Journal of Global Ethics

ISSN: 1744-9626 (Print) 1744-9634 (Online) Journal homepage: http://www.tandfonline.com/loi/rjge20

Educational justice and transnational migration

Krassimir Stojanov

To cite this article: Krassimir Stojanov (2018) Educational justice and transnational migration, Journal of Global Ethics, 14:1, 34-46, DOI: 10.1080/17449626.2018.1498370

To link to this article: https://doi.org/10.1080/17449626.2018.1498370

Published online: 22 Aug 2018.

JOURNAL OF GLOBAL ETHICS
2018, VOL. 14, NO. 1, 34–46
https://doi.org/10.1080/17449626.2018.1498370

Routledge
Taylor & Francis Group

Educational justice and transnational migration

Krassimir Stojanov

Chair of Philosophy of Education and Educational Theory, Catholic University of Eichstaett-Ingolstadt, Ingolstadt, Germany

ABSTRACT

In this paper I address the distributive, inclusive, and relational dimensions of educational justice individually in relation to transnational migration. First, I thematize distributive issues with regard to immigrant students, the central question being whether these students are entitled to more or less educational resources as non-immigrant students. Second, I discuss to which extent and in which sense enabling immigrant students to participate fully in the social and political life of their receiving country is a demand of educational justice. Third, I elaborate on which kinds of educational interactions – in the first place, which types of teaching – could perpetuate unjust treatment of those students in the form of disrespect. I claim that educational justice with regard to immigrated students consists in their enabling to full social and political participation by a mode of teaching that positively addresses students' biographical experiences with migration, and by constructing school curricula which encourage inter-lingual, inter-cultural, and inter-contextual translations in the classroom. That is to say, that educational justice in context of migration is to be ultimately understood as relational justice, or more specific – as a matter of just pedagogical relations.

ARTICLE HISTORY
Invited contribution received 25 November 2017

KEYWORDS
educational justice; distributive and relational justice; immigrated students; recognition; disrespect

During the last two decades, the term 'educational justice' has acquired a prominent status in worldwide discussions of educational policy. This is particularly true with regard to the discourses that have been triggered by initiatives such as the Programme for International Student Assessment (PISA) and the No Child Left Behind Act in the United States, both of which focused very much on educational inequalities.However, 'educational justice' is still far from being clearly and coherently defined, since that talk of 'educational inequalities' remains, in most cases, undifferentiated and nebulous. Are these primarily inequalities of resources, inequalities of opportunities, or inequalities of pedagogical treatment? And in what relation do these three types of inequalities stand to each other? Are there justified inequalities in education, and if so, how can we distinguish them from unjustified ones? Could there be 'deserved' inequalities among schoolchildren, that is, among immature persons who cannot be termed (fully) responsible for their choices and levels of educational achievement? And are there issues of educational justice beyond educational inequalities, issues which could be even more pressing? Imagine, for example, a system

CONTACT Krassimir Stojanov krassimir.stojanov@ku.de

of schooling within which all children are threatened in an equal way without empathy. Would we call this system a 'just' one?

We can scarcely find convincing answers to these questions in political discourses on educational justice, and while the philosophical discourse on this topic has become fairly rich and dynamic in the last decade, it seems somewhat one-sided, as it has focused on distribution of resources *for* education and of opportunities *as result* of education, thus largely neglecting justice *in* education – that is, in teaching, curriculum development, assessment, and classroom interactions. The topic of transnational migration introduces additional complications in our understanding of that term, as it is linked not only to traditional social and economic inequalities which should be addressed by the educational system, but also to inequalities in students' citizenship status and cultural status. That said, discussions of transnational migration also introduce opportunities for clarifying the semantic content and the normative implications of educational justice. This is so because questions about the educational participation and pedagogical treatment of immigrant students bring issues of exclusion and discrimination to the center of discourses on educational justice. Thus, the distinctions between the distributive, inclusive, and relational aspects of this term become sharper and clearer: ensuring the just educational treatment of immigrant students is obviously not only a matter of distributing appropriated resources for their education, but also of fostering their ability to participate politically and socially, and of not exposing them to discrimination and disrespect.

I shall now address each of the three dimensions of educational justice individually in relation to transnational migration. My first concern will be distributive issues with regard to immigrant students, the central question being whether these students are entitled to the same amount of educational resources as non-immigrant students. Second, I shall discuss to which extent and in which sense enabling immigrant students to participate fully in the social and political life of their receiving country is a demand of educational justice. Third, I shall elaborate on which kinds of educational interactions – in the first place, which types of teaching – could perpetuate unjust treatment of those students in the form of disrespect. The considerations in the article shall lead to a clarification of the interrelations between these different aspects of migration-related educational justice and of their respective significance for the just treatment of immigrant students.

1. Distributive issues

Is there a moral duty to offer additional courses to immigrant students to foster their integration? If so, shall these courses be financed by allocating more money for the education of these students than for the education of native students? Or shall the funding of these courses be generated by cutting other classes that seem less relevant for integration – such as, say, arts or foreign languages – to prevent the appearance of an injustice, namely that immigrated students and their families are privileged in terms of resources?[1] Or should one assume that the integration of immigrated children is the responsibility of their parents rather than of the system of public education, since it was the parents' decision to immigrate with their children? And what about the costs for the integration and tertiary education of immigrated adults? Should the receiving state (fully) cover these costs, even if they outstrip the costs which the state spends to support the domestic poor?

When considering these questions, we must be aware of two important distinctions: first, the distinction between voluntary and forced immigrants,[2] and second, between adults and children. These distinctions become particularly significant when we approach the above questions from the standpoint of the 'luck egalitarianism' that is central in the contemporary discourse on educational justice.[3]

The basic premise of the 'luck egalitarianism' that can be traced back to authors such as John Rawls and Ronald Dworkin is that one's access to social and economic positions should depend on the choices and achievements for which one can reasonably be held responsible. Unequal distribution of rewards is just, provided that the competing individuals deserved this distribution – that is, if this distribution is due to actions that they chose and for which they can be held responsible. However, individuals are certainly not responsible for their brute luck – that is, for the genetic preconditions that affect their health, for their family upbringing, and for their socialization. That is why distributive justice presupposes the neutralization of 'brute bad luck' (see Dworkin 2000, 285–87; Calvert 2014, 74–76).

Rawls (1999, 86–87) argues that this neutralization that is a central demand of luck egalitarianism should be primarily the task of school education. According to him, a just society should spend more effort and resources on the early education of children disadvantaged by their family backgrounds, their health, or even their talents to equalize their opportunities to define and pursue their own life prospects and to compete against other individuals without disadvantages in terms of goods and employment positions. Generally speaking, if we follow Harry Brighouse that education is a 'positional good' whose absolute worth depends on its creating social and economic privileges for its possessors, and whose unequal distribution licenses inequalities in income and wealth,[4] then this distribution should not reflect the advantages and disadvantages of students' brute luck and socialization (Brighouse 2003, 473–75, 2007, 577f). Rather, educational resources should be distributed in favor of disadvantaged students, and this compensatory distribution should aim at the neutralization of brute luck.

From these considerations, it follows that if *forced* emigration (for example, in the case of refugees) causes economic and social disadvantages on the side of the immigrating children *and* adults in the receiving country, and if these disadvantages could be neutralized or at least diminished by allocating additional educational resources to both groups of concerned persons, allocating these resources to them would indeed be a demand of justice. So, in the case of adult refugees, the state has a moral duty to sponsor educational courses for them which aim to neutralize their social disadvantages in the receiving country such as their lack of fluency in its national language or lack of familiarity with its laws and customs. However, the state does not have this duty with regard to *voluntary* adult immigrants, since it was their choice to enter a particular country, and therefore they should autonomously bear the consequences and the burdens of this choice.

In the case of children, though, this distinction between voluntary and forced emigration is pointless. First, in most cases, immigrated children do not choose to leave their home country. Rather, they are brought by their parents, or, in the case of many who are unaccompanied minors, sent by them. But even if children choose to leave their home country, they cannot be held responsible for that choice. Immature persons cannot be assumed (fully) capable of making a reasonable choice. This being the case, the task of school education is to form this capability in them rather than to presuppose

it. Hence, according to the approach of luck egalitarianism, if the immigration of schoolchildren results in disadvantages in their educational careers in their receiving country, this country has the moral obligation to spend additional educational resources to neutralize these disadvantages, regardless of whether the emigration of the children's families was forced.

Now, during the last decade, several authors have criticized the application of 'luck egalitarianism' as the main principle of educational justice. The most prominent of these criticisms is that luck egalitarianism seems to imply a 'leveling down' of the entire system of school education. This 'leveling down' ultimately appears as the only possible solution to what Brighouse calls a 'bottomless pit' problem (Brighouse 2003, 477f). This is so because neutralizing disadvantages originating from children's family backgrounds, pre-school socialization, and upbringing cannot be achieved solely by the state's allocating more resources for disadvantaged children. In that case, the parents of socially privileged children would spend additional money and time to keep their educational advantages, to maintain the educational gap between their own children and the children of socially and culturally deprived families like the ones of immigrants, and in doing so, to secure better social and economic positions for their children through better education. Thus, the only plausible means of overcoming that gap seems to be a general leveling down of educational standards so that they can be mastered by all students, regardless of brute luck and socialization. Such standards would not license different educational certifications and qualifications that ground the unequal social positions of the absolvents. Meeting these 'downsized' standards would be achievable for every student without receiving additional support by private teachers or parents' housework help so that students from wealthy families would not be privileged in terms of access to higher social positions through their better mastering of the educational standards.

However, as Ben Kotzee has persuasively shown, the leveling down maxim has several pitfalls (see Kotzee 2013, 332–40). Perhaps the most important of these is that leveling down educational qualifications would impede the growth and the fostering of knowledge in members of a society. This would have a strong negative impact not only on a society's productivity and labor market, but also on the quality of its public debates, democratic process, and so forth. And ultimately, the erosion of the democratic process will make the situation of the disadvantaged members of a society even worse (335f and 339f). In addition, it would be particularly counter-productive to proclaim 'leveling down' as an adequate answer to the educational 'challenge' of immigration. Such an answer would only amplify the widespread cliché that immigration impoverishes public schools. The usual reaction of wealthy mainstream parents to such clichés is to remove their children from schools that are attended by a significant number of students from immigrant families and either send the children to private schools or move to neighborhoods where the schools are attended by no (or only a few) immigrants. This leads to educational segregation, which obviously works against the diminishing of the inequalities of brute luck.

Since these dilemmas of luck egalitarianism in education seem to be without solution, one could reject the *equality* of 'starting conditions' as a major norm of educational justice in general, and endorse instead the *adequacy* of education for all students as such a norm. With regard to immigrant students, this norm implies that they should receive an education which enables them to participate fully in the society in which they reside and to live with dignity there. As we will see later in this article, within such an education,

immigration would not appear as a disadvantage per se. But let us first elaborate on the principle of adequacy of education in the context of migration.

2. Educational justice and relational equality as outcomes of education

Elisabeth Anderson is probably the most prominent author who argues for adequacy versus equality of education (see Anderson 2007, 595; 615). In doing so, she is not building a general argument against equality as such. On the contrary, she powerfully endorses the ideal of a 'democratic equality' (Anderson and Gutting 2015) or of people's 'equal standing' in social relations (Anderson 2007, 615). However, according to Anderson, this ideal is to be reached through an adequate formal education which is not egalitarian in the sense of luck egalitarianism – that is, which is not aimed primarily at neutralizing the unequal distribution of brute luck, and which therefore does not fall prey to the levelling-down consequence of the luck egalitarians.

As we shall see, Anderson's argument has immense significance for educational justice with respect to immigrants. We can summarize this argument as follows: Anderson (2007) aims to determine a 'sufficientarian standard for fair educational opportunity' (614). This should be a standard that enables a democratic equality that overcomes discrimination, oppression, and exclusion, which are grounded primarily in segregation and stereotyping of social groups (see 598-606). Positively speaking, democratic equality is given when everyone can act as an equal citizen: 'Equality refers fundamentally to an ideal of social relations, in which people from all walks of life enjoy equal dignity, interact with one another on terms of equality and respect, and are not vulnerable to oppression by others. This requires that people with diverse identities share a common stock of cultural capital whereby they can cooperate competently with one another and respond to one another's claims and that each have enough human capital to function as an equal in civil society' (615).

Anderson (2007) claims that the standard in question consists of every student 'with the potential and interest' (597) receiving a school education that is '[s]ufficient to enable him or her to succeed in a college that prepares its students for postgraduate education' (597). This claim follows from two different but interrelated premises which we shall consider individually in their implications for migration-related education, although Anderson herself does not clearly and explicitly distinguish between them. I shall call them (1) 'the democratic elite premise' and (2) 'the human capital' premise.

(1) *The democratic elite premise*: According to Anderson, democratic equality presupposes the building of an inclusive elite which does not reproduce oppression and social group hierarchies, but, rather, eliminates them. The elite in question seeks to promote common public goods, and it is concerned with the whole society in its diversity. For the elite to function in that way, its members should come from different social and cultural strata. That is why all citizens, including the ones who belong to underprivileged and marginalized social and cultural groups, should be enabled to become members of the elite. Because having a college diploma that qualifies one for postgraduate education is the main factor in having access to the elite, every individual should receive a school education that enables him or her to succeed in college (see Anderson 2007, 596).

It is important to note that for Anderson, the members of the inclusive democratic elite are not distinguished only by a high level of academic knowledge. They must also possess social competences such as an awareness of the interests and problems of people from all different socio-cultural groups, the disposition to serve these interests, and the ability to take the perspectives of those people and to interact with them in respectful way (see Anderson 2007, 596 and 606f).

It is obvious that immigrated residents should be included in this kind of democratic elite, since it must represent and serve the interests and problems of all social groups. Hence, immigrants should receive formal education that would enable them to gain access to university education and therefore to the elite. Moreover, this demand applies not only to immigrated children but also to adults, regardless of whether they emigrated voluntarily or were forced to emigrate. For example, adult immigrants who have already qualified to study at a university in their home countries should receive access to higher education that could enable them to become members of the elite and not only to professional training restricted to their 'integration' in the labor market.

Generally speaking, the 'democratic elite premise' sharply contradicts educational structures and practices which erect barriers to the access of immigrants to academic higher education, or which make that access more difficult than the access of non-immigrants. One example of such structures and practices in Germany is the early selection of students immediately after elementary school for academic ('Gymnasium') and non-academic ('middle school' or 'main school') schools, with only the Gymnasium preparing its students for universities. This selection clearly contradicts Anderson's (2007) demand that all students with 'the underlying potential' should be prepared by their primary and middle schools for college preparatory high school curriculum and should have this curriculum available in their high schools (see 615). One can hardly determine whether a nine-year-old child who has just completed primary school has 'the underlying potential' for university education, and this is surely not possible with regard to children from immigrant families, since these children need more time to become fluent in the language of instruction and familiar with the cultural codes which are inscribed in the school curriculum. Moreover, as some empirical surveys indicate, teachers in Germany regularly evaluate children from immigrant families as being eligible only for low-performance, non-academic secondary schools without a college-preparatory track. This holds true even if at the end of primary school, these children have reached the same level of knowledge-related abilities as children from non-immigrant families who have Gymnasium recommendations (see Baumert et al. 2001, 279–402).

We should note that in light of the competences profile of Anderson's democratic elite, the emigration and subsequent immigration of a child or adult does not necessarily appear as a deficit that must be neutralized through the redistribution of educational resources. On the contrary, this experience could boost the 'underlying potential' of the concerned individuals to develop some of the abilities which are essential for members of the democratic elite. Typically, immigrants must bridge different cultural contexts and social milieus, and this could foster their ability to put themselves in the shoes of others and to be sensitive to the problems and interests of different social groups, especially of underprivileged ones. This brings us to the second premise of Anderson's argument, 'human capital.'

(2) *The human capital premise:* Anderson's (2015) democratic equality obviously cannot be reached by an inclusive elite alone if individual society members obstruct it – that is, if they are not able or willing to act as equal citizens. To be able and willing to act in that way, individuals must possess a certain level of social and cultural 'capital,' and Anderson seems to suggest that one can reach this level only if one has received a college-preparatory education, even if one does not go on to attend college. The 'human capital' in question would enable the individual to interact with the others on terms of equality and respect and to resist oppression by others (see 615). The 'proper egalitarian aim' of education is, according to Anderson, not to guarantee an equality of resources, but to ensure '[t]hat everyone has sufficient human capital to function as an equal in civil society – to avoid oppression by others, to enjoy standing as an equal, to participate in productive life, and so forth' (618).

Now, the decisive question with regard to our topic is whether one's biographical experience with migration adds value to one's 'human capital' or diminishes it. Since, according to Anderson, reaching a sufficient level of 'human capital' is a matter of education, this question could be re-formulated as follows: Does one's experience with migration facilitate one's education, or does this experience burden the educational process?

The obvious answer to that question is that there is not a general answer to it. Many immigrants transform their specific biographic experiences into a particularly strong motivation for education and ability to attain it, whereas for others, the same experiences cause huge educational deficits and disadvantages. Also, as the outcomes of the PISA-study indicate, the educational achievements of immigrant high-school students vary significantly across different countries due to certain features of those countries' school systems such as inclusiveness versus selectivity or openness to multilingualism and multiculturalism in schools (see OECD 2016, 9). This indicates that what matters with respect to the educational impact of migration is the *particular qualities* of educational relations. So, one can expect students from immigrant families to achieve higher levels of education if individual teachers and schools as institutions address their bi-lingual and bi-cultural socialization in an affirmative way, and their educational motivation and self-confidence to diminish if teachers and schools treat this socialization as an educational obstacle.[5]

It is remarkable that Anderson's considerations do not touch upon the question of what educational interactions in the classroom, practices and contents of teaching, and regulations of educational institutions should look like to enable students from different social and cultural strata to function as equal citizens. While Anderson is very much concerned with *what* should be achieved *through* education, namely, democratic equality, she largely ignores the question of *how* education can achieve it.[6]

To be sure, Anderson (2007) argues against a 'narrowly academic conception of qualification for college' (597) and in favor of an diversified understanding of educational qualifications which – as already indicated above – include social competences such as awareness for the interests and the needs of different groups of people or ability to interact with them in a respectful way. In addition, she argues that not only propositional but also 'personal' knowledge should be acquired at schools, that is, knowledge from a second-person standpoint (607). However, Anderson leaves aside the question which

forms of classroom interactions, including forms of teaching, are able to support the formation of the mentioned competences – and which are likely to impede the personal knowledge of the students (including their self-knowledge) and/ or to hurt them. That is to say that Anderson fails to address the question of what distinguishes education as a *particular life form* in which growing individuals enter into institutionalized and informal interactions with adult individuals – interactions which, by the way, should be evaluated not only according to the extent to which they support the formation of the ability of the students to achieve social and political participation, but also according to whether these interactions are just in *themselves*. Instead, for Anderson, education appears as 'something' which the individual should 'receive'[7] to develop as an equal citizen in political and economic relations, but is not itself an arena of specific social relations.

This understanding of just education remains dominated by an image of justice which, according to Rainer Forst, reduces individuals to passive receivers of goods (here: educational goods) from social institutions instead of imaging justice as a cooperative achievement of active subjects (see Forst 2014, 13). Also, the term 'human capital' that plays a central role in Anderson's account of just education is attached to that image and is therefore misleading, as it suggests that knowledge and abilities are elements of a 'capital' which the individual possesses and which can be enlarged by the individual's receiving a certain amount of education. However, the growing individual is not a passive recipient of education, and in particular of knowledge; nor is the individual a passive object of formation of certain competences. Rather, the individual is an active subject of his or her education, which progresses within his or her interactions with teachers and peers, interactions which may or may not foster the growth of the student's knowledge and abilities. Thus, the decisive question is how these interactions should look to make this growth possible for children with and without a history of migration.

3. Migration and recognitional relations in education

Forst (2014) claims that justice is not primarily about state institutions supplying individuals with goods according to supposedly objective criteria, but is instead about the intersubjective relations and structures of the *production* and distribution of the goods, whereby the key issue is not 'what you have but how you are treated' in those relations and structures (14). This claim has a strong appeal for a theory of educational justice, for one's education is not something which one *receives* from the school. Rather, one *lives* one's own education in the school (and beyond it); one 'produces' it within and through relations with one's teachers and fellow students, relations which one experiences every day in the school.

However, Forst's (2014) focus on intersubjective practices of justification and his claim that the recognition of everyone's equal rights to take part in the social and political order of justification is the kernel of justice (17) is not fully compatible with the educational realm. One's participation in practices of argumentative justification and one's exercising of one's equal right of justification presupposes one's cognitive and volitional autonomy to normative self-legislation. Indeed, Forst conceives the recognition of individuals' right of justification as their recognition as 'free and equal persons' who act as '[f]ree and equal subjects of justification which manifests itself in the fact that the persons are able to regard the principles of justice as morally self-given; hence, the citizens view the

social basic structure which is grounded in this way as the social expression of their self-determination.' (21). However, children and immature persons in general cannot be seen as (fully) autonomous subjects, or as 'free and equal subjects of justification'. It is, rather, the task of educational institutions to support and guide the development of those persons into autonomous subjects capable of the justification of normative views and principles. That is why educational institutions cannot presuppose the rational autonomy of students but must instead implement structures and practices within which this autonomy can develop. Hence, educative intersubjective relations are not primarily about the recognition of individuals' already existing autonomy, but rather about making the development of this autonomy possible.

We can find a highly elaborate account of those forms of intersubjective relations that serve as prerequisites for the development of individual autonomy in Axel Honneth's theory of recognition. These are relations of recognition that address both non-cognitive and cognitive potentials of subjectivity and foster the realization of these potentials. We shall be aware that students from immigrant families are often excluded from these recognitional relations in the realm of education, and this generates cases of a strong educational injustice with regard to them.

The recognitional relations in question can be specified, according to Honneth (1995), as three different forms of edifying intersubjective relations, namely love or empathy, cognitive respect, and social esteem (129). The experience with empathy at first constitutes a self-relation of the subject, in which the subject becomes aware of him or herself as an independent, body-centered agency equipped with his or her own needs and wishes (see 95–107). The experience with respect enables the subject to consider him or herself also as a subject with the capacity of moral autonomy. To respect someone means to acknowledge that person as (at least potentially) morally accountable, as endowed with practical reason. Ultimately, it means to recognize an individual's potential for rationality – that is, for grasping concepts, for understanding and constructing arguments (see 107–121). Finally, the experience with social esteem enables the individual to articulate those personal features and competences based on which he or she can make unique contributions to society, and in this way, become a worthy member of society (see 121–130).

Three forms of disrespect negatively correspond to these three forms of recognition, namely emotional neglect whose extreme form is physical abuse, discrimination or exclusion, and degradation (Honneth 1995, 131–139). To make sense of how these kinds of disrespect impede educational justice and how they affect immigrant students, we might take into consideration basic forms of epistemic injustice in which emotional neglect, discrimination, and degradation come into being. These have been well explored in the contemporary literature. After all, the transmission and acquisition of the knowledge to which epistemic injustice applies is the kernel of institutionalized education.

According to Miranda Fricker (2007), epistemic injustice takes two central forms: 'testimonial injustice' and 'hermeneutical injustice' (1). While testimonial injustice is characterized by a lack of sensitivity for the specific beliefs and experiences of certain persons, hermeneutical injustice is basically about a structural neglect of the needs and efforts of those individuals to articulate their beliefs and experiences in terms of propositional knowledge.

Testimonial injustice occurs in cases in which credibility is assigned based on who individuals are and not what they (may) know. In an educational context, these are cases in which less credibility is given to students of a lower social and cultural status, although their ability to gain and produce knowledge may be equal to, or even greater than that of middle-class students. As I stated above, several empirical surveys from Germany show that teachers regularly evaluate children from immigrant families as being eligible only for low-performance, non-academic secondary schools without a college-preparatory track. The main reason seems to be a pattern of thought that is widespread among school teachers in Germany. According to this pattern, the family socialization and 'acculturation' of every child determine his or her learning ability and knowledge-related credibility (see Mannitz and Schiffauer 2002, 97–100). Thus, not only the level of a child's knowledge but also the 'quality' of her culture and socialization are subject to discriminatory evaluation when decisions are made concerning the kind of secondary school the child should attend.

This case is a clear example of the lack of what Fricker calls testimonial sensitivity. This is a lack of both empathy to students' beliefs and experiences and of a respectful readiness to include those beliefs and experiences in the space of shared information and argumentative discussion. As Fricker (2007) emphasizes, not including someone in that space means not recognizing him or her as a 'knower' and therefore hindering his or her cognitive development (145).

The second form of epistemic injustice, hermeneutical injustice, occurs when disrespect towards the experiences, aspirations, and achievements of certain people is embodied in publicly and educationally validated language. This is the case particularly when there are no publicly recognized and developed concepts capable of adequately articulating the experiences, aspirations, and achievements of members of marginalized groups (Fricker 2007, 5–7 and 147–52; Kotzee 2013, 344–45). So, it seems to be the case that in the language that is dominant at the educational institutions in Germany, no concept exists to express the multi-cultural and multi-lingual socialization of students from immigrant families as an educational potential, although translating between different languages and cultural contexts is obviously a valuable achievement that can serve as a basis for producing new and important knowledge. Instead, educational authorities place these students in cultural boxes, thus reducing their distinctive subjectivity to manifestation of a single 'foreign culture' which is seen as 'deficient' in comparison to Germany's 'leading culture' (*Leitkultur*). As some studies suggest, it is very difficult for those students to find verbal means (in the form of publicly recognized concepts) to argue against their own cultural stereotyping and against the neglect of their specific knowledge and abilities in schools (see Mannitz 2002, 319–20; Mannitz and Schiffauer 2002, 87–100).

What we face here are practices of disregard towards students' need for recognition of their moral equality and valuable competences. This indicates a lack of respect, social esteem, and empathy toward the concerned students, for this disregard also entails an emotional indifference and coldness to a basic human need, the neglect of which can cause profound psychological suffering. Furthermore, the experiences with these kinds of disregard, to which students from immigrant families in Germany and elsewhere are structurally exposed must massively impede their education understood as the development of individual autonomy.

4. Conclusion

'Luck egalitarianism' should play only a limited role in the conceptualizing of migration-related educational justice, and in many cases, it could even be counterproductive for the latter. While spending additional resources for language courses for *newly immigrated* students and enabling them to become familiar with the particularities of the educational system of their receiving country seems to be indeed a demand of fairness insofar as this additional spending aims at neutralizing undeserved disadvantages, it is disrespectful (and therefore unjust) to treat students' biographical experience with or background of migration as an educational deficit per se. This is particularly true for students who immigrated as small children or who were born in the country into which their parents have immigrated.

Whether students' biographical experiences with migration function as an educational disadvantage depends on the social infrastructure of educational arenas. If teachers meet these experiences with active recognition by positively addressing them in the classroom, or even using them as points of departure for a Socratic mode of teaching; if school curricula are open to cultural and lingual diversity; and if assessment practices at schools evaluate inter-lingual, inter-cultural, and inter-contextual translations as an achievement, then biographical experiences with migration can figure not as a deficit but as a valuable educational potential. The realization of that potential could make the formation of Anderson's democratic elite possible, and many students from immigrant families could access it. In addition, most students from these families could reach an equal moral standing in social relations – and this not only *through* their education, but also *in* their education itself.

Notes

1. Recently, several political parties in Germany have articulated the concern that the domestic population should not get the feeling that refugees receive more financial support than poor Germans. In particular, the social-democrats who traditionally focus on 'social justice' have strongly emphasized that concern (see Asche 2016).
2. This distinction is similar to the one Will Kymlicka (1995, 19–26) makes between the status and the rights of members of autochthonous minorities in a country and of persons who choose to immigrate to that country.
3. For an excellent overview and elaborated reconstruction of the approach of 'luck egalitarianism,' see Calvert (2014).
4. However, it is not undisputable that education should be understood primarily as a positional distributive good. For unlike the distribution of material goods such as money, one's receiving 'more' (or better) education does not depend on others' receiving 'less' (or worse) education. Ben Kotzee makes a similar point with regard to knowledge as a good whose dissemination is a main task of education:

> It should be clear even from a little acquaintance with the concept of knowledge that knowledge is not positional. Whether someone knows that p does not depend on whether someone else knows that p. This implies that when it comes to knowledge, the quality of one person's knowledge cannot diminish (or improve) the quality of another person's knowledge. Furthermore, unlike social goods such as money, food, or housing that are limited and that must be distributed according to certain priorities, there is no limit in principle on the number of people that can know any particular truth (Kotzee 2013, 342f).

I will discuss this issue in more detail in the next section.

5. A recent, still unpublished empirical study entitled 'Is a Lack of Teacher Recognition for Immigrant Students a Factor Contributing to Achievement Disparities in Germany?' by Vieluf and Sauerwein (2017, 22–29).
6. As I have argued elsewhere, other sufficientarian approaches to educational justice such as Amy Gutmann's democratic threshold principle and Martha Nussbaum's threshold of basic human capabilities are characterized by a similar deficit (see Stojanov 2016, 252–254).
7. '[E]very student with the potential and interest should *receive* a K–12 education sufficient to enable him or her to succeed at a college that prepares its students for postgraduate education' (Anderson 2007, 597, my italics – K.S.).

Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributor

Krassimir Stojanov is Professor and Chair of Philosophy of Education and Educational Theory at the University of Eichstaett-Ingolstadt, Germany. His research topics include the concept of Bildung, the social and political conditions of human flourishing, educational justice among others. Most recently he published a book on "Education, Self-consciousness, and Social Action. Bildung as a Neo-Hegelian Concept" (Routledge 2018).

References

Anderson, Elisabeth. 2007. "Fair Opportunity in Education: A Democratic Equality Perspective." *Ethics* 117 (July): 595–622.

Anderson, Elizabeth, and Gary Gutting. 2015. "What's Wrong with Inequality?" *The New York Times*, April 23. The Opinion Pages.

Asche, Cristoph. 2016. "Flüchtlinge und die Neiddebatte – Soziologe: "Gabriel heizt den Unmut gegen Flüchtlinge weiter an'." *The Huffington Post*, February 29. Accessed 4 Oct. 2017. http://www.huffingtonpost.de/2016/02/29/neiddebatte-deutschland-fluechtlinge-gabriel_n_9346296.html.

Baumert, Jürgen, et al. 2001. *PISA 2000. Basiskompetenzen von Schülerinnen und Schüler im Internationalen Vergleich*. Opladen: Leske & Budrich.

Brighouse, Harry. 2003. "Educational Equality and Justice." In *A Companion to the Philosophy of Education*, edited by Curren Randall, 471–486. Oxford: Blackwell.

Brighouse, Harry. 2007. "Educational Justice and Socio-Economic Segregation in Schools." *Journal of Philosophy of Education* 41 (4): 575–590.

Calvert, John. 2014. "Educational Equality: Luck Egalitarian, Pluralist and Complex." *Journal of Philosophy of Education* 48 (1): 69–85.

Dworkin, Ronald. 2000. *Sovereign Virtue. The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press.

Forst, Rainer. 2014. *Justice, Democracy and the Right to Justification. Rainer Forst in Dialogue*. London: Bloomsbury.

Fricker, Miranda. 2007. *Epistemic Injustice: Power & the Ethics of Knowing*. Oxford: Oxford University Press.

Honneth, Axel. 1995. *The Struggle for Recognition. The Moral Grammar of Social Conflicts*. Cambridge: Polity Press.

Kotzee, Ben. 2013. "Educational Justice, Epistemic Justice, and Leveling Down." *Educational Theory* 63 (4): 331–350.

Kymlicka, Will. 1995. *Multicultural Citizenship. A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.

Mannitz, Sabine. 2002. "Auffassungen von kultureller Differenz: Identitätsmanagement und diskursive Assimilation." In *Staat – Schule – Ethnizität. Politische Sozialisation von Immigrantenkindern in vier europäischen Länder*, edited by Schiffauer Werner et al., 255–320. Münster: Waxmann.

Mannitz, Sabine, Werner Schiffauer. 2002. "Taxonomien kultureller Differenz: Konstruktionen der Fremdheit." In *Staat – Schule – Ethnizität. Politische Sozialisation von Immigrantenkindern in vier europäischen Ländern*, edited by Schiffauer Werner et al., 67–100. Münster: Waxmann.

OECD. 2016. "PISA 2015 Ergebnisse im Fokus." Accessed 12 Nov. 2017. https://www.oecd.org/berlin/themen/pisa-studie/PISA_2015_Zusammenfassung.pdf.

Rawls, John. 1999. *A Theory of Justice*. Rev ed. Cambridge, MA: The Belknap Press of Harvard University Press.

Stojanov, Krassimir. 2016. "Educational Justice as Respect Egalitarianism." *Critique & Humanism* 46 (2): 249–260.

Vieluf, Svenja, and Markus Sauerwein. 2017. "Is a Lack of Teacher Recognition for Immigrant Students a Factor Contributing to Achievement Disparities in Germany?" Unpublished manuscript.