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Low-Fee Private Schools in Developing Nations: Some Cautionary Remarks

Abstract. This paper examines and rejects two normative justifications for low-fee private schools (LFPS), whose expansion throughout the Global South in recent years has been significant. The first justification – what I shall call the ideal thesis – contends that LFPS are the best mechanism to expand access to quality education, particularly at the primary level, and that the premise of their success is that they reject educational equality and state intervention in educational affairs, traditionally associated with public schools, embracing instead educational adequacy and unregulated markets for education. Against this thesis, the paper argues that an ideal educational arrangement must not do away with educational equality and some degree of state interference. The other justification for LFPS – the second-best thesis – contends that although LFPS do not represent the ideal state of affairs, they nonetheless bring us a step closer to the ideal of universal primary education; they are a ‘realistic’ approximation to that goal. Against the second-best thesis, the paper argues that this justification commits the approximation fallacy: by deviating from the ideal educational arrangement LFPS may obstruct rather than facilitate its achievement.

Keywords: low-fee private schools; for-profit schools; educational equality; educational adequacy; second-best justifications.

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For-Profit Low-Fee Private Schools as Education Policy

This paper develops a normative examination of justifications for so-called low-fee private schools (LFPS), which in recent years have spread considerably throughout developing countries. As their general designation suggests, these are for-profit institutions that charge low tuition fees and whose customer base comes exclusively from the poor. Founders and advocates argue that these schools hold the double promise of expanding educational opportunities for the poor and providing a highly profitable business opportunity.

The empirical study of LFPS is in its infancy, and findings about their effects are mixed and inconclusive (Srivastava, 2013; Srivastava and Walford, 2016; Baum, 2012; Baum, Cooper and Lusk-Stover 2018; Tooley, 2009, 2013, 2015; Tooley and Longfield, 2015; Balarin, 2015). It is no surprise then that LFPS provoke deep controversies, both in scholarly literature and in policy making. On the one hand, as was just mentioned, they garner the support and endorsement of private philanthropic foundations, as well as international institutions, most of which think these schools are the ideal mechanism for promoting educational justice. On the other hand, civil society groups, some national government, and even the UN are critical of them; thus, in a recent and historic resolution, the United Nations Human Rights Council urged all states to ‘address any negative impacts of the commercialization of education’ by among

other things establishing a regulatory framework to control education providers and hold them accountable (UNHRC, 2016). Along similar lines, the Ugandan government recently order the shutdown of Bridge International Academies within its territory for failing to conform with minimum school standards (Global Initiatives, 2016).

Broadly speaking, there are two kinds of justifications for LFPS. One is that they are the *ideal* mechanisms to expand access to quality education in nations without a functional educational system. Despite charging fees, so the argument goes, they can contribute to meeting global educational objectives, namely primary schooling for every child (as was proposed, for example, in the Millennium Development Goals for 2015). Call this the ideal thesis for LFPS. Another set of arguments contends that although LFPS do not represent the ideal state of affairs, they nonetheless bring developing nations a step closer to the ideal of universal primary education; they are a ‘realistic’ approximation (for the moment being) to that goal. Call this the second-best thesis for LFPS. Taking these theses on their own terms, this paper outlines some normative concerns with respect to these schools. The goal is not to show that LFPS must never under any circumstance be countenanced or even promoted in developing countries. It is to argue that LFPS might raise normative problems of their own and that their contribution does not entail an indictment of CSSS. I hasten to add that while determining whether or not LFPS promote educational justice is an empirical matter to be settled contextually, it is nonetheless useful to examine the strength of justifications for LFPS.

The paper proceeds as follows. The next section offers a brief characterization of the type of LFPS. Based for the most part on the work of James Tooley – one of the most ardent of for-profit LFPS – section ‘Ideal Thesis: Education and the State’ examines the ideal thesis in support of LFPS, which rests on a moral indictment of fully comprehensive state schooling systems (CSSS) and in general of state intervention in education, with its corresponding defense of educational markets and of vouchers. I shall argue that the ideal thesis is too quick to dismiss the value of education equality, which CSSS, all its failings notwithstanding, seek to uphold and defend. I also argue that the ideal thesis is blind to the fact that LFPS may be liable to some of the very same criticisms that motivate the rejection of alternatives like CSSS. Section ‘The Second-Best Thesis: An Approximation to the Ideal?’ considers the second-thesis and makes the case that it does not propose a genuine approximation to a just institutional arrangement. First, it ignores that the desiderata in an ideal scenario may come as a package, and that sacrificing one desideratum may affect the value of the other desiderata. Furthermore, the second-best thesis ignores that temporary deviations from the ideal may pose difficulties for reaching that ideal later on.

Indeed, LFPS may obstruct or delay the creation of an adequate educational public sector (or any other arrangement that does not rely on for-profit providers). The last section briefly concludes by arguing that the reservations developed here with respect to LFPS are not conclusive arguments against them, particularly in light of the level of dysfunctionality of CSSS in developing nations. Advocates of LFPS, however, must explicitly confront these reservations in defending these for-profit schools as the vehicle to expand educational access.

LFPS: A Brief Description

LFPS such as Omega Schools, Bridge International Academies, Affordable Private Education Center (APEC), and Spark Schools operate in India, China, Sub-Saharan Africa, Meridional Asia, and some countries in Latin America. These institutions seek to kill two birds with a stone – expand access to educational opportunities and resources, particularly among the most disadvantaged children, *and* make a substantive profit. As explained by a cofounder of Bridge International, one of the most controversial LFPS in operation, Bridge is an ‘aggressive start-up company that could figure out how to profitably deliver education at a high quality for less than \$5 a month’ and that ‘could radically disrupt the status quo in education for these 700 million children and ultimately create what could be a billion-dollar new global education company’ (Tyre, 2017). Put shortly, these companies seek to educate the poor all the while tapping into their ‘wealth.’

The business/educational model of school chains like Bridge International, the likes of which I shall have in mind for the rest of the paper, open up modest venues in low-income communities, where they advertise the school with anything from leaflets to billboards, hoping to attract parents who do not have access to public schools or are unsatisfied with them. Technology is a centerpiece of the business model. Supervisors enroll students and collect fees using an application on their smartphones, and teachers base (i.e. read) their lesson from a tablet provided to them by the school; having very little pedagogical training, these ‘teachers’ usually recite word-for-word what they read in the tablet, which in turn is a scripted lesson designed in Boston. Economies of scale are a critical part of the business model. The success of a chain of LFPS depends on operating a large number of them, to exploit the investments made in technology. Their future prospects also hinge on their ability to circumvent government regulations (e.g. requiring teacher licensing), and on the perspective of crowding out other competitors, especially government schools.

Fees charged by these schools are supposed to cover operational costs, including teacher salaries and infrastructure maintenance, while also generating a surplus. In turn, part of the profits are used to finance the creation

of new schools or provide capital return to company shareholders. Parallel to fees, many LFPS receive funding from donors such as the World Bank, e-Bay, Google, Pearson, Bill & Melissa Gates Foundation, and the Chan Zuckerberg Initiative Foundation. Pearson, for instance, makes investments through the Pearson Affordable Learning Fund, which provides venture capital to scale-up LFPS around the globe. Each school has its own business model, but the one just described is more or less valid for all of them (for a good analysis of their functioning see Riep, 2015a, 2015b, 2017).

I must underscore that, as I understand them in this piece, LFPS are a very specific subset within a broader universe of schools in the Global South targeting the least well-off. Multiple non-state private actors are currently involved in the provision of education in developing nations, including local and international NGOs, donor agencies of foreign governments, United Nations bodies, and local religious institutions, not to mention public-private partnerships (see Srivastava, 2016 for a conceptualization of private and philanthropic engagement in the Global South), and many of these institutions support a great variety of not-for-profit schools. These schools are not the subject of this article.

The Ideal Thesis: Education and the State

Some scholars tout LFPS as the ideal institutions to bring quality education to those without access to it. The enthusiastic support for LFPS is partly a reaction to the undeniable inability of CSSS in the developing world to deliver quality education to all children and youth of school age, a failure that many LFPS supporters take to be evidence that state intervention in education at the level of provision and regulation as well as the values that undergird it – such as educational equality – must be eliminated from educational systems as much as possible. Indeed, for these supporters, success of LFPS is precisely a result of the repudiation of those values and institutional principles of CSSS – LFPS work because they reject them and embrace different ones. This is a mistake. Even if one were to concede that LFPS can play a positive role in the provision of quality education in developing nations, it does not follow that values like equal access to schooling, and a considerable degree of state involvement must be sacrificed. This section seeks to show that key arguments of LFPS advocates against features such as educational equality or state involvement are unpersuasive. An ideal educational arrangement must not do away with those values and institutions, but try to accommodate them instead.

Consider first the concern for educational equality, understood simply as the principle that family and social background should not influence the educational resources and opportunities students have access to, or their educational

achievement (Brighouse, 2010).¹ Tooley rejects the value of equality of education for reasons I will not discuss here (they have been the subject of a lively debate between Tooley himself and Harry Brighouse; see Haydon, 2010). But he also believes that even if educational equality were a compelling principle, it would be unattainable, and particularly so when equalizing *schooling* is thought to be the right manner of achieving it. He rightly points out that schooling is not identical to education, and that the attempt to equalize the latter using the former is destined to failure. Genuine equalization of educational opportunities for him would need to be pursued outside of the school. However, he contends, ‘the more you equalize schooling, the more important family influence will become.’ Suppose, he reasons, we successfully implement a relatively homogeneous educational system composed of CSSS, without a fee at the point of delivery. I quote him at length:

‘This means that any and all educational variation between children will be because of their family influence. But if there are still limited (positional) goods to compete for – that is, positions which people want in hierarchies in work or elsewhere – and as long as it still matters to some families that these positions are attained, then hierarchically-inclined families are going to be even more concerned that they give children additional educational opportunities outside of schooling. [...] If such inclined parents know that their children are at better schools, *they might relax*, knowing that their children already have advantages; if they know that schooling has been equalised, they *will struggle to ensure that their children have access to as many educational opportunities outside of school as they can provide, in order to keep their children ahead of others in the struggle for positional goods*. So equalisation of schooling will have made the educational advantages in this respect that families can confer *much more significant*. It will have done nothing to solve the problem of unequal education’ (Tooley, 2003: 438; emphasis added).

In light of this, Tooley concludes, schools and educational systems more generally should not be in the pursuit of educational equality. Instead, they should be concerned with promoting educational adequacy – providing all student with a minimal (not equal) level of educational opportunities, above which educational inequalities are to be tolerated. And LFPS are prepared to do just that, even if they charge fees to their students, and even if fees have traditionally been credited with promoting educational inequality.

¹ Egalitarians think, in other words, that it is unfair that some students, through no effort of their own, have a chance to convert their better socioeconomic status – a morally arbitrary feature – into skills that will help them prevail in the competition for coveted goods in society

What we might call the ‘futility’ objection against educational equality misses the mark, at least in contexts where LFPS operate. The claim that schooling alone cannot equalize education is on point but hardly an argument against equalizing schooling. Surely, equal schooling cannot equalize educational opportunities on its own. The question is whether it can make a contribution to that goal, however modest. It is somewhat odd to reject someone’s assistance to solve a problem based on the argument that it does not solve the problem on its own. Equal schooling may be helpful simply by making it more difficult for parents to confer advantage to their children, even if it does not eliminate that possibility. To the extent that it does make it more difficult, it makes a contribution toward educational equality.

Furthermore, in the passage just quoted, Tooley makes two unwarranted empirical assumptions. One is that parents will be successful in keeping ‘their children ahead of others in the struggle for positional goods’ without private schooling. The other is that the equalization of schooling will make the educational advantages conferred by the family ‘much more significant.’ Both claims are merely stipulated and lack empirical support. Affluent parents will undoubtedly still offer educational opportunities to their offspring that poor parents cannot afford, but it is unclear how successful these opportunities will be in consolidating their positional advantage when offered outside of the school system. It could very well be that the extra-schooling track lessens rather than enhance the positional impact of those opportunities. Christopher Freiman (2017) objects to educational systems that cap parental investment via education on the grounds that the alternative – extracurricular advantages – may be less socially beneficial. Leaving aside the merits of the social benefit argument, an implication of Freiman’s argument seems to be that when families cannot invest in private schooling, their positional advantage is in fact lessened. In any case, the differential impact of parental investment in private schooling compared to parental investment outside of the school system is subject to empirical investigation.

Suppose, though, that Tooley is right about how equal schooling will exacerbate the weight of family influence on education in the context he seems to have in mind in the passage just quoted (U.S. or U.K.). The argument cannot be extrapolated to the case of many low-income settlements in the slums of Kenya or Uganda, communities of the sort where LFPS tend to be established. In such contexts, the ability of parents to confer advantage to their children will be limited to private schooling. Affordable alternatives outside of the education system, such as private tutoring, will hardly be available. This means that educational equality might be within grasp, and that forms of educational

provision that do not give it up (e.g. free, faith-based organizations) might be preferable to LFPS.

To clarify: my point is not that CSSS are more effective than LFPS in promoting educational equality. There is substantial evidence indicating that CSSS can be internally stratified and have a tendency toward geographical segregation, thereby undercutting their claim to supporting equal schooling via its policy of not charging fees. My point is that if there is some value in fostering educational equality, then LFPS might be as inadequate as CSSS in doing so. Furthermore, it is true that CSSS cannot promote educational equality on their own by equalizing schooling, but that is not an argument for LFPS. It is the basis for arguing that the state must find additional innovative means to promote educational equality beyond the school. Equality of schooling must be a part of a broader strategy to reach that goal. Finally, while it is true that educational systems must not be obsessed *solely* with the pursuit of equality – an endeavor that can be best described as an ‘equality monism’ and is undesirable (Reich and Koski 2007) – an ideal educational system must try to accommodate that value somehow.

The second reason why Tooley and other LFPS advocates believe that CSSS are unavoidable defective in achieving the goal of expanding access to quality education is that they rely on ‘central planning’ in the educational realm, which, according to them, is fundamentally flawed. Central planning is on this view dismissive of parental demands and by the same token unable to produce reliable and useful information for the improvement of schools. Thus, by analogy with the disestablishment of religion, Tooley calls for the ‘disestablishment of school.’ He thinks the state ought to retreat from all spheres of schooling – funding, provision, and regulation. In his view, state intervention is only permissible with respect to funding, but only to guarantee (via vouchers) a safety net for those who cannot afford schooling. In other words, inspired by Milton Friedman and others, Tooley defends a market-with-a-safety-net model, which, he argues, LFPS, not CSSS, are better suited to realize. As in the case of his principled defense of LFPS, Tooley’s case for these schools at the institutional level is more sophisticated than I can do it justice in this paper. I therefore focus on a limited but critical part of his argumentation – his advocacy of market mechanisms and parental choice over state provision and ‘central planning.’ I contend that Tooley’s arguments cannot ground a radical retreat of the state from schooling. Despite his protestations to the contrary, the state in the sphere of regulation would seem to be very much needed even in his own preferred model of LFPS. Nor are his arguments successful at establishing the superiority of markets over ‘central planning’ in relation to LFPS.

In Tooley's account, LFPS are superior to CSSS in reaching disadvantaged families and providing them with the kind of education they demand. This is in part because LFPS do not depend on state intervention or central planning in order to deliver, relying instead on market mechanisms. But the need for state intervention is most obvious in relation to his proposal of targeted vouchers as a mechanism to bolster LFPS. Discussing the goal of universal primary enrollment throughout the world, as contemplated in the MDG for 2015, Tooley argues that reaching this milestone does not presuppose that primary schooling should be free, only that all must have access to it. He writes: 'The MDG goal doesn't rule out that the human right of education could be met, in full or in part, by fee-paying private schools, if everyone could obtain access to them – perhaps by providing targeted vouchers to those who could not afford fees (Tooley, 2015: 25).' But putting targeted vouchers on the table as a policy option is inconsistent with his case for the disestablishment of school and his wholesale rejection of state intervention. A state agency must be in place to assign vouchers based on need. And, with high probability, the greater the number of beneficiaries, and of vouchers to be distributed, the more well-resourced this agency must be. Even if in response Tooley would grudgingly accept some degree of temporary state intervention, maintained at minimal level, since he portrays the public sector as being, almost inexorably, defective and dysfunctional, then such an agency is bound to distribute vouchers poorly and inefficiently. Tooley admits as much, when he acknowledges the literature pointing toward the difficulty of implementing vouchers, such as need assessment or elite capture (Zeitlyn and Härmä, 2011). He counters that the challenges of implementing vouchers are miniscule compared to those entailed by the alternative of improving the public sector (Tooley, 2013: 460). But this claim is unsubstantiated. It seems at least as plausible that a modest state agency allocating vouchers is more susceptible to elite capture than entire educational bureaucracies (notwithstanding other problems that the latter may generate).

Tooley's defense of LFPS also disavows the need for state intervention with respect to parental choice. Tooley's extols the purported virtues of educational markets, in particular the way in which they enshrine choice as a mechanism to guarantee accountability and quality. 'Choice,' he argues, is a 'lever of quality,' one that relies on a simple principle: schools that fail to attract pupils will be closed, which is an 'incentive for schools to ensure that they do attract pupils' (Tooley, 1993: 161; see also Tooley, 2009; Tooley et al. 2008). Other advocates of choice-based systems agree. They defend fees as an empowering mechanism allowing parents to hold schools accountable (Dixon, 2012: 201). It is no wonder that publicity for Bridge Academies reads: '*Choose Quality, Choose Bridge*' (Riep, 2017).

The problem with this view is that it downplays the extent to which educational choices are shaped by prior social conditions. Disadvantaged families are more likely to make uninformed choices, and this means that the lever of some families to hold schools accountable will be larger than those of others. This is a point made by Sigal Ben-Porath (2010), who calls educational choice a *bounded ideal*. As she rightly claims, parents have a limited ability to make appropriate choices about schooling options because in most cases the cost of information acquisition is high or because information is unequally distributed/accessible across social and/or racial divisions. In other words, poor families will be poor ‘choosers’ because they lack the resources (time, information, and so on) to make informed decisions. This is a concern that advocates of LFPS have not seriously confronted up until very recently.² Tooley and co-authors acknowledge that little has been written about parental choice in developing countries (Dixon et al., 2017). This acknowledgment is striking, since it is an implicit admission that the strong policy preference for LFPS has been made without much knowledge about contexts of parental choice. At any rate, also striking about Tooley’s own research is the recognition that households where the father ‘has achieved a higher level of education or occupation’ increases the likelihood that his offspring will attend LFPS, which suggests that making ‘wise’ school choices is co-related with the possession of economic and social capital (Dixon et al., 2017: 62). The bounded nature of the ideal of choice, Ben-Porath (2010) claims, imposes a duty on the state to facilitate information provision, and to counsel families of disadvantaged groups. Without this kind of state intervention, parental choice is bound to aggravate already existing socioeconomic disparities. LFPS advocates cannot acquiesce to this kind of state intervention, because, as we have noted, they want the state to abstain from regulation altogether. And even if LFPS advocates conceded to minimal state intervention in relation to LFPS, the state in developing nations where LFPS operate may lack the institutional capacities to discharge those informational and counselling duties.

Tooley might counter that this objection is wrongheaded. Even if desirable, governments do not have the capacity to counsel parents because they cannot obtain the information that would be needed to counsel them. ‘Central planning’ cannot extract information from schools that is useful for parents. For example, discussing UK government tables of test results, which measure student performance, he claims that: ‘these are not market-driven information, but are imposed government bureaucracy [...] that is not the information parents and students are looking for’ (Tooley, 2010: 110). In general, information about

² Engaging authors who make just this claim in the context of private education in developed nations, for example Gewirtz et al. (1995), Tooley dismisses it without much examination; see also Brighouse (2010: 54-59).

student performance ‘is simply impossible to gain centrally’ but does exist ‘as tacit knowledge in the marketplace’ (Tooley, 2010: 111). Anecdotally, Tooley relates his experience in a meeting at a LFPS serving poor migrant workers to Beijing, where he witnessed how these parents commanded an impressive amount of information and were absolutely clear about issues that concerned them – staff volatility, importance of sports and arts, quality of food and infrastructure, and so on.

Underlying Tooley’s criticism of central planning is the standard Hayekian view that a market system with private actors can address the so-called epistemic problem of societies, namely, the challenge of generating the kind, amount, and quality of information that is necessary carry through any collective undertaking. Markets, Hayek’s (1948) argument goes, can achieve this goal because they pull together such information from various sources (most prominently parental voice), an achievement that no government bureaucracy is able to accomplish on its own. In the educational context, private actors such as LFPS in educational markets can generate better and more meaningful information about educational issues than bureaucrats removed from schools. And a better educational system can be constructed that way.

In reality, many LFPS seem to lack the capacity to solve the ‘epistemic problem’ on their own. To see why, consider first that the business model of LFPS relies crucially on seemingly rigid processes, and at a global scale no less. There was a time when LFPS were operated by local entrepreneurs, and there was little or no connection between these schools locally or nationally. This is certainly not the case of Bridge, which drives the expansion of LFPS throughout the developing world, with important implications. Behind this development lies the promise of replicability, of economies of scales and wide-spread global expansion, on which the sustainability of Bridge depends. In other words, the success of the likes of Bridge relies on the possibility of reproducing a more or less uniform educational model across the developing world, with operation processes that oddly resembles central planning (designed in Boston) as one of its crucial components.

But this means that many LFPS cannot be sensitive to parental input; rather they give parents little room to voice their views. Bridge school parents, for instance, can do little to complain about staff volatility (in Tooley’s anecdote mentioned before, a source of concern for poor Chinese migrant workers, and for low-income families in other contexts as well) for this phenomenon is one of feature built into the business model of LFPS. Yet is striking that as empirical studies have shown, rapid teacher turnover (due to poor salaries) is in fact an ubiquitous feature of LFPS like Bridge and similar educational institutions

(Riep, 2015a; Srivastava, 2013: 22; Fenell, 2013: 74-78; Humayun et al., 2013: 191). A business model that tolerates (promotes?) such volatility can hardly be credited to be sensitive to parental demands, if teacher volatility really is a pressing worry for parents.

More important, LFPS might be liable to aggravating the epistemic problem as a result of high levels of teacher turnout by removing the perspective and insights of teachers from the pool of information that schools can use to improve their quality. Teachers who lack any prospects of professional growth in a school (of any kind) cannot be credibly expected to build the experience or willingness to share their inputs on how to improve their school. This is aggravated by the fact that, as has also been widely documented, many pedagogical methods endorsed by schools like Bridge (the teacher's job is limited to reading the day's lesson off of a tablet and reciting it to students) deliberately limit teacher's agency, thus depriving the school of the feedback of one of the most important educational actor.

In sum, LFPS advocates are not successful in establishing that the values and institutional features of CSSS are unavoidably flawed and carry no normative purchase; ideally, an educational arrangement must be able accommodate concerns such as educational equality, in some plausible combination with other principles of educational justice, such as priority. Nor is it clear that LFPS can clearly overcome some of the same weaknesses their advocates find in CSSS.

The Second-Best Thesis: An Approximation to the Ideal?

LFPS may be justified not as ideal institutions to provide adequate educational opportunities to all, but as second-best choices to other forms of educational governance, such as CSSS, not-for-profit private schools, public-private partnerships or some other arrangement. Consider, as an illustration, the following justification for LFPS in the Philippines. Poor states like the Philippine one, so the argument goes, are under immense budgetary pressure. As a result, they cannot effectively meet the right to education through universal public provision. This is aggravated by the fact that public schools are inefficient, compared to private schools.³ Given budgetary constraints and the superiority of the private sector in terms of efficiency, 'realistic policies for expanding secondary education in the Philippines' (Baum, 2012: 192) must include LFPS. 'By focusing expansion in the private education sector the government can save substantially, as it does not have to contribute funds to hire new teachers, build and maintain new facilities, provide more textbooks, or finance all other increasing costs of an expanding public education system' (Baum, 2012: 198).

³ As is clearly reflected in many of the studies it commissions, the World Bank is, to put it mildly, partial to privatization. However, the Bank cannot always pursue its favored policy because it oftentimes must defer to the preferences of national governments, which are not supportive of LFPS in every case (Mundy and Menashy, 2014).

The ‘gradual expansion of free education activities’ (Baum, 2012: 198), requires, if only temporarily, private schools. This in turn implies parental fees, or as it is presented in a sanitized language, ‘household investment’ (Baum, 2012: 199).

The second-best thesis, I shall argue here, has two weaknesses. First, it commits the approximation fallacy because it ignores that the desiderata in an ideal scenario may come as a package, and that sacrificing one desideratum may affect the value of the other desiderata. Furthermore, the second-best thesis ignores that by temporarily deviating from the ideal educational arrangement, however one might understand it, LFPS may obstruct rather than facilitate its achievement. LFPS advocates need to confront both of these points more seriously.

The second-best thesis rests on what Avishai Margalit (1983) very aptly called the approximation fallacy. The fallacy states that one cannot assume that when an ideal or valuable scenario cannot be achieved because, say, *one* of the properties, attributes or conditions of that scenario does not obtain, then the second-best scenario, which we should strive towards, is one where the remaining properties, attributes or conditions do obtain, and the missing property, attribute or condition is absent or only partially fulfilled. The fallacy ignores that the second-best scenario might actually be an altogether different state of affairs in which altogether different conditions obtain.⁴ Put shortly, the second best is not necessarily what approximates the ideal (see Rääkkä, 2000: 208). Supporting the fallacy is the idea that desiderata in an ideal scenario are independent of each other and can therefore be considered in isolation. But this is a mistake. The desiderata of ideal scenarios tend to come in a bundle. When we have several desiderata that are ‘desirable *as a package*, if one of them is not satisfied, the value of the rest of them is thrown back into question’ (Estlund, 2014: 125).

In the case of LFPS, the approximation thesis posits that since the ideal educational scenario is one where the universal right to education is fulfilled, that is, where every child has access to the best possible kind of education at no extra cost (we assume that there is a just scheme of taxation in place), then relaxing or dropping altogether the gratuity condition and allowing schools to charge ‘a small fee’ is a second-best arrangement, indeed a step toward the ideal scenario. But this is fallacious. To see why, consider the desiderata embedded in the right of education. I note at least four of them. First, I already mentioned the gratuity condition. Education must be free at the point of delivery. If a right

4 Previous work on private schooling (for example Lubienski, 2006) has productively deployed the criticism of second-best arrangements in the field of education, but in a slightly different manner.

has a cost, then those who do not have enough resources to avail themselves of it are not right-holders, and then the right is not universal. Second, the state must be responsible for its provision, either directly through public schooling, or indirectly, by subsidizing families or private schools. Third, it must provide educational services to all on an equal basis, where this is not necessarily to be understood on strict distributive terms (i.e. providing the same amount of resources to each student). Fourth, it must meet a standard of quality; in this regard, there might be room for disagreement as to what constitutes quality education, but two very general (necessarily abstract) characteristics should command agreement. It must prepare individuals for active citizenship, and it must provide them with a set of skills that allow them to have an independent, productive life.

One question that arises immediately is, why relax the gratuity condition instead of other conditions? An alternative choice would be to keep the gratuity condition in place and instead radically transform the structure and the content of public schooling. With regard to structure, public schools could shorten the number of school years or the number of hours of instruction, so that the existing (public) resources are enough to accommodate all students. With regard to content, public schools could undertake responsibility for certain aspects of education (say, those that promote active citizenship), leaving other aspects in the hands of other private actors *other than LFPS* such as corporations and firms, as it happens in the case of the dual education system implemented by companies like Volkswagen or Nestle. Under this system, students are trained at the partial or entire expense of the company. This last point is particularly relevant, given the inclination of some LFPS to provide an education (or rather, instruction) that is fitting to private businesses and corporations. This is the case of APEC, an LFPS that engages in what it calls ‘reverse-engineering’ of its curricular offer at the secondary level. This means that the school crafts its curriculum based on the needs of the private sector (Riep, 2015a). The fact that APEC reverse-engineers its curricular offer is an indication that LFPS often arise in contexts where there is a demand for (minimally) skilled labor. If this is the case, why should families pay for this training? Perhaps the second best is in-job training, where private firms, not households, absorb the costs of the instruction. Reliance on LFPS to fulfill the right of education shifts the cost of training from the employer to the employee. In any case, the point I wish to make clear is that second-best scenarios are not necessarily those that resemble the ideal scenario in all but one respect.

Furthermore, the approximation thesis overlooks the fact that if the condition of gratuity cannot be met, other conditions may lose some of their value. Take

the desideratum of quality in education. Quality as a desideratum becomes less attractive of an ideal when it is decoupled from the rest of the ideals in the ‘package,’ in particular from equal access to it. Thus, if quality education is available to some but not all, those pupils who do not have access to it (say, because they cannot afford the fees of LFPS and therefore must remain without schooling or enroll in a CSSS, which we assume for the sake of the argument is of lower quality) will now receive a comparatively worse education (since education is a positional good; see Barry, 2005).⁵ This raises the following normative problem – by improving the situation of some disadvantaged students, we could be aggravating that of those slightly below them, which violates the prioritarian principles of justice (Brighouse and Schouten, 2014 have made this argument in relation to charter schools; see also Brighouse and Swift, 2006).

Two responses can be offered to these objections. First, those who cannot afford fees will receive a voucher (Tooley, 2015). This is a plausible solution, but not one without risks and problems. As was already mentioned, the challenges to distributing vouchers fairly and without corruption are significant, especially in nations with weak school inspectorates, which would have to conduct need-assessment evaluations; the burden of proof is on those who believe that they can be distributed in a just way.

Another response can be made that even though the least well-off may be disadvantaged in the competition for jobs due to the unequal access to quality education via LFPS, they may gain through the increase in human capital and the prosperity that will result from allowing these schools to operate. For example, in a slightly different context Anderson (2010: 135-154) argues that improving the lot of *some* of the least well-off will benefit the rest of them through some kind of trickle-down effect. Those who gain educational access may contribute to undermine stereotypes about the least well-off as a group if they are a stigmatized group; or simply by virtue of remaining connected to their communities, as they can boost the local economy or provide job opportunities to friends and relatives if they are, say, entrepreneurs. In light of the potential benefits to the disadvantaged from some forms of inequality, rejecting LFPS on the grounds just mentioned is analogous to decreasing the size of the pie so that everyone gets a similar size. The merit of this view depends on whether or not the groups that benefit from increased educational opportunities have the ability to ‘capture’ the entirety of the benefits derived from those opportunities. It is possible that, instead of ‘spreading the wealth,’ those who benefit from greater educational access will reap the rewards and distance themselves from their

5 Education has both positional and nonpositional aspects, of course. Since in many countries in the Global South, primary schooling is the terminal instruction, the positionality of education should not be overlooked.

own community. These are empirical considerations. Without clear evidence in one sense or the other, however, and given the potential harm that can be suffered by the least well off, it seems sensible to demand that the burden of proof be imposed on those who claim that helping the most advantaged within the least well-off will have a positive effect on the rest of them, and not the other way around. The institutional mechanism through which the genuinely least well-off will benefit must be clearly spelled out.

Now consider the other problem with the second-best thesis I mentioned earlier. The thesis assumes that LFPS can be part of a *provisional* solution to address unmet educational demands, that is, that they are not an end-state but a transitional stage in the construction of public school systems, and they do not foreclose the creation of ideal arrangements at a later stage. Whether this is true or not is an open question that should not be taken for granted. The case could be made that LFPS are detrimental to the edification of public systems or other ideal schooling models. If this is true, then LFPS raise concerns from the point of view of intergenerational justice (even assuming for the sake of the argument that they make education accessible to *some* children). Their existence and promotion could be a case of *short-termism*, that is, of giving priority to present benefits at the cost of future ones (González-Ricoy and Gosseries, 2016; MacKenzie, 2016). In other words, supporting LFPS on account of their ability to expand educational access for present generations in the short run may harm the interest of future generations in constructing educational systems that do not rely on business-driven entrepreneurs.

A different way of unpacking this problem with the approximation thesis is to say that its methodology for assessing just educational outcomes is akin to Amartya Sen's comparative approach, and therefore guilty of its shortcomings. Sen argues against Rawlsian ideal theory that we do not need to know an ideal to know what constitutes an improvement in terms of justice. The problem with this approach is that a comparison between two states of affairs cannot give us 'an entire path of justice-enhancing actions' (Robeyns, 2012: 160), and without it, 'we may choose an injustice-reducing action that may benefit us in the short run but may lead to a suboptimal situation (from the point of view of justice) in the long run, due to the path dependency of our actions.' (Robeyns, 2012: 160) In a less sophisticated fashion, the approximation thesis engages in a similar line of reasoning, and is liable to the same criticism. If we simply compare two states of affairs, one where a significant number of children do not have access to educational services and another where that number is reduced (in whichever magnitude) owed to the role of LFPS, the first one is clearly superior and we should clearly strive to approximate it. But this ignores the fact that

this approximation may make it harder in the future to achieve the ideal of free public schooling in mind (Rawls, 2001: 159; Rawls, 2005: 274; Vrousalis, 2016).

To see how LFPS may obstruct the construction of alternative (by hypothesis ideal) educational arrangements, it will be useful to consider their institutional evolution. Some low-cost schools are small, independent schools operating in places where state provision was inexistent or of poor quality – individual villages, slum communities, and urban neighborhoods. They are operated by local entrepreneurs, and there is little or no connection between these schools locally or nationally. This is not the case of LFPS I have in mind. As I mention throughout the paper, these schools are corporate-backed chains that often team up with service providers, such as education micro-finance institutions; rating systems; scripted curriculum delivery systems; and education technology providers (Srivastava, 2016). This institutional evolution is very significant for understanding why LFPS could prevent the emergence of public school systems. At their earlier stage of institutional evolution, LFPS may have still been compatible with other forms of educational provision, particularly public schools. To the extent that these schools represented the response of a community to the lack of educational provision, they could disappear as soon as the reason for their emergence disappeared. Things are different at the present stage of institutional evolution of low-fee private schools. This is for several reasons.

First, in many instances LFPS compete with public and other kinds of schools for international donors. Global philanthropy is a major source of revenue for educational investments across the Global South. When LFPS are an alternative on the table, donors and investors channel their resources into them instead of supporting, say, public systems, or at least share those resources with them. Indeed, support for LFPS reflect the influence of the ‘new’ philanthropy paradigm and of market-based solutions to development challenges. New philanthropy (paradigmatic cases are the Clinton Global Initiative or the Melinda and Bill Gates Foundation) erases the line between business, enterprise, development, and public good. It assumes that it is possible to assuage inequalities while at the same time making a profit. It uses scalable generic solutions that can be implemented regardless of the context, such as standardization in evaluation, curriculum, and teaching methods. A crucial component of this new philanthropy is the direct involvement of donors in policy communities and their hands-on approach to the use of donations. As Ball and Olmedo (2001: 88) argue, this is a problem ‘for national governments – especially those of small and fragile states’ because it ‘portends a reduction in their capacity to steer their education

systems.⁶ To clarify: this is not a simplistic denial that, as Onora O'Neill (2001: 194) puts it, where states are 'weak' justice 'has to be built by a diversity of agents,' including what she calls transnational corporations. The point made here is that the actions of a particular set of agents (those supporting LFPS) may hamper the actions of states, which are the primary agents of justice, to use again O'Neill's language.

Second, in the past, providers of low-fee private schooling did not make large investments in order to get their business going; they could stop offering their services at any time without taking meaningful losses. This is not the case with current LFPS. As was just mentioned, they have teamed up with 'big' corporate capital and allied service providers, and some of their investors seek to *develop markets* for low-cost services on a massive scale. Underlying this strategy is a business model, aptly referred to as 'bottom of the pyramid.' The model regards as their costumers those in the entire world who earn less than \$1500 per year – roughly four billion people (Prahalad and Hart, 2002). Put shortly, the strategy seeks to tap into the 'wealth' of the poor. As a consequence of both of these factors (higher exit costs than those faced by 'old' LFPS and the intent of developing educational market), LFPS are best regarded as long-term investments, and it is far from clear how this long-term planning would facilitate a 'gradual expansion of public systems.' Furthermore, LFPS create vested interest and path-dependencies that diminish the possibility of reversing these arrangements in the future.

Third, regardless of how long it would take to create these educational markets, their sheer existence makes it uncertain that LFPS will wither away. Again, traditional LFPS did not seek to create fully-fledged local educational markets, let alone global markets. New LFPS do. And by their own admission, they seek to construct *unregulated* markets. Like any other private school operating in such markets, LFPS encourage what in game theoretic terms we can call defection strategies. When all families must use CSSS, they have a reason (indeed, they have no choice but) to work together to improve the public system. Private schools offer the possibility to 'defect' (i.e. forgo this collective endeavor) and instead buy private services (Halliday, 2015). I do not want to trivialize the difficulties that citizens may face when acting through state institutions to produced desired outcomes, especially in many of the nations where LFPS have emerged. In many cases, educational authorities and public bureaucracies are either weak or, even worse, obstructionist. Here we face the question of why it would be morally permissible to support unregulated actors

6 Not to mention anything about the plutocratic character of philanthropic foundations in democratic and global society. For an inquiry into some of the redeeming qualities of foundations see Reich (2016).

instead of seeking to improve state institutions so that they are responsive to citizens.

A few objections can be leveled against these ideas. It might be countered that LFPS have redeeming qualities to offset the disadvantages I just mentioned. This seems unlikely. Even conceding that they could foster innovative educational practices that the public sector could later borrow (although this is purely speculative and unlikely), they do not invest in infrastructure as part of their cost-cutting strategies; they are more inclined to sublease barely sufficient accommodations. LFPS do not invest in human capital either. They tend to hire unprepared, unlicensed teachers who rely on scripted teaching, and are paid low-wages and denied tenure. Attrition rates of teachers are considerably high, which suggests that LFPS do not build and foster professional development (Riep, 2015a, 2015b). Put shortly, LFPS contribute little to a nation's educational capital.

A second objection would be that one should not overestimate the difficulty of reversing LFPS, especially in view of their present benefits, which might be worth the future struggle to overturn LFPS. The likelihood of reversing a state of affairs where LFPS prevail is of course a contextual matter. However, historical cases come to mind where states that seek to upend an existing, well-entrenched educational status quo face high costs to do so. France, for example, encountered many difficulties in trying to reign in the influence of Catholic Church in the educational system (for good or bad reasons) all throughout their history (Meuret, 2004) And in Latin America, private schooling today is prevalent and hegemonic in most countries of the region, because, absent a major and violent social revolution, the Catholic Church was able to retain its ascendancy over educational affairs (Pritchett and Viarengo, 2013).⁷ At any rate, the claim here is simply that second-best argument for LFPS must include an honest reckoning of the costs of postponing the construction of ideal educational institutions.

Conclusion

This paper tried to identify some weaknesses in justifications for LFPS. To conclude, I shall clarify what this paper did *not* seek to do. LFPS are quite commonly criticized for exploiting teachers; offering low quality education; neglecting civic education; and benefiting from the poor by extracting income

⁷ The question here is of course whether LFPS would generate more path-dependencies as these other, more traditional private schools. It would be extremely difficult to compare between path-dependencies, as it were. In one case, path-dependencies will depend on the strength of some social institutions with ideological and material interests (e.g. the Church), and in the other of economic actors in the pursuit of monetary profits (e.g. economic players). It would be hard to establish which arrangement will be hardest to reverse.

from them, which as a consequence places them below the extreme poverty line. These lines of criticism were beyond the scope of this paper. Likewise, as I mentioned from the outset, the goal of the paper was not to deliver an indictment of these schools. In the last analysis, whether or not LFPS promote educational justice is an empirical consideration to be settled on a case by case basis. Along the same lines, the goal of this piece was *not* to establish the superiority of other kinds of educational provision (CSSS, schools controlled by national or international organizations, or even by civil society actors such as religious institutions, and so on) over LFPS.

Finally, it was not the aim of the paper to claim that, all things considered, LFPS must never be allowed to begin operations in developing nations. If there is no public school alternatives in a socioeconomically disadvantaged area, or if that alternative falls under a threshold of adequacy; and if non-profit institutions are not available either to provide educational services, then it would certainly be objectionable to oppose the operation of LFPS on grounds that they do not promote equality enough, or that they might preempt the emergence of alternatives in an uncertain future. Things get more complicated, however, if the predicament is not as stark. If, for example, the contribution of LFPS is that they can slightly improve the performance of some student (as measured by an increase of a few points in standardized tests), then concerns about the impact of these schools on educational equality gain greater saliency. In cases like these one, LFPS advocates need to build a stronger case to justify their preference for these schools.

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