

Leveling Down in Education

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This article examines the moral and legal justifications for leveling down in education. Leveling down occurs when equality is pursued by taking away or limiting advantage, rather than by improving the situation of the worse off. Leveling down may seem, at first glance, irrational and immoral, and motivated wholly by envy. The article argues, however, that in the realm of education, leveling down is crucial for achieving distributive justice.

The article is comprised of two parts. The first offers a philosophical argument in support of leveling down in education. This part is based on the contemporary philosophical debate concerning distributive justice in education, which focuses on the observation that education is a “positional good,” meaning that its value for each individual is determined according to her relative standing compared to others. This relative nature entails that it is not enough, in terms of justice, to promote the education of the disadvantaged, and limiting the ability to gain advantage is indispensable.

In the second part of the article, I perform a comprehensive analysis of the scope of protection offered in the Israeli Education Law to the principle of equality in education, and particularly whether this protection includes leveling-down measures. The analysis focuses on two main issues that affect educational justice, and that the law deals with repeatedly: the distribution of educational resources, and student assignment. The conclusion is that while legislation and court cases purport to offer strong protection to educational equality, this protection does not, for the most part, include leveling-down measures and therefore cannot ensure meaningful educational justice. The article does, however, point to a few recent regulations and court decisions that do recognize the need for limiting advantage in education. These decisions may suggest a new direction – one that I argue should be supported.