawls or Anderson). But as we have seen with Anderson's view, such conceptions of justice place very different constraints on education, and may not justify or even permit a strict FEO principle with respect to the allocation of educational goods.¹⁶

Note, for example, that while a commitment to meritocracy justifies FEO—an egalitarian educational principle—meritocracy is decidedly *inegalitarian* in other respects. It justifies inequalities—even extreme inequalities, which would be ruled out by commitments to human rights, or Anderson's sufficientarian conception of democratic equality—so long as those inequalities reflect differences in what people deserve. It is partly on

¹⁵Of course, one's strong intuitions about educational fairness might inform one's conception of justice. There is no methodological or epistemic requirement that all relevant inquiry begins with a conception of justice. My point is just that a stance on FEO in education will typically reveal a deeper commitment to certain conceptions of justice.

¹⁶Rawls, of course, explicitly commits to FEO, but I think that the way it would constrain education is somewhat complicated, since the realization of the basic liberties takes priority over FEO. It is also worth considering whether Rawls' prioritization of FEO over the Difference Principle reflects an underlying conception of meritocratic fairness, and also whether or not the Difference Principle, instead, should take priority. This latter point is made by Brighouse & Swift (2006: 483-484), Arneson (1999), and was also recognized by Rawls (2001: 163, n. 44).

these grounds, for example, that theorists have recently criticized meritocratic ideals.¹⁷

There are also concerns, famously voiced by Rawls (2001: 74-75), that the pervasive influence of luck in the development of one's abilities undermines the normative force of economic desert. Indeed, if deserving an income, for instance, is a matter of making an economic contribution, then it must be acknowledged that in addition to one's social class background and their natural talents, the ability to make economic contributions of varying magnitudes depends on how much demand there is for one's abilities. This, of course, depends on the changing and often arbitrary tastes of others, and so represents yet another source of luck in converting one's abilities into economic desert.

It is up to defenders of educational equality of opportunity principles, then, to make clear their justifications for those principles. Specifically, if one wants to appeal to the value of fair competition in defending those principles, one has to say more about why fair competition is important, and whether this depends implicitly on an appeal to meritocratic distributive justice. Since, I suspect, many such theorists are not explicitly committed to meritocracy (for reasons I've sketched), it becomes all the more urgent to clarify equality of opportunity in education, and consider alternate justifications for those principles.

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¹⁷See, for example, Sandel (2020), who argues that meritocracy necessarily involves sorting the “winners” from the “losers”, and that this not only leads to a toxic political culture, but that it brings with it a “hollow political project that reflects an impoverished conception of citizenship and freedom” (p. 120).

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Biographies

Toby Napoletano is a lecturer in the Philosophy Department at the University of California, Merced. He received his PhD in philosophy from the University of Connecticut in 2017. His current research interests focus on issues in political philosophy and philosophy of education, specifically on desert, meritocracy and equality of opportunity in the contexts of education and distributive justice. He has publications on issues related to desert, meritocracy, and equality of opportunity, as well as in semantics and philosophy of linguistics. Two recent publications include “Desert is a dyadic relation” and “Measurement and desert: Why grades are not deserved”.