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Educational Justice, Segregated Schooling, and Vocational Education

Abstract: The philosophical debate on educational justice currently focusses on the Anglo–American situation. This essay brings in an additional perspective. It provides a justice–oriented critique of the segregated education systems in German–speaking countries. First, arguments that are commonly put forward in favour of these systems are rejected. Second, an additional argument against early tracking in education is formulated. It is claimed that segregated education systems tend to undermine children’s ‘right to an open future’. It is also explained that the segregated systems in Germany, Austria and Switzerland are linked to well–established systems of vocational education and training. It is argued, in this essay, that a workplace–based vocational system can be an important element of a just education system. The proposal is, then, to introduce a comprehensive school system in the first 8 or 9 school years that prepares students for both the vocational system and the academic track (*Gymnasium*). Against this background, a so–called threshold conception of educational justice – that contains two different threshold levels – is formulated.

Keywords: Educational justice, equality of opportunity, equality, adequacy, vocational education and training, comprehensive schooling, educational segregation.

Introduction

The philosophical debate on educational justice is dominated by contributions referring to the situation in the US and the UK.¹ In this literature, the main issues that are discussed are consequently the unequal funding in the education system and the role of private schools. In both countries, elite private schools that provide their students with special opportunities in the competition for attractive social positions are virtually inaccessible for children from poor backgrounds. In the US system, there are also large financial inequalities between different public schools: since the public system is funded by local taxes, schools in poor districts have less resources at their disposal than schools in wealthy neighbourhoods.

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The discussion in the German-speaking countries (Germany, Austria, and Switzerland) takes a different direction. The first PISA study, in 2000 (OECD 2001; Baumert and Schümer 2001; Baumert, Stanat and Watermann 2006a), which was mostly ignored in the US and the UK, showed large inequalities in educational achievement between children from different social backgrounds. Compared to the English-speaking world, however, private schooling is a relatively marginal phenomenon in the German-speaking countries. It is still widely thought that the public system provides students with good opportunities in the competition for social rewards, and there are no significant financial inequalities within the public systems. So what might be the reasons for the educational inequalities in these countries? One reason is likely to lie in the differences in family culture. In short: some parents read bedtime stories to their children², talk to them about politics or take them to a museum, while others let them watch TV or play on their smart phones. A second reason might be seen in the consequences of the spatial segregation of social classes. In the public systems, children usually go to school with children from their own neighbourhood; so, if the living areas of different social groups in a town are segregated, there will be social segregation within the school system. This is likely to disadvantage those students from poor or immigrant backgrounds. There is a third point that has been widely discussed, especially in Germany: all three German-speaking countries have school systems in which students are allocated to different tracks at an early stage. In Germany and Austria, children are educated together in the first four school years; after that, they have two (Austria) or three (Germany) options. In both countries, as in Switzerland, the most attractive school type is the *Gymnasium*. The Swiss system allocates students to (two) different school types after 6th grade. In most areas, they can enter the *Gymnasium* after the 8th grade.³

These segregated systems have long been accused of undermining educational justice or equality of opportunity. In Germany, the early reform debates in the 1960s and 70s led to the establishment of comprehensive schools (*Gesamtschulen*) in some parts of the country. But this new school type was only thought to complement the traditional system, not to replace it. The German reform debates faded in the late 1970s, and were only reawakened by the PISA study that seemed to show that the situation in the German system had not been substantially improved since the 1960s. At the same time, the PISA study came to the conclusion that the Finnish comprehensive system is more successful than the segregated system in Germany: the study found less social inequality within the Finnish system, and also fewer students who lacked basic skills (in particular, in reading). Moreover, the achievement of the best students in Finland was higher than in Germany. For the Germans, the Swiss, and

the Austrians, Finland became an educational wonderland. In the meantime, the winds have changed. According to recent results, the Finnish school system has lost its outstanding position (OECD 2014).

Traditionally, the segregated systems in the German-speaking countries are linked to well-established systems of vocational education and training. The idea is that children with ‘academic talents’ should enter the *Gymnasium* after 4th grade, while the more ‘practically skilled’ should take the route into the vocational system: the *Realschule* or the *Hauptschule* in Germany were thus constructed as a preparation for an apprenticeship (*Berufslehre*) that combines work and training in a firm with publicly financed vocational schooling.⁴

The assessment of the education systems of the German-speaking countries with regards to justice has to examine critically the consequences of early educational segregation, but it also has to take into account the strong role of vocational education and training. In this essay, this is what I plan to do: on the one hand, I claim that the segregated system should indeed be criticised from the standpoint of educational justice. On the other hand, however, I make clear that this does not mean that the vocational system should be abolished, and – for instance – be replaced with the American system of K-12 education. The system of vocational education and training can play a role in the realization of justice in education, but the educational structures that prepare for both the vocational and the academic path might need to be re-arranged.

In a **Defending the Segregated System**, I outline the main arguments that are typically put forward by defenders of the segregated system. In **Criticising the Defence of the Secondary System**, I criticise these arguments. In **The Demand to Keep Relevant Life Choices Open**, I formulate an argument against early segregation in the education system, inspired by Joel Feinberg’s idea that children should have a right to an open future (Feinberg 1980). I then make clear, in **Educational Segregation and Vocational Education**, what the role of vocational education and training could be in this context. In **Two Thresholds** I put forward a threshold conception of educational justice that is specifically designed to guide educational reform in the German-speaking countries. This approach to educational justice can be considered as alternative to common (meritocratic) notions of equality of educational opportunity.

Defending the segregated system

Let us see, first, how the segregated system is often defended with regards to the problem of justice.⁵ According to the most important line of defence, the current sys-

tems in the German-speaking countries are just, in that they ensure a merit-based allocation to the different school types.

In defending these systems, then, we might refer to a ‘meritocratic’ conception of educational justice according to which educational opportunities should depend on educational achievement or talent, but not on social class background.⁶ A principle of this kind was formulated by Harry Brighouse and Adam Swift (2008)⁷ in order to make clear what is morally wrong with the Anglo-American systems of private schooling: access to attractive schools is strongly influenced by the economic background of a child’s parents. This system is clearly not just in a merit-based sense. The segregated system, by contrast, neither establishes serious financial obstacles, nor permits formal discrimination. One could conclude, then, that it provides equally talented students with equal opportunities for educational success.

A second line of defence starts from the consideration that students can best be supported in their learning processes when they are educated together with students who have similar talent or similar levels of achievement. The claim is, then, that early segregation on merit-based grounds works out to the advantage of all students, including those who are allocated to the less attractive school types.

This line of thought can be distinguished from a similar argument: the idea is that educational segregation is necessary to support the talented, independently of what this means for the less talented. It is assumed that in a comprehensive system, some sort of levelling down process is likely to take place: those with more talent are held back from developing their true potentials because teachers have to cope with many students who have a low level of achievement. So, to protect the talented from the low-achievers, they have to be educated separately. This demand that the educationally talented be privileged is sometimes based on the idea that they ‘merit’ or ‘deserve’ such special treatment due to their talent.

Criticising the defence of the segregated system

The first step in the critique of the segregated system is to note that according to empirical data, selection processes do not in fact correspond to educational achievement, but are influenced by the social background of the students⁸: students from working-class families tend to be allocated to the lower school types, even if they are on the same level of achievement as some of those who enter the *Gymnasium*.

For the defender of the current system, there are two possible responses here: the first response is to state that the right reaction to the empirical data is not to abolish the system altogether, but to make selection processes fairer than they are now.

The second answer is to point to the fact that many children from lower classes (and their parents) voluntarily decide against the *Gymnasium*. They have the formal opportunity for higher education, but reject it. This is, to some extent, true. It is also clear, however, that the ambitions and values of students and their parents are already shaped by social experiences. Moreover, it should be noted that according to empirical data, teachers systematically underestimate the educational level of children from lower classes. The assessments they have to make at the end of 4th grade – that ground the allocation of students to the different school types – seem strongly influenced by the social background of the students (Bos et al., 2004). If teachers are biased in this way, this already has an impact on children's self-concept, and their motivations and ambitions, during the first school years.

It can also be noted that if the selection processes are not merit-based, the second line of argument mentioned earlier is called into question: selection processes bring together students from similar social backgrounds that might differ significantly in their level of achievement. Anyway, it seems that the segregated system tends to disadvantage those who are allocated to the less attractive school types: when two students with a similar level of achievement are located in two different school types (say, the *Realschule* and the *Gymnasium*), the one who attends the *Gymnasium* is likely to make better progress than the other (Baumert, Stanat and Watermann 2006b).

A next step in the critique is to note that children's level of achievement after four school years is strongly influenced by their family circumstances. Allocating them to different school types on the basis of achievement tends to reward those who are already socially privileged.

Here, the notion of talent must be brought into play. Defenders of the segregated system often say that the selection process should proceed on the basis of talent. The concept of talent also occurs in common versions of the meritocratic principle. This is the case in Brighouse and Swift's formulation, which draws on Rawls' principle of fair equality of opportunity. According to Rawls (1971), persons with equal levels of natural talent, and equal willingness to use it, should have equal prospects for social success. It makes sense to assume that the actual educational achievement of children and their (natural) talent can diverge: students with similar talent or potential might have different levels of achievement due to their social background. It could then be concluded that the meritocratic idea requires providing special attention to the socially disadvantaged: they should, if possible, be brought up to the same level of achievement as the socially privileged with similar talents.

Selecting students on the basis of natural talent – not achievement – seems problematic because it brings persons with different levels of achievement together in the same school type. It is, moreover, difficult to identify those learners with equal talent if their actual level of achievement strongly differs. Moreover, there is a long-standing debate in this context regarding the notion of talent itself. It has been claimed that talent is not biologically fixed, but develops socially. In particular, the idea is that it is not pre-given in a person's biological nature which capacities they can develop to what level (Meyer 2014). This view is also defended by Israel Scheffler (1985) who observes that new potentials can evolve throughout a human being's life, and can also vanish. He explains: 'A girl who is good at mathematics becomes a different person with actual achievement of mathematical skill. New potentials arise with realization of the old' (Scheffler 1985: 11). Interestingly, Rawls agrees – in his *Political Liberalism* – that talents are not 'fixed natural gifts' (Rawls 1993: 269), but he does not connect this insight with his earlier considerations on meritocratic (fair) equality of opportunity. However, if talent is not naturally fixed, but socially shaped, it is clear that selection processes on the basis of talent tend to privilege the already privileged. It can be concluded, then, that the segregated system – although apparently merit-oriented – works out to the advantage of privileged social groups.

Even if there are no naturally fixed *talents*, it is clear that students differ in their natural endowment in a way that has impact on their capacities for learning. If we proceed in a Rawlsian spirit, however, we must acknowledge that being naturally advantaged is 'arbitrary from a moral point of view' (Rawls 1971: 72). Just as we do not deserve our social background circumstances, we can take no credit for our natural traits. This idea is rooted in a notion of desert that is related to the concept of responsibility: we only deserve those advantages that we are morally responsible for; and it is clear that we are not responsible for our biological endowment. This line of thought is directed against the idea that we deserve to be rewarded for our (natural) talents. As I already said, some defenders of the segregated system adopt this idea: they admit that the *Gymnasium* privileges the 'talented', but insist that the 'talented' deserve to be privileged. In this regard, however, I think that we should take up the Rawlsian view and state that the segregated system cannot be legitimate if it does not work out for the benefit of all, but provides special educational and social opportunities to those who get access to the *Gymnasium*.

The demand to keep relevant life-options open

The considerations in the last section are directed against common defences of the segregated school system. In what follows, I put forward an additional argument against early educational segregation. The main idea is that early segregation is unjust because it unnecessarily forecloses relevant options that the child might want to choose, later on in her life.

This line of thought has similarities with Feinberg's argument for a right to an open future. Feinberg's considerations are based on the distinction between different kinds of rights: 'A-C-rights' are rights that both adults and children can have, such as 'the right not to be punched in the nose' (Feinberg 1980: 125). 'A-rights', for example full autonomy rights, can only be ascribed to adults, while 'C-rights' are characteristic for children. Among the 'C-rights' are the so-called 'rights-in-trust'. Feinberg describes them also as 'anticipatory autonomy rights' that can be summed up as a 'right to an open future' (ibid., p. 126). This right can be violated in advance, that is, during childhood, by foreclosing relevant options in the child's adult life. By making these options inaccessible, the future adult's autonomy is undermined. He or she is restricted in his or her choice, in the sense that some options that he or she might have wanted to choose are not open any more.

Feinberg's considerations mainly concern the limits of religious education in families and communities. However, he himself also applies it to the problem of choosing one's own occupation. As a guardian of a child, he writes in *Harm to Self* (1986), we should keep as many life-options open for the future adult as possible:

'That is the liberal rationale behind compulsory education to a certain age: it leaves all of a child's occupational alternatives open so that the matured informed student can later select his future path himself' (Feinberg 1986: 326).

With this idea in mind, I return to the problem of early selection during the period of compulsory education. I assume that adolescents or young adults should, as an aspect of their right to autonomy, have the right to choose their future path of life themselves. In particular, they should have the right to choose among various educational and occupational options.⁹

I also take it that children (at the age of ten or so) are not yet able to choose among relevant life options. It is not only that they lack the experience, the knowledge, or the rational capacities to take this kind of far-reaching decision. The most important thing is that they are only in process of developing a self. It is not yet clear what they will want or value in the future. This is also the reason why adults – parents or

teachers – cannot take this decision on behalf of the child. They cannot know how the child will develop in the years to come.

Fortunately, this kind of decision does not have to be taken at an early age. It can be postponed. Given that the child should have various options open in the future, the decision *should* be postponed. The segregated school system in its traditional version, however, anticipates educational and occupational decisions at an early age. They may not definitely determine the future of children, but they do make it difficult for them to take a different path later on. In particular, those children who are allocated to the least attractive school type are deprived of a wide range of occupational options. It is practically pre-determined that they will never go to university and become a doctor or a lawyer. They lack the relevant capacities to take this path, and – more importantly – the diploma that would entitle them to enter a university. Graduates from the *Gymnasium*, by contrast, earn the *Abitur* (Germany) or *Matura* (Austria and Switzerland) diploma that provides them with access to the public university systems in these countries.

As we have seen, the segregated system is traditionally justified by the idea that some children lack academic talents and capacities anyway. In other words, the path to become a lawyer is closed to them from the outset. It is ‘nature’ that has foreclosed this option, not the school system. If the considerations in the last section are correct, however, this line of thought must be rejected: it is not naturally fixed what kind of job a person can do. Biology does not keep all options open, but it does keep many of them. A person’s options are restricted by social factors, by their childhood upbringing and educational opportunities. Early educational segregation is an important factor in this context, in that it confirms already existing social inequalities and forecloses relevant life options to the socially disadvantaged. It follows that it is unjust to unnecessarily *foreclose* relevant educational and occupational options to children. An additional question is whether there is also a duty to *expand* the range of options that children can choose from in the future. It is tempting to state that all children should have all possible options, that every child should have a real opportunity to become a doctor or a nurse, a lawyer or policeman, a priest or a baker. From a pedagogical perspective, this is the right attitude with which to address children: if a child is not good at drawing, we should not assume that she will never become an artist, but support her to improve her skills. If a student has difficulties in learning a new language, it is inappropriate to state ‘You will never speak proper French’. We should foster children’s development instead of making definite judgements regarding their talent or potential. We should, as Krassimir Stojanov (2008) says in his argument against early segregation, respect or recognise children in their unlimited perfectibil-

ity. The current German system, Stojanov claims, fails to show this kind of respect. In his considerations, he uses the traditional term *Bildsamkeit* (perfectibility), that has often been used to contrast with the idea of fixed natural talents: instead of seeing human beings as endowed with fixed talents, we should consider them as *bildsam* – capable of *Bildung* (see also Benner 1987).

While this is an appropriate attitude for the educator, it does not fully explain how the school system should be designed in the light of justice: given the natural and social differences among persons, and their different motivational structures that might be in part naturally or socially determined, it hardly seems possible to open up all options for all.¹⁰ To address this problem, I develop a two-threshold conception of educational justice that draws on recent adequacy- or sufficiency-oriented work in this field. In contrast to the contributions of Elizabeth Anderson (2007) or Debra Satz (2007), my account ascribes an important role to vocational education and training. Before I outline this conception, I make some remarks on the relevance of this aspect.

Educational segregation and vocational education

As already noted, the segregated school systems in the German-speaking countries are linked to the systems of vocational and higher academic education: graduates from the *Gymnasium* have access to the universities, whereas graduates from the other school types typically enter the system of vocational educational and training, mainly in a workplace-based apprenticeship. An apprenticeship combines training on the job with learning in special vocational schools that are publicly funded.

In a recent study in political economy, Martin Busemeyer (2015) compared the education systems of different countries in the context of varying conceptions of the welfare state. One of his main findings is that the segregated systems of the German-speaking countries produce relatively high educational inequalities that are, however, not directly transformed into social inequalities. Obviously, there are two main advantages of a strong system of workplace-based vocational education and training: first, those who successfully complete their apprenticeships have relatively easy access to the labour market. Indeed, in the German-speaking countries youth unemployment rates are low: even lower than in the Scandinavian countries where vocational education is mainly school-based, and also lower than in the UK or the US where no well-established system of vocational education exists. In these countries, those who do not graduate from good universities have difficulties entering the labour market. They might get a job – and this leads to the second point – but only a job that is poorly paid. As Busemeyer explains, the Anglo-American school system sustains large wage inequalities between those who had the best opportunities for higher edu-

cation, and those who are excluded from good colleges and universities. This insight brings Busemeyer to the somewhat misleading conclusion that educational and social inequality (or equality) do not necessarily go hand in hand: the inegalitarian German system goes along with less social inequality than the Anglo-American comprehensive ('egalitarian') systems that avoid the inequalities of early tracking.

Busemeyer is aware, however, that the Anglo-American educational systems are only egalitarian in a formal sense:

'Formally comprehensive secondary school systems and high levels of tertiary enrollment can be associated with higher levels of socioeconomic inequality when the private share in financing is high [...]. This is because private financing signifies a secondary layer of stratification within a formally unstratified education system. A stronger focus on VET [Vocational Education and Training] holds the potential to reduce socioeconomic inequalities, because it promotes the labor-market integration of those in the lower half of the skills distribution.' (Busemeyer 2015: 187)

According to Busemeyer, the educational inequalities of the segregated system do not lead to the economic or social exclusion of those who cannot go the *Gymnasium*. On the contrary, the strong system of vocational education and training helps to include them. It must be noted, however, that this system tends to exclude them from top positions in society: most of the economic and political leaders in the German-speaking countries are graduates from the *Gymnasium* and the university.¹¹

Two Thresholds

How should these insights be evaluated from the perspective of (educational) justice? One conclusion from Busemeyer's findings is that early tracking is not as unjust as it might appear. In the earlier sections of this essay, however, I have presented what I take to be strong arguments against educational segregation. Abolishing early selection, I argue, would provide more and better educational and occupational options for socially disadvantaged students. In my view, it is not necessary to anticipate the decision between vocational or academic education in the fourth school-year. This decision can be taken by students at the age of fifteen or sixteen when they know themselves better and can have clearer ideas regarding their own future.

My proposal is, then, to combine the advantages of comprehensive schooling with the advantages of vocational education. This amounts to a comprehensive system in the first eight or nine school-years, which is followed by a system with workplace-

based vocational and academic tracks. I assume that abolishing early selection is compatible with maintaining both a strong vocational system, and high-quality academic education. In a three- or four-year *Gymnasium*, specially motivated and able students can gain a deeper insight into various scientific and cultural spheres.¹² As to vocational education, it should be noted that in the current systems, an apprenticeship is commonly taken up after nine school-years. In this regard, then, my proposal does not change anything. It is unlikely that abolishing early selection will undermine the quality of the apprenticeship system.¹³ It should also be clear that low unemployment rates among young people are not the consequence of early selection, but of the quality of the vocational system.

As an additional element, it is important that vocational education is not a dead-end with regards to further career options. First, workplace-based apprenticeships can be complemented with forms of higher vocational education. In fact, the German-speaking countries have established ‘universities of applied science’ (*Fachhochschulen*). These universities cannot be accessed by all who have finished their apprenticeships, but only by those who have obtained an additional diploma (in Switzerland and Austria: *Berufsmatura*). Second, there must be easy access to the academic system for those students in the vocational system. Fifteen-year-olds might be able to take their own life choices, but these decisions should be provisional and leave room for changes of mind in the future. In the Swiss system, those students who have obtained the *Berufsmatura* can gain a full *Matura* after only one additional year of schooling.

Against this background, I propose that an account of educational justice that can be described as a *threshold conception* is fitting. Threshold conceptions of educational justice have long been discussed in the English-speaking world (Gutmann 1987, Howe 1990, White 1994, Curran 1994, Mason 2004). Recently, Elizabeth Anderson (2007) and Debra Satz (2007) have put forward this type of conception as an alternative to distributive egalitarian accounts.¹⁴ According to their view, justice does not require an egalitarian distribution of education, but a distribution that is ‘adequate’ or ‘sufficient’ with regards to an ideal of democratic or civic equality. Anderson and Satz rely on a notion of moral and political equality that does not focus on distributive issues, but on the status of persons in social and political relationships: citizens should consider themselves and others as having the status of full and equal participants in the democratic life. The question is, then, what kind and level of education is adequate or sufficient to live as an equal in this way. This brings up the idea of a threshold level of education that should be reached by all. It typically leads to the definition of basic capacities that are necessary for full democratic citizenship.

Interestingly, Elizabeth Anderson – in her 2007 paper – does not focus on this kind of basic educational threshold level, but proposes a ‘sufficient standard’ for elite education. Her main questions are how access to the social elite is to be organised in a fair way, and how members of the future elites should be educated. She states that future elite members should develop special social and moral traits, in particular a sensitivity for the problems of the socially disadvantaged. To ensure this, she takes it as crucial that students from different backgrounds are educated together. It is clear that this can only take place in a comprehensive education system that is not socially segregated. This kind of system has the effect that those from privileged families come into contact with the disadvantaged, and thus come to understand their situation. Another advantage of this kind of system, according to Anderson, is that students from poor backgrounds have a real chance of joining the elite themselves.

Against this backdrop, Anderson proposes a threshold conception of educational justice that refers directly to conditions in the American system. She assumes that in the US, graduating from a good (four-year) college – not necessarily one of the top schools – is a precondition for effective access to the elite. She says, then, that a system of K-12-education should ensure that all students are well prepared for college education. She explains:

‘Since the elite must draw its membership from all social groups, members of all social groups must have effective access to a primary and secondary education sufficient to qualify them for success at a four-year residential college with such a curriculum [a specially ‘democratic’ curriculum].’

This means that

‘every student with the underlying potential should be prepared by their primary and middle schools to be able to successfully complete a college preparatory high school curriculum and should have such a curriculum available to them in high school upon successfully completing the requisite prior course work. This yields a high but not unattainable sufficient standard for fair educational opportunity’ (Anderson 2007, p. 615).

It is clear that this conception cannot be directly applied to the education systems in the German-speaking countries. My idea is that we should address the problems in these systems by setting up two different thresholds. All students should, if ever possible, reach a basic threshold in the development of relevant capacities and forms of

knowledge that enables them to participate in the democratic process, take autonomous decisions regarding their own lives, and be integrated into the labour market. As to the last point, this means that they should be in a position to successfully finish an apprenticeship. Being on this basic level does not open up all occupational options, of course, but it provides people with a range of opportunities. It must be admitted that some will have to go for a kind of apprenticeship that they would not have initially chosen: access to an apprenticeship is comparable to access to any job on the free labour market. Firms choose those candidates that they see most fit for an apprenticeship position.

In addition, every student's learning processes should be supported in a way that gives her a real chance to opt for a higher level of education. Those who reach the higher threshold level are in a position to enter the *Gymnasium* (and later university), or a higher form of vocational education (e.g. *Berufsmatura*, with the option to enter a *Fachhochschule*). It cannot be expected that all students will get to this level. However, the school system and the practice of teaching should be set up in a way that enables students to overcome their natural or social disadvantages and develop the motivation and ambition for more than a basic level of education. It is clear that early segregation does not serve this purpose, because it unnecessarily forecloses the option of higher education to some students. Changing the structures of the educational system, however, will not automatically improve the opportunities of the socially disadvantaged: this takes far-reaching changes in the mentality of all involved in the education system, and in the culture of the system as a whole. The current systems are focussed on selecting students – and making them fit for selection. In the reformed system, the primary aim must be to support and encourage children in their learning processes.

Compared to the meritocratic principles discussed in the first sections of this essay, the threshold idea has various advantages. First, it does not distinguish between natural and social disadvantages. It is compatible with the Rawlsian notion that both are arbitrary from a moral point of view and in this sense undeserved. Second, threshold conceptions do not depend on a clear-cut notion of what it means to be talented; nor do they require that (natural) talent is correctly identified. Thus it is clear that they fit well with the idea that potentials are not fixed. Third, meritocratic conceptions only settle how persons with similar talents or levels of achievement should be treated, relative to one another. The Rawlsian meritocratic principle – persons with equal talents should have equal prospects – can be satisfied if all persons' education is equally neglected. By contrast, threshold conceptions require that all persons

are fostered in their development, and they even define certain aims that should be reached. A fourth advantage of threshold conceptions is that they set limits to the duties that exist towards young persons. It is not demanded that all of a child's potentials must be developed to the fullest degree, but only that some level of education that goes along with a range of valuable life options should be reached.

Concluding Remarks

This essay might be read in two different ways. It is set up as a critique of the segregated education systems in the German-speaking countries, and makes a proposal for reform: the segregated systems should be replaced with an eight- or nine-year comprehensive school programme that prepares students for both an academic track (*Gymnasium*) and vocational education and training (*Berufslehre*). It is pointed out that the vocational system, as it exists now, plays a crucial role in ensuring educational justice.

A second possible reading concerns the reform of the education systems in the UK and the US. In this essay, I try to make clear that the philosophical debate on justice in education cannot be reduced to a discussion of distributive principles (equality or adequacy) or the nature of educational goods (Brighouse et al. 2016), but has to take into account the structure of the education system and its link to the labour market. Establishing an attractive system of vocational education and training seems important to ensure a smooth transition into the labour market.¹⁵ In other words, those education systems that fail to provide good opportunities for vocational education make it difficult for some groups of people to get work at all, and certainly to get decently paid work. Even if they acquire a (minimal) level of educational achievement, and are provided with some types of educational goods, they have to be content with low-paid jobs.

It is commonly thought that unequal educational funding, and the important role of private schooling, are the main or sole justice-oriented problems in the Anglo-American education systems. This essay makes clear that there might be an additional problem – the lack of a well-established system of vocational education and training.

¹ In particular, I would like to mention the contributions of Harry Brighouse (2000) and Adam Swift (2003), as well as the papers written by these authors together (in particular Brighouse/Swift, 2008, or 2014b; see also Brighouse/Ladd/Loeb/Swift, 2016). An alternative position to the accounts of these authors is presented by Elizabeth Anderson (2007) and Debra Satz (2007).

² This example is often used by Brighouse and Swift (see e.g., Brighouse/Swift 2014a).

- ³ In Germany, there are three traditional school types (*Gymnasium*, *Realschule*, *Hauptschule*). Some of the German federal states (*Bundesländer*) have started to reform this system, but the complete abolishment of the segregated model seems unlikely, at the moment. It is possible, however, that current reforms will lead to a system with two (instead of three) school types. In Austria, the traditional system – that was recently reformed – consisted of two school types, the *Hauptschule* and the *Gymnasium*. The *Hauptschule* was transformed in what is now called *Neue Mittelschule* (NMS). The idea of the reform was to provide students who do not attend the *Gymnasium* with better opportunities for higher education. Many think, however, that this aim can only be reached by abolishing the segregated school system altogether. In Vorarlberg – a *Bundesland* in Western Austria – first political steps have been taken in this direction. The political reform was prepared by a research project that examined the effects of the current system (Böheim-Galehr/Engleitner 2014; Böheim-Galehr et al. 2015). In Switzerland, there is no public or political debate on segregated schooling. In some places, however, students from 7th to 9th grade are educated together, instead of being allocated to different school types (traditionally: *Realschule* and *Sekundarschule*). In many Swiss cantons, students can enter the *Gymnasium* after two years of *Sekundarschule*, provided that they pass an entrance examination.
- ⁴ In his conceptual account of ‘education’, R.S. Peters (1966) has made a strict distinction between ‘training’ and ‘education’. A person who is ‘trained’ acquires specific traits to fulfil particular tasks, whereas ‘education’ has to do with knowledge and understanding, and the development of a ‘cognitive perspective’ (Peters 1966, p. 45). In line with Christopher Winch (2014), I think that vocational schooling should not be reduced to mere training for the job, but have a strong educational orientation. However, I will not pursue this point any further, in this paper.
- ⁵ At this point, I cannot refer to current scientific or philosophical work. The segregated system is rarely defended in an elaborate form. I have put together what seem to me possible justice-oriented arguments that could be put forward for the defence of the current system.
- ⁶ When the British Prime Minister Theresa May announced her plan to reestablish a system of grammar schools, she spoke of Britain as a ‘great meritocracy’ (speech on 5 September, 2016).
- ⁷ Brighouse and Swift express the ‘meritocratic conception’ of educational justice: ‘An individual’s prospects for educational achievement may be a function of that individual’s talent and effort, but it should not be influenced by her social class background’ (Brighouse/Swift 2008, p. 447). This principle draws on John Rawls’s (1971) principle of fair equality of opportunity.
- ⁸ There is a long-standing debate on this issue, in which reference to work of Boudon (1974) and Breen/Goldthorpe (1997) is made, but also to Bourdieu/Passeron (1977).
- ⁹ I agree with Joseph Millum (2014) that Feinberg’s considerations do not provide an exact account as to which options should be kept open for children. My argument here should not be read as derived from a right to an open future (in Feinberg’s sense). Rather, my considerations are inspired by Feinberg’s ideas.
- ¹⁰ Stojanov’s argument might be interpreted in a purely negative way: in this sense, it states that early segregation fails to acknowledge children as perfectible, but does not require that they should have the opportunity to develop all their potentials.
- ¹¹ Even in Switzerland, where the vocational system is even better established than in the German-speaking neighbourhood, people think that an academic education is connected with higher prestige

than vocational education. At the same time, they are convinced that an apprenticeship provides better access to the labour market than an academic education (SKBF 2014: 138).

- ¹² It must be further discussed whether – or to what extent – the *Gymnasium* should be committed to an ideal of ‘liberal’ or ‘humanistic’ education.
- ¹³ This is an empirical assumption that I cannot support with further evidence. There is only one education system (that I know of) in which comprehensive schooling and vocational education are combined. South Tyrol (Alto Adige) adopted the Italian comprehensive system without abandoning the (Austrian) apprenticeship system. This South Tyrolian system is mostly considered as a success.
- ¹⁴ At this point, it is also possible to refer to some version of the capability approach (e.g., Nussbaum 2011). In fact, Elizabeth Anderson – in her influential essay *What is the Point of Equality?* (1999) – also uses a capability perspective, albeit without direct reference to the issue of *educational* justice (Anderson mentions education briefly on p. 318).
- ¹⁵ Here, one problem is that establishing a system of vocational education and training, as it exists in the German-speaking countries, requires cooperation between the state and the economy. According to Busemeyer (2015), this kind of cooperation was mainly pursued in countries where Christian-democrat parties had a strong impact on politics. Drawing on work from Gøsta Esping-Andersen (1990), he distinguishes three models of the welfare state (Christian-democrat, social-democrat, liberal-conservative) and tries to explain differences in the development of different education systems on this basis. In this view, then, the ‘liberal-conservative’ model that dominates politics in the UK and the US makes it difficult to establish a workplace-based system of vocational training.

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