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Fairness in Private After-School Programs: A Rawlsian Perspective

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Abstract: While private after-school programs are increasingly associated with participants' improved academic performance, enhanced soft skills, and more opportunities for success later in life, their exclusivity based on cost raises moral concerns. Despite this, philosophical work on private after-school programs is scarce. In this paper, I analyze the market for after-school programs from a Rawlsian perspective, demonstrating that the status quo system is morally problematic because it makes socioeconomic status a barrier to one's success. However, I also argue against banning the market for after-school programs, as such an approach would exacerbate a more noxious injustice stemming from family intimacy. This paper lays out other potential strategies, including the State Control Approach, Unrestricted Hybrid Approach, and Restricted Hybrid Approach, to fix the unfairness in our system of after-school programs. I highlight features of each approach and delineate the factors relevant to Rawls' principles of fairness by raising both empirical and conceptual questions that can guide us in choosing the optimal approach.

Fairness in Private After-School Programs: A Rawlsian Perspective

Marian Amechi didn't want to pull her two children out of an after-school enrichment program that had helped boost their math grades. But after Amechi's wages couldn't keep up with the growing costs of the after-school program, she was forced to withdraw 12-year-old Dustin and 9-year-old Devon from their classes.

Amechi isn't alone. Across America, 7.8 million children are enrolled in after-school programs. But parents of another 24.6 million children say they would enroll their kids in an after-school program if it were accessible to them, according to a 2020 report by after-school Alliance. The biggest barrier? Cost. With the average weekly cost of an enrichment program per child nearing \$100, After School Alliance found that nearly 60% of parents reported cost as an important barrier to their participation.¹

The problem with this disparity should be apparent. After-school programs are linked to increased academic performance, improvements in soft skills, and, ultimately, greater prospects of success into adulthood.² The fact that access to these programs is primarily gated behind the ability to finance them certainly ought to concern us.

This essay provides a detailed probe into after-school programs, analyzing the various interests and concerns at play in the market for these programs and introducing four potential approaches to the problem: Ban Approach, State Control Approach, Restricted Hybrid Approach, and Unrestricted Hybrid Approach.

In constructing my arguments, I utilize John Rawls' principles of justice as fairness for evaluating the morality of the market for after-school programs. Rawls' unique blend of liberal tradition with a focus on socioeconomic inequality provides a good framework for formulating

¹ Afterschool Alliance, *America After 3PM*, 3, December 2020, accessed September 1, 2023, <http://afterschoolalliance.org/documents/AA3PM-2020/National-AA3PM-2020-Fact-Sheet.pdf>.

² See See Beyond the Bell, How Afterschool Programs Can Support Employability Through Social and Emotional Learning, 5-6, 2015.

an argument against the status quo based on the principle of fair equality of opportunity (FEO), which, though not entirely uncontroversial, has significant currency and intuitive appeal.³

This paper is divided into three main arguments:

1. The status quo system of private after-school programs represents a significant moral problem according to Rawls' principles of justice because it violates FEO.
2. The Ban Approach, which eliminates the private market for after-school programs, without compensating this by putting in place additional state-run programs, would worsen compliance with FEO. This is because it replaces socioeconomic inequality with a more noxious form of unfairness: familial intimacy. The State Control Approach, which replaces the eliminated private market with an expanded number of state-run programs, technically satisfies FEO. But there are empirical reasons to reject this approach. It faces the challenge of feasibility due to budgetary constraints. Moreover, there is reason to expect that the quality of services the state would be able to provide would be lower than the quality of services provided by the private market. Therefore this approach can be expected to be worse at satisfying Rawls' other crucial principle, the difference principle, than other approaches.
3. The best solution to the moral problem of after-school programs is for the state to equalize access to the private market. The Restricted and Unrestricted Hybrid Approaches offer solutions that best balance FEO and the difference principle, but choosing one approach over the other depends on a range of factors.

This paper lays out potential strategies to fix the unjust status quo of after-school education and delineates the factors relevant to our decision-making calculus. Some of the questions that will need to be answered to settle on the optimal approach are empirical, and others conceptual.

³ For Rawls, fair equality of opportunity (FEO) means that equal talent, willingness, and effort should lead to generally equal success prospects, regardless of one's initial social position or socioeconomic class at birth. Some scholars, such as Richard Arneson, have criticized Rawl's emphasis on FEO as arbitrary and unfair to those who are untalented. This essay assumes that FEO is at least a valuable aim; those who disagree would be unable to engage meaningfully with this essay.

While related questions concerning education as a human right and the moral limits of private markets are well-explored by scholars, few have actually channeled these discussions toward formulating an argument about the moral status of after-school programs. Debra Satz, in *Why Some Things Should Not Be for Sale*, has notably articulated why there ought to be limits or bans on certain markets such as organ sales and surrogacy. She agrees that the exclusive commodification of schooling (i.e. all educational experiences being dictated by decentralized market forces) is morally problematic, but stops short of taking a position on the status quo, where basic education is guaranteed by the state with a supplementary private market for after-school programs.⁴

Important progress has been made while analyzing the effect of private schools and higher education on social justice, such as with, Harry Brighouse's *School Choice and Social Justice*. Some scholars, like Victoria Costa and Adam Swift, also use the Rawlsian perspective to examine these questions.⁵ These discussions provide valuable general philosophical principles and insights to evaluate the morality of private after-school programs and the solutions for remedying the status quo. Still, the private market for after-school programs presents a separate, albeit seemingly similar, issue that deserves independent treatment. As we will come to discover, some important arguments about private schools cannot be cross-applied to private after-school programs simply because private schooling and private after-school programs differ in terms of scope, duration, focus, impact, and customer base. Today, more families view after-school programs as critical for their children's success than ever before. This growing relevance of after-school programs in the educational sector, shown by empirical research, underscores the necessity for a specific analysis of the moral dimensions of the market for them. This essay seeks to fill in those gaps.

In the first part of this essay, I analyze the status quo market for after-school programs from a Rawlsian perspective and demonstrate why it is morally problematic that access to these

⁴ See Debra Satz, *Why Some Things Should Not Be for Sale: The Moral Limits of Markets* (New York: Oxford University Press, 2012).

⁵ See M. Victoria Costa, *Rawls, Citizenship, and Education* (Hoboken: Taylor & Francis, 2010) and Adam Swift, "The Morality of School Choice," *Theory and Research in Education* 2, no. 1 (2004).

programs is restricted to well-off citizens. I then outline and evaluate different courses of action we can take to remedy the problem. I argue against banning the private market for after-school programs and demonstrate why state engagement in a private after-school market represents the solution that best upholds the Rawlsian conception of justice. While I stop short of defending a specific implementation of state engagement, I raise and analyze the questions that we must answer to reach a final conclusion about which option is best.

THE ACCESS PROBLEM

Research has shown that after-school programs improve students' academic performances and are key in developing certain communicative and social skills.⁶ Importantly, they're also expensive. Combining these two facts leads to an unfortunate truth: The only ones who can reap the benefits of afterschool programs are families who can afford to pay the expensive tuition and have the financial security to transport their children to and from these programs. This reality might immediately raise a few concerns, but what might not immediately be clear is why this is a moral issue.

After all, we are already surrounded by markets controlled by supply and demand, where everything has a price. In these markets, many goods are expensive and out-of-reach for the vast majority of families. Products like luxury cars, smart refrigerators, and bespoke watches are all unaffordable to the average American, yet these markets are largely uncontroversial. As such, it's apparent that the mere fact that afterschool programs are too expensive for many families is not the unique reason why the system is problematic.

Perhaps an argument can be made that the disparity in access to after-school programs is problematic because education represents a basic need, and access to basic needs should be available to all. Indeed, the examples referenced in the previous paragraph are examples of luxury goods, and if we pointed to more basic needs (such as food, housing, and clothing), there might be a stronger argument for why those products — or at least a basic version of those products — ought to be available to all. Still, this argument doesn't seem to apply to after-school

⁶ See Stanley T. Crawford, "Meta-Analysis of the Impact of After-School Programs on Students Reading and Mathematics Performance" (PhD diss., University of North Texas, 2011).

programs in the same way it applies to food or shelter. After-school programs represent a supplementary good, a product that enriches a student’s educational experience. And presently, everyone receives a baseline level of education from the state through free public schooling. This comprehensive education ought to satisfy the basic need for an education, putting after-school programs outside the realm of “basic need.”

Even contemporary arguments for limiting the reach of private markets are unable to defend imposing limitations on supplementary systems like after-school care. Satz presents a sophisticated argument with “reasons for not distributing primary and secondary education solely through a market system, but enforcing it as a mandatory requirement.”⁷ Her argument, which is based on equal citizenship, contends that private interests are not ample in ensuring a requirement as crucial as education: “If our concern is with avoiding outcomes that undermine the conditions for citizens to interact as equals, then there is a powerful argument for guaranteeing access to a certain level of goods — education, health care, opportunities, rights, liberties, and physical security.”⁸ However, Satz also acknowledges that education in the status quo (at least in the United States) is guaranteed to all by the state, and, as such, there are no readily apparent reasons to indicate that an additional market for education is inherently bad: “A public right to education is in theory compatible with the existence of a complementary or supplementary private education system.”

John Rawls’ principles of justice as fairness provides a better framework for understanding why the issue of program access becomes a moral issue. Rawls defends two principles as a schema that rational, self-interested agents would choose from behind the veil of ignorance. They are as follows:

1. **First Principle:** Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

⁷ See Debra Satz, *Why Some Things Should Not Be for Sale: The Moral Limits of Markets* (New York: Oxford University Press, 2012), 101.

⁸ *Ibid.*, 101-102.

2. **Second Principle:** Social and economic inequalities are to satisfy two conditions:

2a. They are to be attached to offices and positions open to all, under conditions of fair equality of opportunity;

2b. They are to be to the greatest benefit of the least-advantaged members of society (the difference principle).⁹

While Rawls, like other social contract theorists, stresses the importance of equal rights, he goes beyond that by including principles that address fairness of welfare distribution in his second set of principles. Where the private market for after-school programs runs afoul of the Rawlsian “conception of fairness” is with the first condition of the second principle (2a). After-school programs boost children’s in-school academic performance and develop critical soft skills such as communication and leadership. These gains directly translate to improved prospects in the labor market and, ultimately, greater chances of success. However, if after-school programs are only available to families of a certain socioeconomic status, their gate-kept availability introduces a barrier — socioeconomic status — to children from comparatively disadvantaged families.

One may argue that private after-school programs do not necessarily offer all children unfair advantages, such as the boost in competition for higher-income jobs. For example, a child may attend a dancing class for enjoyment’s sake without ever going on to become a professional dancer. However, Rawls' theory still applies in such cases because these activities might contribute indirectly to the attainment of certain positions. Extending this example, even if the child doesn't become a professional dancer, it is still true that their dancing skills and experience may make them a more attractive candidate for competitive positions, such as in college admissions or any other program seeking well-rounded candidates..

My argument can be further simplified into the following two premises:

- (i) Fairness should require that inequalities in the availability of offices and positions are to be the result only of differences in talent and effort.

⁹ See Leif Wenar, "John Rawls," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Metaphysics Research Lab, Stanford University, 2021).

- (ii) The unregulated private market for after-school programs leads to disparate access to offices and positions that are not merely the product of differences in talent and effort, but of one's socioeconomic status.

Using Rawls' principles of justice as fairness, the problem with the status quo system of after-school programs becomes evident.

THE SOLUTION

The discussion in Part 1 of this essay highlights the need to fix the status quo system of after-school programs. In this section, I evaluate four potential solutions to the access problem, as summarized below:

- **Ban Approach:** Ban the private market for after-school programs entirely, leaving any public offerings untouched.
- **State Control Approach:** Ban the private market for after-school programs entirely. The state expands its public offerings significantly to provide every student with free access to state-run after-school programs.
- **Unrestricted Hybrid Approach:** Maintain the private market for after-school programs. The state provides need-based vouchers or scholarships so that, at large, all citizens can afford an after-school program.
- **Restricted Hybrid Approach:** Maintain the private market for after-school programs. The state provides need-based vouchers or scholarships so that, at large, all citizens can afford an after-school program. The state also implements a spending cap that restricts the maximum amount that can be spent on after-school programs.

Ban Approach

If the market for after-school programs is morally problematic, perhaps the most natural response is to call for its complete removal. After all, eliminating the market for after-school programs would shut the door on one avenue by which wealthy citizens gain unjust advantages

over their less affluent peers. As a result, this approach, the Ban Approach, seems necessary under FEO, as banning private after-school programs brings us closer to a society where wealth is less predominant as a barrier to attaining certain offices and positions.

Admittedly, the Ban Approach is likely to be met with fierce opposition. However, I expect most of these opposing arguments to be grounded in the maintenance of freedoms for parents¹⁰, democratic goals of education¹¹, and the benefits and efficiency of the free market to justify the continuation of after-school programs.¹² In this section, I aim to show that banning the private market for after-school programs actually worsens adherence to fair equality of opportunity. This novel argument against the Ban Approach gives it greater applicability to Rawlsian positions.

To articulate my position, I find it helpful to visit a debate between Adam Swift and James Tooley, two contemporary thinkers on fairness in education. While the two argue about the morality of private schools, their discussion offers some lessons that can be applied to the issue of after-school programs. Swift, in *The Morality of School Choice*, argues that parents ought not to send their children to private schools because doing so would give those children an unfair advantage.¹³ Tooley, of course, offers a blistering rebuttal. He notes that though Swift thinks parents ought not to send their children to private school, he allows for other forms of “parental partiality” (i.e. parents bestowing advantages to their children) in the form of reading them bedtime stories or discussing political topics with them. He argues that Swift’s position is shaky, as it seems arbitrary for someone committed to fair equality of opportunity to advocate for the removal of private schools but stop short of advocating for the abolition of family.¹⁴

Tooley is correct in pointing out that Swift is unwilling to defend abolishing the family as a means of completely insulating a child’s education from family influence and achieving a

¹⁰ See Tooley, "From Adam," 739.

¹¹ See Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton Univ. Press, 04-99.), 116-123.

¹² See Allen E. Buchanan, *Ethics, Efficiency, and the Market*, repr. ed. (Oxford: Clarendon Press, 2001), 14-18.

¹³ See Adam Swift, "The Morality of School Choice," *Theory and Research in Education* 2, no. 1 (2004): 13.

¹⁴ See James Tooley, "From Adam Swift to Adam Smith: How the 'Invisible Hand' Overcomes Middle Class Hypocrisy," *Journal of Philosophy of Education* 41, no. 4 (2007): 732.

“fuller” notion of equality. But this reluctance is not as arbitrary as Tooley paints it to be, as there is a compelling reason why the upholding of familial intimacy is so sacred.

That reason can be found in Brighouse’s analysis of parent-child relations. He defends parental intimacy with children as a fundamental right that can only be forfeited if the parents fail to protect their children’s fundamental interests, such as health and safety.¹⁵ In keeping with this view, Brighouse argues that the state is usually never justified in restricting the direct interactions between parents and children because doing so would infringe upon the fundamental right to intimacy.¹⁶ For example, parents should be free to read to their children, help them with their homework, and encourage them to learn outside of school. They should also be unobstructed in creating a positive learning environment in the home through providing a quiet place to study and supporting their children’s educational goals.

Brighouse’s analysis informs us that the intimate relationship between parents and their children will always inhibit the complete isolation of a child’s education from their familial background. In fact, Rawls once noted, “The principle of fair opportunity can only be imperfectly carried out, at least as long as the institution of the family exists.”¹⁷ As a result, I believe that discussions surrounding educational fairness and equality require us to commit to two incommensurable goods: fair equality of opportunity on the one hand and the preservation of familial intimacy on the other. Though a complete argument is beyond the scope of this essay, I endorse the idea that valuing fair equality of opportunity doesn’t actually commit us to eliminating all forms of parental partiality. In other words, FEO is not of ultimate importance, but must be balanced against other potentially incommensurable values.

Nevertheless, in the Tooley-Swift debate, Tooley presents one other point that I find exceptionally intriguing and relevant. (While I don’t believe he employs it convincingly in the context of private schools, it gains traction when applied to after-school programs.) Tooley reasons that abolishing private schools (and not familial intimacy) would motivate parents to

¹⁵ See Harry Brighouse, *School Choice and Social Justice* (Oxford: Oxford University Press, 2002), 17.

¹⁶ *Ibid.*, 158.

¹⁷ See John Rawls, *A Theory of Justice: Original Edition* (Harvard University Press, 1971), 73.

exert unequal educational influences on their children outside of school, thus contributing to a backsliding of fair equality of opportunity.¹⁸ If well-off parents are unable to send their children to private school, they would be more motivated to leverage their occupational experiences or other non-monetary resources to bestow an advantage to their children. This argument illuminates an important concept: Ambitious regulations on educational inequality may invite more intense inequality of the unregulatable flavor. Unfortunately for Tooley, the potency of this phenomenon is weak in the context of private schools: Parents, regardless of their background, would find it challenging to replicate the diverse curriculum and teaching methods of an entire private school education. Hence, while intimacy within family relationships continues to play a role, the absence of private schools in Swift's model still acts as a powerful equalizer, thus reducing inequality.

When applied to the idea of abolishing after-school programs, however, an argument similar to Tooley's cuts more ice. Banning private after-school programs would push parents to bolster their children's chances of success using their own resources, especially when public resources, such as public schools or state-sponsored after-school programs fall short in meeting the diverse needs previously addressed by the entire private market. In the context of after-school programs, though, these parents' efforts would be much more effective. While it's nearly impossible for a parent to give their child a private school education without their child actually attending private school, it's much easier for a parent to replace the education provided by an after-school program. One can easily picture a parent skilled in computer science imparting those skills onto their children through a few hours of after-school guidance each day.

My argument is that the private market for after-school programs is necessary because it guards against another more noxious form of unfairness: familial intimacy. A key feature of the commodification of after-school schooling is that it turns money into the primary barrier to access. Consequently, the market for after-school programs insulates us from inequality caused by family intimacy, where the children of skilled and educated parents have massive advantages over children not born into those families. Of course, family remains a factor that introduces

¹⁸ See Tooley, "From Adam," 741.

inequality, but it is at least mitigated by the fact that others can purchase learning. Furthermore, I argue that inequality from family intimacy is harsher than inequality from socioeconomic status for the following two reasons:

1. Socioeconomic conditions represent a position on a ladder, and, theoretically, one could ascend to a higher rung (mobility). One cannot, however, change the family that they are born into. A child born to parents in manufacturing jobs might see their family's financial situation improve over the course of their childhood. Yet, they still won't receive the same level of familial support in computer coding as a child born to parents who are computer engineers.
2. The state has the power to remedy issues related to pricing, either by setting limits to prices or by subsidizing them (a topic we will explore shortly). The state, however, has little to no moral authority to regulate familial interactions and thus the education that occurs within the confines of one's home. On a tangential note, Rawls argued that if societal structures could compensate for the inequalities caused by such family intimacy, such a system would remain consistent with his theory.¹⁹ This compensation described by Rawls is only possible if we continue to allow the commodification of after-school programs, as the state has methods of intervening on issues of affordability. If we ban the private market for after-school programs, however, the resulting inequality stemming from family backgrounds is one that the state cannot — and should not — intervene in.

For the reasons stated above, eliminating the market for after-school programs would worsen the education system's conformance with Rawls' requirement of FEO. Thus, the Ban Approach is clearly not the answer to our problem. In this analysis, I take the novel step of arguing that if we are interested in advancing FEO in a society that assumes the existence of family units with intimate parent-child relationships, we should choose the lesser of two evils and prefer a system with a socioeconomic barrier over one with a family background barrier.

State Control Approach

¹⁹ See M. Victoria Costa, *Rawls, Citizenship, and Education* (Hoboken: Taylor & Francis, 2010), 5.

In response to these arguments, perhaps proponents of the Ban Approach would be more convinced by the State Control Approach, where the state provides free after-school programs for all students in place of the private market for such programs. A free after-school program for every student would allow even those children from unskilled family backgrounds the opportunity to learn specialized skills and compete on a fairer playing ground. Additionally, it might also have the effect of reducing the extent to which parents feel the need to educate their own children, thus further lessening the role of familial intimacy in the distribution of resources.

However, there are significant concerns with a state-run program. The first concern is feasibility. Education represents only a fraction of the state's budget, competing against other critical sectors like healthcare, the military, infrastructure, public safety, etc. Drastically increasing education funding to add a supplementary service like after-school programs is highly impractical. Funding the programs via increased tax burdens would almost certainly fail to gain public support. Second, standardization: State-run programs generally prioritize standardization over individual specialization. However, this standardized approach limits individualized and specialized education and lacks flexibility to adapt quickly to emerging fields or to cater to unique student interests. Third, competition: A state-run program suffers from a lack of competition. Whereas private after-school programs are constantly tussling to improve their services and attract new customers, a state-run program would have little incentive to do so.

Admittedly, the points made in the previous paragraph are largely empirical and even foray into economics. It seems plausible, though, to conclude that without dramatically increasing the education budget *and* overcoming the state-run programs' inherent deficiencies of standardization and lack of competition, adopting the State Control Approach would translate to a lower quality educational experience compared to an approach that maintains the private market. Thus, I cautiously conclude that while the State Control approach would satisfy FEO, by providing everyone with equal after-school educational resources, it would struggle to provide very good quality after-school educational services. We therefore have reason to explore two further approaches, which combine the private market with state intervention and which might be

able to provide a better quality of education and thus better satisfying Rawls' difference principle. These are the Restricted Hybrid Approach and the Unrestricted Hybrid Approach.

The Restricted Hybrid Approach

The Restricted Hybrid Approach retains a private market for after-school programs. However, the state offers need-based vouchers or scholarships to families so that all students, regardless of their socioeconomic background, have the opportunity to access some amount of after-school learning of their choosing. It also adds a spending cap on the amount of money a family can spend, per child, on after-school programs.

The Restricted Hybrid Approach's spending ceiling means that it complies with FEO about as well as the State Control Approach. Because the only remaining difference between these two approaches is the quality of education they provide, Rawls' difference principle will justify choosing the former over the latter.

The difference principle requires that society's resources be distributed to "those belonging to the lowest income class with the least expectations."²⁰ There are a couple reasons why the more efficient and effective system of after-school programs that we have reason to expect from the Restricted Hybrid Approach benefits society's least advantaged. Under Rawls' conception, society's least advantaged consists of the income class with the lowest expectations due to inferior talent, bad fortune, or disadvantage in family background.²¹ First, then, the individualized attention that private after-school programs can offer is critical in catering to untalented students who need extra support. The State Control Approach would likely see more untalented students left behind due to the inherent need for standardization, which directly contradicts the difference principle. Second, even elevating the quality of education generally has trickle-down effects on society's least advantaged. A more educated society innovates at a faster rate, which can lead to advancements in various sectors that improve quality of life for everyone. In particular, though, innovation has increased accessibility to certain important goods — from

²⁰ Freeman, Samuel, "Original Position", *The Stanford Encyclopedia of Philosophy* (Winter 2023 Edition), Edward N. Zalta & Uri Nodelman (eds.).

²¹ Ibid.

life-saving medical treatments to protein-rich foods. Also, it is important to note that that given a proper system of taxation, which Rawls held is necessary for achieving the difference principle, the additional wealth created by the more talented individuals equates to more tax revenue, thus elevating the material level of society at large.²²

The Unrestricted Hybrid Approach

The Unrestricted Hybrid Approach is similar to Restricted Hybrid Approach, but without a spending cap on the amount of money a family can spend, per child, on after-school programs. This approach satisfies FEO less perfectly than the State Control Approach or Restricted Hybrid approach, as it leaves room for affluent families to spend beyond what the state offers in vouchers and impart unfair advantages to their children. However, the Unrestricted Hybrid Approach satisfies the difference principle more completely than the State Control Approach for the same reasons as stated above in the Restricted Hybrid Approach section.

Choosing an Approach

At this point, provided the empirical assumptions regarding the efficiency of the State Control Approach are right, we can reject the State Control Approach. If we grant FEO lexical priority over the difference principle, we should always opt for the Restricted Hybrid Approach over the State Control Approach. On the other hand, if FEO is not given lexical priority, we should choose either the Unrestricted Hybrid Approach or the Restricted Hybrid Approach, as both satisfy the difference principle more readily than the State Control Approach.

Ultimately, the choice between the Unrestricted and Restricted Hybrid Approaches depends on the answers to several key questions. Some of these questions are conceptual, such as the above consideration of whether FEO is given lexical priority. Others are empirical ones.

One empirical question is how large the state's budget is. The Restricted Hybrid Approach's spending cap would need to adjust based on how much the state can afford in vouchers. If a government has a very limited budget to spend on vouchers, the spending cap

²² Ibid.

under the Restricted Approach would need to mirror that scarcity, which might render this approach overly limiting. At what amount we should set the spending cap to maximize benefits is also another important empirical question.

We also need to answer questions involving other philosophical values, such as whether it is justifiable for the state to even implement the spending caps present in the Restricted Hybrid Approach. Spending caps restrict individuals' freedom to spend their money on what they value, which opens this approach up to rights-based criticisms. Perhaps we can approach this conflict similarly to how we handled the one between FEO and familial intimacy — by adopting a measured view which acknowledges that FEO does not have absolute priority, but instead must be balanced with other rights and values.

These questions offer a framework for evaluating whether the Restricted or Unrestricted Hybrid Approaches best uphold a Rawlsian conception of fairness. While I stop short of answering these questions in this essay, I maintain that the Rawlsian conception of fairness demands that we resolve the glaring injustice in the status quo market for after-school programs, and that solution doesn't involve banning the market itself, but rather the state getting involved to equalize access to this market.

Bibliography

- Afterschool Alliance. *America After 3PM*. December 2020. Accessed September 1, 2023. <http://afterschoolalliance.org/documents/AA3PM-2020/National-AA3PM-2020-Fact-Sheet.pdf>.
- Beyond the Bell. *How Afterschool Programs Can Support Employability Through Social and Emotional Learning*. 2015. Accessed September 1, 2023. <https://www.air.org/sites/default/files/downloads/report/Afterschool-Programs-Support-Employability-Brief-Dec-2015.pdf>.
- Brighouse, Harry. *School Choice and Social Justice*. Oxford: Oxford University Press, 2002.
- Buchanan, Allen E. *Ethics, Efficiency, and the Market*. Repr. ed. Oxford: Clarendon Press, 2001.
- Costa, M. Victoria. *Rawls, Citizenship, and Education*. Hoboken: Taylor & Francis, 2010.
- Crawford, Stanley T. "Meta-Analysis of the Impact of After-School Programs on Students Reading and Mathematics Performance." PhD diss., University of North Texas, 2011.
- Gutmann, Amy. *Democratic Education*. Princeton, NJ: Princeton Univ. Press, 04-99.
- Hayek, F. A. "The Use of Knowledge in Society." *The American Economic Review* 35, no. 4 (1945): 519–30. <http://www.jstor.org/stable/1809376>.
- Satz, Debra. *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York: Oxford University Press, 2012.
- Smith, Adam. *The Theory of Moral Sentiments*. Kapaau (T.H.): Gutenberg publishers, 2011.
- Swift, Adam. "The Morality of School Choice." *Theory and Research in Education* 2, no. 1 (2004): 7-21. <https://doi.org/10.1177/1477878504040574>.
- Tooley, James. "From Adam Swift to Adam Smith: How the 'Invisible Hand' Overcomes Middle Class Hypocrisy." *Journal of Philosophy of Education* 41, no. 4 (2007): 727-41. <https://doi.org/10.1111/j.1467-9752.2007.00599.x>.
- Wenar, Leif. "John Rawls." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Metaphysics Research Lab, Stanford University, 2021. Accessed September 1, 2023. <https://plato.stanford.edu/archives/sum2021/entries/rawls/>.