

# EQUAL OPPORTUNITY AND SELF-RESPECT

A Dissertation

Presented to the Faculty of the Graduate School  
of Cornell University

in Partial Fulfillment of the Requirements for the Degree of  
Doctor of Philosophy

by

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May 2013

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# **EQUAL OPPORTUNITY AND SELF-RESPECT**

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Cornell University 2013

The primary purpose of equal opportunity is to see to it that certain factors do not play a role in determining our life chances. More specifically, equal opportunity is a principle of justice that draws a line between those factors that should and those that should not determine how well we do in life. Yet, despite the fact that this principle is widely regarded as a vital part of a complete theory of justice, efforts to draw such a coherent distinction have failed. This dissertation aims to provide the framework for a solution.

The basic justificatory method deployed throughout centers on the importance to justice of facilitating and not undermining self-respect. From this starting point, I show that wanting to develop, exercise, and improve our abilities is a constitutive feature of self-respect such that people must be given the space to engage in activities that they find fulfilling. I further advance that we reliably find fulfilling those activities that provide a suitable challenge. From this it follows that the state has a compelling interest to promote multifarious worthwhile work activities so that there are clear paths whereby citizens can pursue interests in ways fitting to their abilities. These considerations, fully grasped, supply the basis for a recognizable account of fair opportunity, one that draws the principled distinction so sought after.

The insights gained from using self-respect as the underlying rationale are then shown to also provide substantive guidance on two additional issues that need worked out for a complete theory of equal opportunity. First, I address the question of what requirements our account imposes on education. Between those who claim justice requires merely an *adequate* education and those who claim it instead requires an *equal* one, I argue it effectively requires both. In addition, against the claim that the full implementation of equal opportunity conflicts with the rights of parents to raise their children as they see fit, I show that this obstacle can largely be avoided with our richer understanding of fair opportunity in hand.

## BIOGRAPHICAL SKETCH

Vincent was born in Chicago and raised in both Illinois and Indiana. He received his BA in philosophy and sociology from Manchester College and his MA in philosophy from the University of Wisconsin–Milwaukee. Prior to his graduate studies, Vincent worked as a Research Analyst for the Hotel Employees and Restaurant Employees International Union in Washington, DC. Currently, he co-owns and operates a small property ownership, renovation, and management company and teaches philosophy part-time at Ivy Tech Community College. He lives in Goshen, IN with his unmarried-for-life partner, Kumud, and their two children, Lourdes and Xavier.

*For Lulu and Xavi*

## ACKNOWLEDGMENTS

This dissertation, however small and imperfect an event, would not have occurred without lots of help. Foremost, I wish to thank my advisor, Dick Miller, for being a steady presence, providing critical feedback, and guiding me in new directions, while, at the same time, having the courtesy to look past places where I was yet unable to go.

Immense gratitude also goes out to Daniel Koltonski, Meena Krishnamurthy, Emily Robertson, Nick Sturgeon, Ken Strike, and Erin Taylor.

Others who provided substantive comments on all or portions of this manuscript include Barbara Applebaum, Ken Baynes, Matthew Clayton, Ben Colburn, Randy Curren, Matt Hanna, Michelle Moody-Adams, Scott O'Connor, Henry Shue, Sara Streett, Adam Swift, and the wonderful participants of the Rochester–Syracuse–Cornell Philosophy of Education Reading Group.

I would also like to thank Carla Bagnoli, William Wainwright, and Andrea Westlund. Without their instruction and counsel during my time in Wisconsin, this dissertation would not have been possible.

Finally, I wish to acknowledge my family for their love, encouragement, and support: my partner, Kumud; my children, Lourdes and Xavier; Dad, Mom, Richard, Gopal, Lillie-Mae; my siblings, Lawrence, Yvette, and Cecilia; and two very good friends who helped me see the value of finishing what I started, Rick and Mateo. Kumud's contributions to my well-being and success are so great that her name should be mentioned at least three times. Thank you Kumud.

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## INTRODUCTION

### 1. Equal Opportunity and Its Problems

#### 1.1. *The American Dream Deferred*

The American Dream, a long-standing central ideology for many Americans, is captured well by President Clinton: "The American dream that we were all raised on is a simple but powerful one—if you work hard and play by the rules you should be given a chance to go as far as your God-given ability will take you."<sup>1</sup> In philosophy circles and elsewhere, this dream is often referred to as *equal opportunity*. It is an idea that enjoys wide-reaching support. The question "Do you believe in the American Dream?" generates a positive response from three-fourths of the population.<sup>2</sup> Fully ninety percent of Americans agree that equal opportunity for people, regardless of race, religion, or sex is an essential American ideal, and the same huge proportion agree that our society should do what is necessary to make sure that everyone has an equal chance to succeed."<sup>3</sup>

Still, despite the ringing endorsements, as a society we fail miserably at living up to the ideal. In the US, intergenerational transmission of socio-economic status is substantial.<sup>4</sup> The causes for such transmission involve a complex collection of factors

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1. William Clinton, *Remarks by the President to the Annual Conference of the Democratic Leadership Council* (White House, 1993).

2. Jennifer Hochschild and Nathan Scovronick, *The American Dream and the Public Schools* (New York: Oxford University Press, 2003): 10.

3. Hochschild and Scovronick, *The American Dream*, 10.

4. For evidence of this, see, e.g., Bhashkar Mazumder, "The Apple Falls Even Closer to the Tree than

among which is the transferal of cognitive skills and non-cognitive personality traits, the inheritances of wealth, group memberships such as race, and the education and health made available to children.<sup>5</sup> In short, how well we do in life—particularly with regard to employment—is significantly tied to our social standing at birth.

While the reasons for the failure of such a broadly accepted dream are multifaceted and certainly worthy of our attention, very good social science research abounds to help explain these causes. My concern here is to articulate why the failure is in fact a problem—that is, to provide reasons for why we ought to work to uphold the dream. Yet, that said, I don't think the basic reasons are terribly far removed from our collective consciousness. Mark Twain, ruminating about what an ideal society would look like, brilliantly presents much of the bases for equal opportunity through the fictional travels of Captain Stormfield.<sup>6</sup> More recently, Bruce Springsteen states matters plainly: "I don't think the American dream was that [...] everybody was going to make a billion dollars, but it was that everybody was going to have an opportunity to live life with some decency and some dignity and a chance for some self-respect."<sup>7</sup>

I want to follow the Boss' lead and put forth a like-minded philosophical defense of equal opportunity, one lacking in the literature. To start, though, we need to get

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We Thought: New and Revised Estimates of the Intergenerational Inheritance of Earnings," in *Unequal Chances: Family Background and Economic Success*, Samuel Bowles, Herbert Gintis, and Melissa Osborne Groves, eds. (Princeton: Princeton University Press, 2005).

5. Samuel Bowles, et. al., *Unequal Chances: Family Background and Economic Success* (Princeton, Princeton UP, 2005), 3.

6. Mark Twain, "Captain Stormfield's Visit to Heaven," from *The Bible According to Mark Twain*, Howard Baetzhold and Joseph B. McCulloch, eds. (New York: Touchstone, 1995): 147-179.

7. Dave Marsh, *Bruce Springsteen: Two Hearts, the Definitive Biography 1972-2003* (New York: Routledge, 2004): 487.

clearer on what we mean by equality of opportunity and, further, to see why so many in political philosophy have turned their backs on it.

### 1.2. *The Standard Account*

Accounts of equal opportunity typically include the following two components:

- (1) *Careers Open to Talents*: Positions should be open to all on the basis of qualifications.
- (2) *Fair Education*: The opportunity to develop qualifications should be fair.

The first component, often referred to as *formal equality of opportunity*, has two features. First, it requires that all persons have the same legal rights to compete for positions. Second, it requires that competing applicants for positions be assessed on their qualifications. While the first feature eliminates discriminatory laws, it still permits discriminatory practices by other entities—most relevantly, selectors of candidates. Thus, even with legal assurances in place, employers and educational institutions could still choose only men, or an informal system of apartheid might remain.

This shortcoming is addressed with the second feature, the general idea of which is to compel selectors of candidates to choose the most qualified applicants. Intuitively, qualifications are those characteristics that serve as indicators of good performance—that is, competence in the relevant tasks and motivation to perform them well. There are important complications with settling more precisely what counts as a qualification;

still, in some form or another, this feature is central to our common understanding of equal opportunity.<sup>8</sup>

It is not uncommon to see Careers Open to Talents advanced on its own as an appropriate rendering of equal opportunity; however, because no effort is made to ensure all have a fair chance to develop the relevant qualifications, most find such a principle lacking and so are moved to endorse the second component. The intuitive force of this move is highlighted in Bernard Williams' famous warrior society example.<sup>9</sup> Williams asks us to imagine a society in which great prestige is attached to membership in the warrior class, the responsibilities of which require great physical strength. Initially, only wealthy families are allowed access to the warrior class, but then egalitarian reformers manage to change the laws such that all citizens are permitted to compete for positions on the basis of a competition measuring their strength—here, then, Careers Open to Talents has been implemented, but Fair Education remains absent. If we suppose the non-wealthy population is largely undernourished and so unable to develop their strength, the effect of the new policy is negligible, as wealthy families will continue to fill nearly all the positions in the warrior class. This result strikes most as unfair.

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8. The most noteworthy difficulties with determining what should count as a qualification stem from cases of discrimination that do not seem obviously wrongful—e.g., the Chicago Fire's penchant for signing Polish and Mexican players in an effort to attract those populations as fans; or, say, women's preference to be cared for by OB-GYN's who are also women. More generally, the notion of qualification (or merit) must accommodate the idea that attitudes and beliefs of those affected by the winning applicant can significantly influence what leads to good performance (e.g., shoppers' preference for friendly salespeople can rightly make it the case that friendliness counts as a qualification), while also accommodating the idea that prejudicial preference for certain groups should not make it the case that being a member of that group counts as a qualification (e.g., shoppers preference for white salespeople should not make it the case that being white counts as a qualification.)

9. Bernard Williams, "The Idea of Equality," in *Equality: Selected Readings*, Louis P. Pojman and Robert Westmoreland, eds. (New York: Oxford UP, 1997).

The complaint is that the change in policy is an empty one without also adding some substantive commitment to give the non-wealthy a fair chance to develop their strength—for example, by ensuring that they have food.

But how much food? There is, of course, a good deal of disagreement over what constitutes a fair chance, and for this reason, a variety of competing formulations of the Fair Education component. Most notably, there is a divide between those who think justice requires an *equal* education, and those who claim only an *adequate* education is demanded and thus no injustice if some have more of a chance than others.<sup>10</sup> A third alternative, not as frequently discussed, is to endorse a formulation that gives priority to the worst off. Here the idea would be to provide the least advantaged with the most opportunities possible, and if doing this entails permitting inequalities in the development of qualifications, then such permissions would be requirements of justice.<sup>11</sup> Since I do not discuss the respective merits of these competing positions until much later, I will use the term *Fair Opportunity* to mean a principle of opportunity that includes both components but remains neutral between competing understandings of the second.

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10. The most frequently discussed version of equality is the one offered by John Rawls in *A Theory of Justice*, revised ed. (Cambridge, MA: Cambridge University Press, 1999)—(hereafter *TJ*). See also Harry Brighouse, *School Choice and Social Justice* (New York, NY: Oxford University Press, 2000). Advocates of adequacy include, among others, Elizabeth Anderson, "Fair Opportunity in Education: A Democratic Equality Perspective," *Ethics* vol. 117, no. 4 (2007): 595-622; and Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1999).

11. Rawls suggests this formulation in his final statement of the two principles—see *TJ* §46.

### 1.3. *The Inconsistency Problem*

The common aim of all formulations of Fair Opportunity is to ensure that, at least up to some threshold, only certain factors affect one's chances. That is, while it is typically thought acceptable for some factors to determine how well we do in life, it seems necessary for other determinants to be removed if the outcome is to be reasonably regarded as fair. Fair Opportunity, then, is the principle of justice meant to draw this distinction.

If viewed from the perspective of only Careers Open to Talents, the factors deemed appropriate to affect one's chances would simply be one's qualifications. However, Fair Education, the second component of Fair Opportunity, requires further focus on the factors that lead to one's qualifications. Thus, the list of factors normally thought morally appropriate according to the standard account of Fair Opportunity are ability, effort, and interest (or choice). The list of factors normally thought morally inappropriate, then, would include everything else; but focus on a subset of the inappropriate is typically where most attention is, especially those factors that have historical and social significance, such as race, gender, ethnicity, religion, sexual preference, and class.

This division between morally appropriate and morally inappropriate characteristics is often referred to as the *natural/social distinction*; in part because, on the popular understanding, the appropriate characteristics are thought to have their origins in nature, whereas inappropriate characteristics are said to be derived from the operations of social institutions. Of course, the use of the terms "natural" and "social" here is rather misleading, since natural characteristics have various social aspects (e.g., our abilities develop from the careful efforts of others) and social characteristics have natural aspects

(e.g., though gender is socially constructed, some markers of gender are natural).<sup>12</sup> Indeed, many authors claim that there in fact is no such thing as a natural inequality.<sup>13</sup> As a result, I do not wish to endorse the distinction upon which the standard account of Fair Opportunity relies as a natural/social one; but, because these terms are so common in the literature on the subject, I will use them here *merely* as generic labels for a line that must be drawn.

An intuitive line of reasoning, one commonly used to justify the standard account of Fair Opportunity and so the natural/social distinction it entails, appeals to the seeming unfairness of allowing inequalities to be caused by morally arbitrary factors—that is, by factors over which we have no control. More specifically, the argument starts with the basic idea that undeserved inequalities call for compensation—what John Rawls calls *the principle of redress*<sup>14</sup>—and then fills out the idea of desert by claiming people deserve what they are responsible for and do not deserve what they are not responsible for. The way in which this reasoning supports Fair Opportunity is fairly straightforward. Take any one of the so-called social (or *morally inappropriate*) characteristics—

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12. One way to understand this division regards the “immediacy” of effect the various characteristics have. So, e.g., a lack of effort or ability seems to more directly inhibit one from performing well in certain positions; whereas one’s race or gender, say, is an obstacle to performing well only when mediated by the attitudes of others within some social context. See Alan H. Goldman, “The Justification of Equal Opportunity,” *Social Philosophy and Policy* vol. 5, no. 1 (1987): 88-103. Even this rendering is crude, however, as it relies on developed talents and takes the value of those talents to be unmediated (or, at least, less mediated) by the attitudes of others. It also fails to appropriately capture some strongly mediated characteristics—such as height and attractiveness—which have some impact on our life chances yet often do not seem morally troubling. I briefly discuss my own rendering of what “natural ability” means in §5.5.

13. See Lesley Jacobs, “Equal Opportunity without Natural Inequalities,” Chapter 3 in *Pursuing Equal Opportunities: The Theory and Practice of Egalitarian Justice* (New York: Cambridge University Press, 2004). For sociologists who draw conclusions similar to Jacobs, see, e.g., Claude S. Fischer, et. al., *Inequality by Design: Cracking the Bell Curve Myth* (Princeton: Princeton University Press, 1996).

14. Rawls, *TJ*, 86.



say, the class we are born into: This is something for which we are not responsible and so do not deserve; thus, following the principle of redress, it is a factor that ought not play a role in how well we do. Under this conception, then, Fair Opportunity seeks to ensure that our life prospects are determined by our choices, not our circumstances.

It is this very reasoning, however, that brings out the major challenge to Fair Opportunity—namely, the charge that the principle is inconsistent or unstable in its formulation.<sup>15</sup> The problem is that, by starting with the principle of redress, the same argument can be made for the conclusion that natural characteristics so-called should also count as undeserved and so be compensated. After all, we are no more responsible for our ability than we are for our race, gender, or class. In this way, Fair Opportunity appears inconsistent—and so *unfair*—because it seems to arbitrarily favor natural characteristics over social ones (or, put another way: it seems to arbitrarily favor compensating social inequalities over natural inequalities).

Thus, the problem for the defender of Fair Opportunity is to articulate a justification that draws a coherent line between morally appropriate and morally inappropriate characteristics that is not subject to this inconsistency challenge. And, on the assumption that the closer we can get to the standard account of Fair Opportunity the stronger our case will be, it will follow that the closer a justification brings us to the standard natural/social distinction, the better.

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15. This objection is raised by many. Most famous is John Rawls' discussion in *TJ* §12. For further critical discussion, see also Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, 2nd edition (New York: Oxford University Press, 2002): 58f.

One response to this inconsistency problem is to defend a more extreme version of Fair Opportunity, one that concedes inequalities in ability are undeserved and so ought to be compensated for, but then holds the line by still allowing effort to serve as a determinant on how well we do.<sup>16</sup> Since my aim is to draw a more traditional line on grounds other than desert, I will not thoroughly examine this more extreme view, but given that it is one of the main alternatives to the position I support, a few important problems are worth flagging.

First, a plausible basis for asserting that we are responsible for our effort—and so gains due to effort are in fact deserved—is needed. As Rawls notes: “Even the willingness to make an effort, to try, and so be deserving in the ordinary sense is itself dependent on happy family and social circumstances.”<sup>17</sup> Thus, a significant obstacle for such an account will be to distinguish between things for which we can and cannot be held accountable in a way that separates ability from effort.

Second, while effort is immensely important, it’s not clear we really value it by itself in the way this position suggests we ought to. If an effort detection machine were invented that could gauge how hard students worked in an accurate and unintrusive way, would we then want to deploy it as a way to grade students? It seems not. For another, somewhat far-fetched, example, compare two cases.

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16. This kind of view is defended extensively by John Roemer in *Equality of Opportunity* (Cambridge, MA: Cambridge University Press, 1998). See also his “Defending Equality of Opportunity,” *The Monist* vol. 86, no. 2 (April 2003): 261-283. For Roemer, what matters is not one’s absolute *level* of effort, but rather one’s *degree* of effort within a particular type—where a type is the group of all individuals who share similar unchosen circumstances.

17. Rawls, *TJ*, 64.

Imagine a young adult who shows Michael Jordan-like greatness. All the abilities one looks for in a great basketball player s/he possesses at varying stages of development. After careful study, scouts, who we may suppose are always correct in their prediction of talent, determine that if this player follows the usual and very strenuous training regiment for developing, s/he will become a great professional player. They further determine that s/he will put forth the requisite effort such that they can say with full confidence s/he will in fact become a great player. To avoid wear and tear on the body and so extend her already promising career, however, s/he decides to take an impressive cocktail of drugs that allow her to instantly become the player s/he would have become with effort. For the second case, imagine a young adult who shows absolutely no talent for basketball. S/he is short, slow, un-coordinated, lacks any acumen for the flow of play, and so on. Our perfect scouts determine that, no matter how hard s/he tries, s/he will never do very well, not even in the local recreational league. This person also decides to take a set of drugs that allow her to instantly become a great professional basketball player. In both cases, then, the effort levels are identical; yet, while we tend to think both players might have done something objectionable, it seems like the second person acted worse.<sup>18</sup>

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18. As I say, it's not the place here to work this up, but I do like to think a story of some sort can be told that explains this scenario. Here's one such highly speculative way. The first person's identity is in part set before us because we already have a sense of her ability. By chance s/he was given a certain distinct potential and s/he plans to make good on it. S/he is beginning the process of realizing the (full) development of her capacities; and so, while the drugs undermine a crucial aspect of that development, an important part of her identity, which is made transparent to us in the example, will be unchanged. In contrast, the second person is radically challenging the capacities s/he was given. In taking such action, s/he is not bringing to fruition her own individual mark on the world, but instead changing what this mark will be. The first person, then, while also apparently acting wrongly, nonetheless seems to have a stronger sense of ownership of her talent than the second, a sense which is not in any way tied to effort.

Finally, on the assumption that there might be children with severe cognitive disabilities, this more extreme account of Fair Opportunity, which is focused on effort as the only appropriate basis for inequality, seems to require either allocating an enormous amount of resources to the untalented, or abandoning our commitment to Careers Open to Talents. Neither option is very appealing. The first leads to the *bottomless pit problem*.<sup>19</sup> This comes about because, if we want to ensure both that jobs are allocated according to qualifications and that only effort should determine how well qualified we are, then we will have to invest heavily in the education of the less talented to bring their abilities up to that of the more talented. And, even if some are unable to reach the level of others, we would still seem to be required to invest up until the point where increased resources no longer improve development. The alternative is to discard Careers Open to Talents—or, more specifically, the second feature of it which requires selection by merit—but this would take us far afield from our considered intuitive judgments regarding its importance and so also seems unacceptable.<sup>20</sup>

So, assuming the extreme version of Fair Opportunity fails to adequately resolve this variation on the natural/social distinction, some other principled solution is needed. To that end, I will next try to provide a more general justification for Fair Opportunity—one that, I hope, can provide a framework for addressing this principal worry just discussed.

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19. This problem is discussed by many. See, e.g., Harry Brighouse, *School Choice and Social Justice*, (New York: Oxford University Press, 2000): 131-136.

20. I am setting aside the case of preferential selection at issue in affirmative action debates, since there selection by merit is typically understood to be overridden in response to a prior failure to secure Fair Education.

## A DEFENSE OF FAIR OPPORTUNITY

In this part, I defend, with some modification, the standard rendering of equal opportunity. The justification I present will provide the basis for addressing the central problems faced by this principle.

I begin, in Section 2.1, by articulating the basic justificatory framework relied upon to get my argument going. By appeal to self-respect, I argue that a just society must ensure conditions are in place for citizens to develop, exercise, and improve their abilities (§2.2). I then specify those conditions and claim that citizens will reliably be fulfilled, and so reliably be motivated to develop and exercise their abilities, if they are able to engage in activities that are suitably challenging (§2.3). These points are further explicated by noting that, without a chance to engage in suitably challenging activities, citizens will lack a sense of accomplishment and important aspects of self-knowledge (§2.4). The significance of these losses helps to show the importance of having a fair chance.

In Section 3, I spell out how the conclusions revealed with the self-respect framework align well with a principle of Fair Opportunity. First, I note that the suitably challenging activities needed must be work-related: the pervasiveness of work makes it the case that suitable challenges outside of work will not be enough (§3.1). I then argue that effort must be made to provide as numerous and as diverse an array of activities as possible (§3.2). Finally, I show that the requirements defended in §3.1 and §3.2—namely, that the state seek to ensure access to multifarious work opportunities—will give us a

principle of fair opportunity suitably similar to the standard account (§3.3). The newly defended principle will have three components, two of which are explicitly identified in the standard account while the third is, I think, at least implicit in the popular understanding.

With the defended principle in hand, I will then, in Section 4, more clearly articulate two ways in which it solves the main problem raised against it—the inconsistency problem (§§4.1–4.2). I end by addressing a related problem—the priority problem (§4.3).

## **2. The Self-Respect Framework**

### *2.1. The Self-Respect Test*

Let me begin by stating, in a cursory manner, the basic justificatory framework of a self-respect endorsement test that I will use throughout. We can see the importance of self-respect emerge by noting the dual role citizens play both as subjects of rules coercively imposed on them and as authors in whose name the rules are exercised. Recognizing this relationship of interdependence and mutual subordination we share with our fellow citizens, we want to ensure the relationship is one of mutual respect that all can willingly and self-respectfully uphold.

In a societal context, we are, in a sense<sup>21</sup>, responsible for the actions our society takes, while at the same time we are expected to conform to its norms and support its basic institutions.<sup>22</sup> In this context, we avoid injustice by ensuring that when we impose demands on others, we nonetheless treat them with respect and ensure they have adequate incentive to conform at the same time. Conformity out of ignorance or fear or because one lacks an appropriate sense of self-worth amounts to unjustified domination; instead, what we seek is a collective relationship that well-informed, self-respecting persons can willingly endorse.

This demand for mutual respect is widely defended in the contractualist tradition, most famously by John Rawls and Thomas Scanlon. We find it in Rawls, for example, with the conception of society as a fair system of cooperation for reciprocal advantage between free and equal persons.<sup>23</sup> While I am working within this tradition, very broadly understood, I do not mean to endorse any particular or precise rendering of it. My aim, instead, is to show that this general political framework—that is, one that begins

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21. The "sense" here would presumably have to be rather broad if it were to include not just democracies, but also non-democratic governments or, say, military occupations. In any case, I think the ideal form of government under which most engage in debates regarding distributive justice involves one that is intended to serve the interests of its citizenry and, typically, one that also aims to engage the will of citizenry in such a way as to make them partial legislators.

22. The notion of basic social institutions here refers to the main rules and practices that structure cooperative relationships among citizens—viz., the political constitution; the legal system of trials, property, and contracts; the structure of markets and the regulation of economic relations (including the role of labor unions); and the family.

23. See, e.g., *Justice as Fairness: A Restatement*, edited by Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 22. Scanlon's rendering focuses on a system of shared rules that no one could reasonably reject. See his *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998). For more recent models, see Richard Miller, "Cosmopolitan Respect, Patriotic Concern," *Philosophy and Public Affairs*, vol. 27, no. 3 (Summer, 1998): 202-224; also Thomas Nagel, "The Problem of Global Justice," *Philosophy & Public Affairs* vol. 33, no. 2 (2005): 113-147. Miller's "more colloquial standard deploying the ordinary notion of self-respect" is closest to what I have in mind. He writes "a choice is wrong just in case it violates every set of shared rules of conduct to which everyone could be freely and rationally committed without anyone's violating his or her own self-respect" (208).

with commonly accepted ideas about self-respect—can lead us to a richer understanding of the importance of Fair Opportunity and its demands.

The basic concern, then, is with living up to the responsibilities created by the political act of social cooperation for reciprocal advantage. And so, in formulating shared rules, just citizens must be sure to express the equal worth of all; looked at another way, if the coercive system is to be just, we must be able to self-respectfully endorse it.

Because a just society will be one self-respecting people will endorse, we have a kind of procedure or test for determining whether basic social institutions are in fact just. This self-respect endorsement test will, at least sometimes, allow us to answer questions about justice with some certainty. Self-respect need not be thought of as a foundational ground for justice; rather, we need only recognize that an appeal to self-respect supplies pivotal reasons in favor of a particular conception of justice.

With this procedure in hand, we thus need to consider more carefully what self-respecting people will care about and so endorse. It is safe to say that at least part of what self-respecting people will care about is whatever conditions persons need in order to develop and maintain self-respect—that is, social institutions typically thought to promote or support self-respect will count, other things being equal, as good, and those normally thought to undermine it, other things being equal, as bad. This, of course, does not establish all the conditions self-respecting citizens will endorse; rather, it establishes a minimum baseline—appealing to a more robust notion of self-respect will surely demand more. To get clearer on these conditions, some analysis of self-respect is useful.



To avoid confusion before proceeding, however, it is important to clarify the test a bit. The self-respect test is meant to help us determine what sorts of measures our political community must take if it is to be the kind of community that the self-respecting person can support. But we should be careful to understand what kind of endorsement the self-respecting person is being asked to make. One way of thinking about this is to consider what the self-respect test is asking when it asks whether some measure is necessary for a self-respecting person to endorse the political community in which s/he lives. There are two relevant contrasting possibilities that will aid our understanding. It could be asking (1) is this sort of life (with its package of benefits and burdens) acceptable to me as a self-respecting person? or (2) in taking various steps to enable me to have this sort of life, are my compatriots treating me with respect as a free and equal citizen?

The difference is (1) whether the question concerns the type of life directly or (2) whether it concerns the kind of relationship with one's compatriots that is revealed by the type of life made possible. Put another way, the difference might be that on (1) the test is concerned with the aim or result to be achieved, and the measures taken come afterwards as a means to achieving it; whereas, on (2) the test is concerned not so much with the results to be achieved—though that can be part of it—but more with whether the state is taking the sorts of steps that express appropriate respect for all. My intent is to advance a test in line with (2).

The difference between (1) and (2) is hardest to sort out when thinking about the conditions needed to develop and maintain self-respect, which, as was noted above, is a minimum concern one will have when using the test and so is clearly one of the condi-

tions that must be sought. A concern with these minimum conditions, sometimes labeled the "social bases of self-respect," might seem to lead (1) to be subsumed by (2). But that is not quite right, since the political system owes a person measures for securing the "social bases of self-respect" not the "achievement of self-respect." Once we better understand some of the fundamental conditions needed for someone to secure self-respect, the political system will owe it to the citizens to help promote those conditions, but it will not owe the citizens the actual securing of self-respect. If, despite its best efforts, the political system is unable to bring forth the necessary conditions needed for self-respect; or if the political system does in fact bring forth the conditions needed but some still fail to achieve it, then we can say something unfortunate has happened, but under this model we would not call it an injustice.

For these reasons, then, it is possible the conditions needed for self-respect are absent even though the political community is treating us well; similarly, self-respect might be in place even when the political community is mistreating us. The self-respect procedure, as I've outlined it, can make sense of this. Slavery, for example, is unjust not because under the institution of slavery it was impossible for slaves to maintain self-respect; rather, it is unjust because, insofar as the institution of slavery is at work, the self-respect of the slaves is being dramatically undermined. In fact, it will likely be in part because a slave has somehow maintained self-respect that s/he will object to the institution of slavery. Thus, given our conception of society as a system of social cooperation, citizens will reject institutions that undermine self-respect *insofar as the state's involvement is concerned*. Citizens might still have self-respect in spite of some state policy, but they will have no reason to endorse that policy if it undermines self-respect. Indeed, in

such situations, their maintaining self-respect seems to depend on their not endorsing the system.

## 2.2. *An Analysis of Self-Respect*

Self-respect, an attitude one has towards oneself, is often defined loosely as having due respect for one's own worth—this typically includes both understanding one's worth and wanting to preserve it. There are a variety of different, though not necessarily conflicting, ways in which this gets spelled out. On Bernard Williams' formulation, for example, self-respect is "a certain human desire to be identified with what one is doing, to be able to realize purposes of one's own, and not to be the instrument of another's will unless one has willingly accepted such a role."<sup>24</sup> Michele Moody-Adams argues that, at a minimum, self-respect has two fundamental components: the first is the conviction that one best affirms one's worth by using one's abilities to contribute to one's survival, and the second is the willingness to do whatever is within one's power to develop or enhance one's abilities.<sup>25</sup> It is also often thought that, related to and underlying these accounts is a more fundamental notion, what Laurence Thomas calls "basic psychological security," which involves having a sense of worth that is in no way tied to one's performances.<sup>26</sup> This is thought to engender feelings of self-reliance and a willingness to explore absent an overbearing fear of failure.

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24. Bernard Williams, "The Idea of Equality," in *Equality: Selected Readings*, Louis P. Pojman and Robert Westmoreland, eds. (New York: Oxford University Press, 1997): 93.

25. Moody-Adams, "Race, Class, and the Social Construction of Self-Respect," in *Dignity, Character, and Self-Respect*, Robin Dillon, ed. (New York, NY: Routledge, 1995):272-273.

26. Thomas, *Living Morally: A Psychology of Moral Character* (Philadelphia: Temple University Press, 1989): 61.

We can explicate these general points a bit further by calling attention to three important common elements of self-respect that should have relevance to my argument for Fair Opportunity. Given my limited aims, these elements should not be taken to fully account for self-respect. Further, while these components are identified separately, it should be kept in mind that in practice they are interrelated in complicated and often inextricable ways.

First, self-respect requires recognition of oneself as a person with worth equal to that of every other person. A person with this kind of self-respect, call it *moral equality*, will understand and acknowledge her own moral rights, which entails giving those rights equal value in relation to others' rights.<sup>27</sup> Spelling out this kind of self-respect in full would involve a more detailed account of the kind of treatment that we think persons are due.<sup>28</sup> In any case, a person with this aspect of self-respect will both recognize that s/he has a certain status and dignity in virtue of being a person and s/he will live accordingly.<sup>29</sup>

A second component of self-respect is captured with the notion of *personal integrity*.<sup>30</sup> Quite independent of moral rights, persons set standards by which they judge

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27. Of course, believing oneself due equal consideration need not always require believing oneself due equal treatment.

28. One useful way to identify this aspect of self-respect is to observe cases where it seems to be missing. For example, an objectionable form of servility seems to be the product of persons thinking too little of themselves with respect to their moral rights—Thomas Hill's deferential wife is a classic exemplar of this shortcoming. See his "Servility and Self-Respect," in *Autonomy and Self-Respect* (New York, NY: Cambridge University Press, 1991). Presumably, persons who think too highly of themselves would also lack self-respect, though we do not typically use the language of self-respect in reference to arrogance.

29. I set aside here questions regarding whether it would be possible to fully understand one's own moral rights without thereby living accordingly.

30. For some discussion of integrity, see Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986): 381-384; Hill gives an account of this component of self-respect as well. See his "Self-Respect

themselves, even if they do not hold others to the same standards. So, a person might recognize her equal moral standing and yet still feel as if s/he is a failure, or worthless, in that s/he is not properly achieving her own ideals or projects. The maintenance and fulfillment of these standards thus comes to be partly constitutive of a person's unique identity. Part of what is at stake here seems to be the recognition that living autonomously requires determining for ourselves our standards, goals, and achievements so that we might identify with and remain loyal to them. These standards will then be realized and expressed in our various interests, projects, and commitments.

A third component of self-respect is an appreciation of oneself as an agent—that is, as a person who acts autonomously, values appropriately, and takes one's responsibilities seriously.<sup>31</sup> This form of *agency self-respect* is closely connected to what we typically think of as *self-reliance*. Self-reliant persons value their capacities and want to get ahead by their own efforts.<sup>32</sup> Persons who respect themselves in this way want to make something valuable out of their lives; and part of making of themselves something they believe to be good will involve, quite obviously, making their own contribution.<sup>33</sup>

From these considerations, it follows that wanting to develop, exercise, and improve some of one's abilities is a constitutive feature of self-respect. A person cannot

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Reconsidered," in *Autonomy and Self-Respect* (New York, NY: Cambridge University Press, 1991).

31. For some discussion of this, see Robin S. Dillon, "Respect," *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta, ed. (Spring 2007): <<http://plato.stanford.edu/archives/spr2007/entries/respect/>>.

32. See, e.g., Richard Miller, "Too Much Inequality," 286; and David Schmidtz, "How to Deserve," *Political Theory* vol. 30, no. 6 (December 2002): 787. Moody-Adams also seems to get at this notion in her discussion of the importance of not treating people merely as victims—see "Race, Class, and the Social Construction of Self-Respect," 287.

33. This ties in closely with Moody-Adam's connection of self-respect to self-preservation noted earlier.

recognize and affirm her equality, integrity, and agency without wanting to make use of some abilities. Further, a person cannot make use of her abilities without, at least for a time, seeking to develop and improve them. Thus, we see that, at a minimum, the self-respect endorsement test gives us reason to secure the conditions needed for citizens to develop, exercise, and improve their abilities.

To again clarify the role of the test: In a society devoid of these necessary conditions, but where the lacking obtains equally for all, injustice exists to the extent that the state can do something about it and doesn't. In a society devoid of such conditions where the state is helpless to intervene, there would be no injustice per se. That is, the state could not be accused of doing wrong. All the same, such a state of affairs undermines self-respect—people do not have the chance to make use of their abilities.

In order for people to develop and exercise their abilities, their motivation to do so must be supported. Generally, this will mean having appropriate space to effectively pursue goals and projects we care about, identify with, and find fulfilling. Understanding our motivational makeup in this regard, then, will help to clarify what the appropriate environment should be.

### *2.3. Goldilocks and the Three Principles of Motivation*

For my purposes, I will focus on three general principles of motivation. The intent here is to show that activities satisfying these three principles will be activities people will reliably find fulfilling; and so, following the self-respect endorsement test, we will have strong reason to provide space for such activities.

*Complexity.* For the first principle of motivation, we can borrow from John Rawls' claim that supporting our self-respect requires satisfying the *Aristotelian Principle (AP)*.<sup>34</sup> The AP is postulated as a basic principle of motivation, accounting for many of our desires and explaining why it is we prefer doing some things to others. Rawls defines the AP as follows: "[O]ther things being equal, human beings enjoy the exercise of their realized capacities (their innate and trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity."<sup>35</sup> A realized capacity here thus suggests having a proficiency at those activities for which the capacity is needed. The basic idea is that we enjoy activities we are proficient at and our enjoyment increases the more proficient we become or the more complex the activity.<sup>36</sup> If space for complex activities is not made, then "human beings will find their culture and form of life dull and empty. Their vitality and zest will fail as their life becomes a tireless routine."<sup>37</sup>

The AP is frequently charged with being perfectionist.<sup>38</sup> Roughly, this is the claim that using the apparatus of the state to advance an account of the good about which reasonable people might disagree is illegitimate. A few brief remarks might help show the AP is less contentious than often thought.

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34. Rawls, *TJ*, 386-387. In later works, presumably wanting an even thinner theory of the good, Rawls eschews explicit approval of the AP—see *Political Liberalism* (New York, NY: Columbia University Press, 1996): 203n35; and *Justice as Fairness*, 200n21.

35. Rawls, *TJ*, 374; see §65 for a full discussion of the AP.

36. I here assume we can work with an intuitive understanding of complexity. Rawls' only statement on the meaning of complexity is that which calls on "a larger repertoire of more intricate and subtle discriminations" (*TJ*, 374).

37. Rawls, *TJ*, 377.

38. See, e.g., Matthew Clayton, "Rawls and Natural Aristocracy," *Croatian Journal of Philosophy* vol. 1, no. 3 (2001): 255-258. See also: Richard Arneson, "Against Rawlsian Equality of Opportunity," *Philosophical Studies*, vol. 93, no. 1 (January 1999): 98-99.

Note first that variations of it are recognizable in most of the major traditions.<sup>39</sup> And, as Rawls states, “it seems to be borne out by many facts of everyday life, and [...] it appears susceptible to an evolutionary explanation.”<sup>40</sup> In the second place, it is crucial to see that the AP does not claim that more complex activities are of greater value than less complex ones. Accepting the AP does not commit us to claiming that a person playing checkers engages in a less meaningful or valuable activity than a person playing chess. Thirdly, note that the “other things being equal” condition means that how good we are at something will be considered independently. So, for example, the AP need not demand that, of two activities one can successfully engage in, people generally choose the more complex even when better at the less complex. In addition to ability, other interests and countervailing inclinations will play an important role in the activities we choose to engage in. Finally, we must remember that this principle only reflects a tendency in our motivational makeup not a necessary choice. Still, the tendency is relatively strong: so long as urgent needs are satisfied, it is not easily overridden.

Keeping these points in mind, the AP is less contentious than might appear at first glance. Still, despite its broad acceptance, one might object that such a factual premise cannot do the work needed to justify moral claims.<sup>41</sup> Rawls does refer to the AP as a

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39. Rawls notes that it can be inferred from Aristotle in the *Nicomachean Ethics*, bk. VII, chs. 11-14, and bk X, chs. 1-5 (see Rawls, *TJ*, 374n20 for further discussion). In addition, Mill suggests something quite similar, tying it to “a sense of dignity,” in *Utilitarianism*, Ch. 2, ¶¶4-8. Moreover, the implications of satisfying (or failing to satisfy) the AP share some resemblance to Marx’s conception of human nature and its connection to self-realization. I have in mind here the discussion of alienated labor worked out in the *Economic and Philosophic Manuscripts of 1844* and on non-alienated labor in *Comments on James Mill*.

40. Rawls, *TJ*, 378; though Rawls does not think an evolutionary explanation, if correct, can serve as a justification for the AP (see *TJ*, 379).

41. This objection is raised in Robert S. Taylor, “Self-Realization and the Priority of Fair Equality of Opportunity,” *Journal of Moral Philosophy* 1.3 (2004): 340.



“deep psychological fact.”<sup>42</sup> Others have interpreted the principle this way as well.<sup>43</sup> The concern that this move, from a psychological fact to a normative political principle, is not justified can be highlighted by supposing the psychological fact were something unpleasant—say, a tendency to act violently. We would not claim political principles that endorse violence were justified merely because of such a natural propensity.

We can respond to this objection in two ways. First, were we to accept the AP as a psychological fact, while it might not justify normative claims, it will still serve as something which we must take into account. Suppose, for example, that people were in fact disposed to violence. Even though it will not follow from this that we ought to endorse violence, it will still be a disposition we need to be aware of in designing social institutions. Second, the conception of a person we are working with in the liberal democratic tradition is a normative conception. Persons are regarded as free and equal democratic citizens engaged in social cooperation. As such, persons must have the requisite capacities to fully take part in society and to formulate, revise, and advance their own conceptions of the good. Persons so conceived, then, should reasonably be attributed some such psychological basis as the AP. That is to say, it would be difficult to imagine a political conception of persons without also assigning to them some motivational principle of this general variety.

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42. Rawls, *TJ*, 379.

43. For example, Terence Irwin states Rawls' claim that self-realization is a source of enjoyment in virtue of the Aristotelian principle is “intended as a psychological generalization about people, not as a normative claim about the good” (from his *The Development of Ethics*, unpublished manuscript).

*Independence.* A second principle of motivation identifies our interest in engaging in activities with independence and responsibility. We can call this the *Independence Principle (IP)*, which, put more specifically and in terms parallel to the AP, runs something like this: Others things being equal, humans enjoy the exercise of their capacities when the activity is independently chosen and carried out, and this enjoyment increases the more independently chosen the activity and the greater the independence accorded to carry it out. Like the AP, the IP is meant to help account for many of our desires and explain why it is we prefer doing some things to others.

Notice that there are two components to the principle: (i) the conditions under which we *choose* an activity and (ii) the conditions under which we *carry out* an activity. For both, the general idea is that as our independence increases, so does our enjoyment. As a baseline for the first component, for choices to count as independent they not only need to be made within the context of an adequate array of options, but they must also be free from coercion and manipulation.<sup>44</sup> In this way, independence is linked to autonomy in that it serves as an important condition for an autonomous life.<sup>45</sup> Both coercion and manipulation subject the will of one person to that of another and so clearly endanger self-respect. For the second, by saying “independently carried out,” I mean not that one prefers acting alone to acting in concert with others; rather, the idea is that we take greater pleasure in carrying out plans we had some role in developing, and further pleasure when we can carry them out free of subordination or authoritative oversight.

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44. I take manipulation here to be a distortion of the way a person makes choices or forms preferences.

45. For more on this, see Raz, *The Morality of Freedom*, 369-378.

Support for the IP is strengthened by considering common views about what makes for good jobs. For example, while having authority over others at work plays little role in the desirability of a job, autonomy is highly valued.<sup>46</sup> This includes working in the way one thinks best, rather than as is dictated from above.<sup>47</sup> The general idea is that, although all work is in a sense compulsory, some work is much more compulsory than others and this can count as a significant loss. A person who conscientiously chooses to work as a researcher for a labor union does not experience the brute mandate of having to work in the same way as someone who cleans portable toilets because it was the only sort of job s/he could find—even though they may both be required to work ridiculously long hours. In addition, more desirable jobs allow for a considerable degree of latitude with regard to what the tasks should be and how they should be carried out; while less desirable jobs, whether complex or not, tend to occur under conditions of strict supervision. This supervision can happen in the obvious way of a boss constantly looking over one's shoulder, but also in forms less direct but still quite severe—for example, it might be one has little voice in how work is performed, or, say, through time-quotas or piece-count commissions, workers feel the stress of oversight.

*Contribution.* Finally, a third important consideration is a desire to engage in activities one believes play a role in contributing to the benefit of others. One vital but less

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46. See, e.g., Christopher Jencks, Lauri Perman, and Lee Rainwater, "What Is a Good Job? A New Measure of Labor-Market Success." *The American Journal of Sociology*, vol. 93, no. 6 (May 1988): 1322-1357.

47. See G. E. O'Brien, "The Centrality of Skill-Utilization for Job Design," Ch. 11 in *Changes in Working Life*, edited by K. D. Duncan, M. M. Gruneberg, and D. Wallis (New York, NY.: John Wiley and Sons Ltd., 1980).

obvious part of what it means to benefit others is to do what one reasonably can to contribute to one's own survival—that is, by being, as it were, self-reliant or self-subsistent. Viewing society as a scheme of cooperation for reciprocal advantage, we seek to contribute to that scheme rather than be a drain on it. And since enjoyment from contributing is heightened if we have something of distinctive value to contribute, we are motivated to develop our abilities. To keep consistent form, we can call this the *Contribution Principle (CP)*, and state it in the following way: Other things being equal, humans enjoy the exercise of their capacities when the activity contributes to the benefit of others—which includes benefiting others through our own self-subsistence—and this enjoyment increases the greater the contribution.

As with the other principles, I take the norm of contributing to the good of others to be widely accepted in one form or another. It is perhaps most recognizable among citizens at the ends of the stratification system. Evidence the many elites who often feel the need to “give back” in some capacity (however insufficiently), in part to avoid feeling as if they've taken from society more than they have contributed. And the importance of having a sense of contributing is especially noticeable when considering the effects of unemployment.

The opportunity to work is very important for most people in order to put food on the table, and this ability to contribute to our livelihood is importantly linked to our self-respect and sense of self-reliance; but working is also one of the primary ways in which we may be thought of as contributing more reciprocally to society. Thus, those unable to find work often suffer a loss of dignity. Many political theorists and social scientists have written about this phenomenon. Most notable and relevant, perhaps, are

the claims that working serves as a central feature of our understanding of citizenship such that those not working—from idle aristocrats to slaves—lack appropriate standing as citizens.<sup>48</sup>

*The Goldilocks Component.* A crucial aspect of the three principles that I want to emphasize to conclude this section is what we might call the *Goldilocks Component*—that is, that people want to find activities just right for them, particularly in terms of difficulty and temperament. In Rawls' discussion of the AP, he writes that the increasing enjoyment gained from engaging in complex activities will be offset by the "increasing strains of learning as the activity becomes more strenuous and difficult."<sup>49</sup> In this way, he notes, equilibrium is reached relative to each individual based on her abilities and particular situation.<sup>50</sup> This means that citizens will in general need opportunities to engage in suitably complex activities, where by suitably complex I mean that such activities must be complex enough to escape boredom, but not so complex as to produce enduring frustration.

The Goldilocks Component appears in the other two principles as well. It applies to the second aspect of the IP in that we may suppose the increasing enjoyment of carrying out activities independently is offset by the increasing burdens of responsibility that

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48. See, e.g., Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 1991): 61. Shklar argues that, along with voting, "earning" provides validation of a person's full membership as a citizen. This theme is echoed by, among others, Kenneth L. Karst, "The Coming Crisis of Work in Constitutional Perspective," *Cornell Law Review* 82 (1997): 523-571; and Vicki Schultz, "Life's Work," *Columbia Law Review* 100 (2000): 1881-1964.

49. Rawls, *TJ*, 376.

50. Rawls, *TJ*, 376, 387.

typically accompany it. Not all of us are comfortable with the same level of responsibility; and so, we will willingly limit our independence to the appropriate degree.

There is a hint of Goldilocks in the CP too. Of the many contributions we can make, some will align more comfortably with our own ideals and commitments than others. Yet those activities that best meet our ideals will not neatly correspond with those that most contribute. Thus, a person normally must balance the increased enjoyment of contributing with potential compromises to personal integrity.

In this way, then, in addition to seeking out suitably complex activities, citizens will also look to engage in activities that are suitably independent and contributive. Notice here that enjoyment from engaging in such activities depends in part upon performing them well and succeeding in our endeavors. That is, while there may be success without enjoyment, enjoyment without success is less likely. Thus, following the colloquial expression, we may say that the activities must provide a *challenge that can be met*.

To end this section, it's worth noting how these motivational principles connect with authority and responsibility. In discussions of equal opportunity it is often thought most important to ensure fair access to positions of *authority* and *responsibility*. While it's not always clear what is meant by this, I think the IP and CP capture much of what people have in mind.

Authority has a number of meanings, but there seem to be two plausible renderings in this context. The first is related to a sense of *control*. Here it is best contrasted with subordination. So the idea is to engage in activities where one makes decisions for oneself and then acts accordingly. Authority in this context often involves giving or-

ders to others to carry out one's plans, but the central point here is to not take orders from others. This form of authority is expressed by the IP. The second rendering of authority is related to *power*. The basic idea here is to have a positive influence over others. This is most commonly understood in terms of political office, but many others stations provide an opportunity to have an impact on the lives of others. A teacher, for example, has a significant impact on her students, a doctor over her patients, etc. This form of authority, then, is largely expressed by the CP.

Similarly, responsibility seems to have two relevant meanings. The first is that of being held praiseworthy or blameworthy for one's actions. This is captured by the IP. The greater the independence in choosing and performing some activity, the greater the responsibility one takes on. The second meaning involves a view about the importance of the activity itself, especially as it relates to one's duty to deal with something. This understanding of responsibility is closely associated with power-authority—because importance will largely be cashed out in terms of the impact on others—and likewise encapsulated by the CP. For example, the President's responsibility to make a reasonable and thoughtful decision regarding whether to engage in war is greater than a professor's decision regarding what to include on the course syllabus.

#### *2.4. Practice, Accomplishment, and Self-Knowledge*

So far I have examined the kinds of activities self-respecting people will be able to identify with and care about and so want to pursue. In this section, I develop this further by showing that part of why we find activities that satisfy the three motivational principles fulfilling is a product of how we normally develop. In particular, I will high-

light the connection of development to having self-knowledge and a sense of accomplishment. The relevance of this to my defense of Fair Opportunity is that it both reinforces what's already been argued by articulating more clearly what's lost if we're denied a chance to engage in suitable activities, and it helps prepare the way for a response to the inconsistency objection by revealing that giving space to abilities isn't so troubling.

To begin, consider the way in which we typically develop our abilities. As we first start out in life, all of our needs are taken care of and our abilities develop in an unconscious and spontaneous manner. An infant need not self-consciously practice her hand-eye coordination, this development occurs automatically. Even as parents make concerted efforts to cultivate various abilities, from the young child's perspective it is merely another mass of stimuli s/he unintentionally sifts through. But as we further develop, improvement in our abilities starts to require more intentional action. Our development then becomes, in part, a kind of realization of our uniqueness—both in that it reflects our peculiar talents and in that it requires our deliberate effort. The central means by which this occurs is through practice. If one wants to improve one's guitar playing skills, one normally has to practice. We practice through steadfast and repeated effort. If on the soccer field my penalty shot leaves much to be desired, I will improve mostly by repeatedly trying to perfect my shot. This may require tweaking my form and seeking out advice from others, and there will no doubt be significant frustration from many failed attempts, but by staying committed to my goal, with time my shot should improve.



It is important to see that development through practice requires, to a significant extent, making use of the very abilities one is seeking to improve. We become better philosophers mostly by doing philosophy, and better soccer players by playing soccer. Even when our training has us engaging in different activities, the activities are typically designed to isolate and focus on the same abilities needed for the primary activity. I might study logic, for instance, in order to improve the critical thinking skills I use for doing philosophy; or I may lift weights to strengthen my legs and so increase the power of my shot. In this way, then, our practice in part explains our growing attachment to those abilities we deploy.

In addition to a growing attachment to our abilities through practice, by choosing to improve at some activity, many other facets of one's life become rooted in this endeavor. For example, in playing soccer, players set more distinct and related goals and devote significant attention towards achieving them, they size up their peers and seek out their position while continuously trying to improve, and their social lives become embedded with those of similar ilk. This feature of development as practice is important because as our talents improve over time, in addition to our practice becoming progressively more deliberate and our becoming increasingly attached to and associated with what it is we are doing, our social roles start to work themselves out and our identities mature: we become soccer players, philosophers, carpenters, musicians, and so forth.

Our abilities, then, are developed over time, with much effort, and partly as a result of our choices. As we continue to develop, improve, and exercise our abilities, they increasingly become part of our identity and gain the feel of being acquired or earned. This in turn leads to a sense of ownership over our abilities. That is to say, at

the experiential level, from the perspective of the agents, as we exercise our abilities and engage in repeated practice, the abilities become our own and this matters a great deal to us—indeed, it is largely what allows us to feel like agents at all.

Developing through practice ties in to our having a sense of accomplishment. A sense of accomplishment, or pride, requires at least three conditions. First, in order to appropriately feel pride we must have actually accomplished something. It clearly won't do to feel a sense of achievement without actually achieving. Achievement entails succeeding at suitably complex, independent, and contributive activities. When my daughter started taking her first steps, we recognized it as an important achievement because walking for young children is a real challenge. My walking to this desk does not count for nearly so much because such a task is not at all challenging for me. Of course, a story can be told that makes my walking an accomplishment: say I was in a car accident, broke both of my legs, required months of rehabilitative therapy, and against all odds learned to walk again. In that case, my walking is something to talk about. But absent some such backstory, it is not appropriate for me to feel pride about walking.

A second and related condition, which I will only mention here, seems to be that the activity accomplished must serve some worthwhile end. It doesn't seem to make much sense for an especially adept assassin to feel pride in what s/he does. So, in order to legitimately feel pride, we must accomplish something valuable.

While I have already tried to show the importance of finding challenging but not too challenging activities, let me here register that a third condition to having a sense of accomplishment requires that our abilities and interests develop through practice. To

see this, note first that the thing accomplished must in some important way reflect upon the person feeling pride. I can be proud of my deck because I built it. If someone else built the deck, it would not make sense for me to feel pride. I might take some pride in earning the money that allowed me to pay to have it built, and I might admire and enjoy the craftsmanship; but it would not be appropriate to feel pride in the craftsmanship. Further, not only must I be the one to engage in the activity; I must also have ownership of my abilities. If we do not have ownership of our abilities—that is, if they do not develop through practice in an identity-constituting way—we are not likely to view the activity as a reflection upon us and so not likely to have a sense of achievement (or failure), no matter how well suited the activities.

To see this, imagine a basketball player who did not develop her talents over a period of time through practice. Suppose instead, for example, that a person with no apparent aptitude at playing basketball or shooting free throws, buys a special bottle of “better basketball spray.”<sup>51</sup> The spray, found only at high-end boutiques, perfects the player’s shot such that s/he is able to score at will from any spot on the floor. This person did not train in any way; s/he simply made a trip to the store and it subsequently became all but automatic for her to shoot perfectly. In such circumstances, it is doubtful the athlete would feel any sense of accomplishment with her success. S/he likely would not feel that s/he had done something praiseworthy, and others would not praise her actions. If praise (or blame) were attributable at all, it would likely be directed towards the person who invented the spray, not the “athlete.” Indeed, insofar as we

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51. I borrow this example from Chad Romey’s childhood video.

can envision the game carrying on with such a player, s/he would be treated more like a robot—that is, as a kind of passive recipient of external commands.

The best explanation for this seems to be that the athlete does not have a sense of ownership over her abilities—and s/he does not have ownership because her talents did not develop through practice. It might be the case that s/he made the important choice of visiting the boutique, and in this sense she knowingly and intentionally took the initiative to improve her performance (and so we could say s/he did in one sense develop her ability to shoot well); still, these talents, because they were not developed over time with repeated practice, would not have the feel of being earned or acquired in a way that would be constitutive of her identity. And because s/he did not own her talent, there would be little sense of achievement in her goal scoring.

Finally, development as practice is also linked to a kind of self-knowledge—that is, to discovering and creating our identities or coming to know who we are and what we are well-suited for. So far, I have emphasized the importance of having a chance to do what suits us, but this overlooks the fact that we do not know the answer from the start. Figuring out what suits us cannot be determined for us: it is something we must figure out on our own, partly through practice. We typically figure out what is good for us through a process of trial and error: we try out different activities and see which ones fit—which ones we enjoy and do well at. While we might welcome counseling from others, we tend to lack confidence in our judgments if we have not actually tried out some activities for ourselves. And this process of coming to create and discover ourselves demands that we be given the chance to experiment with and learn about our tal-

ents. It also requires the chance to try out different activities—even potentially specializing for a time at one activity and then bouncing around a bit to others.

Further, the lack of a chance to try out different activities is a sort of double-edged sword as well. For even if we overcome conjectures about what we could have been and come to believe (even rightly) that what we are doing is a good fit for us, we will still likely be hindered by corrosive self-doubt. That is, knowing our tendency to adapt our preferences and rationalize our circumstances as good for us even when they are not, we will remain unsure whether we are in fact a good fit for what we are doing. Of course, a certain amount of self-examination and uncertainty is a healthy mark of maturity. When we lack sufficient opportunity to experiment at different activities, however, our doubt becomes more damaging, undermining our sense that we have satisfied the three motivational principles.

Figuring out what is challenging but not too challenging, or what is right given one's temperament is a question with at least a limited range of answers. So, depriving people of the chance to try things out for themselves strips from them important knowledge for self-development. Of course, we do not want to claim a serious harm has occurred when people are not given the chance to try out every single activity. Still, relevantly similar abilities are engaged in different activities such that many activities may be grouped together. Thus, while my not having the chance to teach and research Quechua might not constitute an especially troubling loss, my not having the chance to be a professor of any sort, or at least, say, some kind of intellectual, does appear to be serious.

### **3. Fair Opportunity**

#### *3.1. The Importance of Work*

I have tried to defend the idea that self-respect requires having the opportunity to engage in suitably complex, independent, and contributive activities. I will now try to show how these considerations lead to Fair Opportunity.

First, because work is central to any conception of Fair Opportunity, we must tie it in. Ensuring a chance to engage in suitable activities does not give us sufficient reason to think those activities must be work-related. There are, after all, many leisure activities with which one can develop and exercise abilities in a suitable way, and these presumably should not be regulated by an opportunity principle. If all have access to some of these other activities, why must access to work be regulated?<sup>52</sup> That is, what makes work so important such that access to it must be given special protections?<sup>53</sup>

The discussion of unemployment in relation to the Contribution Principle pointed out the importance of having an opportunity to work at all. Work is important for contributing both to one's own livelihood and to society as a whole, and such contributions arguably serve as a central feature of our understanding of citizenship. Work also provides stability in the life of families and communities. The structure and social relation-

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52. Richard Arneson raises this sort of objection in response to appeals for meaningful work. See his, "Meaningful Work and Market Socialism," *Ethics* vol. 97, no. 3 (April 1987): 517-545; and "Is Work Special? Justice and the Distribution of Employment," *American Political Science Review* 84 (1990): 1127-1147.

53. Though not my focus here, it should be noted that I do not believe work is the only activity that requires special protection. Rawls notes at various points the importance of culture, and this seems right to me in important ways that merit further discussion. In addition, parenting is especially important as a source of fulfillment and so is worthy of comparable protection. I develop this idea more fully in the third part, "Fair Opportunity and Parental Prerogatives."

ships work secures in our daily lives strengthen our communities and provide appropriate models of organized and successful patterns of living.<sup>54</sup> Still, while these concerns make a compelling case for an opportunity to work, they do not demand access to the many different kinds of jobs available. Presumably, even a job of absolute drudgery will provide structure to our lives and give us at least a minimal sense of being a self-reliant and contributing citizen. So what is wrong with a dull and routine job so long as citizens are able to satisfy the three principles during their time off?

I take the answer to be rather straightforward: work is not optional. As noted, work is mandatory in the sense that we normally need to work if we want to survive, and also, given the centrality of conceiving of society as a scheme of mutual cooperation, we need to work in order to achieve the mark of an equal—that is, as a self-reliant and contributing member. Furthermore, work occupies an incredibly large and normally dominant portion of our time and attention. The fact that, as a general rule, work takes up so much of our energy, and we have to engage in it, means that it will significantly shape our lives and identity in inescapable ways. Because, like it or not, work will become a central focus of our lives, it has a specially important connection to the three principles of motivation. If working life were organized such that it were not mandatory in either of the ways discussed, or if it only took up a very small amount of

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54. This point is made with some thoroughness by William Julius Wilson in his *When Work Disappears: The World of the New Urban Poor* (New York: Vintage Books, 1996). For example:

[W]ork is not simply a way to make a living and support one's family. It also constitutes a framework for daily behavior and patterns of interaction because it imposes disciplines and regularities. Thus, in the absence of regular employment, a person lacks [...] a coherent organization of the present—that is, a system of concrete expectations and goals. Regular employment provides the anchor for spatial and temporal aspects of daily life. It determines where you are going to be and when you are going to be there. In the absence of regular employment, life, including family life, becomes less coherent" (73).

our time, it might well be a matter of little importance how opportunities were distributed for employment. But, on the assumption that work must remain more or less as it is—i.e., as the dominant activity in our lives—its connection to self-respect will also be of central importance.

In addition, given the time-consuming nature of work, the ability to compartmentalize work activities from leisure activities is usually quite difficult—especially with regard to complexity. Committing the bulk of our waking hours to a particular activity over the course of many years has a profound effect on who we are. In certain respects we are what we do. Even if we do not identify with our work, what we do shapes our habits and orients us in pervasive ways.<sup>55</sup> Work may make us more caring or more cruel, more assertive and argumentative or more suspicious and deferential. In short, work is a key source of our identity.<sup>56</sup>

We should expect, then, that menial work will, over time, wear us down and dull our minds. It will become, as Stud's Terkel puts it, a kind of "violence—to the spirit as well as to the body [...] a Monday through Friday sort of dying."<sup>57</sup> And, when this happens, it is less likely one can then go on to engage in suitably complex leisure activities.<sup>58</sup> Just as, correspondingly, people who engage in self-directed, complex work are more

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55. Including how we raise our children—see, e.g., Annette Lareau, *Unequal Childhoods: Class, Race, and Family Life* (Berkeley, CA: University of California Press, 2003).

56. For some further discussion of this, see Russell Muirhead, *Just Work* (Cambridge, MA: Harvard University Press, 2004): 13-29.

57. Studs Terkel, *Working: People Talk About What They Do All Day and How They Feel About What They Do* (New York, NY: Pantheon Books, 1974): xi.

58. I here assume that menial work is not suitable for most; and to the extent that it is suitable, it is likely the result of adaptive preferences, or a kind of stunted development, which we should regard as objectionable.



likely to engage in complex leisure activities.<sup>59</sup> Longitudinal studies analyzing work and leisure provide evidence in support of this as well.<sup>60</sup> Thus, even if the compulsory and time-consuming nature of work did not warrant special consideration, the effect that work has on us reduces the likelihood that we can successfully satisfy the three principles through leisure alone.

### 3.2. *Multifarious Options*

Having established securing self-respect demands, in part, that citizens have opportunities to engage in suitable work, an important implication seems to be that the state ought to promote as numerous and as wide a variety of worthwhile opportunities as it reasonably can. Put in somewhat simplistic terms, we can see people as having, following the three principles and the Goldilocks Component, what we might think of as optimal points that they seek to reach. So, people with differing talents and interests will want to pursue their optimal points in myriad ways. Even conceding that satisfaction from successfully engaging in various activities can occur prior to reaching one's optimality, we still must get within a certain range. Thus, in order to meet this demand,

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59. The connection between work and leisure—especially the claim that menial labor reduces the ability to engage in complex leisure—is discussed by many. See, for example, Emile Durkheim, *The Division of Labor in Society* (New York: Free Press, 1964): 372; and more recently, Paul Gomberg, *How to Make Opportunity Equal: Race and Contributive Justice* (Oxford, UK: Blackwell Publishing, 2007). Adina Schwartz makes a similar point with regard to autonomy specifically, arguing autonomy requires an integrated personality such that work and leisure must be in unison—see her “Meaningful Work,” *Ethics* vol. 92, no. 4 (July 1982): 636-639.

60. For example, Melvin Kohn and Carmi Schooler write: “The strong, positive effect of the substantive complexity of both men’s and women’s work on the intellectuality of their leisure-time activities is powerful evidence that people generalize directly from job experience to the activities they perform in their leisure time” (*Work and Personality: An Inquiry into the Impact of Social Stratification* [Norwood, NJ: Ablex Publishing, 1983]: 239-240). See also Arthur Kornhauser, *Mental Health of the Industrial Worker: A Detroit Study* (New York: John Wiley & Sons, 1964).

there will need to be avenues whereby citizens can pursue their interests in ways fitting to their abilities. Indeed, an ideal society in this respect would be a maximally inclusive one, where the range of social possibilities equals the range of worthy capacities.<sup>61</sup> If we provide only limited opportunities, it is quite likely that many people will fail to find a suitable home for their talents and so fulfillment will be endangered.

This demand was already noted in relation to the Independence Principle and self-knowledge: self-knowledge requires the chance to try out different kinds of activities in order to settle on what fits, and our choices will not count as independent if they are not made in the context of having many good options. Its relation to the Aristotelian Principle is straightforward: we won't likely find our optimal range of complexity without an array of options at varying levels of complexity. Similarly, for the Contribution Principle, an adequate array of options is needed in order to find an activity that allows us to contribute without undermining our integrity. A robust sense of personal integrity itself—one where we set our own unique standards and try to live up to them—will demand a diversity of opportunities.

Of course, specifying what the state can actually do is a difficult issue, no doubt with a somewhat limited set of options. Surely government policy can play a role to some extent—perhaps through government jobs, subsidies to universities, and so forth. It would also seem to support, for example, significant changes to the way existing la-

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61. This ideal is identified by William Galston, "A Liberal Defense of Equality of Opportunity," in *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland (New York: Oxford University Press, 1997). See also his "Equality of Opportunity and Liberal Theory," in *Justice and Equality Here and Now*, edited by Frank S. Lucash (Ithaca, Cornell University Press, 1986). Mark Twain also demarcates such an ideal in a discussion of what heaven must be like. See his "Captain Stormfield's Visit to Heaven," from *The Bible According to Mark Twain*, Howard Baetzhold and Joseph B. McCullough, eds. (New York: Touchstone, 1995): especially chapters 3 and 4.

bor is normally organized in order to expand the number of interesting jobs and reduce the number of uninteresting ones. Broadly, this restructuring could occur in two ways.

First, the common division of labor between those who engage in decision-making regarding the specific tasks and their organization and those who execute these tasks could be dismantled, to whatever extent reasonable. When managers decide on the tasks and dictate their execution to subordinates, the number of suitably interesting jobs decreases. Even when the decision-making is not very complex, independence is undermined. Moreover, typically, decision-making itself is one of the more complex aspects of the job, and thus the division between deciding and executing also tends to reduce complexity and contribution.

Second, to whatever extent reasonable, tasks, especially the most boring ones, could be shared. No one should have to work full-time engaged in unpleasant drudgery. By sharing the most menial activities, we avoid forcing people into jobs for which we know they are not suited. Moreover, by forcing people to share in this work, we simultaneously increase the number of people needed for the complex tasks while allowing those formerly engaged in drudgery to gain the time to learn new skills. For example, by expecting doctors to share in mopping floors, we simultaneously create a demand for more doctors while also providing those who formerly spent all day cleaning with the chance to learn to do something else.

The above points, while important, have been discussed by many so I won't belabor them here.<sup>62</sup> The central idea is that, to the extent reasonable, the state has a duty to

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62. For example, Adina Schwartz discusses the impact of the division of labor on autonomy development in "Meaningful Work," *Ethics* vol. 92, no. 4 (July 1982): 639-642; and Paul Gomberg

expand the number of worthwhile options made available if we want citizens to self-respectfully endorse it.

Now, coupling the need to diversify opportunities so far as is reasonable with a principle of opportunity helps evade an influential communitarian objection. John Schaar claims that, rather than challenging the range of talents and activities that happen to be supported by a given society, equal opportunity merely reinforces existing values. For example, he notes in a society that places overriding importance on soldierly qualities, such as Sparta, the demand for equal opportunity could be met if chances to become a soldier are equal even though poets were languishing. Thus, he concludes, equality of opportunity is a rather conservative doctrine, as it “implies prior acceptance of an already established social-moral order.”<sup>63</sup>

An adequate, if somewhat shifty, response to Schaar’s objection is to point out that Fair Opportunity is not the only principle of justice we should have. So, in supporting an opportunity principle, it is important to keep in mind that this is not all we support. Still, the reasoning provided thus far also furnishes resources to respond more directly. If we assume a reasonably diverse set of opportunities *could* be made available to all, Sparta would count as unjust for not providing them because we know many of its citizens, such as its would-be poets, would be unable to engage in activities suitable to their interests and abilities. In this way, the defense of our interest in meaningful work

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discusses the importance of sharing labor in *How to Make Opportunity Equal*, Ch. 7.

63. John H. Schaar, “Equality of Opportunity, and Beyond,” in *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland (New York: Oxford UP, 1997): 138.

also provides grounds for providing citizens with multifarious opportunities—the two come in a pair: the reasons sufficient for one also require that we provide the other.

### *3.3. Getting to Fair Opportunity*

We now see that the self-respect framework demands, among other things, access to a diversity of employment options. This is the best way to appropriately accommodate the importance of engaging in suitably challenging activities so that we may pursue a fulfilling life of our own choosing. We have, then, the core components of an opportunity principle. To get clearer on how this leads to Fair Opportunity, let's consider the separate components of Careers Open to Talents (COT) and Fair Education in turn.

Recall that Careers Open to Talents, as typically conceived, has two features: (1) no legal restrictions and (2) selection by merit. The first feature requires that all persons have the same legal rights to compete for positions. If we want to give citizens the best chance to find meaningful work, then clearly keeping access to positions open to all will be central. Suppose citizens have developed their talents through practice and are now seeking out their optimal points in a context of diverse options. If we legally restrict some from gaining access to certain jobs, we will reduce their chances to find suitably challenging work. Self-respect is plainly undermined when some are prevented from competing. A principle that ensures there are no legal restrictions, then, follows rather straightforwardly from the argument presented.

Selection by merit, the second feature, requires that competing applicants for positions be assessed on their qualifications. The same reasoning used to ensure that there are no legal restrictions will apply here as well. If we want to give citizens the best

chance to find suitable work, where suitability relates to one's qualifications, then clearly assignment of jobs must be based in significant part on one's qualifications. We have little chance of finding jobs suitable to our abilities unless our abilities play a major role in determining whether we get the job.

Still, it does not by itself follow from what I have said that careers must be open to the *most* talented, rather than, say, the adequately talented. Call these two alternatives Careers Open to the Adequately Talented (COAT) and Careers Open to the Most Talented (COMT). On both versions, there would be no legal restrictions, but, among those competent at some activity, COMT would require that selection for who gets the position must go to the best candidate whereas COAT would allow any number of processes—for instance, a random lottery. Is there anything wrong with this latter view—any reason why we must always choose the most qualified?

One speculative reason in support of COMT over COAT might be to argue the less talented will have a tendency to suffer less from losing out. Two assumptions look necessary for this to be plausible. First, we must accept the claim that, generally, the closer we are to optimality the less we will suffer from lack of interest, etc. Second, we must assume that one's top choice will tend to be that which is closest to their optimality. So, when a candidate loses out on their first choice job, their second choice will typically be less optimal. And, so, perhaps as a tendency, when the better qualified lose out, they will, on average, drop further from optimality than the lesser qualified. To put the point I am after more dramatically: I would suffer less repairing washing machines than, say, Albert Einstein.

We certainly might also appeal to efficiency considerations. If we think none among the adequately talented has greater claim to a position, but that only some can in fact fill it, efficiency would have relevance. We can say to the lesser talented that we need some way to decide who gets the position and, since you have no greater claim, we give it to the more talented because they will, by hypothesis, be better and so more productive at the position. The idea here is that the most qualified will on average perform better and so create benefits that, by comparison, redound to others more. If two teachers can both successfully teach but one can do a better job, then even if the better teacher has no more claim to the position on the basis of self-respect, we can choose her for the greater benefits s/he provides to her students.

This relates to a further preference to make our basic principles of justice publicly identifiable. That is, even if it were the case that COAT is all that justice requires, COMT would seemingly be subject to less misunderstanding and so we may then have good reason to favor it. That is, as a general guideline for measuring the extent to which we are living up to the demands of justice, COMT is an easier mark and so less susceptible to constant challenge.

Still, these three points on behalf of COMT are not the final word on the matter. Their connection to self-respect is less direct; moreover, there are also some compelling reasons to at times permit other considerations when hiring. The case of mom and pop businesses is perhaps the most intuitively compelling. When my friend started his own plumbing company and needed to hire an employee, it seemed fine for him to hire his son even though more skilled and experienced plumbers surely wanted the job. This seemed okay, in part, because part of what makes the job of being a plumber fulfilling,

at least for him, would be the fact that he could work closely with family and pass on meaningful skills and traditions to them.

It is a difficult matter to figure out when a selector of candidates is acting wrongly in choosing someone other than the most qualified. As much as we might want to support family businesses being passed down, the sting of working somewhere for decades only to find oneself taking orders from the boss' son—someone less qualified and experienced—should not be trivialized. For such matters, then, some measure of discretion should be permitted; but so, too, should some limitations be imposed. The response from the state could, for instance, take the form of monitoring and protecting those cohorts of the population deemed to be especially vulnerable to maltreatment, perhaps focusing on larger employers who have a more profound impact on citizens' life chances. Working this out in detail is something I won't pursue here. Still, *Careers Open to Talents*, as it is formulated in the standard account, allows for the needed wiggle room—it suggests a strong tendency towards selecting candidates according to their ability without explicitly demanding the most qualified are always chosen.

It does seem to follow from what I have said that, hypothetically, were we to ever achieve a society where the range of opportunities equals the range of worthwhile capacities, additional opportunities, which we assume are no more desirable than existing ones, might be restricted or distributed on some basis other than merit. This might seem problematic, but it should be emphasized that I do not take the reasons I have provided to be the only ones available in support of COT. In particular, while COT rids us of certain forms of discrimination, as I've defended it here it does so for only instrumental reasons related to job opportunities. But I do not take these reasons to exhaust or



even best capture, what is objectionable about discrimination. In this way, then, an opportunity principle and an anti-discrimination principle are not entirely coextensive. That the job opportunity reasons and the anti-discrimination reasons do largely overlap, however, helps explain why COT has such a solidified place in our intuitive conceptions of justice.

With respect to the Fair Education component of Fair Opportunity, obviously, if we are not given at least sufficient chance to develop qualifications through practice in the context of an array of options and COT, then we're not going to have a real chance to find a suitable fit and self-respect will be threatened. This does not settle how much of a chance is owed, of course, but for the moment I am trying to remain neutral between the competing formulations.

We are left, then, with a three-part account of Fair Opportunity, one which includes both components of the standard account. It looks, in rough form, something like this:

- (1) *Multifarious Careers*: Numerous and diverse positions should be promoted in society as a whole.
- (2) *Careers Open to Talents*: Positions should be open to all on the basis of qualifications.
- (3) *Fair Education*: The opportunity to develop qualifications should be fair.

#### 4. The Natural/Social Distinction

##### 4.1. *The Social Institutional View*

Let me now identify two ways in which my argument from self-respect helps buttress the legitimacy of the natural/social distinction and so resolves the inconsistency objection.

One way to tackle the natural social distinction is to appeal to the different moral nucleus that drives the self-respect test—one which centers on the influence of social institutions. Recall that the general moral judgment underlying the inconsistency objection—and so seemingly at odds with the natural/social distinction—is that we should not be held responsible for circumstances beyond our control—that is, for matters of brute luck. The idea under this rubric is that both social and natural differences are the product of unchosen circumstances for which we are not responsible. In contrast to this brute luck view, the self-respect test outlined earlier (in §2.1.) is primarily concerned with how *social institutions* influence citizen's lives.

According to the view that emerges from the self-respect test—call it the *Social Institutional View (SIV)*—something should be done to compensate for decreased opportunities if it is established that self-respect is being undermined. Thus, SIV is not focused on what is beyond a person's control; rather, the central moral intuition is that we value relationships of mutual respect. So, when social institutions neglect or adversely burden our fellow citizens, we have strong reason to counteract this influence. This gives us a principled distinction because, if natural inequalities are not a consequence of social institutions, then the SIV would claim there is no obligation to make equal or compensate natural differences.

The problem with this route, of course, is that the impact natural differences have on our lives are strongly influenced by social institutions—both actively and through non-action. The societal values themselves are shaped by social institutions. That soccer is highly valued in Mexico and not so much in the US makes a difference for soccer players in both countries in terms of, say, one's chances to play professionally and the prestige and income attached to those positions. Our development, too, is shaped by social institutions. One salient way is in how we are trained. Consider a simplified example.

Suppose it's the case that for two students, Chema and Cuca, Chema will best learn to read with phonics and Cuca with whole language, though their respective bests are equal. Now, if the school is hooked on phonics, it looks like Cuca might have some grounds for complaint. Were she aware of how she best learns, she would experience a kind of counterfactual alienation—that is, she could charge that, had she been trained in a different way, she would be just as good a reader as Chema. And even if she doesn't know how she learns best, she can still speculate that she might very well have done better with whole language and so claim the state owes her some explanation for why it favors phonics.

This serves as an important objection to SIV. The objection doesn't challenge the moral significance of the distinction between social and natural factors; rather, it challenges that such a distinction can plausibly be made for human characteristics given the pervasive role of social institutions. And the problem is expansive in that there are countless ways in which societal values and developmental methods favor some over others such that it won't be possible to address them all. To get everyone to read at

their best, for instance, there might be an unruly 6,419 different reading pedagogies that need to be utilized.

It seems the best one can do in response to these circumstances is to weigh competing claims for various pedagogical approaches and try to offer up as much diversity as reasonable. For the societal values, then, this would be doing what the state can to increase the number of worthwhile activities that might be pursued. For development, it would mean trying to ensure an adequate array of pedagogical conditions are made available so most have a reasonably good chance of developing well. Assuming the state did do *enough*, however that gets spelled out, there would then be traction for saying the resulting “natural” inequalities are not socially imposed in the troubling way social inequalities are (though they are still, in a sense, socially imposed), and so citizens would be able to identify with the political order that then allowed these natural differences to impact our chances.

One worry with this approach is that, after the state has done an adequate job per the SIV, it might seem that little more is required from the perspective of justice. The implication would be that we have lost our justification for any safety net outside of Fair Opportunity—for example, a priority principle such as Rawls' Difference Principle. For the losers in the competition, this result is dire and so intuitively unacceptable.

One possible way to avoid this outcome is to emphasize that the adverse effects of differential rewards on the next generation might undermine Fair Opportunity; and so, in order to secure Fair Opportunity for the future, we need a further principle to keep inequalities in check.<sup>64</sup> It could also be argued that, knowing society will inevitably

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64. This point is discussed briefly by Thomas Scanlon, “The Diversity of Objections to Inequality,” Ch.

have losers, the demand to put in place a safety net—and probably a fairly high one—will be strong if we want all to endorse it.

#### *4.2. Opportunity as an Independent Good*

A second way to justify the natural/social distinction is to spotlight the kind of good being distributed. When discussing equal opportunity, it is typically left ambiguous whether we are to think of opportunities as independent goods, or simply as instrumental to acquiring income and wealth. On the second reading, Fair Opportunity is thought to concern itself only with the possibility of social contingencies giving rise to inequalities in income and wealth. By appealing to self-respect and the importance of engaging in suitable activities, however, it is clear my argument favors the idea of opportunity counting as a distinct good. In this way, Fair Opportunity regulates the intrinsic value of employment opportunities (and the non-monetary extrinsic benefits), while another principle is needed to regulate the extrinsic benefit of income and wealth attached to employment.<sup>65</sup>

To get a principled distinction here, we need to say that something distinctive about employment opportunities in relation to self-respect requires they be distributed in a manner that seeks to eliminate the effects of class differences on one's chances, but not the effects of differences in ability and effort. And that is precisely what I have tried to do in this part's main section. As I've discussed, self-respect requires that we have a

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11 in *The Difficulty of Tolerance: Essays in Political Philosophy* (Cambridge, UK: Cambridge UP, 2003).

65. In this way, then, my argument does not speak to existing distributions of wealth and income; my concern has been only with the distribution of certain activities. The extent to which various levels of income ought to attach to a particular job is a separate issue that I do not address here.

chance to find suitable work, where suitability just means a proper fit for our abilities and interests.<sup>66</sup> This view was reinforced by noting the ways in which our sense of accomplishment and self-knowledge are linked to our abilities. This thus provides strong reason to treat natural and social contingencies differently and so defends Fair Opportunity as a consistent and especially important component of justice.

This second way also explains the distinction in a way the puts some troublesome “natural” inequalities—for example, height and attractiveness<sup>67</sup>—in their proper place. Take, for example, one’s height. How tall we are seems to be as natural a characteristic as any, yet advocates of equal opportunity do not believe this variable ought to determine life chances in the same way ability and effort do. Attention to brute luck or SIV alone cannot explain this: height is just as unchosen as ability and social institutions play as comparable a role as they do for ability and effort. Emphasis on opportunity as a distinct good however, can explain this coherently. Self-respect demands we find work suitable to our abilities; and so, abilities must clearly play a major role in determining whether we get the job. In contrast, height is normally not relevant to finding a suitable fit. It thus makes sense to include abilities, but not bother with height. Height, as it were, should be categorized as a “social” characteristic and this matches our intuitive judgments.

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66. I hear assume our development is not stunted—that is, I assume our abilities and interests are not wrongly shaped by our class background.

67. Robert Nozick raises the issues of his attractiveness as a *reductio* against equal opportunity in his *Anarchy, State, Utopia* (New York: Basic Books, 1974): 237.

### 4.3. *The Priority of Fair Opportunity*

Having established a principled basis for distinguishing natural inequalities from social (and for determining which characteristics should count as “natural”), it technically remains open to question which of the two should be deemed more important. Obviously, when only discussing Fair Opportunity, on my account there is only reason to minimize the impact of social inequalities—differences in natural ability are importantly tied to our self-respect such that they ought not be neutralized.. But what about within a larger conception of justice? There is more to justice than just Fair Opportunity.

For our purposes specifically, the principle of Fair Opportunity aims to counteract the effects of differences in people’s social circumstances on their access to positions so that they are able to find work that fits their (natural) abilities, whereas another principle of justice is typically deployed to counteract the effects of differences in natural abilities on access to positions. This second principle normally counteracts differences in ability by guiding the distribution of income and wealth. The open question, then, regards where to place the opportunity principle in relation to this income distribution principle.<sup>68</sup>

There are many egalitarians who reject the claim that the opportunity to find fulfilling work is more important than increased income and wealth.<sup>69</sup> Their objection to

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68. Of course, there is an additional question regarding the place of the opportunity principle in relation to other principles. Seana Shiffrin, for example, argues that Rawls gives no good arguments for taking Fair Equality of Opportunity to have lesser priority than the equal basic liberties principle—see her “Race, Labor, and Fair Equality of Opportunity.” I focus here only on its relation to income and wealth because the bulk of challenges to equal opportunity stem from the view that income is more important than opportunity.

69. See, e.g., Richard Arneson, “Against Rawlsian Equality of Opportunity;” Andrew Mason, *Levelling*

thinking the distribution of opportunities is more important than the distribution of income and wealth is typically formulated in the following way. If one assumes that one will be one of the worst off—that one will be comparatively less talented than one's competitors such that one will not find suitable employment—why would one value having had the mere opportunity to compete for desirable employment positions over increased income and wealth?<sup>70</sup> Wouldn't the losers simply prefer more money? After all, the choice seems merely to be one of working an uninteresting job for more or less pay; so surely we would all choose more pay.

To begin, note first that we are considering this question within the context of everyone having enough income and wealth to get by. Quite obviously, a minimum level of well-being must be achieved before an opportunity principle kicks in. Further, my argument thus far makes it clear that money can't buy the kind of happiness gained from fulfilling work that satisfies the three principles of motivation. So, the answer is self-evident for the winners in a society with fair opportunity in place. But what can be said for the losers—for those who, because of their lesser talent, lose out in finding a suitable job?<sup>71</sup>

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*the Playing Field*; and Thomas Pogge, "Three Problems with Contractarian-Consequentialist Ways of Assessing Social Institutions." Within the Rawlsian framework, the challenge is that the opportunity principle should not have priority over the Difference Principle. On the Rawlsian version of the objection, see especially Matthew Clayton, "Rawls and Natural Aristocracy."

70. The built-in assumption here is that the savings gained from not having to maintain Fair Opportunity will be used to benefit the worst off, thus allowing the economically worst off in a society without Fair Opportunity to be potentially better off than the worst off in a society with Fair Opportunity. Though one may doubt the likelihood of this outcome, it need only be reasonably possible to generate the discussion.

71. Again, from Rawls' original position, the question is why would persons in the original position, who assume they will be in the worst off position, give priority to a principle that governs access to positions over one that governs access to wealth and income?



I think there are a few things to say. First, the principle as I've defended it includes a component to develop multifarious work options. So, a built-in feature of Fair Opportunity is an increase in the number of interesting jobs. This means, insofar as work is concerned, the worst off will be smaller in number with Fair Opportunity in place than without.

Second, as discussed earlier, there is some reason to think that when the better qualified are unable to obtain a particular position, their deprivation is on average greater than that of the less qualified who are unable to obtain that same position. Depriving a sufficiently well qualified applicant of a job is depriving her of a potential good, and that is a harm to all rejected applicants—depriving a person of a good is depriving a person of a good. Still, the same good has different value to different people and it might be more valuable to the better qualified. If we assume both that the good is greater the closer we are to our optimality point and that the best qualified will be those who are closest to optimality, then it will follow that in general the best qualified lose out on a greater good when they are deprived of a position. If that lost benefit is deemed more important than lost income, a difficult and highly speculative but still plausible assumption, then there is some reason to favor Fair Opportunity over increased income.

A third important reason to grant Fair Opportunity priority is that we regard the chances of our loved ones to be immensely important. As parents, for example, we recognize the greater value of fulfilling work over money (above a basic minimum), and so, we should presumably want our children to have a chance at this work. Thus, even

if we lose out on the chance to secure our own meaningful position, helping our loved ones secure such positions, and sharing with them in it, is also quite significant.

Fourthly, Fair Opportunity plays an important role in securing a thriving democracy. Assume that a thriving democracy is incredibly important. Plausibly assume further that a thriving democracy requires people from all socio-economic cohorts to have a fair chance to fill leadership positions so as to have fair influence. It therefore follows that, because Fair Opportunity ensures citizens have a fair chances to fill leadership positions, Fair Opportunity helps to secure a thriving democracy. In other words, the lives of the working-class are better when they know that others from working-class backgrounds have succeeded in filling leadership roles.

These considerations give us good reason to value opportunity over money. Within the Rawlsian framework, some have claimed that, even it is established that opportunity is more important than money, this by itself doesn't give us a prior opportunity principle. This is the case because such opportunities can simply be added to the list of primary goods distributed by the Difference Principle, with special weight attached to them.<sup>72</sup> Once we abandon a call for *lexical* priority, as I have, however, the relevance of this move is limited. A Difference Principle with especially valuable opportunity primary goods among the list of goods it distributes will result in the same outcome as having an opportunity principle with priority over the Difference Principle. The only difference seems to be that the Difference Principle advocates a particular kind of distribution—namely, a prioritarian one. But that just leads us to a separate question as to

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72. See Arneson, "Against Equality of Opportunity," Mason, *Levelling the Playing Field*, and Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989): Ch. 4.

what the best distributive model for opportunities should be—prioritarian, egalitarian, or adequate. I will discuss these matters in the next part.

The above discussion, then, provides a basis for granting Fair Opportunity priority over income distribution principles. Money, as an all-purpose good, can buy us many things; but, as we are so often told, it can't buy us everything. In particular, it can't buy us meaningful work, love, or a thriving democracy.

## PRACTICALLY EQUAL EDUCATION

Up until this point I have tried to remain neutral among competing renderings of the second component of Fair Opportunity. I will now turn to this component and make a go of providing some substantive guidance on the matter. I begin by identifying the implications for Fair Education that emerge from our considerations of self-respect. I argue that my account supports adequacy, not equality (§5.1). Citizens must learn *enough* such that they are motivated and able to make informed decisions regarding what activities they wish to pursue. The adequacy I have in mind, however, is broader in scope than normally conceived, incorporating not just schooling, but also adequate conditions for income, housing, and health care (§5.2). I then show that the positional value of education pushes Fair Education in the direction of equality (§5.3); but, I argue, if our concern is with ability playing an important role in shaping our lives, then there will be certain situations where my account will allow for some push back such that the end product is a call for comparable, or practically equal, education (§5.4). After some clarification regarding how much inequality will be permitted (§5.5), I then turn, in Section 6, to specifying the Fair Education principle. I conclude by noting a few distinct advantages of my account.

## 5. Self-Respect and Fair Education

### 5.1. Adequate Education

The Fair Education component requires that opportunities to develop qualifications be fair. But what counts as fair? Recall that there is a divide between those who think having an *adequate* chance to develop qualifications will count as fair, and those who think fairness requires an *equal* chance. The idea behind an adequate education is typically understood to mean that, so long as everyone is secured enough opportunity, it is of no significance if some have more opportunities than others. The adequacy advocate typically then goes on to point to envy and resentment as the only basis for complaint. Such a basis is then quickly dispatched as illegitimate.<sup>73</sup>

So what implications for Fair Education follow from the account I've given? I have argued that in a just society, one where social institutions support self-respect, citizens should have the chance to engage in fulfilling work. Of course, even under ideal circumstances, where an abundance of interesting work options await, we need to assist in development. So how much education is needed, then, in order to provide people with the opportunity to engage in fulfilling activities?

Roughly, because we cannot begin to engage in many activities without a solid base of skills in that activity, and because we want the chance to explore many different kinds of activities, it follows that Fair Opportunity will demand that we ensure everyone develops a broad set of basic skills. Equipped with a broad set of skills, citizens will be able to better find and evaluate the kinds of skill sets they most enjoy utilizing. Here

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73. See, e.g., Elizabeth Anderson, "Rethinking Equality of Opportunity: Comment on Adam Swift's *How Not to be a Hypocrite*," *Theory and Research in Education* vol. 2, no. 2 (2004): 99-110

the ability to compare and contrast different skills is also crucial, for it is typically only by making such comparative assessments that we can confidently determine what best fits our own interests and abilities.

We will not count as sincerely having a work opportunity unless we understand what it is to utilize some of the core skills used to engage in that opportunity. To be sure, a big part of viewing a work option as something one might realistically pursue involves many factors besides the requisite skills. For instance, a work option isn't truly such an option without knowledge of its existence, examples of similar people performing it, coherent narratives of what one must do to pursue it successfully, and so forth. All of these things ought to be incorporated as part of a child's education. Still, for all that, until we have a richer understanding of the talents required and activities demanded, we will not have the opportunity to make informed decisions.

Knowing more precisely how much one must learn before being motivated and able to make an informed choice is difficult to determine. Surely, the level of training required will depend on the options being evaluated, but my suspicion is that the level will often be less than much of what is required in American schools today. In that way, then, my account thus far would probably support training in a broader set of subjects, with focus more on exposure, encouraged experimentation, and practice than an advanced competence. In the end, though, determining a more detailed standard will require empirical research, not armchair guessing.

What is clear at this stage, however, is that the account supports adequacy not equality. Citizens must learn *enough* such that they are motivated and able to make informed decisions regarding what activities they wish to pursue. For example, if know-

ing what it's like to be a journalist requires, among other things, x-level of writing ability to get a feel for the activity, then that is the level required. We could roughly extrapolate to other ventures requiring writing skills and so come up with a basic standard for writing that ought to be reached in order to meet the demands of self-respect. Those who decide to take on journalism more seriously could then go on to develop their writing talents at a higher level. In this process only sufficiency is required; I need not learn as much as others to decide what is good for me.

### *5.2. Adequacy Broadened*

Development takes place within a wide array of social and economic conditions, ones which themselves play a crucial role in how children do. So it's important, when thinking about adequate education and the basic skills and motivational development it mandates, that we cannot simply expect schools to work everything out. While my main concern is to explain why Fair Opportunity is a requirement of justice, and further, to work through some vexing complications with respect to what it demands, it's worth recognizing the breadth of conditions that must be addressed by a sincere effort to enact Fair Education.

*Income.* The argument given for Fair Opportunity regards the distribution of work activities and does not directly speak to the distribution of income (and wealth) attached to those jobs. Still, if families have incomes that are too low to properly support children, then Fair Education is obviously endangered.

A government tasked with taking reasonable measures to remedy these problems certainly has several resources at its disposal. For instance, it might establish a minimum wage on the basis of a poverty line that plausibly identified what parents would need to meet children's basic interests. Other adjustments to labor market institutions, such as laws making it easier for workers to obtain collective bargaining rights, would also lift the wages of lower-income workers who are trying to raise children well. Further options, such as earned income tax credits and maneuvers to keep unemployment rates low, would also be visible and trackable signs of assistance the absence of which would call into question the governments concern for Fair Education.

*Housing.* Adequate and stable housing is a critical part of a child's sound education. Not only is decent and secure housing part and parcel of healthy family and emotional life, it also negatively impacts learning. High mobility rates depress student achievement. Each move means readjusting to classmates, teachers, curriculum, and the neighborhood, all of which slow progress.<sup>74</sup> Further, high mobility rates also hinder learning for non-mobile children when classrooms are disrupted and teachers struggle to implement a cohesive curriculum.<sup>75</sup>

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74. See, for example, Eric A. Hanushek, et. al., "Disruption Versus Tiebout Improvement: The Costs and Benefits of Switching Schools," *Journal of Public Economics* (Summer 2004); James Bruno and Jo Ann Isken, "Inter and Intraschool Site Student Transiency: Practical and Theoretical Implications for Instructional Continuity at Inner-City Schools," *Journal of Research and Development in Education*, vol. 29, no. 4: 239-252..

75. See David Kerbow, "Patterns of Urban Student Mobility and Local School Reform," *Journal of Education for Students Placed at Risk*, 12: 147-169.



While there are numerous reasons for high-mobility rates, a significant one is a lack of affordable housing.<sup>76</sup> Thus, a serious willingness to secure the Fair Education component would involve a national housing plan to minimize student mobility. Fully funding and supporting a federal program to subsidize rents, such as the currently underfunded “Section 8” voucher program, is an obvious example. To the extent that living in mixed-income communities serves as a benefit to learning, measures to promote this could also be encouraged.

*Health Care.* Poor health and lack of proper medical care will quite severely hinder a child’s education. If lower-income families are in an avoidable state of poorer health, as is the case in the United States today, their chance at a fair education is clearly not respected. Richard Rothstein has detailed quite extensively the extent to which health impacts learning—from untreated toothaches to poor nutrition.<sup>77</sup> Providing quality health care to all, then, is a needed step for any government that aims to ensure Fair Education.

We can see that, if measures are taken to address all of these aspects of learning, inequality, broadly understood, will certainly be reduced while remaining inequalities will be much easier to swallow as the worse off citizens know their interests are being taken seriously by all.

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76. See, for instance, M. C. Wang, et. al. *Educational Resilience in Inner City America; Challenges and Prospects*, (Hillsdale, NJ: Lawrence Erlbaum Associates, 1994).

77. Richard Rothstein, *Class and Schools: Using Social, Economic, and Educational Reform to Close the Black-White Achievement Gap* (Economic Policy Institute, 2004). See also Brian Barry, *Why Social Justice Matters* (Cambridge: Polity Press, 2005).

### 5.3. *Education as a Positional Good*

Were there no scarcity of employment options, then sufficiency broadly understood would be all there is to say on the matter; but, of course, in practice there is a scarcity and this changes the playing field.

A popular argument made for *equality* in education, one which draws in even those who advance a standard of adequacy, concerns this scarcity of options and the fact that education is, in part, a positional good. Education provides, we might say, both intrinsic and instrumental goods.<sup>78</sup> The intrinsic benefits regard the less tangible rewards of learning—the sheer pleasure of a novel, playing music, and the like—which have value independent of their connection to employment or income. The instrumental benefits, in contrast, concern the access education provides to other goods—most especially, for my purposes, employment.<sup>79</sup> It is these instrumental benefits which are positional.

The intrinsic rewards of studying philosophy, for example, are good for me irrespective of how many other people study philosophy. In fact, others doing philosophy benefits me further in that it supplies me with a ready community of people with whom I can engage. The more people there are doing philosophy, especially doing it better than me, the more I can learn and grow and be rewarded in my own studies. In this

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78. Many philosophers draw this distinction, often using different terminology. See, for example, Harry Brighouse, “Educational Equality and Justice,” in *A Companion to the Philosophy of Education*, edited by Randall Curren (Malden, MA: Blackwell Publishing Ltd., 2003): 473.

79. The other goods typically discussed are income and college admissions.

way, education is a noncompetitive positive-sum good. These intrinsic benefits cause no problem for the adequacy standard presented above.

But education has another aspect, one which is thought to make it a zero-sum good. Education is a positional good relative to some of the instrumental benefits it brings. A positional good is defined as a good the value of which depends on the possessors' place in the distribution of that good.<sup>80</sup> Insofar as education serves as a means to gaining a competitive good, such as a fulfilling job or admission into a competitive university, its value depends on having more, or better, than others. What matters is one's position in the distribution of education, the amount one has relative to others. In this way, then, positional goods fuse the notions of absolute and relative value. The absolute value of the good one holds, when it is positional, is determined by referring to one's standing in the distribution of that good.

An important feature about this is that, even when we increase someone's holdings we might be harming them. If a distribution of positional goods to persons A and B increases the holdings of each in unequal amounts, then the greater gain for B may ultimately harm A. That is, though the absolute holdings of A have increased and aggregate holdings of both A and B has increased, A experiences a decline. In schools, this means that when some children are getting a helping hand it disadvantages those who

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80. Martin Hollis, "Education as a Positional Good," *Journal of Philosophy of Education*, vol. 16, no. 2 (1982): 236. For other discussions on positional goods, see Harry Brighouse and Adam Swift "Equality, Priority, and Positional Goods," *Ethics*, vol. 116, no. 3 (April 2006): 471-497; and Judith Lichtenberg, "Consuming Because Others Consume," *Social Theory and Practice* 22 (1996): 273-297. The most frequently referenced discussion is Fred Hirsch, *Social Limits to Growth*, (Cambridge, MA: Harvard University Press, 1976).

are not. It doesn't leave those un-helped where they are, it makes them worse off with respect to their chances at gaining a good job.

And so, in response to the adequacy advocate, the egalitarian will point out that simply giving the worse off a better education won't help them when it comes to the competition for rewarding work. When two applicants compete for a job, the better educated will get that job regardless of whether s/he is poorly or richly educated. This then is said to push the sufficiency supporter to equality with respect to positional goods such as education. The same idea is enough to move the prioritarian too: "In so far as goods have a positional aspect, then, the only way to make the worse off have as much as possible is to go for equality. We may be motivated by maximin thinking, but we will be led to equality as the only way to realize it. Trickle down thinking doesn't apply."<sup>81</sup>

#### *5.4. Ability Shining Through*

So does the positional aspect of education reshape my sufficiency standard to equality as well? Justice demands we have the chance to find suitable work. With regard to developed talent it does this by ensuring citizens develop at least to the point where they have a wide variety of basic skills so that there is in place a base for trying out many different activities—experimenting, wandering, comparing and contrasting—in order to find a comfortable fit. In competition for employment, however, not only

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81. Adam Swift, *Political Philosophy: A Beginners' Guide for Students and Politicians*, 2nd edition (Cambridge: Polity Press, 2001): 118. For a fuller discussion of the prioritarian grounds to equalize when goods are positional, see Harry Brighouse and Adam Swift, "Equality, Priority, and Positional Goods," *Ethics*, vol. 116, no. 3 (April 2006): 471-497.

must we be adequately talented, but, as we discovered from considering the positional aspect of education, depending on the nature of the job and the state of the economy, we often must also be more talented than many of our peers if we are to get the job.<sup>82</sup> But rather than think this requires an overall equal education, the concern for self-respect seems to instead allow space for some inequality.<sup>83</sup> That is, depending on the circumstances, some inequality can be tolerated so long as the difference is not too big. To see this, we need to get clear on what our focal concern should be.

Let us turn to sports. Consider first sprinting in track and field. When athletes train for competitive races, it's clear training matters. If we take identical twins and give one professional coaching and the other no coaching whatsoever, we should expect the specially trained runner to win. This much seems uncontroversial. Still, sprinting appears to be a competition largely contingent on one's innate ability: No matter how much training one gets, few will catch Usain Bolt.

Because the innate ability of runners plays such a predominant role, inequalities in training are much less bothersome. Observe the dynamics at play across the country during high school track meets. Kids from wealthier schools or with wealthier parents no doubt eat healthier food and receive superior coaching. They also typically have the most technologically advanced clothing and lighter, more efficient shoes. Yet, despite these inequalities, spectators on both sides—including parents—watch the races with

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82. This only rigidly applies under COMT; under COAT, being adequately talented could be enough to get the job even under highly competitive circumstances. See §3.3 for a fuller discussion.

83. To be clear, note that the notion of an equal education overall typically involves unequal schooling in order to compensate those disadvantaged in other aspects of their educational development.

much less complaint than one might expect for what looks like a blatantly unequal playing field.

Of course, if education has little or no influence on one's ability in some area, then we should surely not care about inequalities in education in that area. Thus, in cases where it appears clear to us that education has minimal influence, such as sprinting, inequalities are not much fussed over. What does the work here, in terms of our tolerance of the inequality, however, is not really the influence of education per se, but rather the approximate role of our innate ability. This makes sense given that we have already argued at length for the importance of ability shaping our lives. The case of sprinting, where education plays such a minor role, simply makes this easier to see. We don't care so much about unequal training because we think, despite these inequalities, natural ability still shines through. And it is this feature of shining through that I believe should form the basis of our standard for judging fairness in education.

Notice that tolerance of inequality can remain even in sports where the education matters more. Soccer, for example, requires years of dedicated practice before one can reach excellence. Further, it is widely acknowledged that good coaching makes a difference. Part of the reason the US national team, for instance, is thought to lag behind top countries, like Spain, is attributed to the differential learning environments.

In the US, the soccer pyramid to becoming a professional for the most part still follows the traditional line from club play, to high school, to college, and then finally getting drafted to the pros. Because of the importance placed on school teams, club play is limited to younger age groups who practice infrequently and the best coaches all gravitate towards school teams. In contrast, in Spain there are no such school teams. Profes-

sional clubs take it upon themselves to develop their future players; as a result, youth club teams are part of professional club teams. Thus, youth club teams, in large part, receive the same coaches as the pro teams. Clubs will often even run boarding schools so that they can have their players live full time at their training facilities—allowing the players to practice daily.

It's clear that the Spanish model produces more technically and tactically advanced players than the US model. Yet, despite this, no one cries foul when the US loses to Spain. To be sure, from a competitive standpoint, the US Soccer Federation has reason to change the development model to emulate that of Spain (and others), but there are no real protests from individual players claiming injustice. This is in part because players realize that, despite the fact that training makes a difference, the best players can still find a way to excel. The Americans are still, after all, enjoying successful and lucrative careers as professional athletes. In addition, while the current crop of US players are not as good as the Spanish, no one on the US team has any illusions about having had the potential to be as good as Lionel Messi.<sup>84</sup> While training matters, natural ability still seems to play a predominate role.<sup>85</sup>

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84. Messi is acutally from Argentina, but he plays for and grew up training with FC Barcelona.

85. Here it looks like there are two distinct understandings of what we mean when we say ability is playing a predominate role: (1) we can say ability is playing a predominate role in that, even with somewhat inferior training, a particular player will still be close to the player he would have been with superior training. Or (2) we can say ability is playing a predominate role in that, even with somewhat inferior training, a particular player will still be in a position to have his ability largely guide and shape his life, even if he is not so close to the player he could have been with superior training. I am comfortable with (1) and intend it to be the thrust of my discussion,. I am much less sure about (2), as it would presumably allow for greater inequalities in training than the first in many instances. In the case of elite athletes and sports, I am not as terribly troubled by this inequality; elsewhere, though, I am less willing to make such a concession.

This isn't so much because a player without training will do comparable to a player with; but rather, it's because a player with very good training is typically still trained well enough to do comparable to a player with the best training. Thus, we can assume, had Messi been raised in the US, he would surely have become a dominant pro and quickly been transferred to a top professional team. Because of his comparatively inferior training as a youth, we might hypothesize he wouldn't be as good as he now is, but few would doubt he would still be an elite player.

Here, then, education matters a great deal. Without training, one can't become a player. And without very good training, one cannot become a professional. Yet, the difference in the quality of the training among professionals, while somewhat important at the margins, is not significant enough in most cases to undermine any particular players' judgment of the process. What matters, then, is not the amount or influence of education, but the extent to which natural ability is able to shine through. In the case of many sports, it would seem, natural ability is given that chance—the cream, as it were, frequently rises to the top.

At the top end, a player like Messi might end up not as great, but still a very exceptional pro. But, of course, sometimes the costs are more severe. For a professional at the lower end with respect to innate ability, the difference between development under the Spanish model versus the American might very well be the difference between succeeding or failing as a professional. Perhaps under the Spanish model the player will serve as a decent role player off the bench; whereas under the American model the player just misses the cut and has to choose another career. That gives the inequality greater significance for such a person.



Still, assuming innate ability has played a predominate role, I don't believe self-respect is seriously endangered. Such players will know enough about themselves to know their rough standing in the pecking order. They will feel fairly confident that, though they could have been better, they likely would not have been remarkably better. They, in one sense, got a raw deal because the process wasn't perfectly fair. But they learned enough about themselves to discover their approximate level of ability and, under satisfactory circumstances, will have the opportunity to engage in other pursuits that call upon similar skill sets.

For comparison in the world outside of sports, take two people with identical and very strong innate talent for lawyering, both of whom want to be lawyers. Suppose one student gets an ideal education—well matched parents, the best schooling, entry into a top university and law school, etc. The second gets a sufficient education in all measures, but one clearly inferior to the first. Given their superior natural ability and their education, what are the consequences of this inequality? We might suppose the first gets into a top flight law office in an ideal location, taking on the kinds of cases s/he most enjoys. The second, let's say, can't make the cut into a top office, but s/he still ends up with a very respectable firm, taking on cases that are challenging and interesting, even if not most ideal. The second, then, while not reaching her optimal point, at least finds a home in her optimal range. This second lawyer will be aware of the inequality, s/he will recognize it as a somewhat uneven process; but the margin of difference will not be terribly troublesome.

Similar to the soccer case, at the lower end, the difference will indeed be more dramatic because then it might amount to whether one gets the chance to be a lawyer or

not. But for the loser in that competition, she will at least know, if her education was in close enough proximity to those at the top, that she was not really in line to be one of the best. She wanted to be a lawyer, perhaps desperately, but she now knows that the position among the pool of candidates was such that, while she could have done a competent job, there is little basis for complaint if others get the gig over her. Her community valued her enough to take great measures to ensure her education was close to everyone else's, comparable enough to get a good sense of what her ability is, and she now knows enough about herself to find a suitably challenging position, even if that means one outside of law.

We can say to her (and she can say to herself), look, you certainly could have made it as a competent lawyer if more resources were invested in your education; but, we did invest a good amount and investing more will come at some cost to all of us. We're dealing with a scarcity of positions, so judgment calls have to be made and your lesser potential is a good reason to restrict access at this point. Such a person, equipped with adequate self-knowledge and a diversity of alternative options, will still have the opportunity to find suitable work that engages a comparable set of abilities.

### *5.5. How Much Inequality?*

So far I've highlighted the importance of one's natural ability, as it were, being able to play a predominate role—to, so to speak, shine through. For that to happen, education usually needs to be comparable. How comparable is difficult to say, since it will clearly vary in different circumstances. In cases where education is less influential, such as sprinting, the inequalities can seemingly be fairly large. In cases where subtle varia-

tions in training make a big difference, however, it will follow that inequalities will need to be nearly equal. I take it to be an empirical project, one I'm not equipped to take on just now, to determine these variations on a case by case basis.

However, as a way of trying to further explicate what is meant by the standard of ability shining through and the degree of inequality that will be tolerable, let me clarify a bit what I have in mind with the notion of "natural ability." Sorting this idea out precisely is a challenge, but I believe something like what follows is going on.

When we say someone is naturally good at some activity or has greater natural or innate potential than another, we are referencing what we hypothesize would be their nearly fullest potential with respect to that activity if put in some known possible environments. A built-in feature of the claim, then, is to take as given whatever environmental conditions they have already had as at least adequate to tell us something about their future potential. This might include the idea that had the previous environments been better, then they, too, could have been better.<sup>86</sup> For instance, when we say Lourdes has greater natural talent than Xavier at piano, even if Lourdes is not in fact better than Xavier at the moment, what we typically mean is that if Lourdes had been put in a certain environment in the past, which we presume would be an environment well-suited to foster her development and/or if Lourdes were to be put in a certain environment in the future, which we presume would be well-suited to foster her development, then

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86. Thus, if we do not have any such knowledge of their previous environmental conditions—say, because they are newborns—then, on this interpretation, we cannot make any reasonable assertions about their natural ability.

Lourdes would very likely be better than Xavier if Xavier similarly had been and/or were put in his respective well-suited possible environment.

This rendering does not commit us to claim anything about Lourdes' ability absent any environmental conditions or social institutions, nor does it commit us to making a sweeping claim about Lourdes' ability as a fact that obtains in all possible environments. Even if we say that Lourdes is naturally better than Xavier, for example, we are not necessarily committed to saying Xavier could not be equal to or better than Lourdes in some unknown possible environment. Further, this framing, based as it is on guesswork from known information, is sensitive to missing information.

So, for those activities that are contingent on education, the less we know about someone's past environments, the less we will be able to hypothesize about their potential, especially when their current ability is not very high. Similarly, the worse someone's past environments have been, the less we are able to hypothesize about their potential. Thus, if someone exhibits high potential or high ability based on certain acceptable environmental backgrounds, we can plausibly say that that person has high natural ability; but if a person does not exhibit high potential or ability, and we do not know what her past environments were like, or we know her past environments were poor, then we cannot say much with respect to her natural ability.

With a better understanding in hand of what we mean when we talk about natural ability, we can now offer a modicum of guidance on determining the amount of inequality allowable. What we ultimately care about is securing self-respect, and this is achieved, in part, by ensuring ability shines through. In rare cases at the margins, this occurs even with fairly sizable inequalities in education. In cases where education has a

minimal influence, for example, natural ability is easy to see. Just like, in cases where ability is exceptional—either exceptionally good or exceptionally bad—it is fairly straightforward to identify a person's talent. Gifted athletes, scientific geniuses and the like often exhibit their ability (and potential ability) in unmistakable fashion. In such occurrences, inequality in training is more tolerable. We see special talent and we want to treat it as such in order to make sure its development is not stunted or prevented from flourishing. This is much like those special cases of severe deficiency of ability, where we want to make sure special attention and training is offered to ensure an adequate level of competence is achieved. When one gifted mathematician receives a lesser education in comparison to another, equally gifted mathematician, self-respect is not as easily harmed because, for both, their math ability is well on display and is also likely still shaping their lives.

Such manifestations of exceptional ability are quite rare, and we must be cautious in our recognition of it besides. That one person is far ahead of another with respect to some ability often tells us nothing about the future potential of each. As we know, people learn at different paces and make differing strides as developmental conditions change; as a result, it is unusual to be able to ascertain special ability clearly and thus stomach big differences in education.

Rather, in the vast majority of cases, differences in natural ability are much narrower, and seeing natural ability is much more challenging. Moreover, in the majority of cases, for those differences that are typically the basic sources of politically relevant controversy, subtle differences in training can make a real difference on the ability lev-

els that result. Thus, in such circumstances, it is much less plausible to claim someone's ability is better than another's without nearly equal education.

The net result for education, then, most of the time, will be a demand for *practically* equal education. I say "practically" because not only will many kinds of ability require *nearly* equal education, but also because, in such circumstances, the *practical* aim of policy probably ought to be equality. As discussed earlier in our comparison of COAT with COMT, there is a general preference to make our principles of justice publicly identifiable. So, even when some inequality might be allowable, if the permissible amount is slight it will likely be subject to greater misunderstanding and debate, and so we will have good reason to favor a simpler notion of equality. That is, as a general guide to justice, equality is an easier target. Hence, justice demands practically equal education.

Still, recognizing the importance of ability playing a predominate role in how we do does make a difference. As already noted, it matters at the margins. This helps to explain why inequality is in some instances much more tolerable than in others. Secondly, it is often the case that the level of training needed before we can see what one's relative natural ability is will be quite high, and at other times, much lower. Thus, though the case for adequacy—a broad set of basic skills—has already been defended, the concern for ability shining through will further fine-tune the sufficiency level, at least when identifying that some ability requires more than a mere broad set of basic skills.

A third benefit to this standard emerges in the event that educational benefits taper off. That is to say, in many domains, even though further training may improve our

abilities somewhat, we might suppose one reaches a point where the benefits of training taper off. In these scenarios, which would require a good deal of empirical work to unpack, even if inequalities in education are normally unacceptable, once training surpasses the tapering off point, greater inequality in training will become permissible. By the tapering off point, we know ability is largely recognizable for what it is and that competitors getting more training are not benefiting terribly much from it.

A virtue of this is that it limits the race to keep up with the top to which critics of equality so often point. If we want nearly equal educational backgrounds for all, and we cannot rightly limit parents from taking extreme measures to give their children an advantage, it looks like we have to pump untold amounts of money into educating those less well off. What is more, it looks like an unwinnable game for egalitarians, since, as more education is provided to all, the privileged few parents will just do that much more for their children, and we will be right back where we started. If there is a tapering off point, however, and advantaged parents cannot be restrained, there is at least hope that getting everyone to the tapering point will significantly level the playing field.

This relates to a broader point that how much we must increase the education of the lower end above the adequacy level will depend on how high the upper end goes. If circumstances are such that the most advantaged concentrate considerable resources on educational excellence, and those resources are effective in making a difference, and we deem it an acceptable maneuver within the bounds of justice, then justice will further require a good deal more resources be devoted to the disadvantaged. Conversely, if possible, it might be judged best to restrict the most advantaged from their preoccu-

pation with educational excellence—within the bounds of respecting parental prerogatives, etc. And if the advantaged tend not to advance much beyond the sufficiency level, then those on the bottom will not need as much invested in their training either.

## **6. The Fair Education Principle**

### *6.1. Modifying Rawls*

Thus, we see that Fair Education thus has two components. On the one hand, there is an adequacy standard—we must ensure the development of a broad set of basic skills up to a level where citizens are able to find a suitable fit. On the other hand, there is a comparative concern about the development of ability. To articulate a more precise formulation of this second component—call it the comparable education component—I'll follow the model I've used as a template all along: Rawls' principle of Fair Equality of Opportunity. Rawls' principle states that offices and positions are to be open to all under conditions of fair equality of opportunity.<sup>87</sup> The meaning of fair equality of opportunity is meant to express the idea that all should have a fair chance to attain office and positions.<sup>88</sup> And he specifies the idea of a fair chances in this way: supposing that there is a distribution of native endowments, those who have the same level of talent and ability and the same willingness to use these gifts should have the same prospects of success regardless of their social class of origin, the class into which they are born and develop until the age of reason.<sup>89</sup>

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87. *Justice as Fairness: A Restatement*, edited by Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 42 (hereafter *JF*).

88. *JF*, 43.

89. *JF*, 44.



My specification then, would simply be to replace the last "same" with "comparable."<sup>90</sup> That is, we say that, supposing there is a distribution of native endowments, those with the same level of talent and ability and willingness to use these gifts should have comparable (or, practically equal) chances of success. Rawls himself seems to suggest it this way when initially presenting the idea. He writes, "Offhand [...] we might say that those with similar abilities and skills should have similar life chances."<sup>91</sup> And immediately following the equal formulation, even in its final formulation, he restates it as "there should be roughly equal prospects of culture and achievement for those similarly motivated and endowed."<sup>92</sup>

## 6.2. *The Role of Ability*

It is helpful to make more intelligible the role that ability plays in this Rawlsian formulation. Implicit in our discussion of the first two components of Fair Opportunity is the notion that people's talents are richly developed in some sense. That is, we normally assume abilities are not discouraged from developing and that ambition is not stunted to make the demand for multifarious opportunities and careers open to talents compelling; for if members of a subgroup never have the chance to develop their abilities, or if, say, they are socially pressured into deferential roles, their optimal ranges will predictably reside in similar space with less need to keep a diverse array of positions

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90. In place of "comparable" we could often just as well put "practically equal."

91. *TJ*, 63.

92. *JF*, 44; see also *TJ*, 63.

open to them. The Fair Education component seeks to, in part, prevent this kind of stratification.

Because our abilities are continually being developed and reshaped as we grow and learn, it is reasonable to think of this developmental process as taking place more or less on a continuum from conception until death—or at least until some point at which we might conceive our potential having been fully realized. Yet, when reading the Rawlsian formulation, it looks as though we are assuming a fixed notion of abilities.

This could be a problem because this stage is not properly identified or defended.<sup>93</sup> The examination of the comparable education component might thus require that we add to the formulation some basis for determining what that stage will be. This is a difficult issue. If we take the relevant point of comparison to be when individuals reach adulthood, then we seem to undermine the main point of the principle. After all, recalling Williams' warrior society example, the Fair Education component is meant to distinguish a fair chance from careers open to talents. But if we simply compare ability at adulthood there would seemingly be no mechanism for compensating social circumstances. By the time individuals reach maturity, differences in their upbringing will be prominent. What is more, going back to earlier points in time will not eliminate this problem. It would be quite strange, and difficult, to try comparing abilities in newborns; still, ability, or even potential, in newborns will already be importantly affected by social factors—the mother's diet, for example. Even trying to make a judgment at

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93. Andrew Mason raises this objection to Rawls' principle—see his *Levelling the Playing Field: The Idea of Equal Opportunity and Its Place in Egalitarian Thought* (New York: Oxford University Press, 2006): 73-76.

conception cannot avoid this worry, for the social circumstances of both parents may still have an unavoidable influence. How are we to resolve this problem?

We should see first that the comparable education component, for the most part, does not say to what extent talent should be developed; rather, it is a comparative claim regarding the extent to which the talents of different individuals (or groups) must be developed in relation to each other.<sup>94</sup> Second, the Rawlsian conception always includes the caveat that we *assume* a distribution of native endowments at birth. Of course, we don't know any particular individual's specific place in that distribution, but there may be no reason to figure this out. In fact, by assuming, plausibly, that talent potential is approximately evenly distributed across various cohorts of society at birth, we are then given reason to ensure (partly) developed talent at some later point is also comparably distributed.<sup>95</sup> For Rawls, this later point is the "age of reason."<sup>96</sup> Determining the appropriate point more specifically involves, among other things, considerations regarding when individuals may be held responsible. This time is typically not thought to occur until the late teens or early twenties.<sup>97</sup> Note also that "identity achievement" is normal-

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94. The extent to which talent should be developed is given primarily with the Adequate Education component.

95. Though Michael Levin challenges this assumption—what he calls "empirical egalitarianism." See his "Equality of Opportunity," in *Readings in Social and Political Philosophy*, edited by Robert M. Steward (Oxford University Press, 1986): 279-281.

96. See, e.g., *JF*, 44.

97. See, e.g., Laurence Steinberg and Elizabeth Cauffman, "Maturity of Judgment in Adolescence: Psychological Factors in Adolescent Decision Making," *Law and Human Behavior*, vol. 20, no. 3 (June 1996): 255.

ly thought to be required in order to hold someone responsible.<sup>98</sup> In this way, the age of reason will likely correspond with the development of a coherent sense of identity.

The main point here is that we do not need to figure out what abilities people have at some seemingly arbitrary point; rather, the Rawlsian formulation, at least as I'm characterizing it, instead provides guidance on how to ensure the acquisition of qualifications counts as fair. We first assume an egalitarian distribution of talents among various sectors of society, we then pick any specified time—after identity and responsibility are in place—and seek to ensure a *comparable* outcome at this point. The result, then, is that the Fair Education component provides a method for securing the development of all comparably. And even if one rejects the empirical egalitarian assumption I am making, Rawls' equal conditions formulation still provides guidance. If we think, for example, that women have greater native endowments than men, we can then track how we're doing in that we should expect women to be doing better than men at the designated age and so hold a greater proportion of favored positions and so forth.

### 6.3. *Comparable Education*

We at last have something approximating a full, if still vague, articulation of Fair Opportunity:

- (1) *Multifarious Careers*: Numerous and diverse positions should be promoted in society as a whole.

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98. See, again, Steinberg and Cauffman, "Maturity of Judgment in Adolescence."

- (2) *Careers Open to Talents*: Positions should be open to all on the basis of qualifications.
- (3) *Fair Education*: The opportunity to develop qualifications should be fair, by which we mean:
  - (i) *Adequate Education*: The development of a broad set of basic skills must be secured for all.
  - (ii) *Comparable Education*: Supposing there is a distribution of native endowments, those with the same level of ability and willingness to use these gifts should have comparable chances of success (where the stringency of comparability will be guided by the extent to which ability shines through).

The resulting Fair Education has some distinct advantages over competing conceptions. It is sensitive to the competitive positional aspect of education in the way egalitarians want without endorsing equality per se as an ideal. Further, unlike most egalitarian views, it provides a standard the falling below of which would be deemed unacceptable; thus, it avoids severe leveling down criticisms sufficiency advocates so often highlight.

Lastly, it seems to assert itself in another schooling debate as well. In the US and elsewhere, radical changes are taking place in what societies teach the young. Focused on national economic gain, systems of education are cutting away the humanities and the arts in favor of science and technology.<sup>99</sup> Advocates intent on bolstering the econo-

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99. See, e.g., Martha Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*, (Princeton: Princeton University Press, 2010).

my typically want education to provide young people with jobs, especially jobs the country is thought to need. This standard, call it the jobs model, sits in stark contrast to those who support the liberal arts model. Liberal arts supporters believe education should help to develop informed, independent citizens who think critically and develop empathy and sympathy for others.

My account will not resolve this dichotomy on its own, but I believe it helps lends support to the liberal arts tradition in an unexpected way. The end result of my view aligns with the liberal arts model: development will require broad-based training in many disciplines with a focus on developing independence and critical thinking skills. However, the basis for training citizens in this way is that it's what best allows them to find suitable and meaningful employment. In this way, then, my account offers up a jobs-based defense of the liberal arts model.

To be sure, a concern with fair opportunity is not the only pivot on which education should turn. There seem to be many other plausible candidates. The most common bases for liberal arts training are the importance of supporting democracy and facilitating individual autonomy. So, I don't think my defense gives us all the liberal arts crusader wants, but it does supply further reasons in favor of the humanities tradition. And it does this from a perspective the jobs model promoter should more readily appreciate. Once we look beyond landing any job and instead aspire to find a fulfilling one, we can, it seems, take important steps towards the liberal arts.

## FAIR OPPORTUNITY AND PARENTAL PREROGATIVES

One of the primary ways in which we are educated—and so an important institution in need of investigation—is the family. In this part, I will examine the institution of the family, in particular the role of parents, in relation to Fair Opportunity.

I begin by explaining the main complication parents seem to pose for Fair Opportunity (§7). Then, piggybacking on a justification of parental partiality developed by Harry Brighthouse and Adam Swift, I show a way in which their account fits well with my defense of Fair Opportunity, and, in so doing, highlight a way in which this alleviates the central complication (§8). The account Brighthouse and Swift provide is not without problems, however. In Section 9, I try to fill in an important gap in their view by providing a basis for the assignment of parental prerogatives.

### 7. Fair Opportunity and the Family

#### 7.1. *The Conflict*

The family is thought to be a significant obstacle to Fair Opportunity.<sup>100</sup> This is the case because parental prerogatives to privacy and autonomy with their children, prerogatives to which we are strongly committed, appear to conflict with efforts to ensure children develop in relevantly similar ways. Families, particularly parents, have different capacities and commitments to educate their children; thus, it is thought, Fair Op-

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100. On one prominent view, it is even regarded as an irresolvable dilemma. See James S. Fishkin, *Justice, Equal Opportunity, and the Family* (New Haven, CT: Yale University Press, 1983).

portunity will be undermined to the degree that the state cannot interfere with the parent-child relationship to level out development. Yet, granting the family a significant degree of protection from interference is considered a bedrock value, one not to be trifled with.

When I read my daughter a bedtime story, for example, I presumably give her a leg up on those of her peers who lack such parental influence. My interest and enthusiasm in books enhances the development of her reading and writing skills, and this in turn can eventually help to give her greater life chances overall. In this way, reading to my child undermines Fair Opportunity; yet, the mandate to allow me this privilege is something most are unwilling to relinquish for the sake of fairness in life chances. The parent-child relationship is regarded as simply too valuable to impair. Thus, if Fair Opportunity can only be achieved, as Rawls famously mused, when the family is abolished, then egalitarians face a powerful *reductio* against arguably their most central principle of justice.<sup>101</sup>

Any hope of resolving this conflict requires examining Fair Opportunity and parental prerogatives more closely. Since we have already scrutinized Fair Opportunity, the next step is to better understand parental prerogatives. More specifically, we need to consider the basis upon which parental prerogatives are founded. Once we are able to more clearly see how these prerogatives are generated, we will then more easily see the full extent of the conflict and thus how it might be overcome.

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101. *TJ*, 448.



## 7.2. *The Moral Basis of the Family*

Efforts to justify parental prerogatives can be organized in accordance with the three sets of interests pertinent to childrearing: parent's interests, children's interests, and society's or third party interests. Parents, for instance, have an interest in getting to enjoy being a particular kind of care-taker. Children have interests to be raised in a manner that prepares them for a fulfilling adult life. And, because children end up contributing to economic and civic life, society has an important interest in the family as well. But justifications that fit into the latter two sets will be unable to adequately align with common sense. Here's why.

Those that give primary importance to the interests of either children or society accord prerogatives to parents that are merely instrumental. That is, parents have these prerogatives over children only because, and only insofar as, it is deemed that their having them will best serve others' interests. And because these accounts hold that these other interests are the only ones that fundamentally matter, it follows that children should be assigned to those best able to meet these other interests, with little regard to the interests of parents. The implications of this are unwelcome.

For instance, the most common approach is to argue that the best arrangement for ensuring children reach an adequate level of cognitive and emotional development is to organize families in such a way as to give parents rights to privacy and autonomy over their children. Some have claimed that, for example, parents won't want to raise children without being granted privacy and autonomy—too much outside interference will take away from the enjoyment of parenting. Thus, parents are granted such rights, but only because this is the best way to incentivize a practice that is fundamentally con-

cerned with the interests of children.<sup>102</sup> On this understanding, then, if it were the case that some other care-taking arrangement were superior at providing for the interests of children, that would serve as sufficient reason to redistribute children to other care-takers.

The redistribution worry is a worry for at least two reasons: first, because it potentially leaves childless many prospective parents who could do a perfectly adequate job childrearing; and second, because it accords no presumption in favor of assigning children to their biological parents. These concerns result, not surprisingly, because the child- and society-centered accounts do not seem to appropriately value the interests of parents. Of course, if we make any one of the three sets of interests primary, it will risk undervaluing the other two. But the short change parents receive on these other accounts—accounts where redistribution is possible—is especially troubling and so deserving of greater skepticism.

This leaves us to look for a successful parent-centered account. A number of authors have adopted this approach, but I will focus on a version defended by Harry Brighouse and Adam Swift.<sup>103</sup> Their central premise is that the parent-child relationship

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102. For an example of this line, see Samantha Brennan and Robert Noggle, "The Moral Status of Children: Children's Rights, Parents' Rights, and Family Justice," *Social Theory and Practice* vol. 23, no. 1 (Spring 1997): 1-26.

103. Harry Brighouse and Adam Swift, "Parents' Rights and the Value of the Family," *Ethics* 117 (October 2006): 80-108. For other recent parent-centered views, see Matthew Clayton, *Justice and Legitimacy in Upbringing* (Oxford: Oxford University Press, 2006); and Michael W. Austin, *Conceptions of Parenthood: Ethics and the Family* (Hampshire, England: Ashgate Publishing Limited, 2007). Somewhat older accounts that follow the same theme are Ferdinand Schoeman, "Rights of Children, Rights of Parents, and the Moral Basis of the Family," *Ethics* 91 (1980): 6-19; James Rachels, *Can Ethics Provide Answers?* (Lanham, MD: Rowman & Littlefield, 1997); and Edgar Page, "Parental Rights," *Journal of Applied Philosophy* vol. 1, no. 2 (1984): 187-203.

Another kind of parent-centered view is to argue that a biological parent owns her children, usually in some way grounded in a Lockean labor theory of property acquisition and the fact that at least one parent labored to produce the child. For such a "proprietary" argument, see, e.g., Barbara Hall,

makes a significant and distinctive contribution to the well-being of parents. Given this unique contribution, it follows that we have a weighty interest in having the chance to be parents. By linking weighty interests to rights, they are then able to spell out the need for privacy and autonomy, and hence various parental rights, as a means to retaining the intimacy that makes parenting so valuable.

By concentrating on the interests of the parent, their account provides a non-practical moral reason for why the state cannot redistribute children en masse to people who would do a better job of meeting the child's or the state's interests. It thus gives us the right kind of reasons—parent-centered ones—to justify the kinds of prerogatives we think parents typically have. Because parents' interests matter too, there is at least pro tanto reason to not interfere with those who will do an adequate job.<sup>104</sup>

## **8. Mitigating the Conflict**

### *8.1. Aligned Justifications*

The parent-centered account advanced by Brighthouse and Swift helps to mitigate the conflict between the family and Fair Opportunity. One way it does this is by establishing more precisely the content of parental prerogatives. Brighthouse and Swift distinguish between activities and interactions that are essential to realizing the goods associated with the parent-child relationship and those that are not. The essential interactions

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"The Origins of Parental Rights," *Public Affairs Quarterly* vol. 13, no. 1 (January 1999): 73-82. I don't consider these children-as-property views here. For a mostly critical discussion of them, see David Archard, *Children: Rights and Childhood*, 2nd edition (New York: Routledge, 2004): 141-145.

104. By "pro tanto" I mean a reason that can be outweighed (as opposed to a reason that may turn out not to be a reason).

are protected but non-essential ones are candidates for prohibition when that prohibition will further other valuable goals such as Fair Opportunity.<sup>105</sup> Their account thus helps to delineate legitimate from excessive parental partiality: "Insofar as the purpose of parental rights is to protect the parental interests in having and maintaining a relationship of that kind, parental rights are justified only insofar as they are required for protecting that relationship."<sup>106</sup> In this way, they make progress toward resolving the conflict by showing that many parent-child interactions that undermine Fair Opportunity are in fact not protected interactions.

But there is yet another way this parent-centered view helps to mitigate the conflict. To see this, I need to first show how their defense fits with the defense of Fair Opportunity presented earlier. As noted, their main claim is that the parent-child relationship makes an important and distinctive contribution to parents' well-being. They note several special features of the parent-child relationship that make it unique among kinds of relationships, thus generating distinctive contributions to well-being: it is a relationship among people with unequal power; children do not have the ability to exit; and the quality of the intimacy is unique because the child loves in a spontaneous and unconditional manner. These features of the parent-child relationship combined establish it as noticeably different than other relationships, but it is a fourth distinctive feature they highlight that ties it in especially well with my argument for Fair Opportunity.

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105. This approach is developed at length in their "Legitimate Parental Partiality," *Philosophy and Public Affairs*, vol. 37, no. 1 (Winter 2009): 43-80.

106. Brighouse and Swift, "Parental Rights and the Value of the Family," 102.

The child has immediate (and future) interests in her needs being met and future interests in developing her abilities and becoming an independent person who can live well. As a result, the parent has a fiduciary responsibility to meet these interests—to ensure the child’s cognitive, emotional, physical, and moral development. This fiduciary relationship is what child-centered accounts typically give prominence to when discussing parental rights. What Brighthouse and Swift point out, however, is that parents also have an interest, a non-fiduciary one, in playing this fiduciary role. As they put it:

The role enables [parents] to exercise and develop capacities the development and exercise of which are, for many (though not, certainly, for all), crucial to their living fully flourishing lives. Through exercising these capacities in the specific context of the intimately loving parent-child relationship, a parent comes to learn more about herself, she comes to develop as a person, and she derives satisfactions that otherwise would be unavailable. The successful exercise of this role contributes to, and its unsuccessful exercise detracts from, the success of her own life as a whole.<sup>107</sup>

In short, getting to be a parent means, among other things, getting to take part in an important and worthwhile activity that engages a unique set of capacities. This connects to my justification for Fair Opportunity in a straightforward manner.

Recall part of the argument discussed in defense of Fair Opportunity. Centered on the importance of facilitating and not undermining self-respect and the claim that wanting to develop, exercise, and improve our abilities is a constitutive feature of self-re-

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107. Brighthouse and Swift, “Parents’ Rights and the Value of Family,” 95.

spect, I argued that people must be given the space to engage in activities they find fulfilling. I further advanced that people will reliably find fulfilling those activities that satisfy the three principles of motivation together with the Goldilocks Component. It followed from this that the state has reason to furnish as numerous and as wide a variety of worthwhile opportunities as it plausibly can—that is, the state should try to ensure, as much as reasonably possible, that there are avenues whereby citizens can pursue their weighty interests in ways fitting to their abilities. And while I suggested that an ideal society would be a maximally inclusive one, where the range of social possibilities was equal to the range of worthy capacities, it was noted that the state is not obligated to meet this ideal. Such a requirement does not emerge from the need to have a chance at engaging in fulfilling activities. The required political action was instead the more modest one of ensuring, as much as reasonably possible, that a diverse range of kinds of activities are protected. If we provide only limited kinds of activities, then it is quite likely many people will fail to find a suitable home for their talents, and self-respect will be endangered.

Without having to detail a method for categorizing activities into protected kinds, it's clear that, by taking into account the four features of the parent-child relationship that make it distinctive, especially the non-fiduciary interest in playing a fiduciary role, parenting should count as an important kind of activity worthy of special protection. The challenge of parenting is something we have a significant interest in facing. In this way, then, we see that the basic justification for parental prerogatives aligns well with the basic justification for Fair Opportunity.

*8.2. Parental Prerogatives and Fairness*

How does making this connection help to mitigate the conflict between Fair Opportunity and the family? It does so by calling attention to the need to ensure a fair chance to be a successful parent. Once the justification for parental prerogatives is shown to stem from the same line as the justification for Fair Opportunity, we see that, in effect, Fair Opportunity concerns a broader range of goods than normally conceived. As such, merely a formal chance to be a good parent is not good enough. So, just as we added the Fair Education condition to Careers Open to Talents, parallel reasoning will likewise require us to add a fairness condition to parenting opportunities.

Safeguarding a fair chance to successfully meet the challenge of being a good parent will mitigate discrepancies in development among children. Of course, some parents value certain aspects of development more than others—some, for example, value sharing in the joys of literature with their children more than others—and though the intent may be to simply share an interest with their child, these differences will translate into different life chances. As a result, the conflict between parental prerogatives and Fair Opportunity may not be eliminated by securing a fair chance to parents. It will, however, at least be significantly mitigated. This is the case because, while parents do differ, it is clear that much of the disadvantage passed down to children is not a result of these different values and interests but rather the result of inability. Parents by and large want to provide the same kinds of things for their children, but many, on account of their circumstances, are simply unable.

Because parents have an interest and a responsibility to meet the child's interests—to ensure their child's fair development—we can see that the parental role involves, in

part, securing Fair Opportunity for that child. So, ensuring parents have a real chance to be successful parents means ensuring they have a real chance to provide their children with Fair Opportunity. The two views run together here.

When parents are not able to meet this aim, real loss occurs. For obvious reasons, discussion of the disadvantages children face in development tends to focus on the implications it has on the children. But when children are disadvantaged, parents suffer, too. Parents are harmed by experiencing profound personal failure at a major life project. Even though it may not be their fault, parents will often believe, for a variety of reasons, that they have in some measure failed in their role as parents. And, given the prominence of parenting in one's life, for many this will lead them to view their entire life as a failure. Many can look back on their life as successful and fulfilling simply from having satisfactorily reared a child because they know that they have done at least one thing of substance. Similarly, to have failed at raising a child can lead us to view our life as unfulfilled. Furthermore—and this ties in most directly with the basic rationale for parental prerogatives already outlined—to the extent that adults realize they do not or did not have a real chance to succeed at parenting, they will feel an acute lack of independence. Due to circumstances beyond their control, they are unable to successfully take part in an important, challenging, and distinctive activity. Whether they try and then fail or simply abstain from trying because they do not want to fail, they are stripped of an important life option.<sup>108</sup>

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108. An additional way in which parents may be harmed is by suffering as their children do. This would happen in virtue of their children being, in an important sense, an extension of them. I discuss the notion of an extension of self in §9.2.



## 9. The Assignment of Parental Prerogatives

### 9.1. *The Redistribution Worry Revisited*

By focusing on the interests of the parent, we have avoided the worry of taking a child away from adequate parents. Because parents' interests matter, too, there is reason not to interfere with those who will do an adequate job. However, further redistribution worries remain. As mentioned earlier, the redistribution worry involves not just leaving adequate prospective parents childless, but also the failure to provide any reason for assigning presumptive prerogatives to biological parents. As Brighthouse and Swift concede, their view says that adequate parents should get the chance to raise children, but it says nothing about which children they get to raise. Yet, if we assume that adults have reasons for partiality towards the specific children that, in some way, develop from them, then their account by itself falls short of what we want.<sup>109</sup>

An obvious byproduct of the above worry—but one worth mentioning to show how deep the worry runs—is that the parent-centered account seems to fail to protect second children from redistribution as well. That is, the distinctiveness of the parent-child relationship helps secure parents the prerogative to raise their children even if another setup would do a better job of it; but, when parents have a second child, no

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109. Amy Gutmann provides one basis for rejecting this kind of redistribution worry. She claims we would “justifiably fear a state so powerful that it could, as matter of routine practice, take all children from their biological parents for redistributive purposes.” (Gutmann, “Children, Paternalism, and Education: A Liberal Argument,” *Philosophy and Public Affairs* vol. 9, no. 4 [1980]: 344). Her objection, however, does not so much show what’s wrong with redistribution per se as it shows that any state that does redistribute would provide us with good evidence for thinking it is fearfully strong such that it would be harmful to us in some other way(s). My aim is to say more specifically why we think the redistribution itself worrisome. Also, as my hospital scenario in the upcoming paragraph suggests, the state need not play a particularly prominent role for worrisome redistributive situations to emerge.

such appeal to the distinctiveness of the relationship will work. This is the case because nothing has been said about the distinctiveness of raising two or more children—all the benefits of childrearing seem satisfied with the first. Thus, it would be consistent with their view for the state to take second children away from adequate parents and, say, redistribute them to adequate but childless prospective parents with the net result being more adults getting the chance to experience parenthood. Because this result is also problematic, a significant gap remains.

To illustrate, suppose you're in a hospital and you've just had a baby. Shortly after the child is delivered, a nurse takes it to another room to run some routine tests. When s/he returns the baby to you some time later, you notice it has a markedly different feature—those brown eyes you first lovingly stared into are now blue. “Uh, excuse me, nurse,” you say, “I think there's been some sort of mixup: this isn't my baby.” To which the nurse replies: “What's the difference? It's not as if you can make claim to any particular one at this point. The important thing is that you have a child to care for; so just make do with this one.”

I think we all would try to avoid having our children at this hospital. Surely you must have some claim to the child you just had—to your child. Furthermore, this intuition doesn't just rest on the attachment developed during the nine months of pregnancy or the labor invested during delivery. If a man first learns of his child after delivery, we think he has some claim to that child as well. Yet, the parent-centered account Brighthouse and Swift present is unable to explain why this is so—all that matters for it is that adequate parents not be prevented from parenting.

I will now try to fill in this gap. The argument that follows, if right, should serve as a buttress to the Brighouse/Swift account, not a challenge. The hope is merely to fit in a missing piece so that these further redistribution worries are also resolved.

### 9.2. *The Causal Thesis*

My first premise, call it the causal thesis, is that the normal act of procreation—more precisely, the causal tie between begetter and offspring—creates a duty, on the part of the causal parent, to ensure the child is adequately cared for.<sup>110</sup> To clarify, the duty to ensure a child is cared for is distinct from the duty to care for a child. Some parents, for instance, hire nannies or send their children to daycare, all the while retaining authority themselves. In effect, parents in these circumstances are a bit like corporate executives, managing the operations without getting their hands too dirty. To keep

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110. Though I use “biological” and “causal” interchangeably, it’s worth emphasizing that I’m claiming what matters is the relation of causal agency. Given the various ways in which children may now be created, however, the causal link can be difficult to sort out—e.g., the use of in vitro fertilization and surrogate gestational mothers. For this reason, I here focus only on the old-fashioned method for creating children. I take the causal role to largely capture what is deemed important about biological ties. The exception perhaps being its failure to encapsulate genetic ties. Biological is often conflated with genetic, but the two are distinct and there are clear cases where a genetic relation is not a causal one—e.g., a twin holds the same genetic relation to her niece as the mother (her sister), but she is clearly not causally related in the same way.

There are cases where the genetic relation does look important and it is hard to see the causal tie doing the work. Suppose, for example, that in the future doctors are able to create children merely by taking a genetic sample. Thus, in this environment, a doctor would be able to take, say, a piece of a man’s hair, and then create a child. Suppose further that s/he could do this in an unintrusive way—maybe finding a fallen hair after a man gets up from his chair at the local coffee shop. In such a case, it feels like the doctor is doing something terribly wrong to this man by creating a child—*his* child—with his hair. Yet, s/he caused him no direct harm—he doesn’t even realize what s/he’s done, after all—and he doesn’t seem to be any more causally responsible for the child than the twin. It appears, then, that at least part of what might be doing the work here is the fact that the man is genetically related to the child.

One reason the genetic relation could be important is hinted at later in this section, where I discuss the implications of causal children forming a part of our wider identity. Although I believe the causal role makes the idea much more plausible, caring about our genetic relations might also just be part of what it is to care about ourselves.

things straight, then, call the duty to ensure the child is cared for the duty of care-coordination and the duty to care for the child the duty of care-giving. So, more precisely, the thesis states that the causal parent acquires a duty of care-coordination.<sup>111</sup> This thesis fits with one of our familiar and entrenched moral judgments—that when we are the cause of something we thereby acquire some responsibility for it.<sup>112</sup>

A full understanding of this thesis requires spelling out the notion of causal agency at play and its relation to responsibility in greater detail. Not just any kind of causal link leads to moral responsibility, after all. Butterfly effects and the like must surely be ruled out. On the standard understanding, for causation to lead to responsibility, one must be the proximate and primary cause of some state of affairs. For my purposes, I think we can largely stick with this intuitive rendering—it won't do for many compli-

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111. The causal thesis is not by any means new. For instance, Kant mentions the idea in passing:

So from a practical point of view it is a quite correct and even necessary idea to regard the act of procreation as one by which we have brought a person into the world without his consent and on our own initiative, for which deed the parents incur an obligation to make the child content with his condition so far as they can (Immanuel Kant, *The Metaphysics of Morals*, in *Practical Philosophy*, Mary J. Gregor, ed. [New York: Cambridge University Press, 1996]: 429-430).

And, in a frequently cited passage, Sidgwick advances it as well:

[F]or no doubt children are naturally objects of compassion, on account of their helplessness, to others besides their parents. On the latter they have a claim of a different kind, springing from the universally recognized duty of not causing pain or any harm to other human beings, directly or indirectly, except in the way of deserved punishment: for the parent, being the cause of the child's existing in a helpless condition, would be indirectly the cause of the suffering and death that would result to it if neglected (Henry Sidgwick, *The Methods of Ethics* [Indianapolis: Hackett Publishing, 1981]: 249).

Variations on this basic idea are also endorsed by contemporary philosophers. See, e.g., Onora O'Neill, "Begetting, Bearing, and Rearing" in *Having Children: Philosophical and Legal Reflections on Parenthood*, Onora O'Neill and William Ruddick, eds. (New York: Oxford University Press, 1979); and Michael W. Austin, *Conceptions of Parenthood: Ethics and the Family* (Hampshire, England: Ashgate Publishing Limited, 2007).

112. I use the terms "duty" and "responsibility" interchangeably throughout.

cated reproductive scenarios, but it should suffice for the most common way in which children are created.<sup>113</sup> Still, a few brief points of clarification will help.

First, my concern here is with how agents in their non-theoretical reflections—their ordinary lives—view their capacity to act and be acted on. People engage in practical deliberation with a view to affecting themselves and the world around them. I take no stance on larger metaphysical debates about whether agents are right to believe that they have causal efficacy and/or how agents, might in fact, have causal efficacy. My interest is in how we perceive ourselves as actors, not in the metaphysics of action. Second, the position here says that such a causal role is normally sufficient for parental duties; it does not say causation is necessary, so there is no inherent difficulty with the existence of such duties for stepparents, adoptive parents, foster parents, and others who clearly play no causal role. Third, the relevant causal role need not include intent. Unintended foreseeable actions seem to clearly fit the intuitive model of moral responsibility. If I am to blame for a car accident, for example, I am obligated to compensate the victims even though the harm I caused was unintended. Similarly, when two people have sex and an unintended but foreseeable pregnancy results, we tend to think the parents are morally responsible. Finally, on the standard model, the action must be voluntary—that is, moral responsibility does not result if the action is coerced or results from manipulation.<sup>114</sup>

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113. Thus, while I think my view, fully worked out, will have a number of implications for advanced reproductive technologies, I do not pursue those implications here.

114. I take manipulation to be a distortion of the way a person makes choices or forms preferences. My account thus will not speak to cases involving rape without some further analysis showing that the choice to carry a child resulting from rape to term is voluntary, etc.

Jeffrey Blustein raises an important and prominent objection to this position. He claims that it is merely the social customs of child-rearing already in place—customs which allow biological parents primary care and control of their children—that generate parental duties for causal parents. In the absence of these social practices, no such duties would obtain:

[I]f the duties of biological parents do not follow from the fact of procreation alone but from this fact together with the moral principle that people are responsible for the foreseeable consequences of their voluntary acts, then caring for a child must be a foreseeable consequence of having one. But in a society where biological parents are not normally responsible for the performance of parental duties, or for doing what is necessary to fulfill them, this condition is not met.<sup>115</sup>

One way to respond to this objection is to simply bracket it. The society we in fact live in is one where causal parents do have a duty of care-coordination to their children. And if the society in place entails such a duty, then this seems like enough to establish that causal parents have a prerogative to meet such a duty. That is, the social custom makes it a fact, and this is enough to establish the causal thesis—the social norm establishes the first right to possession, so to speak.

This response might seem to beg the question in that a common point of departure is the alternative of the state raising children instead of parents. So, if we are wanting to know why children ought not be raised in state institutions but instead be left with par-

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115. Jeffrey Blustein, *Parents and Children: The Ethics of the Family* (New York: Oxford University Press, 1982): 146-147.

ents, an appeal to the fact that they are normally left with biological parents is certainly inadequate. But that is not where we are. It has already been argued that, because of the weighty interest adults have in being parents, children ought to be raised by those adults wanting to do so and not the state; consequently, the question we must in fact answer is not why parents over the state, but why adequate biological parents over adequate non-biological parents. To respond that the existing social rule in place, one which is quite effective at meeting the needs of both parents and children, is sufficient to generate prerogatives for biological parents then seems more appropriate.

Although bracketing the objection serves my purposes, I nonetheless think a deeper, more direct, response could be given. I don't have such a response in detail, but let me gesture at how it might look.

The explanation I have in mind is a psychological one. Typically, powerful and spontaneous ties emerge for adults at the birth of their causal child. A common metaphor used to elucidate this bond is to say that one's child is an extension of the self. I think this metaphor helps to capture a causal parent's connection to her child.<sup>116</sup>

One way of formulating the notion of an extension of self is to say that one person is an extension of another if a benefit (or harm) to one person is also a benefit (or harm) to the other, even if that other doesn't know about it.<sup>117</sup> This formulation is apt—indeed, it seems to aptly capture all loving relationships inasmuch as a constitutive feature of

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116. This is not to say that non-biological parents can't come to identify their children as extensions of them. The claim is rather that for biological parents, the self extends almost immediately.

117. I borrow this rendering from Richard Kraut, "Egoism, Love, and Political Office in Plato," *The Philosophical Review* 83 (1973): 330-344.

any loving relationship is wanting what is best for the other. So put, however, the formulation leaves out an important feature of the parent-child relationship.

As Robert Nozick writes: "The connection to a child certainly involves the deepest love, sometimes annoyance or anger or hurt, but it does not exist solely at the level of emotion. It is not accurate or illuminating to say that I love my . . . hand."<sup>118</sup> In part, then, the extension of self metaphor needed for the parent-child relationship should entail a claim about identity: children seem to form a part of their parents' wider identity, and the children's achievements and failures belong in part to the parents.<sup>119</sup> That is to say, activities engaged in by a child are, in an important sense, activities engaged in by the parent. Of course, what we mean by "in an important sense" needs to be spelled out and done so in a way that avoids having the parent live entirely through the child. But it's not necessary to put forth a precise formulation here; the point is simply to have an idea of what the metaphor seems to entail.

So, if we accept the extension of self metaphor, particularly the wider identity aspect of it, there is then a more phenomenal or psychological way in which the biological connection can be rooted. Because biological children become, almost immediately, a part of one's wider identity, it is, in a way, impossible to not want to care specially for them. Or, put differently, it does not make sense to care for oneself while not caring for

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118. *The Examined Life: Philosophical Meditations* (New York, NY: Touchstone: 1989): 28.

119. Nozick again: "The accomplishments of parents might perhaps constitute a burden for their children but, in an asymmetry that seems unfair, those of the children redound to their parents too" (*The Examined Life*, 29).



one's child—because, in an important sense, the child is a part of one's self. Not caring about a biological child's future, then, is akin to not caring about one's own future.<sup>120</sup>

### 9.3. *Duty Fulfillment*

Still, the causal thesis alone is not enough to address the Redistribution Worry and so help explain the basis of parental prerogatives. It fails because the parental responsibility the causal parent acquires is thought to be transferable. Here we should keep separate the transference of a duty of care-coordination from the fulfillment of a duty of care-coordination by having someone else fulfill the duty of care-giving. In the latter case, as stated above, a nanny or someone else meets the care-giving duty, but the parent retains authoritative oversight. In contrast, by transferring the duty of care-coordination, the parent relinquishes all authority to another. Causal parents have an obligation to see to it that their child's interests are adequately met. But if the state, for whatever reason, is willing to meet those interests or thinks others should meet those interests, causal parents appear to have no basis for complaint—their duty is met once a

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120. It should be noted that the extension of self metaphor, especially the benefit/harm aspect of it, potentially raises a worry for a parent-centered account of parental prerogatives such as is defended by Brighouse and Swift. If it's the case that benefit or harm to the child functions as a benefit or harm to the parent, then clearly it is the case that a parent has some interest in letting someone else raise her child if that someone will do a better job. As the child is benefited so too is the parent, even if the parent doesn't know about the benefits in any detail. This fits, for example, with parents who send their children to wealthier countries for the sake of giving their children greater opportunities, even though the decision often means the parent will no longer be able to have an intimate relationship with that child. This worry can be averted, however. What it amounts to is having to weigh the benefits to the parent of getting to be a parent—getting to engage in parenting activities, etc.—against the benefits to the parent of having a child who does better with someone else serving as parent. And, typically, when a parent believes they can do a fairly good job, even if not the best possible, the benefits of actually filling the parental role seem to win out—hence, most parents who do send their children off to foreign lands do so because they don't believe they can provide adequately (where the standard of adequacy seems often to be shaped partly by the size of the gap between the two countries).

new care-coordinator takes over.<sup>121</sup> So, for example, when we combine the causal thesis with a child-centered model, there is in practice no change: if the child's interests will be better served by someone other than the causal parents, there is no reason not to simply discharge the causal parents of their duty. Similarly, when the causal thesis is combined with the parent-centered model, there will be no complaint to redistributing children so long as adequate parents are not prevented from parenting—thus, the hospital scenario would remain unobjectionable.

Now, clearly, parental obligations must sometimes be transferable. A child has to be brought up, and if the causal parents are unable or unwilling to manage things, then someone else should be allowed to take on the job. This practical concession to the side, though, what we want to know is whether we think it morally acceptable for causal parents to simply relinquish their parental obligations. The standard position in the literature is that, so long as the causal parent takes reasonable measures to ensure the new parent(s) will do an adequate job, there is nothing wrong with such a transfer.<sup>122</sup> In contrast—and this is my second premise—I think, normally, a transfer of this sort is impermissible.<sup>123</sup>

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121. It should be noted that although I here focus on what causal parents might legitimately object to, my claims about the impermissibility of duty transfer that follow will presumably also place restrictions on what casual parents might want to do. For instance, my arguments may speak to the acceptability of creating children with the intent of relinquishing the care-coordination duty to another—say, through sperm donation. I don't pursue these implications in this paper.

122. For a recent example of this position, see, e.g., Giuliana Fuscaldo, "Genetic Ties: Are They Morally Binding?" *Bioethics* vol. 20, no. 2 (2006): 72-75.

123. For another discussion that challenges the acceptability of transferring parental obligations, though for reasons very different from mine, see J. David Velleman, "Persons in Prospect," *Philosophy and Public Affairs* vol. 36, no. 3 (2008): 221-288—especially part II: "The Gift of Life," 245-266.

Consider an analogy. Suppose I'm playing soccer with a friend and my errant kick sends the ball crashing through my neighbor's window. I am now obligated to see to it that the window gets repaired. As I'm discussing the arrangements with my neighbor, a wealthy passerby who witnessed the events and is feeling especially generous offers to pay for the window to be fixed. My neighbor is indifferent to who fixes it, so long as it gets taken care of. So what's the appropriate response to the wealthy passerby, assuming that I'm in fact able to adequately fix the window myself? I think it would be something like this: "Thanks very much for the offer. It's very kind of you. But seeing that I'm the one who broke the window and that I'm quite capable of fixing it, I'd really like to be the one who takes care of it."

The reason we think this response appropriate is because we believe people ought to take responsibility for their own actions—and, indeed, because people normally want to take such responsibility. And we think this even when others offer to take responsibility for us. Parents teach this life lesson every day. If my daughter were the one who broke that window, it would likewise be appropriate for me to expect her to take care of it in some way relative to her abilities. Even if we deny she is fully responsible for her own actions (because she is too young, say), it's normally best to instruct her in this way so as to prepare her for a life in which she will take responsibility for her actions. I take this much to be uncontroversial.

Now, what I want to say is that, in important respects, creating children is like breaking windows. This analogy isn't perfect, however. For one thing, because of the neighbor's other interests, interests which are independent of those s/he has with respect to the window, s/he holds a modicum of discretion over how I might fulfill the

obligation. Still, this complication only looks relevant to the spelling out of what meeting the obligation requires. Focusing instead on who has the obligation, the central idea remains: if I am responsible for the existence of a newborn and so have obligations towards it, then, just as I ought to be and ought to want to be the one to meet my responsibility for the window, I ought to be and ought to want to be the one who meets my responsibility for the child. This is my main claim.<sup>124</sup>

One concern with this analogy rests on the point that the neighbor might seem to have good grounds for having the wealthy passerby fix the window if the wealthy passerby can do it better than I. That is, although I am able to adequately replace the window, if the wealthy passerby can clearly do a more professional job, it looks like the neighbor has some reason to discharge me of my duty and take the passerby up on her offer. This is a potential problem in that it suggests there is thus reason for someone other than the causal parent to raise the child if they will do a better job.

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124. One implication left open with where things stand is that it would appear a self-respecting person can meet her care-coordination duty merely by delegating others to fulfill the care-giving duties. It seems odd to suggest that self-respect demands we take responsibility for our agency and so requires us to meet the duty of care-coordination ourselves, only to then turn around and let us meet that duty merely by handing it off to someone else. Yet, at the same time, many parents do have others meet their care-giving duties in just this way: they work multiple jobs to make ends meet or they work more than full-time jobs as doctors, lawyers, and the like, and so have others care for their children an exceptional amount of time.

It thus looks as though I'm faced with a kind of dilemma. Either (a) I accept that we can meet our duty of care-coordination through a process of unlimited parental sub-contracting, an activity which seems antithetical to the very basis of the duty in the first place; or (b) I reject an activity—that of unrestrained parental sub-contracting—that is fairly widespread. My inclination would be to opt for (b). The solution for parents who sub-contract against their will in order to make ends meet is rather straightforward: provide them with adequate resources so that they needn't do it. For those parents who choose sub-contracting, I think it might not be so off to say that such parents are, oftentimes, failing to meet their parental duties. Of course, we want to allow parents to rely on others frequently—primary care should not equal exclusive care. Working out what counts as legitimate parental sub-contracting, and what excessive, is a difficult task that I won't address here. But, I think, the fact that my account pushes me to address this issue is a welcome result—it provides some further assistance on how to evaluate the content of parental responsibilities.

This objection trades on a dissimilarity between parenting and the broken window analogy. This difference does not undermine the force of the argument, but instead merely requires some explanation. In the case of the broken window, no prior interest on my part has been identified with respect to fixing the window. That is, outside of having broke it, I have no interest in repairing windows. In contrast, we do have prior and significant interest in parenting. This break in the analogy helps to open up space for the objection. It is only because parents have a weighty interest in parenting that we are willing to sacrifice some benefit to the child. Absent that interest, as is the case with the window repairs, there is greater pull to go with the best possible outcome. Thus, the call for the window to go to the best repairer is much stronger than the call for the child to go to the best parent.

In any case, there is also the perspective of the passerby to consider. Does s/he have reason to accept my appeal to do it myself? The wealthy passerby is like a non-causal parent (or the state) wanting to care for my child and able to do a better job. The question, then, is whether we think s/he ought to recognize my interest in doing it myself as sufficiently strong such that s/he will withdraw her claim. It seems to me there is strong reason for her to do so. The obligation is mine, not hers; and it is clear that fulfilling our obligations ourselves is important and meaningful. Thus, it seems to me, when this perspective is taken into account, there is good reason for me to have the chance to fulfill the obligation myself.

#### 9.4. *Self-Respect Revisited*

I think we can explain this thought that causal parents ought to take and meet responsibility for their children by returning to an appeal to self-respect. Nearly everyone agrees that self-respect is something of great importance. It is taken to be essential to the ability to live a satisfying, meaningful, and flourishing life. And, a central component of self-respect is an appreciation of oneself as an agent—that is, as a person who acts autonomously, values appropriately, and takes one’s responsibilities seriously. Indeed, arguably at the core of self-respect is the belief that one should discharge one’s responsibilities oneself, and not expect others to bail one out.<sup>125</sup> This feature of self-respect is closely connected to what we typically think of as self-reliance. It is why, for example, that when someone is able to live off of their wealthy parents, they normally ought to feel compelled to get a job to support themselves. So, self-respect demands we take care of our responsibilities, and there is perhaps no more important a responsibility than raising our children.

The connection of parental obligations to self-respect is significant. As discussed in Section 2, while self-respect need not be thought of as a foundational grounding for normative claims, it is widely recognized that appeals to self-respect supply pivotal reasons in their favor. Thus, by saying that self-respecting persons will care about raising the children they created, we have thereby provided strong reasons in favor of social institutions that support this arrangement. And these reasons are parent-centered ones. The basic idea here is that self-respect is a condition of well-being. Thus, because self-

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125. For some discussion of this, see Joseph Raz, “Liberating Duties,” *Law and Philosophy*, vol. 8, no. 1 (April 1989): 15-18.

respect is in part earned by living a life of responsible agency, where such agency requires fulfilling one's obligations oneself, it follows that we have strong reason to meet our obligations ourselves. So we have duties, but they serve our own good.

### *9.5. The Role of Duty*

Let me end by briefly clarifying the role of duty in my arguments regarding the parent-child relationship. It's clear that the parent's relationship to the child is not merely one of obligation. After all, if my child dies unexpectedly, I will feel an immense sense of loss even though my duty, so to speak, has been fulfilled. Moreover, only wanting to take care of a child because it is one's duty, when that comes at some cost to the child, seems just plain self-indulgent. So, it's important to keep at the forefront that the causal thesis is not a replacement of, but rather an accompaniment to, a parent-centered view such as is defended by Brighouse and Swift. Parenting involves much besides duty, most especially love.

We thus have an interest in being a parent first and foremost because of its connection to living a flourishing life, where part of the fulfillment from this interest comes from loving our child. Still, duty has its place. I have argued that, in virtue of the causal role played in creating a child, we have a duty of care-coordination. I have also noted a more general interest we have to fulfill our duties, one which stems from our interest in living a life with self-respect. These two facts combined, then, provide us with the further interest to fulfill the specific duty of care-coordination.

A significant feature of the duty of care-coordination that has been glossed over thus far, however, is that part of the content of this duty is that of having the primary

interest to be a parent independent of the duty.<sup>126</sup> That is to say, successfully fulfilling our duty of care-coordination entails, among other things, wanting to be a parent—and a good one at that. A person who lacks an interest in being a good parent, or who lacks love for the child, is a person who cannot meet the duty of care-coordination on her own. In such a case, the responsible choice is to relinquish the duty to another.<sup>127</sup>

In this way, then, the interest in wanting to be a good parent, as spelled out by Brighthouse and Swift, does most of the heavy lifting. When things work right, parents have a two-fold motivation to parent—that of wanting to parent independent of duty and that of wanting to parent because of duty—but the motivation tied to duty, given especially the content of the duty, should often go mostly unnoticed. However, it still has salience to the assignment of parental prerogatives. When deciding who should parent among competing sets of parents with equal weighty interests in parenting, only one set of parents has the duty. And this makes a difference. If a child is taken from a causal parent, not only is the parent stripped of the chance to fulfill an important interest, s/he, unlike the non-causal parent, is also prevented from fulfilling an important duty, and this second harm is also serious.

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126. I take the necessity of a duty-independent interest embedded in a duty to be common enough. Helping my grandmother to do her shopping in a loving and caring manner might be an obligation, but I can't actually help her in such a manner unless I want to help without much thought of my obligation.

127. I set aside here the option of developing a love for the child and so acquiring the appropriate interest in being a good parent. It seems to me that many parents who initially lack appropriate love for their child can, with practice and patience, learn to love their child. The extent to which we should allow time for this interest and love to develop is another matter.



## BIBLIOGRAPHY

- Alexander, Larry A. "Fair Equality of Opportunity: John Rawls' (Best) Forgotten Principle." *Philosophy Research Archives* vol. 11 (March 1986): 197-208.
- Anderson, Elizabeth. "What is the Point of Equality?" *Ethics* vol. 109, no. 2 (Jan. 1999): 287-337.
- . "Rethinking Equality of Opportunity: Comment on Adam Swift's How Not to be a Hypocrite." *Theory and Research in Education* 2 (2004): 99-110.
- . "Fair Opportunity in Education: A Democratic Equality Perspective." *Ethics* vol. 117, no. 4 (July 2007): 595-622.
- Archard, David. *Children: Rights and Childhood*. 2nd edition. New York, NY: Routledge, 2004.
- . *Children, Family, and the State*. Hampshire: Ashgate, 2003.
- Aristotle. *Nicomachean Ethics*, 2nd ed. Translated by Terence Irwin. Indianapolis: Hackett Publishing Company, 1999.
- Arneson, Richard. "Meaningful Work and Market Socialism." *Ethics* vol. 97, no. 3 (April 1987): 517-545.
- . "Is Work Special? Justice and the Distribution of Employment." *American Political Science Review* 84 (1990): 1127-1147.
- . "Against Rawlsian Equality of Opportunity." *Philosophical Studies* vol. 93, no. 1 (January 1999): 77-112.

- Ashenfilter, Orley and Cecilia Rouse. "Schooling, Intelligence, and Income in America." In *Meritocracy and Economic Inequality*, edited by Kenneth Arrow, Samuel Bowles, and Steven Durlauf. Princeton, NJ: Princeton University Press, 2000.
- Austin, Michael W. *Conceptions of Parenthood: Ethics and the Family*. Hampshire, England: Ashgate Publishing Limited, 2007.
- Barry, Brian. *The Liberal Theory of Justice: A Critical Examination of the Principal Doctrines in A Theory of Justice by John Rawls*. Oxford: Oxford University Press, 1974.
- . "Equal Opportunity and Moral Arbitrariness." In *Equal Opportunity*, edited by Norman E. Bowie. Boulder, CO: Westview Press, 1988.
- . *A Treatise on Social Justice, Volume I: Theories of Justice*. Berkeley: University of California Press, 1989.
- . *Why Social Justice Matters*. Cambridge, UK: Polity Press, 2005.
- Bigelow, J., et. al. "Parental Autonomy." *Journal of Applied Philosophy* vol. 5, no. 2 (1988): 183-196.
- Block, N. J. and Gerald Dworkin. "IQ, Heritability and Inequality, Part 1." *Philosophy and Public Affairs* vol. 3, no. 4 (Summer 1974): 331-409.
- . "IQ, Heritability and Inequality, Part 2," *Philosophy and Public Affairs*, vol. 4, no. 1 (Fall 1974): 40-99.
- Blustein, Jeffrey. *Parents and Children: The Ethics of the Family*. Oxford: Oxford University Press, 1982.
- . "Child Rearing and Family Interests." In *Having Children: Philosophical and Legal Reflections on Parenthood*, edited by Onora O'Neill and William Ruddock. Oxford: Oxford University Press, 1979.

- Bouchard, T. J., David T. Lykken, Matthew McGue, Nancy, L. Segal, Auke Tellegen, "Sources of Human Psychological Differences: The Minnesota Study of Twins Reared Apart," *Science* vol. 250, no. 4978 (1990): 223-8
- Bowles, Samuel, et. al. *Unequal Chances: Family Background and Economic Success*. Princeton: Princeton University Press, 2005.
- Boxill, Bernard R. *Blacks and Social Justice*. Totowa, NJ: Rowman and Allenheld, 1984.
- Brennan, Samantha and Robert Noggle. "The Moral Status of Children: Children's Rights, Parents' Rights, and Family Justice." *Social Theory and Practice* vol. 23, no. 1 (Spring 1997): 1-26.
- Brighouse, Harry. *Social Choice and Social Justice*. New York, NY: Oxford University Press, 2000.
- . "Educational Equality and Justice." In *A Companion to the Philosophy of Education*, edited by Randall Curren. Malden, MA: Blackwell Publishing Ltd., 2003.
- Brighouse, Harry and Adam Swift. "Equality, Priority, and Positional Goods." *Ethics* 116 (April 2006): 471-497.
- . "Parents' Rights and the Value of the Family." *Ethics* 117 (October 2006): 80-108.
- . "Legitimate Parental Partiality." *Philosophy and Public Affairs*, vol. 37, no. 1 (Winter 2009): 43-80.
- Buchanan, Allen, Dan Brock, Norman Daniels, and Daniel Wikler. *From Chance to Choice: Genetics and Justice*. New York: Cambridge University Press, 2000.
- Burbules, Nicholas C. "Equal Opportunity or Equal Education?" *Educational Theory* 40 (1990): 221-226.

Bruno, James and Jo Ann Isken. "Inter and Intraschool Site Student Transiency: Practical and Theoretical Implications for Instructional Continuity at Inner-City Schools." *Journal of Research and Development in Education*, vol. 29, no. 4: 239-252.

Cavanagh, Matt. *Against Equality of Opportunity*. New York: Oxford University Press, 2002.

Clayton, Matthew. "Rawls and Natural Aristocracy." *Croatian Journal of Philosophy* vol. 1, no. 3 (2001): 239-259.

———. *Justice and Legitimacy in Upbringing*. Oxford: Oxford University Press, 2006.

Clinton, William. *Remarks by the President to the Annual Conference of the Democratic Leadership Council*. White House, 1993.

Cohen, G. A. "The Pareto Argument for Inequality," *Social Philosophy and Policy* 12 (1995): 160-185.

Coleman, James S. "The Concept of Equality of Educational Opportunity." *Harvard Educational Review* 38 (1988): 7-22.

Curren, Randall R. "Justice and the Threshold of Educational Equality." *Philosophy of Education* 50 (1995): 239-248.

Daniels, Norman. "Merit and Meritocracy." *Philosophy and Public Affairs* vol. 7, no. 3 (1978): 206-223.

Dillon, Robin. "Respect." *The Stanford Encyclopedia of Philosophy* (Spring 2007): <<http://plato.stanford.edu/archives/sp2007/entries/respect/>>.

Durkheim, Emile. *The Division of Labor in Society*. New York, NY: Free Press, 1964.

Elster, Jon. *Making Sense of Marx*. Cambridge, UK: Cambridge University Press, 1985.

- . *An Introduction to Karl Marx*. New York, NY: Cambridge University Press, 1986.
- . "Is There (or Should There Be) a Right to Work?" In *Democracy and the Welfare State*, edited by Amy Gutmann. Princeton, NJ: Princeton University Press, 1988.
- . "Self-Realization in Work and Politics: The Marxist Conception of the Good Life." In *Alternatives to Capitalism*, edited by Jon Elster and Karl Ove Moene. New York: Cambridge University Press, 1989.
- Estlund, Cynthia. *Working Together: How Workplace Bonds Strengthen a Diverse Democracy*. New York, NY: Oxford University Press, 2003.
- Feinberg, Joel. "The Child's Right to an Open Future." In *Whose Child? Children's Rights, Parental Authority, and State Power*, edited by William Aiken and Hugh LaFollete. Totowa, NJ: Rowman and Littlefield, 1980.
- Fischer, Claude S., et al., *Inequality by Design: Cracking the Bell Curve Myth*. Princeton: Princeton University Press, 1996.
- Fishkin, James S. *Justice, Equal Opportunity and the Family*. New Haven, CT: Yale University Press, 1982.
- . "Do We Need a Systematic Theory of Equal Opportunity?" In *Equal Opportunity*, edited by Norman E. Bowie. Boulder, CO: Westview Press, 1988.
- . "Liberty versus Equal Opportunity." In *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland. New York: Oxford University Press, 1997.
- Folbre, Nancy. *The Invisible Heart: Economics and Family Values*. New York, NY: The New Press, 2001.
- Frankel, Charles. "Equality of Opportunity." *Ethics* vol. 81, no. 3 (April 1971): 191-211.

- Fried, Charles. *Right and Wrong*. Cambridge, Harvard University Press, 1978.
- Fullinwider, Robert K. and Judith Lichtenburg. *Leveling the Playing Field: Justice, Politics, and College Admissions*. Lanham, MD: Rowman and Littlefield Publishers, Inc., 2004
- Fuscaldo, Giuliana. "Genetic Ties: Are They Morally Binding?" *Bioethics* vol. 20, no. 2 (2006): 72-75.
- Galston, William. *Justice and the Human Good*. Chicago: University of Chicago Press, 1980.
- . "Equality of Opportunity and Liberal Theory." In *Justice and Equality Here and Now*, edited by Frank S. Lucash. Ithaca: Cornell University Press, 1986.
- . "A Liberal Defense of Equality of Opportunity." In *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland. New York: Oxford University Press, 1997.
- Gardner, Howard. *Frames of Mind: Theories of Multiple Intelligences*. 10th anniversary ed. New York: Basic Books, 1993.
- Gardner, Howard, Mindy L. Kornhaber, and Warren K. Wake. *Intelligence: Multiple Perspectives*. Orlando, FL: Harcourt Brace, 1996.
- Gilbert, Dennis and Joseph A. Kahl. *The American Class Structure: A New Synthesis*. 4th ed. Belmont, CA: Wadsworth Publishing Company, 1993.
- Goldman, Alan. "The Justification of Equal Opportunity." *Social Philosophy and Policy* vol. 5, no. 1 (1987): 88-103.
- . "Real People (Natural Differences and the Scope of Justice)." *Canadian Journal of Philosophy* vol. 17, no. 2 (June 1987): 377-394.

- Gomberg, Paul. *How to Make Opportunity Equal: Race and Contributive Justice*. Oxford, UK: Blackwell Publishers, 2007.
- Gutmann, Amy. "Children, Paternalism, and Education: A Liberal Argument." *Philosophy and Public Affairs* vol. 9, no. 4 (Summer 1980): 338-358.
- . *Democratic Education*. Princeton, NJ: Princeton University Press, 1999.
- Hall, Barbara. "The Origin of Parental Rights." *Public Affairs Quarterly* vol. 13, no. 1 (1999): 73-78.
- Hannan, Sarah and Richard Vernon. "Parental Rights: A Role-Based Approach." *Theory and Research in Education* vol. 6, no. 2 (2008): 173-189.
- Hanushek, Eric A., et. al. "Disruption Versus Tiebout Improvement: The Costs and Benefits of Switching Schools." *Journal of Public Economics* (Summer 2004).
- Harding, David J., et. al. "The Changing Effect of Family Background on the Incomes of American Adults." In *Unequal Chances: Family Background and Economic Success*, edited by Samuel Bowles, Herbert Gintis, and Melissa Osborne Groves. Princeton: Princeton University Press, 2005.
- Herrnstein, Richard J. and Charles Murray. *The Bell Curve: Intelligence and Class Structure in American Life*. New York: The Free Press, 1994.
- Hertz, Tom. "Rags, Riches, and Race: The Intergenerational Economic Mobility of Black and White Families in the United States." In *Unequal Chances: Family Background and Economic Success*, edited by Samuel Bowles, Herbert Gintis, and Melissa Osborne Groves. Princeton: Princeton University Press, 2005.
- Hill, Thomas. "Servility and Self-Respect." Chap. 1 in *Autonomy and Self-Respect*. New York, NY: Cambridge University Press, 1991.
- . "Self-Respect Reconsidered." Chap. 2 in *Autonomy and Self-Respect*. New York, NY: Cambridge University Press, 1991.

Hirsch, Fred. *Social Limits to Growth*. Cambridge, MA: Harvard University Press, 1976.

Hirsch, Jerry. "Behavior-Genetic Analysis and Biosocial Consequences." In *The IQ Controversy: Critical Readings*, edited by N. J. Block and Gerald Dworkin. New York: Pantheon Books, 1976.

Hochschild, Jennifer L. "Race, Class, Power, and Equal Opportunity." In *Equal Opportunity*, edited by Norman E. Bowie. Boulder, CO: Westview Press, 1988.

Hochschild, Jennifer and Nathan Scovronick. *The American Dream and the Public Schools*. New York, NY: Oxford University Press, 2003.

Hollis, Martin. "Education as a Positional Good." *Journal of Philosophy of Education* vol. 16, no. 2 (1982): 235-244.

Howe, Kenneth R. "In Defense of Outcome-Based Conceptions of Equal Educational Opportunity." *Educational Theory* 39 (1989): 317-336.

———. "Equal Opportunity is Equal Education." *Educational Theory* 40 (1990): 227-230.

———. "Equality of Educational Opportunity and the Criterion of Equal Educational Worth." *Studies in Philosophy and Education* 11 (1993): 329-337.

———. *Understanding Equal Educational Opportunity: Social Justice, Democracy, and Schooling*. New York, NY: Teachers College Press, 1997.

Irwin, Terence. *The Development of Ethics: A Historical and Critical Study, Volume 3: From Kant to Rawls*. New York, NY: Oxford University Press, 2011.

Jacobs, Lesley A. *Pursuing Equal Opportunities: The Theory and Practice of Egalitarian Justice*. New York, NY: Cambridge University Press, 2004.

Jencks, Christopher. "Whom Must We Treat Equally for Educational Opportunity to be Equal?" *Ethics* 98 (1988): 518-533.



- . "What Must Be Equal for Opportunity to Be Equal?" In *Equal Opportunity*, edited by Norman E. Bowie. Boulder, CO: Westview Press, 1988.
- Jencks, Christopher, et al. *Inequality: A Reassessment of the Effect of Family and Schooling in America*. New York: Basic Books, 1972.
- Jencks, Christopher, Lauri Perman, and Lee Rainwater. "What Is a Good Job? A New Measure of Labor-Market Success." *The American Journal of Sociology*, vol. 93, no. 6 (May 1988): 1322-1357.
- Kant, Immanuel. *The Metaphysics of Morals*, in *Practical Philosophy*, Mary J. Gregor, ed. New York, NY: Cambridge University Press, 1996.
- Karst, Kenneth L. "The Coming Crisis of Work in Constitutional Perspective." *Cornell Law Review* 82 (1997): 523-571.
- Kerbow, David. "Patterns of Urban Student Mobility and Local School Reform." *Journal of Education for Students Placed at Risk*, 12: 147-169.
- Kohn, Melvin and Carmi Schooler. *Work and Personality: An Inquiry into the Impact of Social Stratification*. Norwood, NJ: Ablex Publishing, 1983.
- Kornhauser, Arthur. *Mental Health of the Industrial Worker: A Detroit Study*. New York, NY: John Wiley & Sons, 1964
- Koski, William S. and Rob Reich. "When 'Adequate' Isn't: The Retreat from Equity in Educational Law and Policy and Why it Matters." *Emory Law Review* vol. 56, no. 3 (2006): 545.
- Kozol, Jonathan. *Savage Inequalities: Children in America's Schools*.
- Kraut, Richard. "Egoism, Love, and Political Office in Plato." *The Philosophical Review* 83 (1973): 330-344.

- Kymlicka, Will. *Contemporary Political Philosophy: An Introduction*. 2nd ed. New York, NY: Oxford University Press, 2002.
- LaMorte, Michael W. *School Law: Cases and Concepts*. 6th ed. Boston: Allyn and Bacon, 1999.
- Lareau, Annette. *Unequal Childhoods: Class, Race, and Family Life*. Berkeley, CA: University of California Press, 2003.
- Levin, Michael E. "Equality of Opportunity." In *Readings in Social and Political Philosophy*, edited by Robert M. Stewart. New York: Oxford University Press, 1986.
- Lewontin, R. C. "The Analysis of Variance and the Analysis of Causes." *International Journal of Epidemiology* 35 (2006): 520-525. Originally published in the *American Journal of Human Genetics* 26 (1974): 400-411.
- Lichtenberg, Judith. "Consuming Because Others Consume." *Social Theory and Practice* 22 (1996): 273-297.
- Lubrano, Alfred. *Limbo: Blue Collar Roots, White-Collar Dreams*. Hoboken, NJ: John Wiley and Sons, Inc., 2004.
- Macleod, Colin M. "Liberal Equality and Affective Family." In *The Moral and Political Status of Children*, edited by David Archard and Colin M. Macleod. Oxford: Oxford University Press, 2002.
- MacLeod, Jay. *Ain't No Makin' It: Aspirations and Attainment in a Low-Income Neighborhood*. Boulder, CO: Westview Press, 1995.
- Marsh, Dave. *Bruce Springsteen: Two Hearts: The Definitive Biography 1972-2003*. New York, NY: Routledge, 2004.
- Mason, Andrew. "Equality of Opportunity, Old and New." *Ethics* vol. 111 (July 2001): 760-781.

- . "Equality of Opportunity and Differences in Social Circumstances." *The Philosophical Quarterly* vol. 54, no. 216 (July 2004): 368-387.
- . *Leveling the Playing Field: The Idea of Equal Opportunity and its Place in Egalitarian Thought*. New York: Oxford University Press, 2006.
- Massey, Douglas S. *Categorically Unequal: The American Stratification System*. New York, NY: Russell Sage Foundation, 2007.
- Mazumder, Bhashkar. "The Apple Falls Even Closer to the Tree than We Thought: New and Revised Estimates of the Intergenerational Inheritance of Earnings." In *Unequal Chances: Family Background and Economic Success*, edited by Samuel Bowles, Herbert Gintis, and Melissa Osborne Groves. Princeton: Princeton University Press, 2005.
- Mill, John Stuart. *Utilitarianism*. 2nd ed. Edited by George Sher. Indianapolis: Hackett Publishing Company, 2001.
- Miller, David. "Deserving Jobs." *The Philosophical Quarterly* vol. 42, no. 167 (Apr. 1992): 161-181.
- Miller, Richard W. *Analyzing Marx: Morality, Power, and History*. Princeton, NJ: Princeton University Press, 1984. [Rd 75-78]
- . "Marx and Aristotle: A Kind of Consequentialism." In *Marxist Theory*, edited by Alex Callinicos. New York, NY: Oxford University Press, 1989.
- . "Cosmopolitan Respect and Patriotic Concern." *Philosophy and Public Affairs* vol. 27, no. 3 (Summer 1998): 202-224.
- . "Too Much Inequality." *Social Philosophy and Policy* vol. 19, no. 1 (2002): 275-313.
- Montague, P. "The Myth of Parental Rights." *Social Theory and Practice* vol. 26, no. 1 (2000): 47-68.

- Moody-Adams, Michele M. "Race, Class, and the Social Construction of Self-Respect." In *Dignity, Character, and Self-Respect*, edited by Robin Dillon. New York, NY: Routledge, 1995.
- Muirhead, Russell. *Just Work*. Cambridge, MA: Harvard University Press, 2004.
- Munoz-Darde, Veronique. "Family, Choice, and Distributive Justice." In *The Moral and Political Status of Children*, edited by David Archard and Colin M. Macleod. Oxford: Oxford University Press, 2002.
- . "Is the Family to Be Abolished, Then?" *Proceedings of the Aristotelian Society* 99 (1999): 37-56.
- Nagel, Thomas. *Equality and Partiality*. New York: Oxford University Press, 1991.
- . "The Problem of Global Justice." *Philosophy and Public Affairs*, vol. 33, no. 2 (2005): 113-147.
- . "Justice and Nature." *Oxford Journal of Legal Studies* vol. 17, no. 2 (Summer, 1997): 303-321.
- Nozick, Robert. *Anarchy, State, Utopia*. New York: Basic Books, 1974.
- . *The Examined Life: Philosophical Meditations*. New York, NY: Touchstone: 1989.
- Nussbaum, Martha. *Not for Profit: Why Democracy Needs the Humanities*. Princeton: Princeton University Press, 2010.
- O'Brien, G. E. "The Centrality of Skill-Utilization for Job Design." In *Changes in Working Life*, edited by K. D. Duncan, M. M. Gruneberg, and D. Wallis. \_\_\_\_: John Wiley and Sons Ltd., 1980.
- Olsaretti, Serena. *Liberty, Desert, and the Market: A Philosophical Study*. Cambridge, UK: Cambridge University Press, 2004.

O'Neill, Onora. "Opportunities, Equalities, and Education." *Theory and Decision* 7 (1976): 275-295.

———. "Begetting, Bearing, and Rearing." In *Having Children: Philosophical and Legal Reflections on Parenthood*, edited by Onora O'Neill and William Ruddock. Oxford: Oxford University Press, 1979.

Page, Edgar. "Parental Rights." *Journal of Applied Philosophy* vol. 1, no. 2 (1984): 187-203.

Pogge, Thomas W. *Realizing Rawls*. Ithaca: Cornell University Press, 1989.

———. "Three Problems with Contractarian-Consequentialist Ways of Assessing Social Institutions." *Social Philosophy and Policy* 12 (1995): 241-266.

Rachels, James. *Can Ethics Provide Answers?* Lanham, MD: Rowman & Littlefield, 1997.

Rawls, John. *A Theory of Justice*. Revised edition. Cambridge, MA: Harvard University Press, 1999.

———. *Political Liberalism*. New York, NY: Columbia University Press, 1996.

———. *Justice as Fairness: A Restatement*. Edited by Erin Kelly. Cambridge, MA: Harvard University Press, 2001.

Raz, Joseph. *The Morality of Freedom*. Oxford: Clarendon Press, 1986.

———. "Liberating Duties." *Law and Philosophy* vol. 8, no. 1 (1989): 3-21.

Roemer, John. *Equality of Opportunity*. Cambridge, MA: Cambridge University Press, 1998.

———. "Defending Equality of Opportunity." *The Monist* vol. 86, no. 2 (April 2003): 261-283.

- Rothstein, Richard. *Class and Schools: Using Social, Economic, and Educational Reform to Close the Black-White Achievement Gap*. Washington, DC: Economic Policy Institute, 2004.
- Ruddick, William. "Parents and Life Prospects." In *Having Children: Philosophical and Legal Reflections on Parenthood*, edited by Onora O'Neill and William Ruddock. Oxford: Oxford University Press, 1979.
- Sandel, Michael J. *The Case Against Perfection: Ethics in the Age of Genetic Engineering* (Cambridge, MA: Harvard University Press, 2007).
- Satz, Debra. "Equality, Adequacy, and Education for Citizenship." *Ethics* vol. 117, no. 4 (July 2007): 623-648.
- Scanlon, Thomas M. "The Significance of Choice." In *Equal Freedom*, edited by Stephen Darwall. Ann Arbor: University of Michigan Press, 1995.
- . *What We Owe to Each Other*. Cambridge, MA: Harvard University Press, 1998.
- . "The Diversity of Objections to Inequality." Chap. 11 in *The Difficulty of Tolerance: Essays in Political Philosophy*. Cambridge, UK: Cambridge University Press, 2003.
- . "Preference and Urgency." Chap. 4 in *The Difficulty of Tolerance: Essays in Political Philosophy*. Cambridge, UK: Cambridge University Press, 2003.
- . "When Does Equality Matter?" Unpublished manuscript
- Schaar, John H. "Equality of Opportunity, and Beyond." In *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland. New York: Oxford University Press, 1997.
- Schmidtz, David. "How to Deserve." *Political Theory* vol. 30, no. 6 (December 2002): 774-799.

Schoeman, Ferdinand. "Rights of Children, Rights of Parents, and the Moral Basis of the Family." *Ethics* 91 (1980): 6-19.

———. *Philosophical Discussions of Privacy: An Anthology*. Ithaca, Cornell University Press, 1994. [209-217]

Schrag, Francis. "Rights Over Children." *Journal of Value Inquiry* 7 (1973): 96-105.

———. "Justice and the Family." *Inquiry* 19 (1976): 193-208.

———. "Children: Their Rights and Needs." In *Whose Child? Children's Rights, Parental Authority, and State Power*, edited by William Aiken and Hugh LaFollete. Totowa, NJ: Rowman and Littlefield, 1980.

Schultz, Vicki. "Life's Work." *Columbia Law Review* 100 (2000): 1881-1964.

Schwartz, Adina. "Meaningful Work." *Ethics* vol. 92, no. 4 (July 1982): 634-646.

Sher, George. "Our Preferences, Ourselves." *Philosophy and Public Affairs* vol. 12, no. 1 (Winter 1983): 34-50.

———. "Qualifications, Fairness, and Desert." In *Equal Opportunity*, edited by Norman E. Bowie. Boulder, CO: Westview Press, 1988.

———. "Effort, Ability, and Personal Desert." Chap. 5 in *Approximate Justice: Studies in Non-Ideal Theory*. Lanham, MD: Rowman and Littlefield, Inc., 1997.

Shiffrin, Seana. "Race, Labor, and the Fair Equality of Opportunity Principle." *Fordham Law Review* 72 (2004): 1643-1675.

Shklar, Judith N. *American Citizenship: The Quest for Inclusion*. Cambridge, MA: Harvard University Press, 1991.

Sidgwick, Henry. *The Method of Ethics*. Indianapolis: Hackett Publishing, 1981.

- Steinberg, Laurence and Elizabeth Cauffman. "Maturity of Judgment in Adolescence: Psychological Factors in Adolescent Decision Making." *Law and Human Behavior* 20 (1996): 249-72.
- Steiner, Hillel. "Silver Spoons and Golden Genes: Talent Differentials and Distributive Justice." In *The Moral and Political Status of Children*, edited by David Archard and Colin M. Macleod. Oxford: Oxford University Press, 2002.
- Strike, Kenneth. *Ethical Leadership in Schools: Creating Community in an Age of Accountability*. Thousand Oaks, CA: Corwin Press, 2007.
- Swift, Adam. "Class Analysis From A Normative Perspective," *British Journal of Sociology* vol. 51, no. 4 (December 2000): 663-679.
- . *Political Philosophy: A Beginners' Guide for Students and Politicians*, 2nd edition. Cambridge: Polity Press, 2001.
- . *How Not to be a Hypocrite: School Choice for the Morally Perplexed Parent*. London: Routledge, 2003.
- . "Would Perfect Mobility be Perfect?" *European Sociological Review* vol. 20, no. 1 (February 2004): 1-11.
- Taylor, Robert S. "Self-Realization and the Priority of Fair Equality of Opportunity." *Journal of Moral Philosophy* 1.3 (2004): 333-347.
- Terkel, Studs. *Working: People Talk About What They Do All Day and How They Feel About What They Do*. New York, NY: Pantheon Books, 1974.
- Thomas, Laurence. *Living Morally: A Psychology of Moral Character*. Philadelphia: Temple University Press, 1989.
- Tucker, Robert C., editor. *The Marx-Engels Reader*, second edition. New York, NY: W. W. Norton and Company, 1978.



- Twain, Mark. *Captain Stormfield's Visit to Heaven*. In *The Bible According to Mark Twain*, edited by Howard Baetzhold and Joseph B. McCulloch. New York, NY: Touchstone, 1995.
- Vallentyne, Peter. "Equality and Duties of Procreators." In *The Moral and Political Status of Children*, edited by David Archard and Colin M. Macleod. Oxford: Oxford University Press, 2002.
- Velleman, J. David. "Family History." *Philosophical Papers* vol. 34, no. 3 (November 2005): 357-378.
- . "Persons in Prospect." *Philosophy and Public Affairs* vol. 36, no. 3 (2008): 221-288.
- Wang, M. C., et. al. *Educational Resilience in Inner City America: Challenges and Prospects*. Hillsdale, NJ: Lawrence Erlbaum Associates, 1994.
- Westen, Peter. "The Concept of Equal Opportunity." *Ethics* vol. 95, no. 4 (July 1985): 837-850.
- White, John. "The Dishwasher's Child: Education and the End of Egalitarianism." *Journal of Philosophy of Education* 28 (1994): 173-182.
- Williams, Bernard. "The Idea of Equality." In *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland. New York: Oxford University Press, 1997.
- Wilson, John. "Does Equality (of Opportunity) Make Sense in Education?" *Journal of Philosophy of Education* 25 (1991): 27-31.
- Wilson, William Julius. *When Work Disappears: The World of the New Urban Poor*. New York, NY: Vintage Books, 1996.
- Wood, Allen. *Karl Marx*. 2nd Edition. New York: Routledge, 2004.

Wright, Erik Olin. *Class Counts*, student edition. Cambridge, UK: Cambridge University Press, 1997.