

Equal Opportunity: Anti-Liberal And More?

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John H. Schaar claims that equality of opportunity, as one of the important conceptions of equality, is anti-liberal, though it is espoused by liberals, and moreover is elitist, anti-democratic, and anti-egalitarian. If Schaar is right, then there are important political and moral implications. This paper attempts the modest task of explaining, analyzing, and partially criticizing Schaar's position.

Schaar's claim merits serious attention, the more since it appears in a new anthology: *Equality: Selected Readings*, edited by Louis Pojman and Robert Westmoreland, who claim that it "... collects the most representative material on the subject of equality." I will argue that Schaar's argument proves a great deal less than he assumes, and rests in part on a confusion about what the equality of opportunity principle entails.¹

I

Schaar defines equal opportunity as saying "that each man should have equal rights and opportunities to develop his own talents and virtues and that there should be equal rewards for equal performances." He says that the equal opportunity doctrine is the most popular conception of equality. "The formula has few enemies—politicians, businessmen, social theorists, and freedom marchers all approve it—and it is rarely subjected to intellectual challenge."

A second criticism is that equal opportunity achieves the exact opposite of its intent: it perpetuates inequalities. Since only those who are genuinely superior in talents will be able to benefit from the opportunity to develop those qualities, it will produce an elite class superior to the masses in every way. This class will be smaller than the elite class it seeks to replace, because many of those who were formerly a part of the elite class and enjoyed opportunities to develop their talents did not actually attain superiority, though they appeared to do so. Under equal opportunity, only the truly superior will be able to achieve superiority. This scheme would produce an elite meritocracy: a society where natural and social aristocracies are identical. And, he says, the more we move towards such a meritocracy, "the wider grows the gap in ability and achievement between the highest and the lowest social orders."

This gap is widened by the fact that we live in an age of huge, complex organizations run by men with enormous power. The power goes to those favored by nature, and under equal opportunity favored by society; and "the power gap be-

tween the well- and the poorly- endowed widens." Thus the doctrine designed to produce equality ends up producing more and more inequality.

Moreover, Schaar argues, we suppose we are being generous when we use equal opportunity to deny that there are limits on men – supposedly they can go as far as they are able. But this is a false sense of generosity; it is not generous, he says, to tell those with meager talents that they can go as far as their abilities permit. This "generosity" reveals its cruelty if we imagine a group of overweight, weak-kneed geriatrics being told they have an equal opportunity to compete in a foot race with Olympian Roger Bannister. This cruelty will intensify as we become more able to identify and measure talents at an earlier and earlier age. "Efficiency would dictate that we use this knowledge to separate the superior from the inferior, assigning the proper kinds and quantities of growth resources, such as education to each group. The very best training and equipment would, of course, go to those in the superior group." This would again increase the gap between the favored few and the disfavored masses.

Therefore Schaar concludes that equal opportunity is not as generous as we would think. It lets a man with little native ability go exactly "as far as he could have gone without the aid of the doctrine – to the bottom rung of the social ladder, while it simultaneously stimulates him to want to go further."

Schaar's final criticism of equal opportunity is that, though it purports to be democratic, it is actually a cruel debasement of democracy. Equal opportunity affords men the chance to struggle up the social ladder by competing against their fellows. "Much of the demand for the kind of equality expressed in the equal-opportunity principle, is really a demand for an equal right and opportunity to become unequal." So, though everyone is equal in a democracy, some are more equal than others. Schaar contends that proponents of equal opportunity believe both that hierarchy and oligarchy are fully consistent with democracy and are being beneficial to the democratic ideal. They say equal opportunity in a democracy sifts out the best leaders on the basis of merit and everyone gains: the average citizen benefits by the superior leadership and the superior few enjoy the rewards of their superiority in the form of prestige, power and material goods. Schaar believes this way of thinking, though anti-democratic, is so pervasive in our country that it is difficult to criticize the doctrine; and there are no alternatives in sight. Americans seem scarcely moved by the huge economic inequalities found in our system. We habitually think in either/or terms: hierarchy and progress, or anarchy and stalemate, elites or non-elites, superior or inferior.

Schaar believes that equal opportunity is an expression of capitalism, not of democracy. To the extent that equal opportunity guarantees that all competitors shall have the same advantages and rewards, it makes an important contribution to our social life. However, not all competition is good for society, and what is want-

ing is some criterion for judging when competition is desirable. "Ideally we might strive toward a truly pluralistic society in which nearly everybody could find a specialty he could do fairly well and where he would enjoy friendly competition." But that is not the case in our society; according to Schaar, ours is a kind of war game "in which the prizes are far too limited in kind, the referees and timekeepers too numerous, and the number of reluctant and ill-adjusted players far too high."

According to Schaar really desirable equality is blind to all questions of success or failure. "It is the feeling held by each member that all other members, regardless of their many differences of function and rank, belong to the community 'as fully as he does himself.'" Schaar grounds this conception in the shared responsibility of political life. To the extent that men take responsibility for the good life, form political relationships that allow conversation between the participants, and political authorities claim no superior rights on the grounds of merit, men are equal. Equal opportunity, on the other hand, encourages hierarchy, moral backsliding by average citizens (because someone else is in charge), and moral arrogance on the part of leaders. True equality is an equality of being and belonging through equal participation in the political process, equal rights to materials necessary for social living, and the fullest possible chance for self-determination.⁹

II

As appealing as Schaar's understanding of equality in these last paragraphs seems, there are serious problems with his rejection of equal opportunity. Despite Schaar's claim that the equal opportunity principle is simple, it is not clear what Schaar means by the principle. Pojman and Westmoreland themselves think there are at least three versions of the principle. "Weak equal opportunity" (WEO) says that offices or occupations in society are open to talent; ability, not one's social class, determines one's station in life. This version of the principle does not address the advantages some may have over others due to differing backgrounds. "Strong equal opportunity" (SEO) they see as offering individuals "equal life chances to fulfill themselves or reach the same heights." This version of the principle would entail programs such as affirmative action designed to compensate for differing backgrounds. "Super Strong Equal Opportunity" (SSEO) would result if equal opportunity here meant equal outcomes, that is, if groups in society achieved coveted ends in proportion to their representation in society. Schaar seems to be using "equal opportunity" in the first of these senses, WEO, through most of the article, though he does appeal to the strong version when he is talking about the necessity of some competition and the need that "all competitors have the same advantages." Here Schaar is talking about what he approves, so it is not surprising that he shifts his emphasis to a concept other than the one he is attacking.

Many of Schaar's criticisms will be blunted if what we mean by equal oppor-

tunity is SEO. We do in fact, for the most part, employ SEO in this country. Affirmative action, one of the remedies tried, and much of the criticism of equal opportunity stems from the fact that attempts to equalize life chances impose corresponding losses on other groups in society. For instance, some say that mistargeting merely arbitrary features such as race rather than actual cases of discrimination have led to advantages for upper class blacks while denying advantages to other minorities. In the de Funis case a poor, disadvantaged Jew was denied admittance to the University of Washington Law School while advantaged blacks were given preferential treatment and admitted. It is precisely the problematic nature of calling competitions equal when the backgrounds of competitors are grossly unequal that leads most commentators to adopt the strong version of the principle. Rewarding people on the basis of merit is not enough to call a system equal opportunity. Schaar's argument that equal opportunity is a cruel policy is largely based on the WEO interpretation.

Using SEO thus blunts Schaar's claim that Equal Opportunity is a cruel policy that encourages the masses' hopes while condemning them to the bottom rung of the ladder. Schaar's imagery of the unequal foot race does indeed paint a bleak picture for the participants. But, as President Lyndon Johnson noted, such a race would not be an example of equal opportunity. Johnson's example involved a prisoner just released from jail after being restrained by a ball and chain competing with an Olympic runner. True equal opportunity requires training for the prisoner before he enters the race. Although most attempts to provide chances for competing successfully are controversial, few commentators really regard WEO as satisfactory. Schaar's arguments here seem to be directed at a straw man rather than a serious conception of the principle of equal opportunity.

Schaar also seems to be attacking a straw man when he claims that equal opportunity based on merit will lead to an elite meritocracy. This would only occur if we restrict the competitions to natural talent with no correction for background. However, if by equality of opportunity we mean giving people equal life chances by compensating for differing backgrounds, a natural elite class will be joined by the class of those motivated enough to use society's remedies to overcome natural and cultural disadvantages. Schaar believes that only those favored with natural talents will emerge victorious in equal opportunity contests. But when we provide remedies for deficiencies in individual backgrounds, more people will emerge victorious. Despite their problems affirmative action programs have introduced more minorities and women into professions in this country.

Moreover, Schaar overstates the case for nature and greatly underestimates the extent to which cultural differences determine the success of individuals. Schaar argues that success depends both on nature and on what values are culturally approved. But he fails to appreciate the extent to which failure is culturally deter-

mined. It has been amply demonstrated, for instance, that IQ tests measure social and cultural understandings. SEO, unlike WEO, would provide mechanisms by which tests of ability would compensate for cultural disadvantages and thereby increase the numbers of those succeeding. And as the class of those who succeed expands to include larger and larger groups, the gap between an elite meritocracy and the masses will become narrower than Schaar predicts.

I believe that the concept of equal opportunity is in fact more complex than even these three conceptions imply. Here, I draw on Peter Westen's claim that equal opportunity is not a single state of affairs, but a way of talking about countless states of affairs. Equality of opportunity holds when two or more people have a chance of obtaining a specified goal without being hindered by a specified obstacle. Westen reveals the complexity of the concept as he moves to analyze each claim in the above sentence. For instance, he finds opportunity to fall "somewhere between a guarantee and a mere possibility." A full description of Westen's analysis is beyond the scope of this paper; I will say only that he makes clear that equal opportunity simpliciter is neither good nor bad; an equal opportunity to commit homicide without handgun shortages seems clearly undesirable, but an equal opportunity to live free of smallpox seems desirable. Westen feels that this explains the paradox that we profess to believe in equality, yet inequalities seem to exist everywhere. We don't believe in equal opportunity as such, but in particular equalities and particular inequalities. It is Schaar's overly simple analysis of equal opportunity that allows him to conclude that equality of opportunity leads to inequality.

Another of Schaar's main criticisms is that equal opportunity is anti-democratic, because it allows the rule of a few: oligarchy or meritocracy. Schaar insists that a genuinely democratic vision rejects even a "noble" oligarchy of merit or special competence. While he concedes that some hierarchy is necessary for social organization, he insists that this hierarchy need not imply superiority. People need to accomplish different things in a complex society, but this differentiation requires only specialization of function, with no superior merit or authority attached to those who perform the different ones. As Schaar sees it, a truly democratic orientation stresses an equality of being that moves constantly toward the widest possible sharing of responsibility and participation in the society.

It is not clear that this ideal is incompatible with equal opportunity. As William Galston notes, a fair competition can demonstrate one's qualifications for an occupation while not committing society to attach any set level of material goods to that occupation. Equal opportunity as a competition for occupations is not the same thing as market competition for the price the market will pay for that occupation. We may agree for instance that only the most talented players should compete in the NBA and disagree that we should pay those players upwards of \$20 million

a year. Galston considers this an important point because many object to meritocracies on the grounds that differences in talents should not lead to differences in material rewards or prestige. "But this is not an objection to meritocracy as such. It is an objection to the way society assigns rewards to tasks, not to the way society assigns individuals to tasks."

One way of ensuring this might be to incorporate John Rawls' second principle of justice, that social and economic inequalities should be such as to work to the advantage of everyone, including the least advantaged. If we add this proviso to the equal opportunity principle that "social and economic inequalities are attached to positions and offices open to all" we might see a more democratic society than Schaar envisions.

Moreover, Galston believes Schaar is mistaken to regard competition as anti-democratic. Schaar believes competition is anti-democratic because it sets men against each other in a destructive struggle. Galston argues that competition can be beneficial. "Scientific competition may produce simultaneous discoveries, neither of which would have occurred without the presence of the competitor." The Olympics function as a way of bringing the world community together. Again, what makes competitions destructive is how we assign rewards, not the way we set the rules. We may agree on the rules for choosing top athletes and top scholars and not agree on the appropriate compensation for each. Schaar may be right that our competitions are mostly forms of institutionalized warfare. But nothing in the nature of equal opportunity requires us to set the prizes in ways that demean the losers.

It is not easy to disprove Schaar's claim that equal opportunity is a conservative doctrine that reinforces the status quo. But since Schaar himself provides no argument that this is the case, no disproof is really necessary. Perhaps we are, as he says, pursuing "a technological, privatized, materialistic, bored and thrill-seeking, consumption oriented society." But he provides no clear argument to lay this at the door of equal opportunity. It could just as likely be our refusal to allow true equal opportunity or even the ever-present reality of advertising that contributes to our all-consuming mentality. At best, Schaar would seem to be using post hoc reasoning that since we are increasing our consumption at the same time we seem to be increasing equal opportunity, the latter is the cause of the former.

In short, there are many problems with the idea of equal opportunity: whether and how to implement it, how to avoid taking from others, how to avoid state intervention in families, to name only a few. However, Schaar's contention that it perpetuates the status quo, is anti-egalitarian, and is anti-democratic rests on confusions about the principle and requires more proof than Schaar provides.

Notes

1. *Equality: Selected Readings*, ed. Louis Pojman and Robert Westmoreland, (New York: Oxford University Press, 1997), back cover. It is worth noting that this text on equality contains not a single article written by a woman; this is both politically incorrect in our day and age and appalling given the subject matter of the book.
2. John H. Schaar, "Equal Opportunity and Beyond," in *Equality*, p. 137.
3. *Ibid.*, 139.
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*, 140.
7. *Ibid.*, 142.
8. *Ibid.*, 145.
9. *Ibid.*
10. Pojman and Westmoreland, in *Equality*, p. 7.
11. James S. Fishkin, "Liberty vs. Equal Opportunity," in *Equality*, p. 54. Additionally the courts struck down the Bakke case despite the fact that it contained procedures for addressing those who came from actual disadvantaged backgrounds.
12. Peter Westen, "The Concept of Equal Opportunity," in *Equality*, pp. 160-166.
13. William Galston, "Liberal Defense of Equality of Opportunity," in *Equality*, p. 177.
14. John Rawls, *A Theory of Justice*, Cambridge: Harvard University Press, p. 60.
15. Galston, p. 178.