

From equality of opportunity to equality of treatment as a value-based concern in education

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Abstract

The article argues that concepts, such as equality and values, are caught up in the quagmire of contestations about meanings and their use within educational contexts. The author argues that all concepts that describe an essential element of being human should therefore firstly be understood in terms of this relation to other concepts, and secondly, within the context of society where each collective part of society imparts its own unique meaning to the concept. In analysing values and equality the author indicates that values are first and foremost personal cognitive and affectively laden constructs that could be shared by the collective, but do not of necessity overlap completely with those of other members of the collective. This raises the questions: whose values should be included in education and how should they be taught? Equality cannot be taken to mean "identical", but at best a tertium comparationis, for equality is "shared humanity". Analysing the three possible outcomes of equality, the author concludes that important as equality of opportunities may be, it may not be sufficient to ensure meaningful social justice if equality of treatment is not planned into the process. Equality of treatment should promote the core human values of respect, compassion, just treatment, fairness, peace, truthfulness, and freedom.

Introduction

Any article that attempts to address "values" and "equality" is bound to find itself caught up in the quagmire of contradictions and contestations. Both these concepts have become somewhat foundational in most modern-day human and social sciences and both concepts tend to take on different meanings in different contexts. Used in an educational context the concepts become even more complicated and contested as different meanings are assigned to them depending on the epistemological point of departure of the scientist.

The debate on values in education has a long-standing history, and it is sure to continue as educationists and decision-makers struggle with, on the one hand, philosophical issues and on the other, attempt to address issues of moral decay, youth culture, poor school discipline and a breakdown in the culture of teaching and learning in schools. For many the values debate centres on two main questions: what values ought to be included and how should they be taught (*cf.* Nucci, 1997; Helwig, Turiel, & Nucci, 1997).

Similarly, any article that addresses issues of "*equality in education*" is bound to find itself entrapped in the quandary of concepts and theories that contradict and contest each other. This is aggravated by the fact that *equality* as a concept is loaded with philosophical nuances and political undertones and rhetoric, thus rendering it quite arbitrary to distil a meaning that could be described as "*equality*" in an educational context. Like Dworkin (2000, 2) said: "People who praise it or disparage it disagree about what they are praising or disparaging". If you praise it, you might be labelled a liberal egalitarian, and if you disparage it you must be a capitalist elitist and the choice of position taken is all too often taken more on the basis of political correctness than on academic or scientific integrity.

Accepting then that there can be no neutral ground, I see my first task as providing an analysis of values and of equality in the face of widespread misconceptions about their meaning in educational settings. I believe that the problem is that no concept linked to what it means to be human, can be sufficiently defined in isolation from its appearance in relation to other concepts. Concepts, such as equality and values, have a multifaceted nature (Temkin, 1993; Schaar, 1997) where each facet sheds light on a particular meaning imparted to the concept and opens up a new array of related terms that should be brought to bear on the concept of the study. For example equality as a goal to secure social justice requires that equality be understood in terms of its relationship to social justice that, in turn, is intricately linked to the ideas of freedom and liberty. This interrelatedness of concepts is emphasised by Nielsen (1985, 5) who states that equality and egalitarianism are unclear notions. "Just for a starter: is equality a right or is it a goal or is it in some complicated way both? Moreover, goal or right, what is equality and what are its criteria? What are we demanding when we demand equality?"

All concepts that describe an essential element of being human should therefore firstly be understood in terms of this relation to other concepts, and secondly, within the context of society where each collective part of society imparts its own unique meaning to the concept. The meaning being given by the collective to a specific concept is a reflection of the specific era and the dominant thinking of that era, be it conservative, liberal or radical (*cf.* Husen, 1977). Our collective understanding of a concept introduced may or may not overlap and may even stand in discord with the meaning given to it in a different era.

This article seeks to approach "equality as a value" and the ensuing educational implications not from a legal perspective, but rather from a more philosophical and educational perspective by focusing on the following critical questions:

- What are values?
- What is equality?
- Is equality a value?
- What are the educational implications?

Values

Considering the root or origin of the word "*value*" in its Latin (*valere*) and French (*valior*) contexts, it is clear that the concept first and foremost refers to that which is *worth striving or living for*. In a moment when an individual is confronted with a reality to which he/she must respond, values place an imperative on the individual to act in a manner consistent with that which he/she regards as worth striving or living for and which the individual sees as worth

protecting, honouring and desiring (Beckmann & Nieuwenhuis, 2004). Similarly, Rokeach (1973: 5) describes a value as "an enduring belief that a specific mode of conduct or end-state of existence is personally or socially preferable to an opposite or converse mode of conduct or end-state of existence."

Although it is generally accepted that values necessitate cognition as a value, it is centrally a belief in or rationalisation of the desirability of the value; it also incorporates emotion and feeling as values are by their very nature affectively laden. As a verb, the act of valuing refers to caring about something, feeling that it is important, but also to an act of judging – placing a value on that which is valued. As a noun, a value entails a belief that something is worthwhile or not (Berkowitz, 1997). From axiology we know that values and valuing are unique to being human. Only the human condition can appreciate, impart meaning to and attach value to objects, the self, others, the Creator and the world ("*umwelt*") as well as to ideas, feelings and thoughts. Being human therefore implies imparting meaning to and attaching value to a phenomenon and using that to judge the value of other similar or different phenomena, thus making the human being a "valuing-being".

The act of valuing may be considered an act of acquiring a set of values through the imparting of meaning to phenomena and ordering them into a set of personal values so that behaviour becomes adherence to the underpinning set of principles, thus enabling the individual to make value judgements consistent with the values and principles, and expressing these in action. Rokeach (1973) argues that values are organised into a value system on a "continuum of relative importance" or in terms of the strength of the value or affinity that the individual has towards the phenomena being valued.

Since reality is a complex social configuration in which we are constantly called on to make decisions based on our values, most situations require that the totality of our values is brought to bear in taking the most appropriate decision. Frequently this implies that personally established value strengths and even contesting values are internally weighted and bargained against possible advantages or disadvantages of the expected outcome of our decision. When we act, we always act as a total person (physical, cognitive, affective, social, spiritual) who is influenced in our decisions by our own needs and wants (*cf.* Glasser, 1983). These needs and wants may exert a great influence on the values we bring to bear in taking decisions.

Accepting then that the act of imparting meaning to a value is first and foremost a personal act, we may infer that we cannot really give values to others as if they are objects that can be handed down to others. We can demonstrate, clarify and interpret a value for others, but each individual must redefine, attach and impart meaning to a value to be able to internalise the value as an abstract concept. The value must become "*value for me*". This is only possible through personal insight into the value and the imparting of meaning. Imparting meaning to a value opens the possibility of creating a personal value system within which each value has a particular valence (strength) that will act as force in any given situation where a value judgement and choice must be made.

All meaningful human behaviour, moral and ethical conduct thus become a manifestation of the value system at work. Without a value system life becomes arbitrary. The true meaning of life is lost without a value system. Any behaviour that is contrary to our personal value system creates tension and feelings of uneasiness and emphasises the fact that values are affectively laden.

Equality

Schaar (1997, 137) claims that equality is "... one of those political symbols – liberty and fraternity are others – into which men have poured the deepest urgings of their hearts. Every strongly held theory or conception of equality is at once a psychology, an ethic, a theory of

social relations, and a vision of the good society." Pojman and Westmoreland (1997, 1) echo the same sentiment when they argue that equality is one of the basic tenets of almost all contemporary moral and political theories that humans are essentially equal, of equal worth, and should have this ideal reflected in the economic, social, and political structures of society. For this reason "equality", albeit a political concept by preference, is often described in economic, social and educational terms, but it can also mean equality before the law. However, there is no *de rigueur* connection between equality before the law and equal property, power, social status, and so forth. In this regard Hayek (1980, 128) reminds us that "...equality before the law and material equality are not only different but are in conflict with each other; and we can achieve either the one or the other, but not both at the same time". This implies that equality as a concept, at least at a philosophical level, could be studied separate from its legal and political context.

"Equality" in its original Greek (*isotes*), Latin (*aequitas, aequalitas*), and French (*égalité*) perspective, signifies a *qualitative* relationship between two objects, which is best described in mathematical terms as being of the same value or being identical. This type of descriptor may be applied to legal contexts where equality before the law is the "natural" state in a political society, but equality of goods and social life in general is "unnatural," and does not fit the descriptor of being identical.

Embedded in this argument lies the first contestation. If we were to argue, like Hobbes did, that men are essentially uniform, having "*one kind of soul, and the same faculties of mind*" (Watkins, 1989, 117) or as Overton (as quoted by Lakoff, 1964, 65) puts it: "by natural birth all men are equal ... born to like property, liberty and freedom, and as we are delivered of God by the hand of nature into this world, every one with a natural innate freedom and propriety ... even so we are to live, every one equally ..." then it flies in the face of what we so often claim to be a universal truth: "*Each human being is unique*". You cannot be unique and identical to all other persons at the same time.

The notion of "complete" or "absolute" equality therefore seems to be self-contradictory. Two non-identical objects are never completely equal; they are different at least in their spatial-temporal location. If things do not differ they should not be called "equal," but rather, more precisely, "identical." Some authors do consider absolute qualitative equality admissible as a borderline concept (Tugendhat & Wolf, 1983, 170), but it will not be defensible to assume that equality can be understood to mean identical.

However, those objects that share similar characteristics could be regarded as being equal in terms of those characteristics that they have in common. One kilogram of grapes shares the characteristic of weight with any other object of the same weight. "Equality" and "equal" are thus incomplete predicates that necessarily generate the question: equal in what respect? (Rae, 1980, 132). "Equality" thus denotes the relation between the objects that are compared. Every comparison presumes a *tertium comparationis*, a concrete attribute defining the respect in which the equality applies – equality thus refers to a common sharing of this comparison-determining attribute. This relevant comparative standard represents a "variable" (or "index") of the concept of equality that needs to be specified in each particular case (Westen, 1990, 10).

If we accept that the index (*tertium comparationis*) for "equality" is a shared humanity, then of course we are justified in claiming that humans are equal, but then only in terms of our broadly defined indicator. The statement by Adler (1981, 165) illustrates this

... by being human, we are all equal – equal as persons, equal in our humanity. One individual cannot be more or less human than another, more or less of a person. The dignity we attribute to being a person rather than a thing is not subject to differences in degree. The equality of all human beings is the equality of their dignity as persons.

Lilburne (as quoted by Lakoff, 1964, 63) believes that humans, by nature,

... are all equal and alike in power, dignity, authority, and majesty, none of them having

by nature any authority, dominion, or magisterial power one over or above another; neither have they, or can they exercise any, but merely by institution or donation, that is to say, by mutual agreement or consent, derived or assumed.

Whilst we accept that humans are equal in their shared humanity, we should also remember that Nature spreads its gifts unequally, so that inequalities among men on virtually any trait or characteristic one might mention are obvious and probably ineradicable. ... Inequality, while it may be the root of much that is cruel and hateful in human life, is also the root of just about everything that is admirable and interesting (Schaar, 1981, 167).

The apparent contradiction, of course, lies in differing conceptions of equality that emerge from one or another descriptive or normative moral standard. As Temkin (1986, 1993) argues, various different standards might be used to measure inequality, with the respect in which people are compared remaining constant. The difference between a general concept and different specific conceptions (Rawls, 1971, 21) of equality may explain why according to various authors producing "equality" has no unified meaning – or even is devoid of meaning (Rae, 1981, 127).

Concluding then from this apparent philosophical impasse, I would like to argue that the equality of men therefore refers not to the assumption or belief that all people are equal in some concrete meaning of the word, but rather to an ethical judgement that in certain important ways they are very much alike and should receive equal treatment (*cf.* Phillips, 1979, 66). This conclusion is also supported by Nielsen (1985: 5) who asserts that most contemporary moralists and social theorists, including even anti-egalitarian thinkers on the right (Flew, Nozick, Friedman, Lucas, Hayek), share with egalitarians

an assumption of moral equality between persons, though they differ in their interpretations of it. They agree that the moral claims of all persons are, at a sufficiently abstract level, the same, but disagree over what these are. They all, that is, believe in moral equality but they, of course, radically differ about what this comes to.

Following from this observation, it is possible that humans can be equal in some ways and unique in others. Many philosophers from all disciplines have affirmed the theoretical equality of man at birth; however, few have argued that men are born equal in all capacities. But even the claim of equality at birth is questionable. To what extent, apart from being human and sharing the same human characteristics that make all men equal, is a child born in a hut in the deep hinterland of Kwa-Zulu Natal equal to the child born in a private clinic in Sandton? The mother of the one born in a hut looks out of the window over the barren veld wondering where the next meal would come from, while the other goes home to a luxury home with shelves filled with food from every corner of the globe. In this regard most egalitarians acknowledge that some inequalities are morally permissible. "Differences in ethnicity, interests, aptitudes, intelligence, and conceptions of the good may be innocent. Unlike Rawls and Nielsen most egalitarians would save a place for dessert. People are entitled to the fruits of their labor and should be punished for their bad acts" (Pojman & Westmoreland, 1997, 3).

Equality as a right

Although we could, from a philosophical point of view argue that all men are created equal, the historical record seems to show that socio-economic equality is not attainable except in the most rudimentary or desperate circumstances. Otherwise it exists only in such utopias as Morely's *Code de la Nature* or Rousseau's *Social Contract* or Marx's *Economic and Philosophic Manuscripts*. Rousseau himself conceded that socio-economic equality is only possible in a society in which the Lawgiver's prescriptions had induced an almost complete transformation of the human character (Kateb, 199, 17). To effect this transformation and achieve equality, Karl Marx

asserted that distribution is to proceed according to the principle "from each according to his or her ability; to each according to his or her needs" (Sterba, 1988, 21) – a statement, which is also echoed in many modern developing countries and in the works of proponents of egalitarianism.

Kateb (1992, 17) claims that in any society of complexity, whether free or despotic, people will be unequal socio-economically. And the harder the state tries to create genuine equality, the more ruthlessly it must act, the more continuously intrusive and regulative it must become, the more intolerant of resistance. Such intrusive interventions need not go the lengths of Stalin, Mao, or Pol Pot – all of them fanatics of equality and all of them practitioners of evil for that very reason – but it will nevertheless suffocate freedom and energy. It will erode or destroy democracy, human rights; it will not honour human dignity, which lies at the root of our argument about what equality means. This point is also emphasised by Turner (1986, 37) who adds that "[t]he price of significant equality is political despotism which would subordinate individual talent and achievement."

Socio-economic inequality in modern societies is ever-present, endemic and resistant to social policies aimed at bringing about a substantial measure of equality in practice. Inequality is in fact inevitable and its presence is felt, not only in capitalist society where there is massive inequality of wealth and income, but also in modern socialist society where there has been a considerable redistribution of economic wealth and regulation of economic markets (Turner, 1986).

Even if we were to look at organisations as David Spitz (1982, 104-105) did, we will find that equality is incompatible with the necessary arrangements for organisational efficiency, which demand that some sit at the top of the pyramids of power, others at various levels in between. Hierarchy is not merely a concomitant of modern technology; it is a principle indispensable to almost every realm of social life, be it an army, a university, a hospital, a political system or a school. In terms of resultant power relations those engaged in the school will be unequal in terms of the power and authority that they hold over others.

If socio-economic equality and equality in power relations are not natural to the human condition, does that then imply that equality as a basic concept is seriously flawed? I would like to argue that that is not the case. In this regard I draw attention to Nielsen (1985, 9) who argues that a certain kind of equality is a right. He continues by asserting

[t]hat everyone, where this is reasonably possible, is to have his or her needs equally met is an egalitarian goal; that people be treated as equals, that in the design of our institutions people have an equal right to respect, that none be treated as a means only, are natural rights. That kind of equality is something we have by right.

If we were to argue that equality in terms of our shared humanity is a right, then that right must be located within the ideal of promoting a more just society. Rawls (1997, 183) sees the right to equality as an inviolability founded on justice that even

... the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by the many. Therefore, in a just society the liberties of equal citizenship are taken as settled, the rights secured by justice are not subject to political bargaining or the calculus of social interests.

Looking then at the different notions and ideas about equality it is clear that we cannot talk of equality as a fixed entity, but we need to continuously put it in the context within which it must be secured in a just manner. In doing this, it may be more advisable to focus rather on the outcomes to be achieved through the promotion of equality than on equality as such. Gans (1973, 64) identified three alternative outcomes that are generally considered: *equality of opportunity, equality of treatment, and equality of results.*

Equality of opportunity

Of the three conceptions of equality, the one that today enjoys the most popularity is *equality of opportunity* (Schaar, 1997, 137). The doctrine of equality of opportunity, says Schaar (1997, 137) is attractively simple. It asserts 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. The formula does not assume the empirical equality of men and it recognises that inequalities among men with regard to virtually every trait or characteristic are obvious and cannot be eliminated. Equality of opportunity does not oppose differential evaluations of those differences. But Williams (1997, 99) quite correctly draws our attention to the fact that the notion of equality of opportunity is more complex than it first appeared. It requires not merely that there should be no exclusion from access on grounds other than those appropriate or rational for the good in question, but that the grounds considered appropriate for the good themselves be such that people from all sections of society have an equal chance of satisfying them.

But even if we were to ensure fairness at the starting line the outcome of the race may not be the same for all. McClelland (1990, 246) asks the critical question: how to assure that all who reach the starting line have "the power or means to compete". Without that power or those means, the opportunity to compete is minimal, and that is the fundamental opportunity at stake in the phrase "equality of opportunity". Equality of opportunity in this context does not apply only to the starting block, but to the race itself. This point is also supported by Turner (1986, 36) who points out that *equality of opportunity* and *condition* tend to produce inequality of results. If we imagine society-"N" to be a competitive race, then competition inevitably results in inequality of outcome, since not every person in the race can be a winner.

The notion of equality of opportunity is characteristic of liberalism and some versions of liberalism are content to accept a social situation where inequality of outcome is predominant. One argument against equality of opportunity therefore concentrates on the philosophical incoherence or at least incompatibility between the various features of the modern doctrine of social equality. That is why it is often pointed out that if human beings are granted nothing more than equality of opportunity, inequality of conditions is likely to result (Adler, 198, 57). The individuals who are better endowed or better trained are most likely to end up ahead of those less well endowed or trained.

But there is also another flaw in the doctrine of equal opportunities. The doctrine is founded on the idea that individuals, entering into association with one another to form a community, should do so on an assumption contrary to fact; namely, that they are all personally equal in every important respect. This contrafactual supposition is defended on the ground that organised society can come into existence on the basis of a social contract only if all who enter into that contract assume themselves to be completely equal (Adler, 1981). Most contracts, be they social or otherwise, are seldom entered into between parties who are in all important aspects equal. The contractor's (citizen's) position of power is mostly inferior to that of the contract giver (state).

Equality of opportunities as a process of equalising the starting line and the process of the race will always be foundational to equality, but in itself it is not sufficient to secure the type of equality needed in modern societies. Equality in education has long been associated with the principle of equality of educational opportunity, which stipulates that "so long as individuals are afforded equal opportunities to obtain an education, inequalities in educational results are morally permissible" (Howe, 1994). To ensure that the less advantaged members of society can have a fair opportunity of receiving a reasonable degree of education which would enrich their personal and social life, some would argue that inequalities in distribution that favour the less advantaged is justifiable (Rawls, 1971, 60, 101, 107). This forms the basis of "positive discrimination" or "affirmative action" in educational policy and practice.

Equality of results

If we were to focus on equality of outcome, it denies the desirability of upward mobility. Moreover, greater equality of results would generate some downward mobility among the advantaged, and the pains of downward mobility are always hard to bear (Gans, 1973, 78).

Another way of looking at the problem is to look at the quest for equality as parallel and in a certain sense in conflict with the ideals of liberty. Liberalism has often been viewed as a continuing dialogue about the relative priorities between liberty and equality (Fishkin, 1997, 148).

When the version of equality requires equalisation of outcomes, it is easy to see how the two ideals might conflict. But when the version of equality requires only equalisation of opportunities, the conflict has been treated as greatly muted since the principle of equality seems to meander in its implications. However, when one looks carefully at various versions of equal opportunity and various versions of liberty, the conflict between them is, in fact, both dramatic and inescapable.

As was stated earlier, equalising the results of equality would greatly jeopardise individual freedom, initiative and entrepreneurial drive.

Equality of treatment

Following on from the preceding argument, society could either be based on the idea of competition which acknowledges the inequalities in abilities and resources and only attempts to equalise the starting line and through social engineering ensure equity in the processes, or it could be based on attempts to equalise the results of the race, which in turn will imply greater state intervention and manipulation of the race itself. As long as competition is the general law of human life, it could be argued that it would be tyranny to shut out one-half of the competitors (Lakoff, 1964) while equalising the results will promote a type of mediocrity that would stifle all initiative. In the face of these considerations, modern democracies chose to do the tightrope balancing act by setting equality as a moral and political ideal aimed at securing social justice.

Justice demands equality before the law and that all should receive equal treatment in the public realm; each to count for one and nobody to count for more than one – these formulas says Schaar (1997, 167) are at the core of what it means to be liberal and democratic.

Given then our analysis of equality and the obvious problems to be encountered with ideals such as equality of opportunity and equality of results, our ideal should be to work towards *equality of treatment* as a value-based and value-laden concept. This is what Schaar (1997, 145) calls another kind of equality that is blind to all questions of success or failure. "This is the equality that obtains in the relations among the members of any genuine community. 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'." Equality of treatment does not discriminate in any way among persons who differ from one another in a wide variety of respects that are irrelevant to the treatment they should receive in the legal process (Adler, 1981), but also in life in general.

Opponents to the idea of equality of treatment will forward two arguments. Firstly, if equality of treatment were taken to imply that there should only be equality in the allocation of resources to different groups, then of course it opens the possibility of arguing that separate, but equal education is acceptable. This line of thinking was predominant for the best part of the previous century, but was powerfully rejected in the *Brown v Board of Education* case in stating that "The 'separate but equal' doctrine adopted in *Plessy v Ferguson* (163 U.S. 537) has no place in the field of public education." Secondly, proponents against equality of treatment may argue that the identical treatment of all learners in schools regardless of their capacities is

unacceptable. This interpretation of the meaning of equality was rejected as a basis for understanding equality in the earlier part of this article. Equality of treatment must be taken to imply that, after the starting line has been equalised through processes of open admission, we should move towards ensuring equality of treatment as a value-based concern throughout the education process.

Ensuring equality in education

Education can be viewed as a continual process that operates as a mechanism for selection, promotion and certification. Equality in education could therefore be viewed from the perspectives of access, survival, output, and outcome (Farrell, 1997). Equality of access would require ensuring equality of opportunity to be admitted into school. Equality of survival refers to the processes that need to be put in place through positive discrimination to ensure that learners stay in school to some predefined level. Equality of output refers to the probabilities of learning the same thing at the same level. Equality of outcome would then refer to the probability of living similar lives as a result of schooling (Farrell, 1997, 475). Important as these mechanisms may be, they may not be sufficient to ensure meaningful social justice if equality of treatment is not planned into the process.

As such then equality of treatment would promote the core human values of respect, compassion, just treatment, fairness, peace, truthfulness, and freedom. We are not born with these values, but they must be learned and lived by each role-player in the education system so that equality in the treatment of other becomes alive. In this regard Bovard (1977) asserts that the place for the reformer to battle social inequality is in the thoughts and values of the members of society, not solely in the empirical arrangement. The state can pass decrees demanding an equal and universal love and concern, but this will only be as effective as any other metaphysical, romantic delusion. Social equality will be gained only in the hearts of men, not from the laws of the state.

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