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Legitimate Parental Partiality

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1. Egalitarians believe that goods should be distributed much more equally than they are at present, but they recognize also that there are principled limits to the pursuit of distributive equality. Fully to realize an equal or fair distribution would involve the sacrifice of other values that properly constrain egalitarian ambitions. Rawls's version of this is the priority accorded to his principle of equal basic liberties. Those liberties must be secured and nothing that violates them can be done to pursue fair equality of opportunity, or to maximize the income and wealth of the least advantaged.

Some of the barriers to the realisation of equality reflect the value of respecting prerogatives people have to favour themselves. Even G.A. Cohen, whose egalitarianism is especially pervasive and demanding, says that:

...only an extreme moral rigorist could deny that *every person has a right to pursue self-interest to some reasonable extent* (even when that makes things worse than they need to be for badly off people). I do not wish to reject the italicized principle, which affirms what Samuel Scheffler has called an 'agent-centered prerogative'....¹

But people also have morally weighty prerogatives to act partially toward particular *others*. Indeed, the permissibility of partial relationships between individuals is a touchstone of liberal – including egalitarian liberal – thinking. David Estlund presses the point against Cohen, developing a series of cases of incentive-demanding motives that result in inequality but draw only on altruistic concerns -- where the other whose interest is being pursued is near and dear to the incentive-demanding agent.²

These relationships are inegalitarian in deep ways. The parties to partial relationships can exclude others from the mutual benefits their association yields and have special responsibilities to one another that give them the right, and sometimes the duty, to further one another's interests. To give scope to these relationships is to limit what may be done in pursuit of equality. Samuel Scheffler calls this observation (when made in an appropriately hostile manner) the 'distributive objection' to special responsibilities: 'the distributive objection asserts that the problem with

such responsibilities is not that they may place unfair burdens on their bearers, but rather that they may confer unfair benefits...special responsibilities give the participants in rewarding groups and relationships increased claims to one another's assistance, while weakening the claims that other people have on them'.³ Participants in these protected relationships benefit twice over. They enjoy the quality of the relationship itself, and they enjoy the claims that the relationship enables them legitimately to make on one another, at the expense of those excluded from the relationship.

Our focus in this paper is the relationship that we take to be the most powerfully protected of all: that between parents and their children. Parents are permitted to treat their children differently from other people's children, and in ways that have the potential to confer significant benefits and to generate significant inequalities between them and those others. That the family is an obstacle to equality of opportunity is of course widely recognised. Rawls famously says:

It seems that even when fair opportunity (as it has been defined) is satisfied, the family will lead to unequal chances between individuals (Section 46).⁴ Is the family to be abolished then? Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction.⁵

Only the invocation of his other principles, which he takes to soften the conflict between justice and the family (while doing little to address that between the family and fair equality of opportunity) prevents this counterintuitive result.⁶

Other theorists talk about the 'autonomy' or the 'integrity' of the family, or about the 'right to raise one's children', as barriers to equality.⁷ Richard Miller elaborates a number of values that should constrain egalitarian ambitions, claiming that 'the inhibition of parental nurturance is itself a reason against a policy'⁸. These formulations readily command widespread assent partly because there is no consensus on what counts as respecting the autonomy or integrity of the family, on the content of the right to raise one's children,⁹ or on the proper scope of parental nurturance. Suppose that some parents take it as their project to invest all possible resources in ensuring that their child will have maximal competitive advantage

against other children. They divide their time between earning money to invest in a trust fund and expensive private schooling, and interacting with the child through activities designed maximally to develop her human capital. They may be promoting her best interests as they conceive them. But is what they are doing to be respected as 'parental nurturance'? If so, then an egalitarianism that respects such nurturance will be a tepid egalitarianism indeed.

We do not believe that egalitarians must permit parents to pursue their children's best interests regardless of the inequalities that pursuit may induce between them and others. The behaviour we have described is excessive, not legitimate, parental partiality; our aim in this paper is to give an account of how to make this distinction. To anticipate: The pursuit of equality is constrained by the requirement to permit parents to discharge the special duty of care that they have to their children, and to engage in such other interactions as are necessary for the realisation of those goods - which we call relationship goods - that make the family a valuable social institution. It is not constrained by the requirement to permit parents to further their children's interests in any more general sense, and there is no violation of 'family values' (or 'the value of the family') when the state seeks to break the connection between parent-child interactions and the inequalities that, in societies such as ours, they tend to generate.

Some theorists address issues of partiality to particular others in the abstract, and the discussion of the content of special responsibilities that come with special relationships is either left aside altogether or treated in a rather schematic way.¹⁰ Scheffler, for example, is concerned with special responsibilities in general. Like many theorists who have addressed this question in any detail he is more interested in the issue of our obligations to compatriots than in familial relationships. Indeed several theorists take familial partiality as morally unproblematic and justify partiality towards compatriots by analogy with it.¹¹ We want an account, by contrast, that ties the content of the special responsibilities - what it is that you have reason to do for your child, or compatriot, but not for others - to the nature of your relationship with them or, more specifically, to the goods realised by that particular relationship. What kinds of partiality is it necessary for you to be permitted to show in order to be enjoying that kind of relationship? We try to derive the content of the reasons for action from the

content of the particular relationship in question.

Our approach, then, does not assume that there is some general problem of partiality that can be solved without exploring the precise character of the relationship within which partiality is claimed to be legitimate. We believe that particular features of the parent-child relationship legitimize the expression of particular kinds of partiality within the relationship. To demonstrate the legitimacy of partiality among compatriots it would be necessary to argue from particular features of that relationship to the legitimacy of particular kinds of partiality within it.¹²

In section 2 we clarify the nature of the conflict between the family and egalitarian principles. Section 3 presents our 'relationship-goods' account of why the family is valuable, and section 4 uses this account to outline the boundary between legitimate and excessive parental partiality. In section 5 we explore the way that respecting legitimate partiality constrains (and does not constrain) the pursuit of egalitarian goals. Section 6 clarifies the view by defending it in the face of some objections. Section 7 concludes.

We intend the paper as a whole as a contribution at various levels. In part it is a (very small) step in the ambitious, perhaps Quixotic, direction set out by Estlund in his debate with Cohen over what kinds of motives taint distributions:

One project this suggests is to do the moral philosophy required to determine just what the relative strengths of the various values and prerogatives are. Another is to determine how much inequality could be produced even if no one transgressed the resulting requirements...The rich variety of considerations of prudence, affection and morality implies an even richer variety of their possible combinations in the context of any given choice. The task of theoretically sorting out what is morally permitted (or at least non-tainting) in all or most real situations is daunting.¹³

At another level, and perhaps more modestly, it is an attempt to rescue 'family values' from their traditional advocates, who usually invoke them as a counter to egalitarianism. We take the values realised by the

family seriously, but we deny that their realisation means giving up on a seriously egalitarian political agenda.

2. It is convenient to treat the family as being in conflict with a conventional conception of equality of opportunity; that is, a conception that seeks equality of prospects, for education, jobs and the rewards that attach to them, between the similarly talented and motivated, and with regard to their social origins.¹⁴ That is the conception that leads Rawls rhetorically to envisage the abolition of the family, and that is the conception within which the issue is typically framed in contemporary political debate. Parents can do, and do do, a good deal to influence, for better or worse, their children's position in the distribution of education, income, interesting jobs, and various other goods. Under some regimes wealthy parents can give them money, or pay for expensive (and somewhat effective) private schooling so that their children have a competitive edge in competing for expensive goods (like housing), or hard-to-attain positions (like elite university places and the jobs that require them). Parents who are themselves well attuned to the dominant norms and customs of professional life are more likely, and better able, to raise their children so that those norms and customs are first nature; interview success can turn on firm handshakes, looking someone in the eye, and generally seeming comfortable with the interviewer, all of which are easier to achieve if they are part of one's upbringing. Other familial interactions can help to develop one's child's human capital; pervasive home-life bilingualism, for example, improves one's child's ability to learn a second language, and reading to one's child may communicate an enthusiasm for books which will serve her well in the life of the school. An attitude of comfort and familiarity with the school she attends may, similarly, help her to take advantage of the resources it provides better than an attitude of fear and distrust. All this is familiar stuff.

But discussing the family in the light of its conflict with a conventional variant of egalitarianism such as fair equality of opportunity, with the opportunity in question being opportunity for a conventional list of desirable outcomes, can obscure the analytical conflict between partiality and equality *per se*. Fair equality of opportunity, on one reading of it, although it condemns inequalities of prospects that are not consequent on talent and effort, does not comment on the role of the family in developing the capacities and inclinations

to exert effort; whereas other conceptions of equality more clearly condemn all inequalities in prospects that are caused by factors over which one has no control.¹⁵ Moreover, parents do things to, for, and with their children that give them no particular advantage (or disadvantage) when it comes to competitions for scarce educational or occupational positions but still advantage (or disadvantage) them, relative to those others, in terms of their emotional development, or in the sense that they enjoy (or fail to enjoy) the good of familial relationships themselves. And by doing these things to for and with their own children, the parents themselves usually enjoy some benefit that they would not get if they did them to for, or with some strange child.

Although we will largely frame the issue in the terms in which it typically presents itself, it is helpful to have in mind a deeper or more far-reaching conception of the egalitarianism with which the family may conflict. Where most theorists focus narrowly on the family's conflict with something like Rawlsian fair equality of opportunity, parent-child relationships, and the kinds of partiality they justify, interrupt equality between people quite generally, whether similarly talented and motivated or not. Similarly, we should not artificially restrict our understanding of the goods that people should have equal opportunity to achieve; *any* respect in which a person's life might go better or worse is the kind of thing that egalitarians might care that people have equal opportunity to attain. By putting the distribution of 'opportunity' centre stage, we mean to indicate our sympathy for the family of egalitarian theories commonly known as 'luck egalitarianism',¹⁶ which condemn inequalities that are not the result of choices for which agents may reasonably be held responsible. It is a theorem of luck egalitarianism that no-one's life should go better or worse simply because someone else wants it to; but in our ordinary lives as family members and, particularly, as parents, we see the success of our own lives as being in part a function of how well the lives of our nearest and dearest go. The conflict between partiality and luck egalitarianism goes deep.

With these preliminaries in place, it is important that we clarify the purpose and limits of our analysis in this paper. We aim to provide an account of the kinds of parental partiality that are necessary for the realisation of those goods that parent-child relationships are distinctively able to realise. Parent-child relationships contribute a great deal to the well-being or flourishing

of human lives and those relationships would not be the relationships they are unless parents treated their children differently from other people's children. We believe that the goods realised by such relationships are worth disrupting equality with respect to the goods with which the family is usually taken to conflict. A world in which people had equal prospects for material advantage, say, but which lacked familial relationships, would be impoverished relative to a world in which there was a good deal of inequality of opportunity but plentiful family life. So in so far as there is a conflict between the relationship goods realised by the family and equality in the distribution of material goods, we find, rather predictably, for the family. (What we hope is rather more unpredictable is our view about the extent of the conflict.)

But there is something importantly misleading about this standard picture on which the family trumps equality. It is because relationship goods are so valuable, yet depend for their realisation on equality-interrupting parental partiality, that we favour the family over equality. But rather than regarding the value of the family as giving reason to desist from the full pursuit of egalitarian goals, it is perfectly coherent to include relationship goods (or the opportunity for such goods) among the goods that one might care about the equal distribution of. If relationship goods that can be realised only by the family, and that depend on forms of parental partiality along the lines we discuss below, are indeed valuable, then they are equally valuable for all. True, relationship goods may not be as amenable to principled distribution as more visible and transferrable goods like money, but there are surely things that can be done to facilitate their fairer or more equal distribution. So rather than having the family trump equality, it might be better to think of the family (or the goods it makes possible) as being itself an object of egalitarian concern.

The scope or content of the parental partiality necessary for agents to enjoy relationship goods is a quite separate issue from that of the extent of the agent's prerogative to pursue his or her own self-interest (or that of his or her loved ones) as opposed to pursuing benefits for others. We can know what parents must be free to do for their children in order for them to enjoy the goods distinctively made available by familial relationships without knowing how important those goods are relative to the other goods with which they compete. This paper is about the first of these issues, not the second. Thus, for example, although we have

said that family values trump conventional equality of opportunity, we say nothing about the relative importance of family values and the provision of food to the starving. Perhaps, in a world where some lack what they need for mere survival, much of the the time and energy spent by affluent parents on the provision of relationship goods, for themselves and their loved ones, is self-indulgence, far exceeding any reasonable prerogative. Perhaps, even though *some* reasonable pursuit of relationship goods for oneself and one's loved ones is justified in our world, many of us overindulge in those goods. We can offer an account of what is valuable about the family, and of the kinds of parental partiality that are and are not required for those values to be realised. We thus hope to identify and elaborate the particular realm of value that is the family and show what kinds of partial activities and stances must (and need not) be permitted in order to realise its value. But we cannot move from that account to the generation of a prerogative at all, let alone the extent or weight of that prerogative relative to other values.

To make things more manageable, the rest of the paper will frame the conflict between parental partiality and equality in conventional terms, exploring the extent of legitimate parental partiality (a) on the assumption that agents do indeed have a prerogative to pursue some familial-relationship goods to some extent and (b) where the kind of equality that the family interrupts is conventional equality of opportunity. We make no argument for assumption (a). We occasionally consider the implications of relaxing (b).

3. How do we establish what constitutes legitimate, as opposed to excessive, parental partiality? Our approach is to identify the specific interests that are facilitated and protected by the family and consider what kinds of partiality are necessary for their promotion. These interests are the reasons why it is better that children be raised in families than in state-run child-rearing institutions. Such institutions might be fairer or more consistent with fair equality of opportunity, but requiring that all children be raised in them would deny both them and adults those aspects of well-being that derive from participation in familial, parent-child, relationships. We call these goods 'relationship-goods'.

Rawls says that the family is part of the basic structure in that family members cannot violate the basic freedoms other members have as a matter of membership in a

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well ordered society. But ‘we wouldn’t want political principles of justice to apply directly to the internal life of the family’. We need to distinguish

between the point of view of peoples citizens and their point of view as members of families and of other associations. As citizens we have reasons to impose the constraints specified by the political principles of justice on association; while as members of associations we have reasons for limiting those constraints so that they leave room for a free and flourishing internal life appropriate to the association in question.

Our aim, then, is to establish what constitutes the ‘free and flourishing internal life appropriate to’ the family?

We can distinguish three sets of interests pertaining to the family: children’s interests; parents’ interests; and third party interests (externalities). Children have both developmental and immediate interests: how they are raised affects not only how they develop and how well-prepared they are for adult life but also how happy, well-nourished, and well-balanced they are during childhood. For adults, whether they can have children, how many they have, what kind of relationships they have with those children and how able they are to fulfill other ambitions while parenting are all influenced by how social institutions structure and regulate child-rearing arrangements. Finally, both because children are potential economic and civic contributors to social life, and because parents interact with others, rearing arrangements affect those who are not, at a particular time, rearing or being reared.

Corresponding to these interests are accounts of the value of the family. Some theorists focus on the benefits to third parties. Our account, by contrast, justifies the family primarily by appeal to the values it realises for its members. We do not deny that the family may be essential for producing third-party benefits – such as the capacity to trust and be trusted.¹⁷ Such benefits may indeed be among the reasons why families are preferable to state-run institutions. But we see these as byproducts of a relationship that is fundamentally valuable for other reasons. If it turned out that arrangements like the kibbutz were as good at producing fair-minded citizens, or productive

contributors to the economy, and indeed even if they were better, we would still prefer the family as the only way for human beings to realize very important goods in their lives. Family life, appropriately arranged, makes available to participants distinctive goods, goods for which nothing else can be an adequate substitute.

Other theorists offer an exclusively child centered account. For them, the family is justified entirely because of its benefits for the non-voluntary entrants to the family, the children; the family, appropriately structured, is the best feasible arrangement for ensuring that children enjoy the conditions necessary for their emotional and cognitive development and, in some versions, for their flourishing within childhood. If some other institution were systematically superior for this purpose, that would be enough to justify it.¹⁸ It is widely accepted that all people need to participate in family life as children in order to become fully flourishing adults: they need secure attachments to particular adults who will give them the kind of loving attention necessary for them to become capable of loving themselves and others. We do not seek to minimize the importance of that claim. But we also endorse the more controversial view that for many adults having a parental relationship with a child makes a distinctive and contribution to their flourishing which is necessary for them to be said to be fully flourishing. For us, this fact plays a role in justifying the institution of the family.¹⁹ To clarify the kind of role it plays: certainly, if families seriously impeded the flourishing of children relative to some feasible alternative, while contributing in the deep way we suggest to parental flourishing, that would count very strongly against it.²⁰ But as long as it contributes well enough to the flourishing of children, parent-centered considerations can justify it even if there are feasible alternatives which do even better for children (while doing worse for adults). Child-flourishing is an important component of this justification of the family, but it is not the only one.

Here are some examples of relationship-goods realized or produced by the family:

* Parents oversee and contribute to the cognitive, emotional and moral development of their children, as well as guaranteeing their immediate needs for nutrition, shelter, and safety.

* Children are provided with a sense of continuity with (or belonging or attachment to) the past, mediated by acquaintance with her own family members.

* Children enjoy the security provided by the presence of someone with a special duty of care for them.

* Parents enjoy a distinctively valuable relationship with their children; one that can be intimate and mutually loving, but in which the parent acts as a fiduciary for her child's material, emotional, and moral interests.

The first three goods accrue largely to children. It is true that each of these functions could, in principle, be performed by someone other than a parent, and there is no reason to believe that the nuclear family is the only arrangement that could fulfill these interests adequately. But any alternative institution would have to provide a parent-like bond between some adult and each child. For current purposes we take our account of these goods and their connection to family life or something like it to be relatively uncontroversial.

The fourth good accrues to the parent. The institution of the family allows them to have a relationship of a kind that cannot be substituted for by relationship with other adults, for example. They are intimate with the child in a way that is not symmetrical; the child is unable fully to understand or know the parent in the early years, and is entirely dependent on the parent in the earliest years. The parent is the decision-maker for the child, and even as the child comes to be a decision-maker herself the parent determines the context in which decisions are made. The parent has a special duty to promote the child's interests including the interest most children have in becoming someone who has no need of a parent's special duty of care. Since Locke it has been a familiar idea that parents have fiduciary duties toward their children (though the precise content of those duties is widely disputed). Our additional claim, here, is that parents have a non-fiduciary interest in being able to play a fiduciary role; it is valuable for their children that they play it well, but it is also a distinctive source of their own flourishing that they play it.

It is a distinctive source of flourishing in the sense that it is unavailable through other relationships. In order to provide this good for adults, the institution for child-rearing needs to be the family, or something that mimics the family very closely.²¹

Is the relationship-good account of family values a correct account of the goods that the family provides? It is clear that parents in some cultures at some points in history have not valued their children, or their

relationships with them, in the ways suggested by the above account.²² In some societies there is a powerful economic imperative to have children, and incentives provided by the social and economic structures affect the way that parents treat children. In early mediaeval Europe, for example, children were effectively slaves in law; parents sought to have sufficient children to serve their economic interests, and if they had more than they could provide for, infanticide was a legal solution (if, it appears, one rarely practiced) and abandonment a common one.²³ So if the relationship-goods account is morally correct, it seems to fly in the face of the experience of many people in many eras.

Our response to data such as these, and the wealth of similar cases that spring readily to mind – some much closer to home than medieval Europe – is to say that in those cases described the parents in particular are simply failing to enjoy the distinctive goods made available by a parent-child relationship. We are not arguing here that the relationship goods account of the value of the family is the one to which parents have always adhered or on which they have acted. We are claiming that it gives an account of the distinctive goods for which the family is indispensable, and that this account grounds a view about the extent and ways in which partiality toward one's children is justified.

4. The relationship-goods account of the value of the family helps us work out what room is necessary for the free and flourishing internal life appropriate to the family. There must be space for those activities and interactions between parents and children that are essential to, and realize, the value of the family; that is, the activities and interactions that produce the goods the account depends on. We cannot give an exhaustive list of such activities here. We assume that in the early years of a child's life this account justifies parents' having considerable latitude over how their children are raised, including how they are fed, whether they spend their waking hours at home or in daycare, whether the mother, father, or some other designated adult should be the primary caretaker of the child, whether the young child is nursed or bottle-fed, whether she sleeps in her own room, with siblings, or in the parental room, etc. The parental duty of care constrains the parent from neglecting the child, exposing her to excessive risk of injury illness or death, or abusing the child. In later years the relationship justifies less parental latitude; their special duty of care (as we would specify it) commands parents to ensure that their children receive an education that facilitates

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their development into autonomous agents capable of reflecting rationally upon and revising or rejecting the values of the parental home and gives them the skills they need to have effective freedom of exit from the parents' culture. So it is legitimate, and does not interfere with the ability of the family to deliver the goods specific to it, for governments to make schooling compulsory and levy taxes to pay for it. However, it is worth noting that there is a limit even here to what the government may do. At the limit, a compulsory school year of 12 hours a day, 7 days a week, 50 weeks of the year would indeed interfere with the ability of parents and children to enjoy the freely flourishing internal life of the family; and a curriculum or school ethos designed to induce in children contempt for their parents' way of life, or simply for their parents, would again constitute interference.

Two paradigm cases of permissible activity will feature in the rest of the discussion. We choose them because they seem to us cases of activities variation within which tend to have significant effects on children's economic and cultural prospects. First, we believe that parents should be free to read bedtime stories to their children and should have freedom to select which books to read (within some rather obvious limits that non-abusive and non-neglectful parents will not experience as constraints). Why? This freedom facilitates both parties' interest in having a close and emotionally fulfilling relationship with the other, as well as promotion of the child's educational interests. It also facilitates the parental interest in sharing her own interests with her child and in getting to know her child's emerging personality. Second, we think that parents have the right to have their children accompany them to religious ceremonies and to enroll them in associations in which they will participate in the communities of value of which the parents approve (Hebrew School, the Ukrainian Youth League, cricket clubs, and so on). This right, which is limited by the duty to facilitate prospective autonomy and decreases as the child grows up and develops interests of her own, derives from the interest that family members have in shared interests and identification.²⁴ The idea is that it is through engaging in these activities and others relevantly like them that people realize relationship goods.

The activities we have described begin to describe a realm of legitimate partiality. These are things that one is permitted to do for or with one's own children but not required, and not permitted (at least not without

parental consent), to do for other people's children. In the case of bedtime stories, for example, they may well result in one's children having competitive advantage over other children who do not have stories read to them, or who do not have those stories read to them as well, or for as long. These activities interrupt fair equality of opportunity but, because they are constitutive of valuable familial relationships they are legitimately partial.

The contrast is with activities - things we do to with and for our children - that are not essential for the realization of the relationship goods that we have identified. Again, there is a wide range. Recall, from section 1, the parents who send their child to an expensive private school designed to optimize her chances in the competition for well-rewarded and interesting jobs, who invest in a trust fund, and whose interactions with their child are chosen on the basis of a judgement about the maximal development of her human capital. These activities will violate fair equality of opportunity in a regime of unequal outcomes, but they are not protected by the value of the family. The parents' motivation may indeed be love, but none of these things is essential to delivering on the parent's special duty of care for the child; none is essential for the child's interests to be adequately met, so none is essential for the parent to meet her fiduciary responsibilities to the child; and none of them is essential for either the children or the parent to enjoy the distinctive goods made available by the familial relationship.

It would be nice for egalitarians if activities of the first sort conflicted less with equality than activities of the second sort. Some strands in the egalitarian tradition have tended to assume this, and specifically that something close enough to fair equality of opportunity can be achieved through educational policies designed to marginalize the impact of expensive private schooling, and tax-transfer policies designed to mitigate the effects of unequal parental wealth on life prospects. However, recent research in economics and sociology casts doubt on this assumption, suggesting that in fact parenting styles, and other features that are constitutive of family relationships may have as much if not more impact on prospects for income and wealth than transfers from parents to children.²⁵ Bourdieu-influenced sociologists conjecture that as long as outcomes are substantially unequal, and the family remains in place, parents who win the competition for

outcomes will find mechanisms to turn their winnings into opportunities for their children.²⁶ The family, it may turn out, is more threatening to the prospects for equality of opportunity, even of the conventional kind, than social democrats have wanted to believe.

4. Legitimate parental partiality blocks the pursuit of equality of opportunity because the parent-child interactions necessary for the realization of familial relationship goods are protected, even where they have the effect of undermining that egalitarian goal. But, of course, other measures that would mitigate the interruption of equality without undermining the ability of the parents and children to realize these values might be justified. Suppose that reading bedtime stories to one's child for 15 minutes every evening has a demonstrable positive effect both on their expected lifetime income and on their competitiveness for interesting and rewarding jobs, and suppose also that children of more educated parents tend to be the ones who are read to. While, on our account, this would not justify forbidding (or other attempts at preventing) the reading of bedtime stories, it might justify taking steps to encourage parents who are less educated and/or have lower household incomes to read more to their children.²⁷ It might also justify transfer payments designed to lessen the effect of reading stories on lifetime expected income; for example by mitigating the wage inequalities in the external economy. But it would not justify forcing parents to read bedtime stories to their children; that would intrude into the privacy and spontaneity of the family in a way that would jeopardize its ability to function to the benefit of its members. To the extent that it cannot eliminate the conflict between bedtime reading and fair equality of opportunity, the legitimate government is bound to tolerate the inequality of opportunity produced rather than seek to equalize the extent of bedtime reading by forcible means.

Whether, and to what extent, the pursuit of familial relationship goods yields inequality (other than of the enjoyment of those goods) depends, in large part (perhaps entirely) on the design of social institutions. In a society without wage inequalities, one's income would be entirely a function of the number of hours one worked, and would not be at all influenced by the value of one's natural talents or the extent to which interactions with one's parents had developed those talents (though it would still be influenced by how those interactions had influenced one's preferences for income relative to leisure). Or consider the following

imaginative comment from sociologist Annette Lareau, whose ethnography *Unequal Childhoods* identifies the ways in which middle class parenting styles confer competitive advantage on their children:

This kind of training developed in Alexander and other middle-class children a sense of entitlement. They felt they had a right to weigh in with an opinion, to make special requests, to pass judgment on others, and to offer advice to adults. They expected to receive attention and to be taken very seriously. It is important to recognize that these advantages and entitlements are historically specific.... They are highly effective strategies in the United States today precisely because our society places a premium on assertive, individualised actions executed by persons who command skills in reasoning and negotiation.²⁸

The extent to which the receipt of relationship goods generates inequalities in other kinds of goods depends on the social environment. The government is not entitled, in the name of equality of opportunity, to interfere with the family so as to undermine its ability to confer on its members the relationship goods for which it is vital. But it may be justified in shaping or reforming the social environment so as to diminish the extent to which the prerogatives and obligations essential to the production, within the family, of relationship goods generate further, extrinsic, inequalities; in other words, to try and break the link between legitimately partial activities and the non-relationship-related goods they currently yield.

5. We have distinguished between those activities and interactions that are essential for realizing familial relationship goods and those that are not. The idea is that essential activities are protected but non-essential ones are candidates for prohibition when that prohibition will further other valuable goals such as equality of opportunity. But of course, for most families there is no particular activity or type of activity which is genuinely *essential* for the family to deliver its goods to its members. It is hard to imagine any narrowly specified form of interaction that is genuinely a *sine qua non* of valuable family life. We have picked the paradigms of reading bedtime stories

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and taking one's children to church, but if those particular activities were somehow prohibited, most families would still find plenty of space for realizing the relationship goods in question. Parents would not read, but would perhaps, tell, bedtime stories. They might read stories at other times of the day. They replace stories with singing round the family piano. Churchgoers might find it harder to find adequate substitutes for the activity of taking their children to church, but people are remarkably ingenious when it comes to the pursuit of their religious and parenting objectives.

Nevertheless, some kinds of interaction are such that if all (or most, or just many) activities of that kind were prohibited there simply could not be ample space available. What is it about bedtime story-reading that makes it so natural a paradigm case of a protected activity? The parent reading the bedtime story is doing several things simultaneously. He is intimately sharing physical space with his child; sharing the content of a story selected either by her or by him with her; providing the background for future discussions; preparing her for her bedtime and, if she is young enough, calming her; re-enforcing the mutual sense of identification one with another. He is giving her exclusive attention in a space designated for that exclusive attention at particularly important time of her day. There must be ample space for parents to engage in activities with their children that involve *these kinds of things*. Our other case, having one's children accompany oneself to church is similarly a paradigm case because it involves similarly intimate interaction and produces similar mutual identification. Although each such activity could be prohibited without significant loss, the prohibition or inhibition of many such activities would produce a loss.

It is important that parents have a great deal of room to choose how to instantiate the valuable relationship, so they need lots of options to choose between. What is a viable way of instantiating a valuable relationship for one parent-child pair will not be for another, because the personalities and preferences of the people involved affect the viability of any given activity being one in which they can enjoy the relationship. Richard Rothstein expresses (rare) skepticism that reading to children would produce cognitive benefit if the parent doing the reading had no independent enthusiasm for reading.²⁹ We similarly doubt that reading to one's child (or taking her to church or a cricket match, or cooking with her) will produce relationship-goods

if one is not independently invested in the activity. External monitoring and excessive restrictions on one's options interfere with the relationship to the detriment of its quality. That is why, even where there might be third-party and some child-centred reasons to coerce parents into reading to their children – perhaps social science tells us that children who have not been read to become less productive or less cooperative members of society – such coercion is, on our view, counterproductive. Successful intimate relationships require that joint activities be the choices of parties to the relationship.

Just as excessive external monitoring undermines the value of an intimate relationship, so does excessive self-monitoring. Parents must, of course, monitor both themselves and the relationship, and this is one aspect of the asymmetry between the parent and the child. But successful intimate relationships require a good deal of spontaneity, spontaneity that is easily put at risk by the need to monitor whether one is unfairly conferring advantage. Consider helping one's child with her homework. One might have multiple motivations for doing so: a desire to contribute to her cognitive development, a desire to enrich her understanding of something worth understanding well, an intrinsic interest in the subject, a desire to take the opportunity to share time with her. When the social environment is just, limiting the competitive advantage that she will gain from having been helped with her homework, the parent can help without the nagging worry that in doing so she is simultaneously conferring on her an unfair extraneous advantage.³⁰ This point is generalisable to the idea that social justice relieves familial relationships of one way that they can be internally diminished; the self-monitoring and restraint that parents of good-will might otherwise engage in to ensure that they are not contributing to injustice through their interactions with their children.

6. We have argued that activities relevantly like bedtime story telling merit protection because of their connection to the production of relationship goods. We do not invoke any presumption of liberty in our defence of this view; rather, we argue from the specific interests at stake to the content of 'family freedom'. By contrast, we conjecture that sending one's child to an elite private school does not normally involve or produce relationship goods and is not worthy of protection by appeal to 'family values'. The child is interacting with other children and adults in school,

not with her parent. In selecting an elite private school the parent is selecting which set of other people the child will interact with, but is not directly furthering or helping to maintain the goods of the parent-child relationship. Nor, normally, is she carrying out her fiduciary duty to meet her child's interests. Parents have a duty to meet their children's interests adequately, but not to pursue their 'best' interests; the parent who refrains from trying to maximize her child's lifetime expected income is not doing wrong. Similarly, gifting or bequeathing large amounts of money to one's children are, typically, external, non-intimate, transactions. Even if they are motivated by parental love, the relationship can survive well without them; these, too, fall into the unprotected category. Since they conflict with fair equality of opportunity they become natural candidates for prohibition or regulation.

We can see two obvious objections to our claim that this latter kind of activity fall beyond the bounds of legitimate parental partiality. One is that protecting them might be justified because they play a vital role in allowing parents to fulfill the special duty of care they owe their children. The other is that, although not necessary for discharging the duty of care, they do indeed involve or produce the relevant relationship goods. Responding to these challenges will help us to clarify the kind of arguments we have been making, and to draw readers' attention to the complex issues raised by their application to the unjust societies in which we currently live.

Before we start, then, it is important to be clear that we have been arguing specifically that there is no 'family values' justification for respecting parental investment in elite education or bequest of money *where and to the extent that respecting them would conflict with fair equality of opportunity*. The parents of a child whose prospects would otherwise be less than equal to those of children with similar levels of talent and willingness to exert effort do nothing to inhibit the realization of that conception of equality by paying for her to attend better schools or bequeathing her money which they have refrained spending on consumption goods (as long as in doing so they do not overcompensate for the child's prospect deficit). So, in a world in which there are other mechanisms tending to undermine fair equality of opportunity, it might be quite acceptable for less advantaged parents to act in these ways. Advantaged parents typically act toward their children in ways that conflict with fair equality of opportunity,

but which are protected by the priority we advocate for family values. Buying their children private tuition or elite private education is not protected. But, for most working class and poor parents, or members of ethnic minorities whose children are known to suffer from various biases in education systems and labour markets, buying private tuition and, if they can somehow afford it, elite private education, may not conflict with fair equality of opportunity at all. Unlike the middle class parents, they may be simply providing for their children some of the opportunities that their children would have under a regime of fair equality of opportunity. This is an attempt to compensate for unfairness, not excessive parental partiality.³¹

Two more background points are worth bringing into the open at this stage. First, we were careful to say, in the first sentence of the paragraph before this, that there is, typically, no *family values* justification for respecting parental investment in elite education or bequest of money. Some of the activities for which people may wrongly claim protection by appeal to their rights or duties as parents may admit of a quite different kind of defense. In particular, activities that develop the human capital of children, but are not relevant to the production of relationship goods, may, in the right kind of tax-transfer system, contribute to the well-being, all things considered, of the least advantaged. Children might be more productive if sent to expensive elite schools, and thus better contributors to tax-transfer schemes, as well as spurs to overall growth in production. Similarly, if parents are allowed to bequeath their wealth, or some substantial part of it, on their children, they might work harder themselves, thus contributing (in an economy structured the right way) more to the benefit of the least advantaged.

We offer two observations about this kind of argument. First, it involves subjugating fair equality of opportunity to some kind of prioritarian principle. We are asked to accept unfairly favourable opportunities for some (and unfairly unfavourable opportunities for others) for the sake of the well-being of the worse-off. We are not entirely unsympathetic to that subjugation,³² but we should be clear that it involves a changing of the distributive goalposts that we have been considering to be in conflict with the family in this paper. Second, parents who invoke this argument often do so by claiming either that they particularly value education or that their investment will benefit everybody in the long run (or both). Neither claim justifies the action it is invoked to justify. If what they value is education, then they can impartially give

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their resources to the education of children in general, without favouring their own. If what they care about is the absolute well-being of the least advantaged, they can give it to those children investment in whom is most likely to produce those benefits. What they really care about, in our experience, is the education of *their own children*, and, if our account is right, only in rather special circumstances does such investment fall within the bounds of legitimate parental partiality.

The second important point about our analysis is that we are bracketing completely the issue of the justice (or otherwise) of the distribution of resources (including cultural resources) as between parents. All the points we make about legitimate parental partiality apply on the assumption that parents are no better off than they would be under a just distribution of those resources. That assumption leaves plenty of room for conflict between the family and fair equality of opportunity. Parents may justly enjoy very unequal amounts of economic and cultural capital, they may differ in their preferences over how to use the capital they justly command, and those inequalities and differences can seriously disrupt fair equality of opportunity for the next generation. In the real world, of course, the distribution of that capital is far from just. It has not arisen against a regime of fair equality of opportunity (let alone a more demanding variant of egalitarian justice), so relatively advantaged parents, who are best positioned to further their children's interests, are unlikely to be in a position legitimately to claim the resources that make them relatively advantaged as *theirs*. This, of course, hugely affects any analysis of what parents in that real world can and cannot do for their children. Perhaps they should divest themselves of their unjust excess before doing anything for their children. Perhaps they are justified in deploying that excess to fulfil their duty of care to their children but no more than that. Properly to explore the non-ideal implications of our position is beyond the scope of this paper.

With these points out in the open, let us return to the first objection – that investment in elite private schooling, or the bequest of money from parents to children, might be implied by the duty of care. Clearly the issue turns on the precise content of that duty as well as the particular circumstances in which the parent and child find themselves. A popular formulation holds that parents have a duty to do the best for their children. If that were right, it might indeed justify, indeed require, parents sending their children to elite

private schools. But it cannot be right. Parents cannot single-mindedly pursue their children's interests; they must balance their children's interests against those of others (including the parents' own). For us, the duty of care has both an absolute and a comparative dimension. In general, where circumstances are relatively favourable, the duty extends to doing what one can (subject, of course, to other moral constraints) to ensure that one's children have the prospects that they would under a fair distribution. As we saw above, for some parents this itself might justify a compensatory decision to buy private tuition.³³ But some parents live in societies where the available public education is entirely inadequate in absolute terms. In large parts of South Africa, for example, girls have a high probability of being raped on school premises by someone with AIDS and the prospects of learning in many public schools are slim.³⁴ Where relatively expensive private schools are the only adequate schools, parents with the means may have an obligation to do what they can to send their children to them.³⁵

The second objection suggests that gifting or bequeathing money, or buying her a particularly good education, while not entailed by the parental duty of care, is indeed justified on the grounds that it is necessary to realise familial relationship goods. This objection can take various forms.

One runs as follows: To love someone is to want her life to go well. Granted, there is an important sense in which egalitarians are supposed to regard all people equally as objects of their concern, but we love particular others, and to love them is precisely to care particularly about their well-being; to value their well-being more than that of others. The idea that parents should desist from acting in ways that will confer advantage on their children amounts to denying the expression of just the loving relationships that we are so concerned to protect. If such actions – undertaken to promote the interests of the loved one – induce inequalities between her and others, so be it. Parents do and should love their children more than they love other people's; the relationship goods, especially perhaps the child's emotional development, would not be realised if they didn't.

We do not deny that loving someone means wanting their life to go well – and caring more about that than that other people's lives go well. We acknowledge that parents who seek the good for their children

are motivated by an entirely appropriate feeling of parental love – whether they seek it by bequeathing them resources they may devote to their life projects, by buying them an intrinsically valuable education that will introduce them to a world of excellences, or even by trying to improve their competitive advantage relative to others. (That advantage, is, in the end, only advantage in the competition for better rather than worse lives.) The issue, though, is whether it is necessary to permit such transfers or investments in order for the goods distinctively made available by familial relationships to be realised. We claim that it is not. A world in which parents were, for the sake of fair equality of opportunity, prevented from acting to further the good of their own children – except in ways implied by the parental duty of care and except for those aspects of their good (such as emotional development) that can *only* be provided by parents – would be a world that left plenty of room for the realisation of familial relationship goods.³⁶

Another version of the objection points out that the success of the parent-child relationship may itself depend on transfers and investments of the kind we are discussing. One's child might feel entitled to one's largesse, especially if she observes a cultural pattern of large scale parent-child giving/bequeathing within her milieu. She might similarly feel undervalued if she is consigned to the ordinarily-resourced local school when she knows that one can readily pay for her to attend the outstandingly resourced private school some short distance away. One might feel that that to do otherwise would be an expression of undervaluing her, and it might for that reason pollute the relationship.

Our response is somewhat conjectural. First, we doubt that such feelings would be prompted in a regime in which, for example, elite private schooling or large-scale gifting were effectively prohibited. If she is prohibited from disposing of her money in that way the parent is not doing anything that demonstrates her misevaluation of the child, and the child cannot reasonably believe that she is. As Samuel Scheffler points out,

People's judgments about the circumstances in which, and the extent to which, they have reason to give special weight to the interests of their intimates and associates are highly sensitive to the norms they

have internalised and to the character of the prevailing social practices and institutions. Behaviour that is seen in one social setting as an admirable expression of parental concern, for example, may be seen in another setting as an intolerable form of favouritism or nepotism.³⁷

The state that prohibits activities like sending one's child to an elite private school while leaving ample opportunity for activities like reading bedtime stories, thereby leaves ample space for realizing the value of the family. Even if such behaviors are not prohibited, we conjecture that children who enjoy emotionally healthy relationships with their parents will not experience their parents' restraint as an instance of undervaluing. This is both because the parent has some influence over the emerging values of the child and because she can engage in a wide range of other valuing behaviors in the context of which the child can be immunized from a sense of entitlement to the benefits deriving from the parent's wealth.

Still, it may be that some identifiable types of instance of gifting and bequeathing, or of educational investment, are particularly valuable instantiations of the parent-child relationship. Consider the bequest of a house in which a family has lived for centuries. Perhaps, even though an egalitarian ethos and set of parental values could prevent children from feeling damaged by its unavailability, such a legacy, symbolizing the sense of continuity over time and between generations that is among our 'family values', is an important good that would be lost in a regime of prohibition. If so there would be a relationship-goods case for legalizing such bequests but combining that permission with a rule preventing the child from realizing the house's commercial value and taxing the benefit. Similarly, some parents wish their children to receive particular kinds of education not because they want them to enjoy competitive advantage over others, nor even because they want their children to be able to partake of excellences that will make their lives go better in some general sense, but because the parent-child relationship itself – or perhaps the child's sense of herself as a member of a particular familial tradition - depends on the child's knowing or understanding particular things (cricket, classical languages, music) not otherwise available. Though we are sceptical of many claims along these lines, there is doubtless conceptual space for this possibility

and surely some families inhabit that space. But here too there could be no 'family values' objection to attempts by the state to separate the educational goods in question from other kinds of benefit, and in particular from the competitive advantage that often accompanies them.³⁸

7. If the family did not exist it would be necessary to invent it. Without it, children would not develop the capacities they need to flourish as adults, and adults would not enjoy the very distinctive goods made possible by intimate parent-child relationships. Those relationships depend on - are constituted as the relationships they are - by partiality, partiality that by its very nature disrupts equality. Indeed, the discourse of 'family values' is typically invoked to counter attempts to pursue those goals, by those who claim that respecting the autonomy or integrity of the family means accepting the illegitimacy of a seriously egalitarian agenda. Our aim has been to outline a theory that strikes the right balance. One that recognises the value of familial relationships, their role in human flourishing, while insisting that such relationships not become 'moral loopholes' or excuses for abandoning egalitarian goals.

We have attempted to identify the distinctive goods realised by the family and to use that account of family values to draw a distinction between legitimate and excessive parental partiality, deriving, in a way that we have not seen attempted before, the content of partial reasons for action that arise from the goods realised by a particular kind of relationship. For us, the lesson is that the family and equality do not conflict nearly as much as is commonly thought. This is so in two quite different ways. On the one hand, we can respect the partiality constitutive of parent-child relationships while altering the social environment so as massively to reduce its impact on the distribution of other goods. Even in current contexts, careful inspection of the goods in question reveals that much inequality that we are urged to tolerate as a necessary consequence of respecting the family fails to qualify as such. On the other, familial relationship goods can themselves be regarded as among the distribuenda of a complete theory of distributive justice. To claim that certain kinds of partiality are necessary for the realisation of those goods is not to claim anything about the extent to which individuals are justified in pursuing those goods for themselves and their loved ones. Rather than conceiving them as obstacles to egalitarian goals, those who care about 'family values' should think

about the proper content of those values and start worrying about those least able to enjoy them.

Endnotes

- ¹ G. A. Cohen, 'Incentives, Inequality and Community' in Stephen Darwall (ed.) *Equal Freedom* (Ann Arbor: University of Michigan Press, 1995), pp.262-329, 302-3.
- ² See David Estlund, "Liberalism, Equality and Fraternity in Cohen's Critique of Rawls," *The Journal of Political Philosophy*, vol. 6, number 8, March 1998, pp. 99-112. See also Michael Otsuka's critique of Estlund, 'Prerogatives to Depart from Equality', in Anthony O'Hear, ed., *Political Philosophy*, Royal Institute of Philosophy Supplement, 58 (Cambridge: Cambridge University Press, forthcoming 2006).
- ³ Samuel Scheffler, *Boundaries and Allegiances* (Oxford: Oxford University Press, 2001) p. 99; see also pp. 54-59.
- ⁴ In section 46 Rawls says that 'the internal life and culture of the family influence, perhaps as much as anything else, a child's motivation and his capacity to gain from education', *A Theory of Justice* (rev. ed.) (Cambridge MA: Harvard University Press, 1999). p. 265.
- ⁵ *A Theory of Justice* (rev ed), p.448; original edition (1971), p. 511
- ⁶ The passage continues: 'But within the context of the theory of justice as a whole there is much less urgency to take this course. The acknowledgement of the difference principle redefines the grounds for social inequalities as conceived in the system of liberal equality; and when the principles of fraternity and redress are allowed their appropriate weight, the natural distribution of assets and the contingencies of social circumstances can more easily be accepted.'
- ⁷ See for example, James Fishkin, *Justice Equal Opportunity and the Family* (New Haven: Yale University Press, 1986), James Rachels "Morality, Parents and Children", chapter 14 of James Rachels, *Can Ethics Provide Answers?* (Lanham, MD: Rowman and Littlefield, 1997), Morris Lipson and Peter Vallentyne, "Equal Opportunity and the Family", *Public Affairs Quarterly* 3 (1989): 29-47, Ferdinand Schoeman, "Rights of Children, Rights of Parents, and the Moral Basis of the Family," *Ethics*, 91.1 (Oct., 1980): 6-19.
- ⁸ Richard W. Miller, "Too Much Inequality," *Social Philosophy and Policy* 19 (2002):. 275-313, at 284.
- ⁹ On the basis and content of parents' rights, see our 'Parents' Rights and the Value of the Family', *Ethics* (forthcoming October 2006) which complements, and on some points elaborates, the argument of this paper.
- ¹⁰ See for example David Miller's distinction between positive and negative duties and four-fold schema in his 'Reasonable Partiality towards Compatriots', *Ethical Theory and Moral Practice* 8 2005, pp.63-81.
- ¹¹ Examples include Andrew Oldenquist, 'Loyalties', *Journal of Philosophy* (1982), vol 79, pp 173-193; John Cottingham, 'Partiality, Favouritism and Morality', *Philosophical Quarterly*, 36 (1986), pp. 357-73.
- ¹² Our approach makes us sceptical that compatriotism has the distributive claimed by some defenders of patriotic partiality. The challenge for nationalist, on our approach, is to show how the value of the relationship of compatriotism requires special responsibilities (or permissions) for its realisation, and to derive the content of those responsibilities (or permissions) is from the nature of the relationship. This is not to say that no partiality between compatriots can be legitimized (although one of us is on record as denying that that it can); perhaps the goods enjoyed by those who share nationality are important enough to give fellow nationals special responsibilities (e.g. to sustain the museums and cultural institutions necessary for the continued survival of their national identity). But this would be to ground partiality towards compatriots in a rather different way, and would in our view yield substantially different content, from those accounts with which we are familiar.
- ¹³ Estlund, 'Liberalism, Equality and Fraternity in Cohen's Critique of Rawls', 107-8.
- ¹⁴ Fishkin also uses fair equality of opportunity as the focal point for the conflict; and so do authors who are more generally hostile to egalitarianism such as Stephen Kershner "Why Equal Opportunity is not a Valuable Goal." *Journal of Applied Philosophy* (2004), pp. 159-172. and Matt Cavanagh, *Against Equality of Opportunity* (Oxford 2002)
- ¹⁵ See A. Swift, 'Justice, Luck and the Family: The Intergenerational Transmission of Advantage from a Normative Perspective' in S. Bowles, H. Gintis, and M. Osborne Groves (eds.) *Unequal Chances: Family Background and Economic Success* (Princeton University Press 2005)
- ¹⁶ See Elizabeth Anderson "What is the point of equality", *Ethics*, 109(2) 1999), pp. 287-337. Examples of luck egalitarian theories would include Ronald Dworkin, *Sovereign Virtue* (Cambridge: Harvard University Press, 2000); G. A. Cohen, 'On the Currency of Egalitarian Justice', *Ethics* (1989), pp. 906-944; Richard Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies* (1989), pp. 77-93; John Roemer, *Equality of Opportunity* (Cambridge: Harvard University Press, 1998).
- ¹⁷ For a sophisticated third-party justification along these lines, see See Jennifer Roback Morse 'No Families, No Freedom: Human Flourishing in a Free Society', *Social Philosophy and Policy*, 16, 1 (1999).
- ¹⁸ For examples of child-centered views see James Dwyer, *Religious Schools v. Children's Rights* (Cornell University Press, 1998), "The Rights and Duties of Childrearing", *William and Mary Bill of Rights Journal* 11 (2003): 991-1010; Samantha Brennan and Robert Noggle, "The Moral Status of Children: Children's Rights, Parents' Rights, and Family Justice," *Social Theory and Practice*, (1997) 23, 1: 1-26.
- ¹⁹ Another recent account that differs from ours in many ways but similarly treats parents' interests as having an important justificatory role is Matthew Clayton, *Justice and Legitimacy in Upbringing* (Oxford: Oxford University Press, 2006).
- ²⁰ We should clarify that the relationships in question do not contribute to the flourishing of the persons involved because they value the relationships; the contribution comes because the relationships structure and express the way that the persons value one another. Of course there is no problem in valuing the relationship as well as the other person – in recognising that a about Bernard Williams' famous objection to the 'one thought too many' in the case of the man deciding whether to save his wife or a stranger. As Derek Parfit observes (reported in Liam Murphy, *Moral Demands in Non-Ideal Theory* (Oxford University Press,

2000). p 140, fn.36): 'It's odd that Williams gives, as the thought that the person's wife might hope that he was having, that he is saving her because she is his wife. She might have hoped that he saved her because she was Mary or Jane or whatever. That she is his wife seems one thought too many'. When we talk about why relationships are valuable for people we are taking an external perspective on that value, which is appropriate for the purposes of philosophising about it. If the participant in the relationship is taking only that perspective, then she is not realising the good. Think about people who revel in being 'good parents' more than they love their children. Francis Schrag anticipates the "one thought too many" in Parfit's version of it in his discussion in 'Justice and the Family', Inquiry (1976), 19: 193-208.

²¹ For a fuller explication of the parental interest in the parent-child relationship, including important caveats about the scope of the claim that such relationships make an essential contribution to the well-being of adults, see our 'Parents' Rights and the Value of the Family'.

²² Phillipe Aries, Centuries of Childhood (Vintage, 1962); Lawrence Stone, The Family, Sex and Marriage in England 1500-1800 (Penguin, 1979). More recent historians have revised the "Aries thesis" to claim that childhood was regarded in the past more as we regard it today, but most of their work focuses on the west. See, most prominently, Nicholas Orme, Medieval Children (New Haven, Yale University Press, 2001).

²³ See John Boswell, The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance (Chicago: University of Chicago Press, 1989)

²⁴ We present a more nuanced account of this right in 'Parents' Rights and the Value of the Family'. Where the current paper explores the distributive implications of our normative account of the family, that one pays more attention to the question of the extent to which parents may legitimately seek to influence their children's values.

²⁵ See Kenneth Arrow, Samuel Bowles and Steven Durlauf (eds.) Meritocracy and Economic Inequality. (Princeton NJ: Princeton University Press 2000); Samuel Bowles, Herbert Gintis and Melissa Osborne-Groves (eds.) Unequal Chances: Family Background and Economic Success (Princeton: Princeton University Press, 2005); and for a qualitative account, Annette Lareau, Unequal Childhoods (University of California Press, 2003). For a careful account of how this plays out specifically with respect to the uptake of education in American schools see Richard Rothstein, Class and Schools (Economic Policy Institute, 2003).

²⁶ We cannot cite uncontroversial evidence that anyone believes this, but, for example, Stephen Ball, Class Strategies and the Education Market: the middle class and social advantage (London, Routledge, 2003) strongly suggests this position.

²⁷ Note that Western governments that take such measures offer something like this justification, in addition to the distinct claim that policies of this kind will help to foster the development of human capital.

²⁸ Annette Lareau, Unequal Childhoods (Berkeley, University of California Press, 2003), p 133.

²⁹ Rothstein, Class and Schools, chapter 2.

³⁰ See Colin MacLeod, "Liberal Equality and the Affective Family", in David Archard and Colin MacLeod (eds) The Moral and Political Status of Children. (Oxford: Oxford University Press, 2002).

³¹ Where the local state school is so bad that even the children of the relatively advantaged will fail to enjoy fair equality of opportunity if they attend it, then their parents too may be justified in option for a private alternative. Note crucially that what is justified here is only the purchase of an education that will give the children a fair chance, not a better than fair one. For more along these lines, see A. Swift How Not To Be A Hypocrite: School Choice for the Morally Perplexed Parent (Routledge, 2003). For a similar point justifying the relatively advantaged saving and bequeathing resources to their children, see G. A. Cohen If You're an Egalitarian, How Come You're so Rich? (Harvard University Press, 2000), p.176.

³² See our 'Equality, Priority and Positional Goods', Ethics 116(3) 2006, pp.471-497 and, for related discussion, Richard Arneson, "Against Rawlsian Equality of Opportunity", Philosophical Studies 93, pp. 77-112 ; Matthew Clayton 'Rawls and Natural Aristocracy', Croatian Journal of Philosophy 1 (2001): 239-59 and Rawls's own comment in Justice as Fairness (Cambridge: Harvard University Press, 2001) on p. 165 footnote 44.

³³ This is an opportune moment to relax the assumption that fair equality of opportunity adequately captures justice. Parents of the cognitively impaired might plausibly judge that even societies that complied with fair equality of opportunity would subject their children to gross injustice. Parents concerned to help such children towards justice might well be justified in pursuing their children's interests in a very determined way.

³⁴ See Elaine Unterhalter "The Capabilities Approach and Gendered Education: An Examination of South African Complexities", Theory and Research in Education (2003); 1: 7-22.

³⁵ Clearly there is plenty of room for debate about when a school is 'adequate' for a particular child, and we are not ruling out scenarios where parents need to go private to achieve adequacy in less drastic contexts than the South African one. For extensive discussion of this issue see Swift, How Not To Be Hypocrite.

³⁶ The relationship between love and bequest is complex. In some cases, the very possibility of inheritance can spoil or pollute parent-child relationships. Parents can use their discretion to exert control over their children in a way inimical to the realisation of valuable relationship goods, the relationship descending into an unpleasant series of self-interested exchanges. Still, there is evidence that in some families it is only the possibility of inheritance that gives adult children any motivation at all to stay in touch with their ageing parents. See Martin Kohli, 'Intergenerational Transfers and Inheritance: A Comparative View' in Annual Review of Gerontology and Geriatrics 24 2004, pp.266-289.

³⁷ Scheffler, Boundaries and Allegiances p 123. Thus, for example, we have observed a dramatic change in attitude towards friendship or marriage is good for one - but something is wrong if that is the salient thought. That is why there is something odd private schooling in the UK during the last thirty years. 'Going private' was once seen as more-or-less taboo in liberal and

public sector circles, but is now much more widely acceptable. Similarly, in socialist circles in the UK, going private remains taboo, but is entirely acceptable in equivalent circles in the US. Scheffler continues: 'social institutions can vary considerably in their character while still leaving ample room for people to behave in ways that give expression to the value they attach to their interpersonal relationships. Within a fairly broad range, people can modify the behaviour that serves this function to fit the institutional and normative context in which they find themselves. In particular, they can adapt their behaviour to more or less egalitarian institutions and policies. People who live in societies with relatively more extensive social welfare programmes, or more extensive policies of redistributive taxation, are not thereby prohibited from giving meaningful expression to the value they place on their most treasured relationships. To be sure, this kind of flexibility is not unlimited, and it is an interesting question where the limits lie. However, it is not necessary to fix those limits with any precision to see that a general practice of honouring special responsibilities need not preclude the implementation of significantly egalitarian policies, or deprive a professed commitment to equality of all practical implications'. We see ourselves as attempting precisely to explore 'where the limits lie' (though we do not claim to identify them precisely).

³⁸ For full discussion of these and other possibilities along these lines, see our 'Equality, Priority and Positional Goods'.



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