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**Access, justice and education: two characterisations of injustice in
relation to schooling**

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Introduction

The theme of differential access to education plays a significant role in variously characterising the problem of social justice and education. It does so in concert with other key concepts and practices. This paper explores these mutually reinforcing relations and how they vary in two different analytical contexts.

The outcome of the process of allocation of children to schools tends to be that school intakes are sorted on the basis of social characteristics. Who is segregated from whom, and to what extent, varies across countries and between localities (Jenkins, S. et al 2008). For example in Ireland intakes differ by gender, religion, attainment and social class (Lynch and Hodge 2002). In New Zealand, England and France, intakes are more often segregated by social class, attainment and ethnicity (Lauder et al 1999; van Zanten 2003 and 2005; Atkinson and Gregg 2004; Pennell et al 2006; Sutton Trust 2006; Gibbons and Telhaj 2007).

These social categories often overlap and their relation is complex. But in all contexts it is more likely that children from more affluent families with more highly educated parents in higher status occupations tend to be educated separately from those less affluent, less well educated and in lower status jobs. Further, there is a persistent correlation between the patterns of segregation and the performance of schools such that children from less affluent backgrounds and, depending on national and local contexts, some minority ethnic and religious groups, tend consistently to attend lower performing schools¹.

The fact of segregation troubles national politicians and policy makers and local communities for a number of reasons. There is the problem of social order. When segregation by class mirrors and sustains ethnic and religious divisions social cohesion may be threatened setting a pattern for different communities to live 'parallel lives' which is seen to underlie eruptions of violent disorder (Cantle 2002). Then there is the problem of legitimacy. When children from some social groups more than others gain access to better schools and to the subsequent benefits that educational attainment and qualification brings, this calls into question the inequalities of wealth and status in so far as they are justified by educational credentials. Segregated education (particularly segregation by social class) can then be seen as the means by which society is ordered unjustly in favour of those already advantaged. Thirdly, if segregation means that some children are prevented from attaining as well as they might it threatens the effectiveness of a system in the service of a healthy economy.

Segregated schooling, then, poses some serious political challenges but by itself does not imply injustice - difference is not necessarily unfairness (Brighouse 2007). It becomes a problem of justice when it is accompanied by differential school quality, and differential access, together with the assumption that educational attainment is a means to social mobility and the allocation of status and reward. Further, it becomes a *systemic* problem if a particular form of segregated schooling following from restricted access serves to maintain the interests of identifiable groups of people at the expense of other groups and is sustained in this by policy, procedure or structure.

But the concepts of differential school quality, parental choice, attainment, social mobility and class are themselves complex confluences of ideas and practices. It is the argument of this paper that different uses of these in relation to the concept of access give rise to

¹ For a recent international confirmation of this consistent finding see OECD 2009.

different versions of the problem. Each version is accompanied by, and participates in determining, different kinds of people and institutions whose nature, motivations and characteristics are construed to explain (and therefore to some extent prefigure) their behaviour and practices (Hacking 1995 and 2007; Youdell 2011)². They give different answers to the questions, *Access by whom to what?* and to the question, *Who, or what, denies that access?*

I begin by looking at the way the three key themes of segregated school intakes, differential school quality and attainment participate in the construction of the problem as one of access first in relation to market based reform of education and secondly in relation to the critique of that approach based on the theorisation of classed practices.

Access and market based reform

The market based reforms introduced in many countries over the last few decades are informed by what is broadly labelled public choice theory whose contributors have developed trenchant analyses of the shortcomings of state systems and their bureaucratic agencies (Friedman 1962; Olsen 1961; Stigler 1971)³. The theory emphasizes their vulnerability to regulatory capture and, in the case of schools, this means they are likely to be run more for the interests of teachers, their unions and the government bureaucracies (particularly those of local authorities) than for parents or the common good. They are ineffective and inefficient because they are not open to challenge on the quality of their service or the most profitable use of resources (Chubb and Moe 1990; Laffont & Tirole 1991; Hoxby 2002; Le Grand 2001; Tooley et al 2003). Mitigation of this problem is recommended through the introduction of an element of competition to attract pupils whose parents are free to choose thus making schools more responsive to their clients. This would incentivize improvement in the quality of provision and foster a rich diversity that meets the range of different needs that parents see their children as requiring.

Market based reforms aim to mitigate a range of problems including unresponsiveness to parents' wishes/needs, lack of innovation in management and pedagogy leading to ineffectiveness in achieving the desired outcomes of education and inefficiencies in the use of resources. Issues of justice arise in relation to this argument. One such is about fair procedures that are crucial for establishing equal and optimum conditions for choice. Also integral to the analyses, and deployed in actual reforms (Lubienski 2006; Gove 2011), are arguments and claims concerning the mitigation of substantive inequity, unfairness or injustice aimed at reducing segregation.

Taking procedural problems first. Good design of allocation procedures ensures an optimum match between parental preferences and the school place finally achieved and where each participating parent has an equal chance of getting what they want (Roth 2008). Effective procedures reduce, or eliminate the advantages of strategic gaming and increase the ability of all parents effectively to participate in the market. What Roth refers to as the growing 'economic engineering' practice of market design (Roth 2008 p27) aims to develop choice and allocation procedures that are 'safe, even for nonstrategic participants' (p26).

² Of course other discursive practices contribute independently or in combination with the theme of access to constitute these kinds but here I am concentrating only on the contributory role of the theme of access as it is deployed or instantiated in relation to schooling.

³ For an overview in relation to education see Lubienski 2006.

The design of better market mechanisms is not concerned with, or abstains from providing, a substantive definition of school quality. That judgment is devolved to parents. What parents want is up to them. Consequently what kind of innovation, responsiveness, or effectiveness that ensues from the pressure of competition remains open. A good school is simply one that is (or is becoming) oversubscribed, a bad school one that is (or is becoming) undersubscribed. Improvement in the general quality of a system may be defined as moving towards a sufficient diversity which optimally meets the diverse needs of parents whatever those needs may be. Economic engineering is not concerned with identifying the nature of the needs which lie behind parents' expressed preferences for a particular school as part of an allocation procedure. That is the task of each school as a provider within the market as they seek to attract more parents.

Even with this theoretically abstemious conception the state clearly has a legitimate role to foster diversity. Diversity can be of many different kinds (Coldron et al 2008) but for the current discussion we may think of it as having two dimensions – diversity of kinds of provision (horizontal diversity) and diversity of quality or performance (vertical or hierarchical diversity). A wish to increase the horizontal diversity of provision in order to weaken provider capture and monopoly in line with the theory of market based reform has motivated policies in England, United States, Sweden and New Zealand. In England it has underpinned measures to reduce the role of Local Government as the main provider and to introduce Trusts, national Academy chains, free standing Academies, Free schools and Faith schools.

But practicalities determine that matching provision with substantive needs can only be crude at best. Brain and Klein (1994) surveyed parents about what they wanted from schools in one English town and found that nearly twice as many secondary schools would be needed to satisfy all those needs. They concluded that greater diversity of provision would generate more kinds of preference and the problem of matching would have been worse. Further, the ability of parents to take advantage of diversity may be radically restricted for reasons of travel or finance and to mitigate these difficulties would require considerable amounts of public resources to subsidise travel and surplus spaces. There seem also to be factors that inhibit the introduction of a wide range of offers on the part of schools. Empirical studies show that although schools position themselves uniquely (Gewirtz et al (1995); Woods et al 1998; Maroy and van Zanten 2009) within the local market it is within a narrow range of expressive and academic characteristics. There is a tendency toward uniformity as schools appeal to what they see as the majority of parents' concerns.

If public choice theory and economic engineering conscientiously offer no substantive definition of good and bad schools their translation into policy and practice invariably does. What kind of diversity should be fostered and what criteria of school effectiveness should be used, while theoretically open questions, are in all countries given determinate answers. In England, in pursuit of a particular kind of effectiveness, schools are highly constrained by nationally imposed accountability requirements and regulations as to what should be taught, and how it should be taught. Authoritative judgments of school quality are made by Ofsted inspectors using a range of criteria but predominantly based on attainment data. At the end of a two day inspection schools are unequivocally categorised as Outstanding, Good, Requires Improvement, or Inadequate (Ofsted 2012). In these ways the theoretically open (and philosophically difficult) task of determining school quality is simplified and given a determinate answer by the English government in terms of attainment in standardised tests.

There are, of course, other reasons for the state to be involved. Where taxation is the main source of funding of a public system, and politicians are accountable to various constituencies (including parents) for its performance, national policy makers have a keen interest in promoting an effective education system. Governments are also likely to value the role education plays in social control and the maintenance of social order. But these general considerations offer only general criteria of effectiveness and the explanation for the specific kind of emphasis that English and other governments place on education is to be found in the crucial role that some versions of human capital theory and the knowledge-based economy give to education as a means toward growth and economic health (Becker 1994; Fitzsimons and Peters 1994; Fitzsimmons 1997;; OECD 2010). National politicians are increasingly concerned about the international reputation of their education system (Beck 2005). The statistical programmes of the OECD and other organizations are developing authoritative modes of comparison which exercise a growing global influence on national governments (Lingard 2012). Just like local league tables these comparative practices at the global level are putting pressure on national governments to take performance as measured in these ways as a key indicator of school quality. Although the OECD reports include a range of criteria of effectiveness, including the level of influence of social origins on educational outcomes, the English system privileges attainment as the most crucial criterion of school quality.

Turning now to the arguments and claims concerning the mitigation of inequity, unfairness or injustice, the introduction of market based reforms have been accompanied by claims that it will enhance equity (Lubienski 2006a and 2006b). For example Lubienski describes how in Michigan.

... the state board believed that, by moving toward market models to ease entry for non-traditional providers and unleash competition and choice, reforms would spur substantive changes by promoting innovations, thereby increasing the number and quality of educational options available to families, especially those most in need of alternatives. This was a crucial argument in the case for choice since in Michigan, as is the case in other areas, many minority and disadvantaged students attend failing schools, and choice is seen as a way out. (Lubienski 2006)

In England similar claims underpinned the introduction of Choice Advisers (Coldron et al 2009; Exley 2012;) and the development of the current reform policies including free schools and academies (DfE 2010). The problem is characterised as follows: If the children from already advantaged social groups are predominantly populating the best schools (defined in terms of performance for the reasons set out above) then those children are more likely to achieve higher educational attainment than children of similar potential, but who attend the worst schools. As a result of higher educational attainment, they will be able to command higher status and rewards in later life. Access to future status and wealth will depend at least partly on whether your parents were able to get you into a good school. For example, in residence based systems parents can gain a better chance of access to a preferred school by being more able to afford to live near popular schools. Or, by virtue of being better educated, are more able to manage the complex admissions process. Given the correlation of poorer performance with intakes from less affluent and less well educated families it is students from poorer backgrounds who are more likely to be trapped into attendance at a failing school. Admissions based on maximizing parental preferences over a whole district

rather than allocating according to geographical criteria such as catchment areas or zones makes it more possible for parents to flee their neighbourhood school. Schools that suffered an exodus of parents would then be forced to improve or face closure. This characterization of the problem makes plausible the claim that the introduction of a market based system, by reducing the advantages of residence, gives more opportunity for access to the better schools and social mobility for previously excluded students.

The market based reform approach constructs the problem of justice through the interrelation of notions and practices of differential school quality (good and bad schools) and the claims that greater attainment leads to enhanced social mobility and thereby greater fairness in the later distribution of status and rewards. This crystallizes as a matter of escape and access whereby poorer parents can have a more equal opportunity to escape failing schools by gaining greater access to the good schools.

I want now to consider some difficulties with the use of attainment/performance as a criterion of school quality and then at the kinds of people that market based reforms invoke. How tenable is attainment as a criterion of school quality? Three major factors might be thought to affect a school's relative performance - institutional factors, the nature of the intake, and resources. Institutional factors such as the effectiveness of leadership and the practice of teachers in the classroom impact significantly on children's attainment. The school improvement movement focused our attention on these factors⁴. Intake also impacts powerfully. Children differ greatly in how easy or how hard it is for teachers to help them reach the same levels of attainment. When school cohorts differ radically in the proportions of pupils with more or less propensity for learning then they will, other things being equal and notwithstanding examples to the contrary, tend also to differ in their overall performance as measured by standardised tests. This is partly because of the effect of intake on the other two factors. Thrupp (1999) and Lupton (2004a and 2004b) for example have presented strong arguments as to the extra difficulties of teaching in schools with a concentration of low attaining pupils and they show how this can depress the effectiveness of teaching and learning in the school. Further, to be educated alongside high attaining peers with ambitious educational and social expectations has a measurable positive effect on all students (especially so for children from poorer backgrounds) and vice versa (Gibbons and Telhaj 2008; OECD 2009). Finally, the level of resources available to schools is likely to have an impact. This is especially so if we include not only financial and capital resources from the state or fees but also issues of recruitment together with the time, commitment, money and know-how that parents give voluntarily to schools. For example it is suggested that schools in less challenging circumstances are more likely to recruit the best teachers (Brighouse 2007; Brook 2008)⁵ and it is evident that parents differ greatly in the level of contribution they can make in time, skills and money.

These three factors are conceptually and empirically distinct. Change in one without change in the others can independently affect the performance of a school. But they are interrelated, affecting each other while not mutually determining. Because it is a result of a complex interplay between at least three independent factors, it is highly questionable whether school

⁴ For a summary of research evidence see Creemers (1994). For a statement of the arguments for school improvement through an emphasis on the quality of teaching and leadership see Hopkins (2007).

⁵ Brighouse and Brook present little justification for this claim.

performance in terms of attainment, however defined and measured⁶, can work as a reliable indicator of quality of provision.

But, however weak as a criterion of school and system quality, the idea of enhanced attainment has, in England, become virtually the only success indicator of any educational activity. If it has not eradicated all reference to other purposes in educational debate, it has sidelined them. This predominance functions in important ways in the practice and rhetoric of market based reforms. Relative success in global comparisons of school attainment is a sign to a global audience of a highly educated working population. It also plays an important role in legitimising inequalities of wealth and status to national constituencies. It does this by focusing attention on educational attainment as the key to social mobility, the means by which higher status and rewards can be commanded.

Social mobility as a legitimising idea is defined as upward mobility, where more room is made at the top. As the Prime Minister of Britain David Cameron put it in a recent speech, "*I am not here to defend privilege, I'm here to spread it*". (Cameron 2012). The notion of upward social mobility as the focus of justice concerns is not without difficulties⁷. Although the 1950's saw the expansion of middle and upper occupational groups in industrialised countries it is implausible to assume that this will continue. If so the notion of exchange mobility, where room will be made for those from poorer and less advantaged backgrounds who merit it, by the downward mobility of the less deserving of the currently advantaged is unlikely to happen. Further, the assumption that everyone should seek to escape low status employment implicitly devalues the lives and occupations of those already disadvantaged and reinforces the injustices associated with mal-recognition defined by Fraser (1996) as:

...disrespect (being routinely maligned or disparaged in stereotypic public cultural representations and/or in everyday life interactions). (pp.70-71)

Nevertheless, a declared policy of enhancing social mobility through improving relative educational attainment allows politicians to signal commitment to social justice and to take the high moral ground by promising greater equality as a medium term (i.e. deferred) aim.

My moral purpose in Government is to break the lock which prevents children from our poorest families making it into our best universities and walking into the best jobs... the scandal which haunts my conscience is the plight of those students from the poorest backgrounds, in the poorest neighbourhoods, in our poorest-performing schools who need us to act if their right to a decent future is to be guaranteed. (Gove 2011)

Immediate mitigation of current material inequality is displaced by action to enhance access to the means of mobility. The mitigation of injustice is characterised as better access to good schools, to attainment, to jobs and thereby to legitimate social and material rewards.

Up to this point I have offered some answers to how the question, *Access to what?* is answered from the perspective of market based reform. What about the question, *Access for whom?* The dramatis personae, the human and institutional agents of this drama, emerge

⁶ Governments in England have made attempts to take account of the effect of intake by introducing a measure of value added i.e. to measure the difference between the attainment of pupils on entry to the school and their attainment at exit.

⁷ Not least in terms of definition and measurement. See Payne 1989 and 2007 for a review.

and are constituted (at least partly) by and within the answers circulating in academic and policy debate, and interpreted in the market based reform project, to the question: *Why is it the case that, despite help and support and strong regulation of providers, poorer parents still do not gain access to the highest performing schools?*

One explanation is the restrictive practices of some schools in order to gain a privileged place in the market. In England for example they are accused of using admission arrangements such as (in England) oversubscription criteria, or academic selection, or procedures such as interviews or supplementary information forms (West and Hind 2003) to admit a greater proportion of easier to educate children who also tend to be more affluent and with more educated parents. To counter this practice the English government established a new legal framework for school admissions in the 1998 School Standards and Framework Act including a code regulating admissions arrangements (Allen et al 2012) and there have been successively more rigorous versions up until the 2009 version.

To the restrictive practices of schools is added the differential ability of parents to access or manage information about schools or willingness to engage as conscientious consumers. Many qualitative or mixed method studies over the last twenty or so years have highlighted differences of behaviour, attitude and purposes in relation to choice of school associated with socio-economic characteristics. The classic study of Gewirtz et al (1995) classified parents into three types – skilled choosers, semi skilled choosers and disconnected choosers. Other studies reinforced similar distinctions (e.g. 'inert' and 'alert' parents in Echols and Willms 1992) and this differential relationship to choice and the admissions process has been consistently reinforced in surveys of parents (Flatley et al 2001; Which 2005; Coldron et al 2008).

These qualitative differences are correlated with social characteristics which has justified the use of the (usually) less rigorous but more potent distinctions of class, with the categories of middle class mapped on to the alert and skilful, and working class to the unskilled and/or disengaged (Coldron et al 2010). These categories make room for judgements about the behaviour of particular parents, intersecting with a range of moral discourses, concerning responsibility and reward, deserving and non-deserving, blame and understanding (Coldron et al 2010). In this version of the problem a cause of segregation is inhibitions that prevent working class parents from acting as conscientious consumers. Where these are beyond the control of parents – such as financial means to pay for transport – the state might have a responsibility to intervene for example with transport subsidies. But where the inhibitions are the active choice of working class parents not to engage, not to find information, or actively to choose lower performing schools, then responsibility for the consequences in terms of attainment and social mobility rests with the parent. If governments regulate the market, provide support for poorer and less well educated parents to choose wisely, and reduce any financial burdens of choice away from neighbourhood schools, then responsibility for any persisting lack of access shifts to individual parental choices and parenting practices. In so far as these behaviours are correlated with socio-economic status it becomes possible to claim that some (the aspiring poor) have taken the opportunity to escape their origins and consequently these, and the conscientious middle class, deserve their advantaged position, and the remaining working class parents are not subject to injustice because they are responsible for their own fate. This denigration of working class parenting is reinforced by a general demonization of the working class in England (Jones 2011).

In answer to the question. *Access for whom?* the market based reform version of injustice answers that it is poorer and less well educated parents who are sometimes excluded. The answer as to what or who denies them access is twofold - the restrictive practices of schools and working class parents' own choices.

Implicit in this account are strong and weak success criteria of mitigation. A strong criterion would be in terms of changed outcomes; that is, more children of parents in the less privileged social categories would gain access to the schools constructed as best on the basis of attainment criteria. A weak criterion would be in terms of procedural rigour with the establishment of an acceptable level of equality of opportunity to access those schools. More specifically, regulations that work effectively to outlaw discriminatory admission arrangements and extra effort to help those parents who need it to gain and manage the choice process. This weak form is compatible with continued differences of outcome. Any differences in outcome can then be attributed to the free choices of parents and any relative benefits or disadvantages arising from those choices construed as deserved or undeserved.

This argument deploys the notion of class in an oblique way. The concern is that *individuals* should have equal opportunity whatever their social characteristics. In so far as a wronged group is identified it is by occupational group or some proxy of poverty such as free school meals. Collective action and class consciousness play little part.

The particular relation of concepts and kinds of people as they appear in market based reform are the accepted common sense of successive British governments and were crystallized in Prime Minister David Cameron's speech to the Conservative Party conference in October this year.

All around the world, countries are on the rise. Meanwhile, the old powers are on the slide...Aspiration is the engine of progress. Countries rise when they allow their people to rise. In this world where brains matter more, where technologies shape our lives, where no-one is owed a living the most powerful natural resource we have is our people. That's why the mission for this government is to build an aspiration nation to unleash and unlock the promise in all our people. To help people to rise, to help Britain rise, there's a third – crucial – thing we must do. Educate all our children. In maths, in science, in reading, we've fallen behind. Not just behind Germany and Canada but Estonia and Australia too...The mission for this government is to build an aspiration nation...to unleash and unlock the promise in all our people...This is not just an economic mission – it's also a moral one...it's what's always made our hearts beat faster – aspiration; people rising from the bottom to the top....We...get behind people who want to get on in life. The doers. The risk takers. The young people who dream of their first pay-cheque, their first car, their first home – and are ready and willing to work hard to get those things. While the intellectuals of other parties sneer at people who want to get on in life, we here salute you. They call us the party of the better-off...no: we are the party of the want to be better-off, those who strive to make a better life for themselves and their families...

(Cameron 2012)

Access and classed practices

I want now to turn to consider a particular kind of critical response to the introduction of the education market and the different way in which access is characterised by it. Since the introduction in the 1980's of markets in education in a number of Anglophone and Scandinavian countries a major debate has been conducted concerning their merits or otherwise particularly in relation to social justice and education⁸. Many empirical studies have been conducted which show that education markets do not necessarily work to enhance fairness and that poorer children tend to lose out to richer. Specifically they provide evidence that market based reforms do not succeed in delivering reduced segregation, nor a closure of the gap in attainment between the rich and poor, and are vulnerable to procedural inequity and probably also fail to increase the general quality of the system (Lubienski 2012). In sum, market based reforms fail to provide more equal access for the majority of poorer children to better schools and to social mobility.

An influential strand within these critical studies has built on Bourdieu's work to develop and apply a theory of social action and a cultural theory of class to characterise the problem as one of classed practices. The explanations these critics offer for these failings casts the market form, the procedures it introduces and the parental practices and identities it seeks to constitute, as part of a strategy on the part of the already advantaged to maintain their social and economic dominance. Stephen Ball's work has been prominent in this regard and in his book, *Class Strategies and the Education Market: The middle classes and social advantage* published in 2003 he articulated the argument in a subtle and developed form. Ball holds that broadly speaking there are two groupings in systemic relation to each other, the middle class that is characterised by holding privileged positions in a number of fields and the working class that holds the less privileged positions in those same fields. Middle class parents act in order to sustain and enhance their wealth and status and an important factor in achieving that aim is to enable their children to occupy privileged positions in the educational field by gaining greater access to educational attainment and qualifications. This is achieved by strategic action within a congenial assemblage of 'external' factors such as academic selection, marketisation, residential segregation and the ways in which attainment and standards are given meaning and importance. Ball's intention is to show how middle class parents act collectively and strategically to

...monopolise particular educational sites and establish and maintain social cleavages based upon these monopolies. (Ball 2003 p54)

and how national policies of parental choice and diversity aid them in this process.

The working class are systematically excluded from these same sites. The implicit argument is that the differential access results in differential power to command later status and rewards and that the mechanism for this is the differential outcomes of schooling mainly in terms of attainment and qualifications but also in terms of what might once have been called character, one's behaviour and dispositions.

Ball's analysis of the problem of access as a matter of classed practice relies heavily on the cultural theory of social action developed by Bourdieu (1986; 1990a; 1990b) and the way in which the notion of classes emerge in this theory. Ball holds to a social ontology that populates the world not with abstractly free individuals making choices in an implausibly

⁸ See Ball 2008 for a review of policy history on this.

rational way but with people whose aims are largely bequeathed by their family's position in a field, and who act and take decisions, rational in relation to those aims, as a function of the material, cultural and discursive resources available to them. Crucially they are situated simultaneously in several interlocking and inter-related dimensions or, when conceived dynamically, fields of struggle.

The dynamism of a social field arises from the fact that positions are more or less advantageous. The relations they constitute, and are constituted by, are unequal in terms of the material or symbolic rewards that characterise them. They are arenas of struggle to maintain or enhance access to and occupation of the most privileged positions.

Fields can be fleeting, trivial and insignificant, or enduring, well entrenched and fateful. The unequal relations of some fields are sustained over time in the interests of the better positioned and with the varying acquiescence of the less well positioned. The effects of enduring fields are profound. The intellectual, material and affective resources (the different forms of capital) each individual brings to the task (to its very definition as well as to any responsive practice) are inherited and have shaped individuals' sense of self, their subjectivity and their dispositions. Membership of social groups, and therefore positioning within fields, precedes the individuals. Individuals are always members of social groups (typically not just one group but many) and the inherited resources of any individual are from this array of groups through the medium of first family and then wider social interaction including schooling. An individual's action is taken to be a strategic response to a position within a field where that response is moulded by the inheritance of material, cognitive, affective and embodied resources (Bourdieu 1992).

The historicity of relations and the de facto establishment of relative stability as enduring inequalities within social fields give rise to classes. They are formed on the basis of shared interest. For example, those who hold advantaged positions on a range of dimensions (e.g. wealth, educational qualifications) and in a range of fields (business, academia, political parties) become attuned in their feeling and thinking to a consciousness of common ground, a sense of solidarity, in defending their interests and this is expressed in their practice. Equally, those who hold disadvantaged positions develop a sense of solidarity in defending and attempting to enhance their group position within the field. Because action in a field is always situated and relational it is also an act of identification. This act of identification can and does lead to the recognition of shared positioning and shared interests. Such group creation and membership is sustained by shared narratives and through shared lifestyles. Group membership makes possible expressions of solidarity and acts of loyalty and betrayal.

This theory of social action as classed practice, where individuals are both class conscious and objectively positioned, characterise the problem of the injustice manifested in education as social closure – a denial by the middle class to allow the working class to access the privileged positions within a range of key fields. Privileged access to educational accreditation is achieved through a combination of processes within the family, the use of financial resources to segregate their children from working class children and a focus on gaining educational credentials through greater ability legitimately manifested as attainment. Middle class parents by definition possess more educational and social capital than working class parents. Their children, other things being equal, are subjected to a parental practice that develops dispositions (including embodied attributes such as tone of voice and physical expression through movement and body shape) congenial to the values and purposes of

schooling; that deploys money to fund access to relevant educational experiences such as foreign travel, cultural events and educational materials; that aims at manifesting relative attainment from an early age through to the end of schooling such that education systems categorise middle class children as relatively more able which in turn legitimates their being privileged in selection or triage processes such as setting or streaming or admission to further and higher education (Gillborn and Youdell 2000); that develops their children's friendship networks within their own network that supports all of the above processes.

Secondly, their relative wealth enables them to attain a level of educational segregation. A small percentage (about 7% in England) pay for private schools. A greater proportion achieve a less secure level of segregation in the state sector through residential segregation or energetic attention to admissions criteria or both (Gewirtz et al 1995; Lauder et al 1999; Coldron et al 2010).

While this approach emphasises the commonplace truth that those who hold advantages tend to wish to arrange things so as to maintain or enhance those advantages and have the power to do so, the characterisation of the problem of justice shares much with that of the market based form – it deploys in much the same relation the concepts of social mobility, school quality, attainment and justice as more equal access to status and rewards for those currently excluded. Implicit in Ball's argument is the pragmatic assumption that educational attainment is a means to social mobility and that greater social mobility would be equivalent to greater social justice. By implication also segregation inhibits working class children from greater attainment and helps middle class children in their pursuit of credentials. This is the case because segregation affects school quality and produces better and worse schools. There are good and bad schools not as a construct of the market but because the institutional and peer factors negatively affect attainment when a school's intake is predominantly working class and positively affect it with more mixed, or predominantly middle class intakes. In this way segregated school intakes enable middle class children to benefit directly at the expense of working class children. Even when there is little between-school segregation, within-school procedures such as streaming and setting, gifted and talented programmes etc are disproportionately accessed by middle class children (Reay et al 2007 and 2008). Further, schools are segregated not only because the middle class successfully seek that separation as a strategic class practice but also because the classed practice of working class parents also tends to separation (Coldron et al 2010).

The difference is that the market based reform perspective implicitly relies on what Sen has called the institutional idea of justice (Sen 2011) whereby the focus is on procedures and arrangements to ensure optimum fairness and participation through the design of open systems and responsive governance. The critique exemplified by Ball puts the emphasis on the way in which things, including the terms of the debate and institutions, are arranged to benefit the already advantaged.

In answer to the question *Access to what?* this approach answers that it is to the advantaged positions in the key fields of education and employment and ultimately to the social goods they are a means to. To the questions, *Access by whom?* and *Who, or what, denies that access?* access is denied to the working class by the strategic exclusion practiced by the middle class. Crucially this approach blocks the move to legitimise inequalities by resort to categorisations of the deserving and undeserving, or the individualisation of responsibility.

There may also be a difference depending on the meaning given to social mobility. If the problem is exclusion from the dominant positions within the field, one form of mitigation might be that those previously excluded are enabled to occupy those dominant positions. This is the same conception as either the upward mobility, or exchange mobility of the market based reform perspective. It leaves the relations of the field unchanged with the same discourses and practices that set the criteria of status and legitimate rewards in place. It is also subject to the same criticisms of social mobility as an aim.

A different account would look to something like a transformation of the way in which the relations in the field are structured. This conceptualisation itself begs the question as to what 'better' set of relations might be aimed for. Candidates here are less inequality, greater participative parity, or freedom from Young's five forms of oppression (1991). In other words, without getting into the debate about a positive idea of what we want to replace the present set of relations with, the transformational action lacks something. That doesn't mean that an analysis such as Ball's is without effect. Providing a careful and evidenced argument about the strategic action of already advantaged groups to maintain the structures of the field that deliver those advantages, and the differential opportunities of accessing them, is a means of keeping up the moral pressure to justify and consider ways to change. But, as have tried to show, this moral pressure provokes in defence discourses of blame and desert and the danger of reinforcing forms of mal-recognition. In so far as critical commentators are captured by the discourse of access that leads to similar conceptualisations of attainment, social mobility and the quality of schooling they play a part in further reinforcing the negative stereotypes of already disadvantaged social groups. They do so by casting working class parents as hapless and incompetent victims of their own history and social location. While there is a critical strand within this approach that stresses the accompanying mal-recognition of those denied access (Fraser 1997; Young 1990; Gillborn and Youdell 2000; Jones 2011) it is not easily made coherent with the concepts of access, social mobility, attainment and school quality.

The critical cultural argument adopts a similar logic (or set of relations of concepts) as market based reform in so far as it has a version of differential school quality based on attainment and where the concept of attainment operates as a means to social mobility. The characterisation of injustice is still access to the good schools and educational credentials that will command greater status and wealth. For both, the persistent evidence of continued social segregation of schools and the gap in attainment is a matter of concern. The significant challenge the evidence poses to the legitimacy of current inequalities is resolved for market based reforms through the interpretation of the evidence of differential use of the opportunity for escape from failing schools as the basis for legitimising the eventual differences in educational attainment and life chances. The cultural version emphasises the challenge to the legitimacy of inequality, but in so far as it still defines mitigation (the better state to which it is aiming) as better access to attainment and future status and rewards it is as vulnerable to the weaknesses of the idea of social mobility as market based reform. In none of its forms is the concept of social mobility transformational if transformation is seen as a radical change in the nature of the relations of a field.

Conclusion

The market based reform approach draws attention to how a system that allows schools, teachers and local agencies too much power in relation to those they serve might unjustly

harm the interests of parents and children. In addition to claims concerning overall effectiveness through competition, and the beneficial effects on the economic health of the nation, it makes specific claims concerning justice as access. It has proved capable of providing procedural rigour that actually delivers a form of equality - equality of opportunity - for all parents to choose. However it relies on a vulnerable notion of social mobility in its characterisation of access and social justice and its implementation has had little effect on outcomes. It has not prevented the persistent segregation of schools nor much reduced the attainment gap between rich and poor. The free choice of poorer parents is given as the explanation of this continuing inequality. Further, the introduction of the market has been accompanied by a practice of defining school quality in terms of attainment with a consequent narrowing of the educational endeavour. While the empirical evidence suggests considerable doubt about how far market based reform can deliver on its claims to enhance equity it does deliver a means of maintaining the legitimacy of inequality through the characterisation of aspiring, deserving and therefore successful parents in contrast to the non-aspiring, undeserving and unsuccessful.

The critique of market based reform looks at the problem as a matter of classed practices. In so doing it draws attention to the fact that the advantaged tend to arrange things at the level of policy, practice and debate to maintain those advantages to the exclusion of others. It provides analytical tools for an alternative understanding of social action as historicised and determined by inherited social position that shows the notion of deserving and undeserving parents to be unwarranted. However it too relies on a similar set of related concepts - an incoherent notion of social mobility; a notion of good and bad schooling (albeit more nuanced as to how schools become good or bad) whose success criterion is attainment; and an explanation of persistent inequalities of outcomes that in some ways reinforces a negative conception of poorer parents. More difficult still is the concept of social field which underpins their analysis. Being defined as arenas of struggle any mobility within them, or even to a different form of the field, will always result in dominant and dominated positions, and therefore new forms of injustice.

Versions of social justice offer images of transformation. The ideal of the notion of social justice embedded in market based reforms is that access to the status and rewards currently enjoyed by a minority will be opened to all those who prove themselves deserving of it. It is upward social mobility and a prerequisite is access to good schools. Society would be transformed through greater economic health consequent on the increase in human capital and in terms of social cohesiveness resulting from the manifest fairness and legitimacy of any inequalities.

The ideal of the theory of classed practice is less easy to pin down. It might be taken in a limited sense as upward social mobility consequent on reducing the power of the middle class to gain privileged access to education and the fruits of attainment. In this case it shares the image of transformation of the market based reformers. A more transformational interpretation would emphasise the ultimate arbitrariness of fields and therefore of the criteria for allocation of status and rewards that they constitute (including identities and recognition) and that social justice is best served by transforming the nature of the field and changing the criteria of allocation. The problem is that, if fields are always relational/positional and therefore struggle is part of their definition then there will always be more and less advantageous positions, relatively privileged and deprived, and possibly

therefore dominant and oppressed. Differential access will still exist albeit different in its instantiation.

Both approaches are so captured by the terms of the debate which focus on education as a means to social mobility and/or economic health that there is little room for a radically alternative view of the purposes of education or, perhaps more importantly, from the day to day harms that schooling systems, driven by a narrow attainment agenda, inflict on children (e.g. Lucey and Reay 2002; Wiliam and Reay 1999; Youdell 2006 and 2011).

Holding as I do, on the basis of the analysis presented here, that the currently constructed notion of attainment and access to it are unhelpful in enhancing social justice does not imply that the aim of enabling children to acquire high levels of knowledge and skill or gaining recognition of those abilities is mistaken. I am not unaware of the transformative effect of education on individuals and their life chances. Nor do I seek to deny that schools differ in quality; or that there is no way of making judgements about that quality. My argument is about the use of attainment as it is embedded in particular policies in particular contexts and particular practices. It is the characterisation of the problem of justice in both of the contexts discussed that is questioned. I hope I have shown that it is important to continue to question the fundamental concepts that sustain them as part of a sustained attempt to rescue our understanding of the value of education from their impoverishment within currently dominant notions.

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