

Considering “Justice” in Local Education Administration

Kenji Maehara*

Tokyo Gakugei University, Tokyo 184-8501, Japan

*Corresponding author: Kenji Maehara, Maehara@gmail.com

Copyright: © 2023 Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution License (CC BY 4.0), permitting distribution and reproduction in any medium, provided the original work is cited.

Abstract: This paper explores the concept of justice in the context of educational administration, particularly focusing on the equal distribution of education. The author examines two approaches to discussing “correctness” in normative values such as justice: normative political philosophy and the political theory of politics. The paper argues for a post-foundationalist approach that seeks to reconcile conflicting views on justifying norms and proposes ongoing discussions about their correctness. The main theoretical positions on the equal distribution of education, such as egalitarianism, priority theory, sufficiency theory, and the capability approach, are summarized. The paper then examines the implementation of “justice” in the German urban state of Hamburg, where a social index is used to support administrative measures that emphasize differences and approach educational justice. The conclusion emphasizes the importance of considering appropriate standards of justice in specific contexts for educational administration studies.

Keywords: Educational justice; *Aktionsrat Bildung*; Equality

Online publication: July 21, 2023

1. Introduction

“...it ought to make us feel ashamed when we talk like we know what we’re talking about when we talk about love.” (Raymond Carver, 1981, “What We Talk About When We Talk About Love”) Talking about justice is as easy, difficult, and embarrassing as talking about love. We lack the confidence to speak about it in a way that is appropriate to its everydayness and importance, but we cannot afford not to.

This paper is an attempt to discuss “justice in education” with an awareness of its applicability in discussions of practical situations in local education administration. The first half of the paper analyzes the basic ideas on justice in education, the second half looks at the current state of the theory of “justice in education” in Germany and then examines the measures of the German city state of Hamburg as a concrete case study. Finally, I will present my personal views on how to “discuss justice in education” for educational administration.

2. The grounds for correctness in politics

The concept of justice relates to the system of society involved in the realization of the individual’s conception of a better life, which is distinct from the various conceptions of a better life for the individual. Justice in educational administration is, therefore, a statement about the system for the realization of the concept of a better education in which the administration is involved. How can justice in educational administration in this sense be claimed to be “just” ⁽¹⁾? According to the political scientist Tetsuki Tamura,

there are two currents of argumentation on the “correctness” of normative values such as justice. The first is the “normative political philosophy,” in which the aim is to clarify and justify normative concepts such as justice, freedom and equality as much as possible. The second is by “political theory of politics.” It is concerned not with the justification of normative values themselves, but with the mechanisms of their formation. From the latter standpoint, the correctness of a norm is not determined by philosophical justification, but, in essence, by “politics.” In this view, the situation becomes easier to understand, even if the question has to be asked how the “correctness” of the political system itself can be justified. In other words, justice in educational administration is also determined by politics.

The choice of a methodical attitude such as “political theory of politics” is a kind of “unsatisfactory”⁽²⁾. When it comes to ensuring the “correctness” of the political system itself, if it is generated by previous (or higher-level) politics, and those politics are also justified by even earlier (or higher-level) politics, it creates an “infinite regress”⁽³⁾ of justification, and the intuitive sense of “correctness” is scarcely obtained.

What then would be the strategy to clarify the content of the norm as concretely as possible in order to justify it? Post-foundationalism, in contrast to “foundationalism” that attempts to justify the correctness of norms based on absolute and certain grounds, and “anti-foundationalism” that contends the impossibility of logically justifying the correctness of any norms, seeks to reconcile the conflict between these two positions. Embracing the stance of “post-foundationalism,” it endeavors to establish desirable politics amidst the realization that no grounds can be absolute foundations, and proposes an ongoing discussion about the correctness of norms⁽⁴⁾. It has been noted that this post-foundationalist theoretical attitude is also undertaken in political liberalism⁽⁵⁾. Although the expression is far from being philosophically precise, there is a certain sense of conviction in the claim to find the basis of political correctness in the accumulation of activities in which people logically present their own correctness to each other with the aim of reaching a tentative agreement for the time being, rather than leaving correctness to temporary political decisions or withdrawing into an apparently objective value relativism. The argument that the basis of political correctness is to be found in the accumulation of activities to logically present one’s own correctness with the aim of reaching a tentative agreement is convincing.

3. The theory of justice in education

Assuming an approach that does not concern the ‘correctness’ of the political system itself, but rather continues to articulate and discuss the content of norms as concretely as possible, the debate on justice in education will be developed exclusively as a debate on the equal distribution of education⁽⁶⁾. In this section, the main theoretical positions on such a distributional theory of education are summarized and confirmed. The main positions on the equal distribution of education will be taken here as egalitarianism, priority theory and sufficiency theory (adequacy theory), with some options added as appropriate⁽⁷⁾.

In Japanese pedagogical research, Miyadera is one of the strongest advocates for the legitimacy of “egalitarianism” in the context of educational justice theory⁽⁸⁾. According to Miyadera, in a nutshell, “egalitarianism aims to compensate for the privileges of those at the top level to bring benefits to those at the bottom level.”⁽⁹⁾ The egalitarianism is based on a number of factors that are innate to the individual. He is also sympathetic to the idea of “luck egalitarianism,” which considers all forms of luck or misfortune, including innate and environmental factors, as well as personal efforts and life experiences, as subjects of adjustment. Criticisms of such egalitarianism include the problem of feasibility within the current social system (but this applies directly to other arguments as well) and the difficulty of justifying an improvement in the degree of equality by “lowering” the standard of those above the standard.

“Prioritarianism” is a perspective that seeks to prioritize individuals in disadvantageous situations over those in advantageous situations when it comes to distributing goods or resources⁽¹⁰⁾. In this argument, the current advantageous status of individuals should not be reduced after distribution⁽¹¹⁾. In other words, the

reason for prioritizing certain individuals in the distribution of goods is based on the need for improvement in their situation, not by comparing their situation with others. Consequently, individuals who are in an absolute sense more disadvantaged would receive more priority in their treatment ⁽¹²⁾.

The “sufficiency theory” argues that it is desirable to guarantee to all people a level up to a threshold of “sufficiency” set from some perspective. For example, Hirai, referring to the arguments of Gutman and others, presents the assurance of deliberative capabilities sufficient for proper participation in the democratic process as the threshold of “sufficiency.” ⁽¹³⁾ The level of “sufficient” here is understood to naturally include various capacities for survival and livelihood in order to actually participate in deliberation.

The so-called capability approach (or potential capability approach) is positioned as a variation of this sufficiency theory. Capability is the ability to ensure the realistic possibility of choice, including life options that may not actually be chosen, and can be presented as a list of a set of universal capabilities ⁽¹⁴⁾. This capability approach “is a suitable framework for understanding and assessing the multidimensional wellbeing of diverse populations” ⁽¹⁵⁾ and has been evaluated as effective in conceptualizing the distribution of opportunities in public education. However, there are criticisms of sufficiency theory, including the capability approach, that the minimum threshold required is unspecifiable in terms of both content and degree.

Meritocratic conception, which in itself cannot be positioned as a positive distributional theory of education, is sometimes argued in combination with sufficiency theory. Pure meritocratic conception accepts the unequal distribution of educational resources according to talent, ability and effort under the condition that the influence of social class background is eliminated. When this is combined with sufficiency theory, it is permissible to guarantee everyone up to a certain threshold and, in areas above that, a meritocratic distribution is permissible after excluding the influence of social class background ⁽¹⁶⁾.

4. Units of “justice” in local education administration

This section examines the “units” of justice in local education administration in Japan.

Although Yusuke Hirai pointed out that the debate on equality of educational opportunity in the USA was inspired by the trend of school finance system litigation over the disparity in education costs between school districts ⁽¹⁷⁾, the unit of Hirai’s argument actually converges on the “individual” rather than the “school district.” In general, not limited to Hirai, distributional theories of education are often discussed with the “individual” as the unit of discussion.

For educational administration however, the distribution of education must also be discussed in terms of “school districts” or “schools.” Needless to say, a multi-layered system of education finance has been established in Japan to control the impact of differences in financial strength between local governments on educational conditions. Takehiko Kariya sees the achievement of Japan’s post-war education policy of guaranteeing sufficiently equal educational conditions nationwide based on such a system as the result of the “standardization of education” based on the basic principle of “equality of aspects” with an inherent ambivalence between “commonization” and “differentiation.” ⁽¹⁸⁾ Regarding the differences that arise within certain spatial areas such as regions, Japan’s educational administration has actively addressed them and worked towards their rectification. However, when identifying “inferior educational conditions” through the application of a common standard, the target for rectification remains the educational conditions as an “aspect” surrounding individual rather than direct intervention into individuals themselves ⁽¹⁹⁾. This situation is referred to as “ambivalence” because to equalize the differences in educational conditions that lead to disparities in education, it is necessary to highlight the differences using some common standard. Avoiding acknowledging these differences, believing that emphasizing disparities could lead to “discrimination,” is one perspective. Instead, by recognizing and addressing such differences, efforts can be made to improve the overall educational conditions.

If we choose not to see differences because we believe that highlighting them leads to “discrimination,” this will result in unequal education. Today, for example, in the light of the trend towards explicit inter-school comparisons following the National Assessment of School Performance and Learning, even greater attention could be paid to differences in the local environmental conditions in which schools are located.

As an example of the attention highlighting the differences in local environmental conditions is a series of studies by Sadahiro Saiko ⁽²⁰⁾. In these studies, attempts were made to reveal the characteristics of educational expenditure at the regional level by utilizing data such as “consumption expenditure estimates” for each city block, regional data on resident characteristics, and the Ministry of Internal Affairs and Communications’ “household survey” data. These endeavors provide a fascinating insight into the topic of educational expenses and regional disparities.

In summary, in order to equalize the disparities created by differences in educational conditions, it is necessary to highlight these differences. Discussing “justice” in the context of comparing units such as “school districts” or “schools” appears to hold significant relevance even in the present-day Japanese society ⁽²¹⁾.

We would like to summarize what we have identified in the above, with some elaboration. There are two approaches to the discussion of “justice” in local education administration: “how to decide” and “content.” Discussions on the content of “justice in education,” which have been developed exclusively as a distributional theory, have been organized around several ideas, all of which are often exemplified in terms of the individual. Although the policy of realizing equality on the basis of “differentiating differences” on the basis of “school districts” and “schools” has fulfilled a certain positive function, there is a universal ambivalence that “differentiating differences” for the sake of “equality” leads to “discrimination.” In the light of the current situation, where school and region-based comparisons are becoming more common, it seems rather reasonable to assume that “accentuating differences” is a precondition for “justice” in local education administration.

5. Educational justice theory in Germany

This section examines theories of “educational justice” in Germany ⁽²²⁾, where the reduction of structural hierarchical inequalities in educational attainment has become a major policy issue since the PISA survey ⁽²³⁾. By “structural” it is meant that not only are there differences in educational attainment due to differences in the social background of individuals, but also that these are extended and reinforced by the system of a bifurcated school system. A specific policy goal is therefore to improve, for example, the bias of pupils’ progression to the secondary education stage in correlation with their social background. Today, the official definition of “educational justice” in Germany in terms of educational finance is that “the choice of the type of secondary school and the progression to it should be determined independently of the social background of the pupils.” ⁽²⁴⁾

The German word now translated as “educational justice” is *Bildungsgerechtigkeit*, the most common word for “justice,” ⁽²⁵⁾ but this expression has been used deliberately to avoid *Gleichheit*, the most common expression for “equality” of educational opportunity. There is a common perception that a clearly unequal educational reality has arisen as a result of the adequate guarantee of “equal opportunities.”

This terminology is clearly expressed in the report entitled “Justice in Education” (2007) of the “Aktionsrat Bildung” (“Education Round Table,” hereafter ARB), which was commissioned by the Bavarian Association of Business Organizations to start work in 2005 ⁽²⁶⁾. The report dismisses “equal educational opportunity” as a formal concept, and defines “educational justice” along the lines of the aforementioned meritocratic conception, i.e., as accepting the unequal distribution of educational resources according to talent, ability and effort under the condition that the influence of social class background is excluded. This is defined as allowing the unequal distribution of educational resources according to a

person's talent, ability and effort under conditions that exclude the influence of social class background ⁽²⁷⁾. This is the very definition of the axiomatic definition of "justice in education" mentioned immediately above.

However, criticism has been raised against this report from several directions. The earliest critique, by J. Giesinger, argued that whether differences in educational attainment are due to "social attributes, gender or race," "family wealth and economic status," "family environment" or "individual talent," there is no moral reason why the treatment should be different according to its origin, and called for a "hurdle theory" that guarantees all members of society a certain level of social, political and economic participation, and a certain level of economic competence. The Hurdle Theory *Schwellen-Konzeption*, which guarantees a certain level of social and political participation and economic competence to all members of society, is called for as the content of "educational justice." ⁽²⁸⁾ Giesinger states that the ARB report is not based on any international level of debate, whereas his own argument is based on the international debate on justice theory since Rawls, and that the Hurdle Theory is linked to the arguments of A. Gutmann. Giesinger's argument regards meritocratic conception as inappropriate and calls for pure sufficiency, so to speak.

Although Giesinger has difficulty in taking account of the international debate, the ARB report does give some consideration to the alleged conflict of the demands of "justice" with "norms of freedom." ⁽²⁹⁾ It appears to overlap with the consideration of criticisms from libertarianism of distributive theory. This issue of the "conflict between educational justice and the norms of freedom" is consciously taken up by K. Stoyanov ⁽³⁰⁾. According to Stoyanov, the ARB report's insistence on indulging the constraints on immediate freedoms for the sake of greater medium-term freedom merely uses the idea of "educational justice" as a pseudo-moral justification for restrictions on the free actions of those who suffer economic losses. In the light of the level of the international debate on justice, the report's argument is too crude, and that it needs to be based at least on the strong intrinsic tension between individual freedom and autonomy and the guarantee of equal opportunity. Stoyanov, for example, says: "If 'natural gifts' are to be 'neutralized' by schooling, does this not constitute a serious interference with the self-realization of the child who is privileged by his 'natural gifts'?" and criticizes the report's logic of constraining the individual's desire for self-fulfillment, which could lead to future economic losses, in the name of "justice." Interestingly, Stoyanov refers here to Giesinger's "hurdle theory," mentioned earlier, and expresses sympathy with Giesinger's assertion that inequalities beyond a given "hurdle" are justified irrespective of their origin, whether due to birth, natural talent, family circumstances or any other reason.

It is important to note here, however, that Stoyanov does not value "hurdle theory" because it brings about "justice" or "equality." In Stoyanov's view, contrary to Giesinger's view, the ideas of "equality" and "equal opportunity" are meaningless in "hurdle theory." What is interesting about Stoyanov's own argument here is that, while giving a certain evaluation to the "hurdle theory," which has nothing to do with "equality" or "equal opportunity," he turns the argument around once more and argues that there is still "something to be shared equally by all." That is, according to Stoyanov, "equal recognition of the moral autonomy of the individual." Here, it is not equality in the distribution of concrete resources as in the past, but "equality" or "equal opportunity" with regard to the recognition of individual autonomy that should be considered. Calling the principle of "educational justice" found in this equal distribution of moral recognition the "principle of non-distributive educational justice," he says: "Looking at the German school education system from this perspective, we see a form of injustice quite different from what empirical educational research shows. The overcoming of that injustice is possible without bringing any restrictions on freedom." In essence, Stoyanov is dismissing the argument for "educational justice" as a theory of distribution of goods and shifting the playing field to the "non-distributive principle of educational justice" of the moral recognition of the individual ⁽³¹⁾.

Where would this "principle of non-distributive educational justice" stand vis-à-vis the standing of the

ARB report? In meritocratic conception, it is not unjust if selection is based purely on pupils' cognitive abilities. Therefore, there is a need for greater accuracy in the diagnosis of cognitive competence. On the other hand, under the principle of non-distributive educational justice, which is based on the moral recognition of the individual, it is not a question of accuracy but of discarding the sorting itself. This is because sorting is itself seen as a lack of moral recognition of the individual.

“Schooling should optimally prepare all growing young people for competition for economic wealth and social status, or for political participation. In doing so, it is a deviation from the role of schooling to pre-empt his or her position in such competition or political participation by grading his or her academic performance.”

According to Stoyanov, he states that under the banner of “justice in education,” he does not endorse the idea of constraining future positions within society preemptively by evaluating students' performance and limiting their paths at a specific point in school education (e.g., upon completion of basic education). He argues against such constraints from the perspective of the moral recognition of individuals.

The “Yearbook of Opportunities 2014,” which summarizes the education reform situation in each state, references the arguments of Geiger, Stoyanov, Rawls, Sen, and Honneth. It provides a comprehensive definition covering three perspectives: the meritocratic conception, the hard law theory, and moral recognition. The definition is as follows: “This book conceives the concept of justice of opportunity as the fair opportunity for free participation in society, which is guaranteed by a proper school system where students are not subjected to further disadvantages due to their social and natural characteristics. It is also supported by an education system that fosters the capabilities of all individuals and is sustained by mutual recognition among all those involved in education.”⁽³²⁾

The next section examines this comprehensive definition in the context of educational administration practice.

6. Implementation of “justice” in the German urban state of Hamburg

How could “educational justice” be implemented in local education administration? The material used below is from the German Urban State of Hamburg (hereafter Hamburg). Hamburg is one of the small states of the federal state, with its own parliament and constitution and autonomy in the school system within the framework of a federal-wide agreement⁽³³⁾. In recent years, measures to challenge inequalities in education have been actively introduced in Hamburg. With the above comprehensive definition in mind, this section examines specific measures in Hamburg from the perspective of “educational justice.” Specifically addressed is the introduction of a school system known as the “Two-Pillar *Zwei Säulen Modell*” and the establishment of a “social index” for each school.

A “two-pillar” secondary school system is currently in place in Hamburg. This system consists of a four-year comprehensive basic school for all students, followed by a choice between two types of secondary schools: Gymnasium and Community School (*Stadtteilschule*)⁽³⁴⁾. One notable feature of this system is that even in the Community School, students have the possibility of obtaining the *Abitur* (general university entrance qualification) after nine years of study (eight years in Gymnasium). If both Gymnasium and Community School are entirely equal in opportunities, then the issue of structural inequality correlated with students' social backgrounds during the transition to secondary schools can be resolved through the system, ensuring equal access to all qualifications, with the *Abitur* being the highest qualification.

However, in reality, there are structural disparities between the Gymnasium and the Community School. Firstly, there exists a fact that parents of children identified as having “Gymnasium suitability” at the elementary school level tend not to choose the Community School. Secondly, there are significant socio-environmental differences between schools and school districts, leading to a tendency for disparities to exist between the Gymnasium and the Community School. In other words, the two-pillar school system does not

automatically resolve the issue of educational inequality.

From the perspective of implementing “educational justice” in local education administration, what is particularly interesting in Hamburg is the active effort to “highlight disparities” and achieve a closer approach to “educational justice.” Since 1996, Hamburg has been calculating and publicly disclosing the “*Sozialindex*” (Social Index), which is a pioneering initiative in Germany ^(35,36). The *Sozialindex* (also known as LAU index or KESS index) is assigned to all schools (school districts) and includes not only indicators directly related to school education but also a wide range of socio-environmental indicators. The index is divided into five major domains, consisting of a total of 24 items ⁽³⁷⁾. The data is collected periodically through administrative records and surveys targeting parents and students. After appropriate weighting, the data is consolidated, resulting in all schools being classified into six levels, ranging from “1 = schools in extremely challenging socio-economic environments” to “6 = schools in extremely favorable socio-economic environments” (see **Table 1**).

Table 1. Number of schools per index category (2017/18)

Social index	6	5	4	3	2	1
Basic school	18	40	29	30	28	22
Gymnasium	18	27	12	1	3	0
Community schools	1	7	12	10	19	7

Aus: *Bürgerschaft der Freien und Hansestadt Hamburg, 21. Wahlperiode, Drucksache 21/13334, Anlage21*

As shown in **Table 1**, basic schools, which are primary education common to all, are almost evenly distributed across 1 to 6, whereas secondary education, which is divided by the selection process, is clearly skewed towards the favorable category for gymnasiums and the challenging category for community schools.

In Hamburg, parents have the right to choose their school, both for basic and secondary schools. This means that they can apply their kids for admission or further education at the school of their choice. If the number of applications exceeds the number of places available, the school will make a selection based on distance to school, sibling enrolment and special needs (e.g., foreign languages). There is no interview, academic assessment or lottery element. If, under such a system, the above-mentioned classification based on a school’s social index is made public, the question arises whether it has a positive or negative impact on the recruitment of pupils. Who would willingly send their child to a school recognized for being in a challenging social environment? It’s only natural that parents would prefer to send their children to schools with a better social environment if they have the option, right?

Based on the data provided by the Hamburg educational authorities, it seems that such concerns may be groundless. For the 2017/18 academic year, 95.8% of first-year students, 97.0% of Gymnasium applicants in the fifth year, and 94.4% of Community School applicants in the fifth year were admitted to their first-choice schools ⁽³⁸⁾. These figures have remained relatively stable over the years. This indicates that there is no significant avoidance or concentration towards specific schools in Hamburg.

The Hamburg Ministry of Education explains the significance of the social index for each school as follows:

“Studies have shown that children’s social background strongly influences their learning and their final educational qualifications. In a large city like Hamburg, children from socially disadvantaged families are at a double disadvantage. First, they have less support at home. Secondly, they often study with many classmates from difficult backgrounds. In such schools, for example, there are no strong pupils to help and learn together with weaker pupils, so the school has to compensate for that. The Hamburg Social Index

combats these inequalities. It ensures that pupils with fewer educational opportunities receive additional support at school. In this way, the Hamburg Social Index contributes to better equal opportunities.”⁽³⁹⁾

Based on the social index, specific measures have been taken, such as a reduction in the number of pupils per class and the allocation of additional teachers to support language teaching (up to 40% more than in Gymnasium). The aforementioned kind of “calm” in the choice of secondary schools may be allowed to be interpreted as implying a certain level of trust in the measures taken by the education authorities⁽⁴⁰⁾.

By aligning these policies with the comprehensive definition of “justice” discussed in the previous section, we can organize them as follows: First, the two-pillar school system ensures sufficiency through a common basic school. Second, the system aims to achieve the Meritocratic Conception after secondary education (elimination of disadvantages based on social background at the time of progression and recognition of differences according to individual abilities). Thirdly, the right of parents to choose schools without selection is an expression of individual moral recognition. While the above points are primarily the establishment of institutional systems through legislation and not narrow educational administrative policies, the fourth policy is the social index for each school (school district) enables administrative support that “emphasizes differences” and facilitates approaching “justice.”

7. Conclusion

This article has limited the discussion of “justice” in Section 2, organized the ideas of “justice” as a theory of distribution in Section 3, examined the significance of “emphasizing differences” in considering “justice” in local educational administration in Section 4, and confirmed the current definition of “educational justice” in Germany in Section 5. Subsequently, in Section 6, the policies in Hamburg were scrutinized as one concrete representation of “educational justice.” In essence, this article has cited relevant points concerning “justice” to examine the policies in Hamburg that aim to promote “justice.” However, it does not provide a comprehensive analysis of “justice” in local educational administration. Furthermore, it does not claim that the policies in Hamburg represent the definitive model of “educational justice” today.

For educational administration studies, which are conscious of practical applicability, it is difficult to discuss “justice in education” in a comprehensive way. Through this examination, what this article aims to assert is that when discussing “justice,” even if one may not fully grasp the entirety of the concept, it is more appropriate to consider the criteria of “justice” that are suitable for the specific context in the process of critiquing apparent injustices or devising plans and policies to overcome them. This way, the uniqueness of educational administration studies can be found in determining the appropriate standards of “justice” for each specific situation.

Of course, whether this paper has succeeded in such an attempt is uncertain. The Meritocratic conception, which seems to be practically accepted in Germany, also appears to find general agreement in Japan. However, there is room for discussion regarding its institutional implications and moral justifiability. In this paper, we considered the parents’ fundamental right to choose schools (types) as an institutional implementation of moral recognition. Yet, this might be an oversimplification of the concept. While “highlighting differences” is a prerequisite for implementing “justice” within the scope of this paper, in specific social contexts, it could lead to the reproduction and fixation of disparities. Nevertheless, if this paper is seen as contributing to a provisional consensus, it would have sufficiently achieved its purpose.

Acknowledgments

During the preparation of this paper, Professor Hiroto Tahara, Sapporo University, provided advice and references, and the Editorial Board advised on the structure. We would like to express our gratitude.

Disclosure statement

The author declares no conflict of interest.

Endnote

- (1) Tamura T, (eds) 2019 (in press), “Correctness and Politics” in *Deliberative Democracy and Its Mediation: with a Focus on the Deliberative System Theory*, in *What Does It Mean to Be Correct in Politics*, Keiso Shobo, Tokyo.
- (2) Tamura describes its “unsatisfactoriness” as “the defence of the uniqueness of ‘politics’ in political theory of politics can only lead to the conclusion that, in the end, everything is uncertain.”
- (3) See, e.g., Takada A, *The Communicative Turn of Contemporary Thought*, Chikuma Shobo, 2011, 106 and following.
- (4) Tamate S and Tabata S, *Post-foundationalism no Mondai Kikan*, in Tabata et al. (eds.), forthcoming.
- (5) Okochi T, *Judgment without foundation: Reflective judgment and its extension as “political things”*, in Tabata et al. (eds.), forthcoming. According to Akinori T, it was Arpel K-O who attempted to resolve the impossibility of the “foundation of the correctness of knowledge” by means of a “transcendental language game” by a “communicative community”, and Habermas’ theory of communicative action is positioned as an extension of this. Ibid, p. 108 and following.
- (6) See, Miyadera A, 2006, *Distributional Theory of Education*, Keiso Shobo, Tokyo; Ibid, 2011, *Reexamination of Equality of Educational Opportunity*, Iwanami Shoten, Tokyo; Tahara H, 2014, *The Distributional Theory of Education: A Retrospective Perspective*, *Journal of the Sociology of Education*, 94, 2014.
- (7) The terminology in this section is basically based on Tahara, supra. See also Usami M et al., (eds) 2019, *Justice Theory from Basics to Frontiers*, Law Bunka Sha.
- (8) Miyadera A, 2006, cited above. Ibid, 2014, *Restoration of “Equality of Educational Opportunity”: Can Parents Decide their Children’s School?*, in Miyadera, ed. Ibid, 2104, *Justice Theory of Education*, Keiso Shobo, Tokyo.
- (9) Miyadera, 2006, above. Miyadera seems to regard this argument as one expression of the embodiment of J. Rawls’ disparity principle, in which he seems to emphasize that the disparity principle needs to be applied not only to the distribution of ex post benefits, but especially in the distribution of educational opportunities. Nevertheless, the disparity principle conditionally permits social inequalities, so the observation here may not be accurate.
- (10) Yasuda N, 2014, *Equality of Educational Opportunity: Currency, Time and Philosophy*, in Teruyuki Hirota and Akio Miyadera (eds), *Education System and Society: A Theoretical Examination*, Seiri Shobo.
- (11) However, it is argued that the priority theory also causes a “pulling down” of the top, since the comparative advantage of the top is considered to be undermined by an increase in the level of education and “ability” of the bottom, even if the level of the top remains constant. Yoda, *ibid*.
- (12) Tahara, above.
- (13) Hirai Y, *What ‘Deliberative Democracy’ Brings: The Tug of War between Diversity and Integration*, in Miyadera, 2011, cited above.
- (14) Miyadera, 2014, p. 49.
- (15) Uzuki Y, *Considering the Principles of Institutional Design of Public Education*, in Hirota and

Miyadera, (eds) 2014, above, forthcoming.

- (16) The practical implications of meritocratic conception, as noted by Tahara, are also difficult to understand according to Tahara's solution. Literally interpreted, it seems to mean equality in the distribution of achievements among sub-groups distinguished by their social hierarchical background, i.e., "equality of results". See, e.g., Tahara, above.
- (17) Hirai, 2011, above. For school finance system litigation over disparities between school districts in the US, see, Shiraishi Y, 2014, *Seeking Equality in the Quality of Education: Trends and Legal Principles of US Adequacy School Finance System Litigation*, Kyodo Publishing, Tokyo, and Zhu C, 2016, *Fairness in the US School Finance System*, Toshindo.
- (18) See Kariya T, 2009, *Education and Equality: How Popular Education Society Was Generated*, Chuokoron Shinsha, Tokyo, pp. 178 and following.
- (19) *Ibid*, p. 248.
- (20) Sadahiro, Saiko, 2013, *Out-of-school Supplementary Learning Expenses Expenditure Trends and Regional Characteristics: Based on Socio-economic Data*, Chiba University Faculty of Education Research Bulletin, Vol. 61. Sadahiro, Saiko, 2014, *Education Strategy and Regional Characteristics from the Private Burden Tendency of Out-of-School Supplementary Study Expenses: On the Fluctuation of Public and Private Expenses for Education*, Annual Report of the Japanese Society for Educational Policy Studies, Vol. 20, and *The Reconstruction of the Public-Private Sharing Structure in Education Finance and Issues on the Fiscal Principle: A Research Agenda Trial of Education Finance Studies*", Chiba University, Faculty of Education Bulletin, Vol. 64, 2014. See also *Bulletin of the Faculty of Education, Chiba University*, Vol. 64, 2016.
- (21) Of course, this does not mean that the involvement of the public administration with individual children and families as a unit is unimportant or of low priority.
- (22) The choice of Germany as a source of material is due to the author's personal research interest over the years, but generally speaking, it is due to (i) certain similarities in the local administrative and financial systems, including educational administration and finance, and (ii) certain similarities in the social context in which justice in education is an issue.
- (23) The narrative in this section below overlaps in part with Maehara K, 2011, *The Development of the "Justice in Education" Debate in Germany*, Annual Review of Educational Research (Department of School Education and Lifelong Education, Tokyo Gakugei University, No. 30.
- (24) BMBF, *Bildungsbericht, 2016, Chancengerechtigkeit und Teilhabe. Ergebnisse aus der Forschung*. Bielefeld/Berlin. However, this is criticized, as it does not ultimately include the individual's improvement. There is criticism that the improvement of the disadvantageous situation itself is not included therein. Vgl., Siewert, J., *Bildungsungerechtigkeit und was Lehrer*innendagegen tun können*. In: *Pädagogik*, 2019(10).
- (25) For example, J. Rawls' Justice as Fairness is described as "Gerechtigkeit als Fairness."
- (26) Vereinigung der Bayerischen Wirtschaft e. V. (Hrsg.), *Bildungsgerechtigkeit- Jahresgutachten 2007*. Aktionsrat Bildung. 2007. ARBFor an overview of the members and activities of the Cf., <https://www.aktionsrat-bildung.de/>
- (27) Vereinigung der Bayerischen Wirtschaft e. V. (Hrsg.), *op.cit.*, p.18.
- (28) Giesinger, J., 2007, *Was heißt Bildungsgerechtigkeit?* In: *Zeitschrift für Pädagogik*, 53(3).
- (29) Vereinigung der Bayerischen Wirtschaft e. V. (Hrsg.), *op.cit.*, p. 20ff.
- (30) Stojanov, K. 2008, *Educational justice as a restriction of freedom?*, In:*Zeitschrift für Pädagogik*, 54(4).

- (31) Stoyanov's argument is based on the arguments of the so-called Frankfurt School's A. Honneth. On Honneth, see Masao Higure, *Social Theory of Debate and Approval: Habermas and Honneth*, Keiso Shobo, 2008.
- (32) Bertelsmann Stiftung, et al. (Hg), 2014, *Chancenspiegel 2014*. Verlag Bertelsmann Stiftung, 2014, p.15.
- (33) It has a population of approximately 1.8 million and an area slightly larger than the total area of the 23 wards of Tokyo.
- (34) In addition to Hamburg, Bremen, Berlin and Saarland have adopted this two-pillar system in principle as of 2020.
- (35) Vgl., <https://www.hamburg.de/bsb/hamburger-sozialindex/> (see Hamburg Ministry of Education website, May 29 2020).
- (36) Groot-Wilken, B. et al., (eds) 2016, *Social Indices for Schools: Background, Methods and Application*. Waxmann, pp.10–11 (Introduction).
- (37) Social environment (unemployment rate in the school district, welfare receipt rate, election voting rate), cultural capital (number of books in the home library, museum visits, parental education), economic capital (income, parental job position, availability of children's room), social capital (friendships, parental relationships, parental evaluation of grades, parental evaluation of children), immigration background (country of origin, parental language environment, siblings' German environment). Data for each school not included in the social index, the number of applicants for admission, the number of pupils who have been assessed as suitable for Gymnazium and the number of students who remain in school each year are also available at all times.
- (38) Aus: <https://www.hamburg.de/pressearchiv-fhh/8628986/2017-04-25-bsbschulorga/> (see Hamburg Ministry of Education website, May 29 2020)
- (39) Aus: <https://www.hamburg.de/bsb/hamburger-sozialindex/> (see above)
- (40) Although not a direct argument, in an interview the author conducted with a secondary education officer at the Hamburg Ministry of Education in March 2020, the officer stressed the importance of supporting disadvantaged community schools.

Publisher's note

Bio-Byword Scientific Publishing remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.