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The tension between partiality and equality is widely recognized.<sup>1</sup> Even the most ardent egalitarians acknowledge that individuals have some prerogative to pursue their own self-interest,<sup>2</sup> and the permissibility of

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1. For seminal discussion, see Thomas Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991).

2. G. A. Cohen does not wish to reject the principle that "every person has a right to pursue self-interest to some reasonable extent (even when that makes things worse than they need to be for badly off people)" (italics removed), "Incentives, Inequality and Community," in *The Tanner Lectures on Human Values* 13, ed. Grethe B. Peterson (Salt Lake City: University of Utah Press, 1992), pp. 263–329, at pp. 302–3.

some kind or degree of partiality towards particular others—where those others are co-parties to certain types of relationship—seems hardly more controversial, in some ways less so.<sup>3</sup> It is generally accepted that participants in such relationships may exclude others from the mutual benefits their association yields and have responsibilities to one another that give them the right, and sometimes the duty, to further one another's interests in ways that may interrupt equality. Samuel Scheffler, who offers a sophisticated analysis of the connection between such relationships and the special responsibilities that attend them, describes this as the “distributive objection”: “the problem with such responsibilities is . . . that they may confer unfair benefit. . . . [S]pecial responsibilities give the participants in rewarding groups and relationships increased claims to one another's assistance, while weakening the claims that other people have on them.”<sup>4</sup> Indeed, participants in these protected relationships benefit twice over. They enjoy the relationship itself, and they enjoy the claims that it enables them legitimately to make on one another, to the exclusion of those not party to the relationship.

This article explores the conflict between partiality and equality as it arises in the relationship generally thought to be the most powerfully protected of all: that between parents and their children. Parents may, indeed should, treat their children differently from other people's children, and in ways that tend to confer significant benefits and to generate significant inequalities between them and those others. Rawls famously says:

It seems that even when fair opportunity (as it has been defined) is satisfied, the family will lead to unequal chances between individuals (Section 46).<sup>5</sup> Is the family to be abolished then? Taken by itself

3. David Estlund, “Liberalism, Equality and Fraternity in Cohen's Critique of Rawls,” *The Journal of Political Philosophy* 6 (1998): 99–112, exploits the plausibility of the prerogative to favor one's nearest and dearest to suggest that Cohen should license demands for more equality-interrupting incentives than he acknowledges. For critique of Estlund, see Michael Otsuka's “Prerogatives to Depart from Equality,” in *Political Philosophy*, Royal Institute of Philosophy Supplement, 58, ed. Anthony O'Hear (Cambridge: Cambridge University Press, 2006), pp. 95–111.

4. Samuel Scheffler, *Boundaries and Allegiances* (Oxford: Oxford University Press, 2001), p. 99; see also pp. 54–59.

5. In section 46 Rawls says that “the internal life and culture of the family influence, perhaps as much as anything else, a child's motivation and his capacity to gain from

and given a certain primacy, the idea of equal opportunity inclines in this direction.<sup>6</sup>

Only the invocation of his other principles, which he takes to soften the conflict between the family and “justice as a whole,” prevents this counterintuitive result.<sup>7</sup>

Other theorists talk about the “autonomy” or the “integrity” of the family, or the “right to raise one’s children,” or “parental nurturance,” as barriers to equality.<sup>8</sup> These formulations command widespread assent partly because there is not a consensus on exactly what counts as respecting the autonomy or integrity of the family, on the content of the right to raise one’s children, or on the proper scope of parental nurturance. Parents who take it as their project to invest all possible resources in attempts to give their children maximal competitive advantage against others may be promoting their best interests as they conceive them, but an egalitarianism that respects that kind of “parental nurturance” will be tepid indeed.

We propose two methodological innovations. First, we urge attention to the relationship-specificity of agents’ prerogatives and responsibilities with respect to particular others. Theorists typically address issues of partiality to particular others in the abstract, the content of the special responsibilities associated with special relationships being either ignored altogether or treated in a rather schematic way.<sup>9</sup> Many are more

education,” *A Theory of Justice* rev. ed. (Cambridge, Mass.: Harvard University Press, 1999), p. 265.

6. *A Theory of Justice* rev. ed., p. 448; original edition (1971), p. 511.

7. The passage continues: “But within the context of the theory of justice as a whole there is much less urgency to take this course. The acknowledgment of the difference principle redefines the grounds for social inequalities as conceived in the system of liberal equality; and when the principles of fraternity and redress are allowed their appropriate weight, the natural distribution of assets and the contingencies of social circumstances can more easily be accepted.”

8. See, for example, James Fishkin, *Justice, Equal Opportunity and the Family* (New Haven, Conn.: Yale University Press, 1986); James Rachels, “Morality, Parents and Children,” in his *Can Ethics Provide Answers?* (Lanham, Md.: Rowman & Littlefield, 1997); Ferdinand Schoeman, “Rights of Children, Rights of Parents, and the Moral Basis of the Family,” *Ethics* 91 (1980): 6–19; Richard W. Miller, “Too Much Inequality,” *Social Philosophy and Policy* 19 (2002): 275–313, at p. 284.

9. For an example of the latter, see David Miller’s fourfold schema in his “Reasonable Partiality towards Compatriots,” *Ethical Theory and Moral Practice* 8 (2005): 63–81. Scheffler observes that his account “is compatible with the view that the strength of one’s

interested in the issue of partiality towards compatriots than in the familial case; indeed, some take familial partiality as essentially unproblematic and justify partiality towards compatriots by analogy with it.<sup>10</sup> We want an account, by contrast, that ties the content of the special responsibilities—what it is that you have reason to do for your child, or compatriot, but not for others—to the nature of your relationship with them and, more specifically, to the goods realized by that particular relationship. What kinds of partiality must you be permitted to express or enact in order to enjoy that kind of relationship? For us, particular features of the parent-child relationship justify the expression of particular kinds of partiality. To demonstrate the legitimacy of partiality among compatriots it would be necessary to argue from particular features of that relationship to the legitimacy of particular kinds of partiality within it.

The second innovation is our attempt to incorporate within a distributive paradigm the goods that familial relationships distinctively make available. Rather than, as is conventional, regarding the family as giving us reason to desist from the pursuit of distributive goals, we treat “familial relationship goods” as themselves distribuenda. If goods that can be realized only by the family, and that depend on forms of parental partiality along the lines to be outlined, are indeed valuable, then they are (give or take some wrinkles to be discussed later) valuable for all. True, those goods may not be as amenable to principled distribution as more visible and transferable goods like money, but states and individuals can

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responsibilities depends on the nature of the relationships that give rise to them, and on the degree of value that one has reason to attach to those relationships. As far as the content of the responsibilities is concerned, we may assume that this too depends on the nature of the relationships in question . . .” (*Boundaries and Allegiances*, p. 102). Our article pursues that suggestion in a way that Scheffler himself does not. For an approach to another “family values” issue that shares our emphasis on the specificity of the parent-child relationship, see Simon Keller, “Four Theories of Filial Duty,” *Philosophical Quarterly* 56 (2006): 254–74, and *The Limits of Loyalty* (Cambridge: Cambridge University Press, 2007).

10. E.g., David Miller, *On Nationality* (Oxford: Oxford University Press, 1995); Andrew Oldenquist, “Loyalties,” *Journal of Philosophy* 79 (1982): 173–93. John Cottingham, “Partiality, Favouritism and Morality,” *The Philosophical Quarterly* 36 (1986): 357–73, observes that relationships with compatriots are not, for most people, as important to human flourishing as are familial relationships, and suggests that any justification of patriotic partiality will thus be more complex than what he calls “philophilic partiality.” But he is still concerned with partiality or favoritism in general, rather than investigating the content of special responsibilities along the lines that we suggest.

surely act to influence who gets how much of them. This allows us to frame the issue of legitimate parental partiality in terms that are familiar from the literature on distributive justice. The questions become to what extent states must permit parents to favor their children, even where that conflicts with other distributive ideals, and to what extent parents are justified in pursuing familial relationship goods for themselves and their children, rather than helping others to achieve those, or other, goods. Where the first move focuses on the kinds of partiality needed for parent-child relationships to make the contribution they do to human flourishing, the second allows us to think about how that kind of flourishing should be distributed, what duties fall on states and individuals to promote what distributions of it in particular circumstances, and so on.<sup>11</sup>

Our more concrete aim is to outline a theory of “family values,” and a way of integrating them into familiar ways of thinking about distributive issues, that allows us to hold on to what is most valuable about familial relationships without abandoning seriously egalitarian goals. Our analysis suggests that the kind of parent-child interactions that are of fundamental importance for human well-being can be respected, and promoted, without acceptance also of many of the further benefits for some children, and inequalities between them and other children, that those interactions tend currently to generate. And treating familial relationship goods as *distribuenda* allows us to explore ways in which they themselves might be an object of egalitarian concern.

The structure of the article is as follows. In Section II we clarify the nature of the conflict between the family and egalitarian principles: to identify which kinds of parental partiality are needed for parent-child relationships to contribute their distinctive goods to human lives is to say nothing about how those goods should be distributed or what kind of legal or personal permissions to pursue them should be granted to particular people in particular circumstances. Section III offers our account of familial relationship goods, while Section IV provides some illustrative examples of parental partiality that would (bedtime stories) and would

11. For a similar approach, noting that within a cosmopolitan egalitarian framework “the basic good of special relationships gives rise not only to special responsibilities, but also to general duties to help provide (or refrain from undermining) the goods necessary for *anyone* to be able to form such relationships,” see Arash Abizadeh and Pablo Gilabert, “Is There a Genuine Tension between Cosmopolitan Egalitarianism and Special Responsibilities?” *Philosophical Studies* 138 (2008): 348–65, at p. 363.

not (elite private schooling) be legitimate even where they can be expected to undermine fair equality of opportunity. In Section V, conceding the crudeness of those examples, we accept that parents realize distinctively familial goods when they act on their loving motivation generally to promote their children's interests but insist that those goods are parasitic on, and less weighty than, those at the core of our account. Section VI acknowledges that there can be cases where particular parent-child transfers and investments (such as bequests of property) contribute to our core "family values," while Section VII limits the significance of that acknowledgment by considering the different means by which such values may be realized, and the relevance of the fact that discretion and spontaneity are vital for successful intimate relationships. Section VIII limits its significance further by noting that, where it implies that a parent-child interaction is permissible, nothing in our account prevents a state taxing the benefit or attempting to break the connection between the interaction and other kinds of advantage. Our discussion having mainly attended to examples of parental partiality that would disrupt fair equality of opportunity, Section IX considers the case where such partiality might be justified by appeal to that very principle. In Section X we outline an implication of our view that opportunities for familial relationship goods can themselves be regarded as goods the distribution of which is a proper concern of the state. Section XI concludes.

## II

To analyze properly the topic of legitimate parental partiality, and to understand the purpose and limitations of our argument, it is crucial to make two distinctions. The first distinguishes reasons for permitting parental partiality towards children that derive specifically from the value of the familial relationship from those that appeal to other value considerations. We are concerned solely with the former. It may be that individuals have prerogatives of a general kind and that, in particular cases, these may justify partial actions by parents intended to favor their children. In such cases, however, the parent-child relationship bears no justificatory weight; no appeal is made to the distinctive considerations made relevant by the fact that the favorer and the person favored are parent and child. We put those to one side in order to focus

on the kinds of partiality that can be justified by appeal to the familial relationship as such.

The second distinction arises within this circumscribed context. On the one hand, there is the question of what kinds of parental partiality are necessary for people to enjoy the goods made possible by familial relationships, goods that make such a distinctive and substantial contribution to well-being. On the other hand, there are questions about the extent to which states should grant citizens the permissions needed to realize familial relationship goods for themselves and their loved ones, and about the extent to which they may, as individuals, justifiably pursue those goods within the extent in fact permitted. Our main aim is to offer a theory about what states must leave parents free to do to, with, or for their children if those parents and children are to enjoy the goods distinctively made available by familial relationships. It is not to defend a fully specified view on the quite general, and controversial, questions of the extent to which parents should be legally permitted to pursue, or are in fact morally justified in pursuing, those goods for themselves or their children in any particular circumstances.<sup>12</sup>

The concept of “legitimate parental partiality” tempts us to run all these issues together, and distinguishing them explains why the parent reading this article for answers about what she may legitimately do for her children will be disappointed. To ask whether it is legitimate for a parent to engage in a particular interaction with her child is, for us, to ask whether, all things considered in the circumstances, that interaction is one in which she may justifiably engage. But a full answer to *that* question will need to take into account the parent’s general or nonspecific prerogatives (if any), quite apart from those implicated by her relationship with her children. Furthermore, even if, as in what follows, attention is confined to the distinctively familial, we still need not only (i) an account of the properties that a particular parent-child interaction must have in order to be susceptible to justification by appeal to the value of the family, and (ii) knowledge of whether that interaction, in its particular context, has those properties. We need also (iii) knowledge of

12. We largely prescind from the complexities raised by the distinction between legal and moral permissions preserved in this formulation. For us, there may be reasons—publicity, lack of relevant information, the inevitability of policy being a blunt instrument—for a state to protect kinds of parent-child interaction that particular parents may not legitimately engage in. That can of worms is matter for another article.

the circumstances in question, and (iv) a substantive position on the nature and extent of people's duties to others in circumstances of that kind. Perhaps, in a world where some lack what they need for mere survival, much of the time and energy spent by affluent parents on promoting the interests of their children is illegitimate self-indulgence. Perhaps, in a world of that kind, much of the provision, for oneself and one's children, of those very familial relationship goods that our account holds crucial to human well-being similarly exceeds the bounds of legitimate partiality. We offer an account of the value of the family that offers a way of thinking about its goods in distributive terms, but no account of that value can, by itself, yield a view about what parents should be free to do—or about what they may and may not legitimately do—to, with, and for their children in any particular circumstance.

This last point is typically obscured by the tendency in the literature to present the conflict between the family and equality in terms of the familiar problematic whereby the family leads to unfair inequalities, between similarly motivated and talented children, in terms of their educational or labor market prospects.<sup>13</sup> Pitting the family against a conventional principle of fair equality of opportunity has the advantage of providing a specific value conflict about which we can offer a relatively uncontroversial determinate judgment. We share the common view that familial relationships are valuable enough to make society A, in which people enjoy Rawlsian fair equality of opportunity but lack familial relationships, worse than society B, where there is a good deal of inequality of opportunity but plentiful family life. This means that parents should be permitted to engage in forms of partiality necessary for the realization of the most important familial relationship goods, and they would be justified in doing so, even where that would disrupt that version of equality of opportunity. Because it is sometimes useful, for expository purposes, to illustrate our analysis in concrete terms, we will occasionally discuss cases as if that were indeed the conflict in question.

But that way of framing things has the fundamental disadvantage that it simply misdescribes the real-world situation and, in focusing on such a specific egalitarian principle, blinds us to the wider distributive

13. We follow here the Rawlsian view that does not regard the impact of the family on the capacity for effort as contravening equality of opportunity, although, as Rawls himself suggests (see n. 8), other widely held conceptions do.



questions. The circumstances we actually face are those in which parents' permission to act partially towards their own children raises much more complex issues. Our analysis of familial relationship goods may reveal ways in which parents who command only, or less than, their just share of resources (money, time, energy, cultural capital) should be permitted to devote some of them, in some ways, to benefit their children even where that deprives others of fair equality of opportunity, but what about parents who command *more* than their just share? Moreover, how should we acknowledge the fact that parents acting to realize familial relationship goods for themselves and their children are using resources in ways that do not merely deprive others of a fair chance of a good education and a good job, but could otherwise be deployed to provide opportunities for those very familial relationship goods to others who have least of them—or to provide food to the starving? Our analysis is limited by our inability to provide a satisfactory treatment of these quite general and controversial issues. Its purpose is primarily to offer an account of the kind of parent-child interactions that are *susceptible to justification by appeal to the value of the family* and that must be permitted if people are to realize that value in their lives. We offer, partly for purposes of illustration, a further claim about the relative importance of people's interest in that value and their interest in fair equality of opportunity. As far as the wider questions are concerned, however, our aim is rather to bring the family into a productive conceptual framework than to offer any particular answers.

### III

How do we establish what kinds of parental partiality are susceptible to justification by appeal to the value of the family? Our approach is to identify the specific interests that the family facilitates and protects and consider what kinds of partiality are necessary for their promotion. These interests are the reasons why it is better that children be raised in families than in other ways, such as state-run child-rearing institutions. Those institutions might be more consistent with conventional egalitarian principles like fair equality of opportunity, but requiring that all children be raised in them would deny both them and adults those aspects of well-being that derive from participation in familial, parent-child relationships. We call these aspects of well-being *familial relationship goods*.

We can distinguish three sets of interests pertaining to the family: children's interests; parents' interests; and third-party interests (externalities). Children have both developmental and immediate interests: how they are raised affects not only how they develop and how well-prepared they are for adult life but also, and partly independently, how happy, well-nourished, and well-balanced they are during childhood.<sup>14</sup> For adults, whether they can have children, how many they have, what kind of relationships they have with those children, and how able they are to fulfill other ambitions while parenting have a profound impact on how well their lives go. Finally, both because children are potential economic and civic contributors to social life, and because parents interact with others, rearing arrangements affect those who are not, at a particular time, rearing or being reared.

Corresponding to these interests are accounts of the value of the family. Some theorists focus on the positive externalities. Our account, by contrast, justifies the family primarily by appeal to the values it realizes for its members. The family may well be essential for producing third-party benefits—such as the capacity to trust and be trusted.<sup>15</sup> Such benefits may indeed be among the reasons why families are preferable to state-run institutions. But we see these as by-products of a relationship that is fundamentally valuable for other reasons. If it turned out that arrangements like the kibbutz were as good at producing trustworthy or fair-minded citizens, or productive contributors to the economy, and, indeed, even if they were better, we would still prefer the family as the only way for human beings to realize very important goods in their lives. Family life, appropriately arranged, makes available to its participants distinctive goods, goods for which nothing else can be an adequate substitute.

Other theorists offer an exclusively child-centered account. For them, the family is justified entirely because of its benefits for its involuntary

14. There is a tendency, especially in the liberal tradition, for children to be treated as proto-adults; it is their developmental interests that matter fundamentally. We agree with Colin Macleod that this picture is mistaken: there are, in fact, goods intrinsic to childhood that matter fundamentally, and that may sometimes be in tension with developmental interests. See his "Primary Goods, Capabilities, and Children," in *Measuring Justice: Capabilities and Primary Goods*, ed. Harry Brighouse and Ingrid Robeyns (Cambridge: Cambridge University Press, forthcoming).

15. For a sophisticated third-party justification along these lines, see Jennifer Roback Morse, "No Families, No Freedom: Human Flourishing in a Free Society," *Social Philosophy and Policy* 16 (1999): 290–314.

members, the children; the family, appropriately structured, is the best feasible arrangement for ensuring that children enjoy the conditions necessary for their physical, emotional, cognitive, and moral development and, in some versions, for their flourishing within childhood. If some other institution were systematically superior for this purpose, that would be enough to justify it.<sup>16</sup> In fact it is widely accepted that all people need to participate in family life as children in order to become fully flourishing adults: they need secure attachments to particular adults who will give them the kind of loving attention necessary for them to become capable of loving themselves and others. That claim is important and true. Yet we also endorse the more controversial view that for many adults having a parental relationship with a child makes a distinctive and important contribution to their flourishing. For us, this fact plays a role in justifying the institution of the family.

Here are some examples of relationship goods that can be realized or produced by the family:

- (1) Children enjoy the loving attention of, and bond with, a particular adult, a relationship that is widely regarded as essential for their emotional development.
- (2) Children enjoy a sense of continuity with (or belonging or attachment to) the past, mediated by acquaintance with their own family members.
- (3) Children enjoy the security provided by the presence of someone with a special duty of care for them.
- (4) Parents enjoy a distinctively valuable relationship with their children; one that is intimate and mutually loving, but in which the parent acts as a fiduciary for her child's nondevelopmental interests and for her interests in physical, cognitive, emotional, and moral development, which include, usually, the interest in becoming an adult who is independent of her parents, capable of taking over responsibility for her own judgment and for her own welfare.

16. For examples of child-centered views, see James Dwyer, *Religious Schools v. Children's Rights* (Ithaca, N.Y.: Cornell University Press, 1998); Peter Vallentyne, "The Rights and Duties of Childrearing," *William and Mary Bill of Rights Journal* 11 (2003): 991-1010; Samantha Brennan and Robert Noggle, "The Moral Status of Children: Children's Rights, Parents' Rights, and Family Justice," *Social Theory and Practice* 23 (1997): 1-26.

The first three goods accrue to children. We do not claim that the nuclear family is the only arrangement that could fulfill these interests adequately, but we believe that any alternative institution would have to provide a parentlike bond between some adult and each child, the successful establishment and maintenance of which would raise the same issues as those that animate us here. For current purposes we take our account of these goods and their connection to family life, or to something very like it, to be relatively uncontroversial.

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

It is a distinctive source of flourishing in the sense that it is unavailable through other relationships. In order to provide this good for adults, the institution for child rearing needs to be the family, or something that mimics the family very closely.<sup>17</sup>

We are not claiming that *all* adults need to be parents in order to flourish fully. People vary in their competence at, and enjoyment of, the

17. For a fuller account of the interests sketched here, and a more thorough and careful attempt to derive "the family" from them, see Harry Brighouse and Adam Swift, "Parents' Rights and the Value of the Family," *Ethics* 117 (2006): 80–108. Another recent account that treats parents' interests as having an important justificatory role is Matthew Clayton, *Justice and Legitimacy in Upbringing* (Oxford: Oxford University Press, 2006).

tasks and experiences involved in raising children. Some people have personalities that are ill-suited to child rearing; they will not flourish in the role and their lives would go better without children. Others may well flourish in the role, but their lives would go just as well if devoted to the activities and roles that they would have pursued and played had they not been parents. Our claim is not that parenting is essential for everyone to flourish, but that it is a distinctive and important source of flourishing for many adults. Nor is it that all people who *could* flourish as parents *will* do so in the role; as with any valuable activity, parenting may go badly, sometimes because the parent has done it badly, and sometimes because unfortunate circumstances have intervened.

There is widespread agreement that familial relationships are central to flourishing not only for children but also for many adults. Our approach is supposed to go beyond the near consensus *that* familial relationships are important to explain *why* they are important by identifying interests that only the family can help people to realize.<sup>18</sup> Any such account runs the risk of appearing parochial; it is clear that many parents in many cultures at many points in history have not valued their children, or their relationships with them, in the ways suggested.<sup>19</sup> Our argument is not that the relationship goods account of the value of the family is the one to which parents have generally adhered or on which they have

18. The relationships in question do not contribute to the flourishing of the persons involved because they value the relationships; the contribution comes because the relationships structure and express the way that the persons value one another. Of course there is no problem in valuing the relationship as well as the other person—in recognizing that a friendship or marriage is good for one—but something is wrong if that is the salient thought. That is why there is something odd about Bernard Williams's famous objection to the "one thought too many" in the case of the man deciding whether to save his wife or a stranger. As Derek Parfit observes (reported in Liam Murphy, *Moral Demands in Non-Ideal Theory* ([New York: Oxford University Press, 2000], p. 140 n. 36): "It's odd that Williams gives, as the thought that the person's wife might hope that he was having, that he is saving her because she is *his wife*. She might have hoped that he saved her because she was *Mary* or *Jane* or whatever. That she is his wife seems one thought too many." Francis Schrag anticipates the "one thought too many" objection, in Parfit's version, in his "Justice and the Family," *Inquiry* 19 (1976): 193–208.

19. Philippe Aries, *Centuries of Childhood* (New York: Random House, 1962); Lawrence Stone, *Family, Sex and Marriage in England 1500–1800* (London: Penguin, 1979). More recent historians have revised the "Aries thesis" to claim that childhood was regarded in the past more as we regard it today, but most of their work focuses on the West. See, most prominently, Nicholas Orme, *Medieval Children* (New Haven, Conn.: Yale University Press, 2001).

usually acted. We claim simply that it gives an account of the distinctive and very important goods for which the family is indispensable. That account, in turn, grounds a view about the kinds of parental partiality that are susceptible to justification by appeal to the value of the family.<sup>20</sup>

#### IV

The relationship goods account helps us work out what room is necessary for the free and flourishing internal life appropriate to the family.<sup>21</sup> There must be permission, and social support, for activities and interactions between parents and children that facilitate the realization of the goods that justify the family. We cannot give an exhaustive list of these here, but we shall start to unfold the argument by contrasting what we think of as paradigm cases of activities that must be permitted in order for familial relationships to flourish with cases of activities that could in normal circumstances be prohibited without jeopardizing the most valuable aspects of those relationships. We have chosen activities in both categories that are likely, in current circumstances at least, to undermine fair equality of opportunity because, as explained in Section II, that is the distributive principle with which the family is conventionally regarded as conflicting. Given our claim that familial relationships yield goods that are more valuable than the opportunity to compete on fair terms with the similarly talented and motivated, we believe that, were that the conflict at stake, the state should permit the former, but that the value of familial relationships cannot properly be invoked to demand permission of the latter. The examples are highly simplified, and will be complicated

20. The account offered has implications for a wide range of issues in family policy broadly construed—population policy, reproductive bioethics, state support for family life—some of which we pursue elsewhere. See Harry Brighouse and Adam Swift, “Social Justice and Family Policy,” in *Social Justice and Public Policy*, ed. Gary Craig, David Gordon, and Tania Burchardt (Bristol: The Policy Press, 2008), pp. 139–56, and “The End of the Tory War on Single Parents?” *Public Policy Research* 14 (2007): 186–92.

21. For Rawls, we need to distinguish between “the point of view of people as citizens and their point of view as members of families and of other associations. As citizens we have reasons to impose the constraints specified by the political principles of justice on association; while as members of associations we have reasons for limiting those constraints so that they leave room for a free and flourishing internal life appropriate to the association in question,” *Justice as Fairness: A Restatement* (Cambridge, Mass.: Harvard University Press, 2001), p. 165.

in the next few sections, but they should serve to convey the germ of our theory to readers willing to suspend their suspicion.

First, parents must be free to read bedtime stories to their children and should have considerable discretion over which books to read. Second, parents should be free to have their children accompany them to religious ceremonies and other valued activities and to enroll them in associations in which they will participate in the communities of value of which the parents approve (Hebrew School, the Ukrainian Youth League, cricket clubs, and so on). These permissions are limited by the duty to facilitate the development of autonomy, and decrease in strength and scope as the child grows up and develops interests of her own.<sup>22</sup> Activities like these facilitate both parties' interest in enjoying a close and emotionally fulfilling relationship, as well as promotion of the child's educational interests. They also facilitate the parental interest in sharing her own interests with her child and in getting to know her child's emerging personality.

The parent reading the bedtime story is doing several things simultaneously. He is intimately sharing physical space with his child; sharing with her the content of a story selected by one of them; providing the background for future discussions; preparing her for her bedtime and, if she is young enough, calming her; and reinforcing the mutual sense of identification one with another. He is giving her exclusive attention in a space designated for that exclusive attention at a particularly important time of her day. Having one's children accompany one to church is likewise a paradigm case because it involves similarly intimate interaction and produces similar mutual identification. Without substantial opportunity to share himself intimately with his child, in ways that reflect his own judgments about what is valuable, the parent is deprived of the ability to forge and maintain an intimate relationship, and the child is deprived of that relationship. The loss, then, is a loss to both the parent and the child, and it is a loss of the core of what is valuable about the relationship. Imagine that parents are barred from engaging in these or relevantly similar activities, or, less drastically, that they are made very difficult; the opportunities for realizing the familial relationship goods that justify the family would be severely limited.

22. See Harry Brighouse, "Civic Education and Liberal Legitimacy," *Ethics* 108 (1998): 719–45, for an argument for the duty to facilitate autonomy.

The contrast is with those things we do to, with, and for our children that are not essential for the realization of the relationship goods that we have identified. Again, there is a wide range. Recall, from Section I, the parents who invest all possible resources in securing competitive advantage for their child: perhaps, say, sending her to an expensive private school designed to optimize her chances in the competition for well-rewarded and interesting jobs, investing in a trust fund, and interacting with her on the basis of judgments about how best to develop her human capital. These activities, too, will undermine fair equality of opportunity in a regime of unequal outcomes, but they are not protected by the considerations we have invoked concerning the value of the family. In normal circumstances at least, none of these is essential for the parent to carry out her special duty of care for the child: none is essential for the child's fundamental interests to be adequately met, so none is essential for the parent to meet her fiduciary responsibilities, and none is essential for either the child or the parent to enjoy the important goods distinctively made available by the familial relationship.

Insofar as fair equality of opportunity is the relevant distributive ideal, it would be convenient if the first kind of activity were less damaging than the second. Some strands in the egalitarian tradition have tended to assume this, and that something close enough to fair equality of opportunity can be achieved through a combination of public education policies intended to marginalize the impact of expensive private schooling, and tax-transfer policies designed to mitigate the effects of unequal parental wealth on life prospects. However, recent research in economics and sociology casts doubt on this assumption, suggesting that in fact parenting styles, and other factors integral to valuable familial relationships, may have as much if not more impact on prospects for income and wealth than transfers from parents to children.<sup>23</sup> Bourdieu-influenced sociologists conjecture that as long as outcomes are substantially

23. See *Meritocracy and Economic Inequality*, ed. Kenneth Arrow, Samuel Bowles, and Steven Durlauf (Princeton, N.J.: Princeton University Press, 2000); *Unequal Chances: Family Background and Economic Success*, ed. Samuel Bowles, Herbert Gintis, and Melissa Osborne-Groves (Princeton, N.J.: Princeton University Press, 2005); and for a qualitative account, Annette Lareau, *Unequal Childhoods* (Berkeley: University of California Press, 2003). For a careful account of how this plays out specifically with respect to the uptake of education in U.S. schools, see Richard Rothstein, *Class and Schools: Using Social, Economic, and Educational Reform to Close the Black-White Achievement Gap* (Washington, D.C.: Economic Policy Institute, 2004).



unequal, and the family remains in place, parents who win the competition for outcomes will, intentionally or otherwise, and through what we would regard as very valuable parent-child interactions, turn their winnings into opportunities for their children.<sup>24</sup> Through the family children are enculturated into the expectations of life, especially worklife, of their parents and their parents' friends and acquaintances; think of an apparently innocent phenomenon like "Take Our Daughters and Sons to Work Day," which encourages parents to introduce their children to the world of work but does so by exposing them to *their own position* within the occupational structure.<sup>25</sup> The family, even when kept within its genuinely valuable bounds, seems to be more threatening to the prospects for equality of opportunity, even of the conventional kind, than social democrats had hoped.

v

We have claimed that the freedoms to read bedtime stories and have one's children accompany one to church are necessary for the realization of important familial relationship goods, goods that are important enough that the freedoms in question should be protected despite their tendency to undermine fair equality of opportunity. Protection of the freedom to pursue competitive advantage through investment in elite private education, or to bequeath trust funds, is not susceptible to the same justification. Outlining our distinction in such terms may well seem unhelpfully crude, since any particular activity may be undertaken for a variety of reasons, and may in fact, depending on the circumstances, realize a variety of different goods. Some parents want their children to accompany them to religious ceremonies not because they value shared interests and identification but because they think that a life with that religion is better than one without it. Some send their children to elite private schools with no intention to confer competitive advantage but simply because they want them to have access to a world of particular

24. For studies that emphasize the intentional aspects, see, on the United Kingdom, Stephen Ball, *Class Strategies and the Education Market: The Middle Class and Social Advantage* (London: RoutledgeFalmer, 2003) and, on the United States, Ellen Brantlinger, *Dividing Classes: How the Middle Class Negotiates and Rationalizes School Advantage* (New York: RoutledgeFalmer, 2003).

25. Thanks to an Editor of *Philosophy & Public Affairs* for supplying us with this nice example.

excellences that they judge not otherwise, or at least not so readily, available. Sometimes those excellences are themselves desired partly because of the role that they will play in fostering and sustaining a close relationship between parent and child. Some parents read their children bedtime stories precisely in order to give them a competitive edge.

Two types of complexity are particularly important. In the following section, we consider the case where bestowing a particular kind of education, or a particular kind of property, on a child itself contributes to, or helps to sustain, the kind of familial relationship emphasized by our account. In this section, we address (and concede) the suggestion that a loving parent will be motivated *quite generally* to further her children's interests, to care that her child's life go better than it otherwise might. If so, then it looks as if *any* action by a parent to benefit her child realizes a familial relationship good, which might seem fatal to our project.

Our account of the value of the family explains the importance of parents' being free to engage in activities such as reading bedtime stories and being accompanied to church by appeal to their role in contributing to the very valuable relationship goods that the family is distinctively able to provide to its members. However, parents can be, and we think they commonly are, motivated by the more general desire to improve the quality of their children's lives, sometimes particularly by the desire that their children have access to, enjoy, and participate in certain excellences, which will make their lives go better than they otherwise would. A life appreciating great literature, or of considered practice within a particular faith, is, they think, just intrinsically a better life than one without those goods. This is not only why they read to their children, but also one of the reasons why they send them to elite private schools, where they will learn Latin or acquire a love of science or literature or be coached by retired international cricketers. We care that all people's lives go well, but we care more, and in different ways, about the lives of those we love. Because caring specially that someone's life go better than it otherwise might is part of what it is to love someone, it seems natural to conclude that an account of partiality that appeals to familial relationship goods can justify parents' giving their children access to intrinsically valuable activities or excellences. Indeed, since parents typically seek competitive advantage for their children because they believe that doing so is the best way to promote their children's long-run well-being, it might seem that our account also licenses interactions aimed specifically at the bestowal

of competitive advantage. Does our emphasis on the goods of intimacy and shared identification miss the simple truth that love and favoritism are so closely connected that a state committed to respecting what is valuable about the family must grant parents the freedom to protect parents' actions intended to benefit their children quite generally?

The distinction outlined in Section II is important at this point. Two questions need answering. The first is whether parents' being free to act partially to promote their children's interests in general makes a distinctive contribution to human flourishing. The second is to what extent particular people in particular circumstances are justified in acting to realize familial relationship goods for themselves and their loved ones.

The answer to the first question is Yes. If parents were prevented from acting on their loving motivation generally to advance their children's well-being—by bestowing particular excellences or intrinsic goods on them, or, indeed, by bestowing on them advantages in the competition to achieve positions from which they might secure those things for themselves in later life—would they or their children be deprived of a good, and one that is distinctively made available by parent-child relationships? Our answer is affirmative. If people could pursue their own well-being, and could impartially act to promote the well-being of others, but were not allowed to pursue that of their loved ones in particular, they would indeed suffer a loss; forms of feeling for particular others, including the willingness to put the well-being of a loved one before one's own, would be denied a valuable mode of expression. And just as the goods realized in other kinds of intimate relationships are not, for many people, adequate substitutes for those achieved in parent-child relationships, so being free to further the interests of one's children allows expression of a distinctive kind of love; love for a person for whom one has acted as fiduciary, with whom one has enjoyed special and particular kinds of intimacy, and so on. So parents' freedom to promote their children's well-being in general is indeed susceptible to justification by appeal to the value of the family.

Analogous considerations apply from the child's perspective. Although we are focusing now precisely on those kinds of advantage that could in one sense be received from anybody, there is surely a distinctive value to receiving those things from one's parents. Even where the purpose is the same—the general furthering of the recipient's interests rather than a more specifically “relationship” concern with intimacy,

shared interests, or identification—the same bicycle, sports lessons, or complete works of Shakespeare will be valued differently depending on whether it comes from one's parents or from one's fellow citizens collectively, via the state, and rightly so. So children too have a distinct interest in having their life made to go better by the loving acts of those with whom they have enjoyed the kind of intimate relationship which, on our account, gives the family its primary value.

Does this mean that we must grant our competitive-advantage-investing, trust-bequeathing parents the freedoms that facilitate their engaging in those child-benefitting activities? To see why not, we need to turn to the second question, that of the extent to which particular people in particular circumstances are justified in acting to realize familial relationship goods for themselves and their loved ones. Answering this involves consideration of both the weight or significance of the distinctively familial goods in question and the cost that, in any particular circumstance, its realization imposes on others. Our view is that, although distinctively familial relationship goods can indeed be realized when parents act in ways intended generally to help their children's lives go better than they otherwise would, *those* goods are simply not weighty enough to warrant the state's being required to permit parents to engage in those interactions or transmissions if they conflict with other children's interest in fair equality of opportunity. The familial relationship goods with which we introduced our account make a hugely valuable contribution to human flourishing, sufficiently important to justify their protection even at cost to that conception of equality (although we explicitly left open the issue of the extent to which people should be free to pursue those goods, in their own and their children's lives, in circumstances where the conflict was with more urgent moral claims). But the good realized in people's lives when parents act lovingly to promote their children's interests *in general* is nothing like as significant or substantial.

When thinking about whether and why children should be raised by parents, rather than by state functionaries, we are *not* tempted to answer: "Yes, because there are distinctive kinds of value in people's lives that can only be realized when parents and children enjoy an intimate, loving relationship *and in which parents are permitted generally to promote the well-being of those whom they have raised.*" The goods made possible by the italicized condition are not only less important than those that precede it, they are parasitic on them. It is only because and

where one has enjoyed a distinctive kind of relationship with a child (the kind at the heart of our account) that one can claim distinctive value for one's freedom generally to favor that child's interests. It is only because and where one has enjoyed that kind of relationship with a parent that one can claim distinctive value for the freedom to have one's interests promoted by that particular person. But these latter values are surely less important than the very relationship on which their value depends. As long as there is ample space available for parents to realize the more important familial relationship goods, those that yield our primary account of the family's value, parents have no claim to the further freedoms that would be required for them to act on their loving motivation generally to further their children's interests, where granting them those freedoms would undermine fair equality of opportunity.

This analysis helps to explicate the sense of unease sometimes felt about parents who seem to care greatly that their children enjoy various material or cultural advantages but are less interested in actually spending time with them. That unease derives mainly from the view that such parents have misidentified what children really need from parents. Parents who, in order to earn the money required to send their children to expensive private schools, work such long hours that they hardly get to be with those children as they are growing up, or who send their young children away to schools believed likely to yield material and cultural benefits in due course, are, often, making a mistake about the ways in which parents can most effectively contribute to their children's well-being, all things considered (as well as missing out on a potential source of flourishing in their own lives). From this perspective, their failure should be conceived as an inefficiency; guided by a misunderstanding of what is important, parents are misallocating the resources (perhaps especially time) at their disposal.

If our analysis is correct, however, a nonprudential issue, concerning the justification of favoring one's own children over others, is also at stake in such cases. The interest in generally favoring one's child can only be regarded as distinctively familial where the interest is in favoring someone with whom one has the particular kind of intimate, loving relationship that we have presented as justifying the institution of the family in the first place. Parents who seek generally to favor their children—who seek to secure for them material and cultural advantages—*rather than* enjoying a relationship of that kind are not only

(usually) misidentifying their children's (and their own) good, nor are they simply failing properly to balance their children's interests against those of other people's. They are engaging in the kind of favoritism that is simply not susceptible to justification by appeal to the value of the family. Of course, in practice, at least given contemporary views about parenting, things are unlikely to be quite so black and white. The father whose "love" for his children is expressed *entirely* by paying for their nanny and school fees, and bequeathing them a share of his estate, is largely a thing of the past. Still, the analysis we have offered is helpful for understanding what was going wrong in such cases, and yields a framework for judging cases where the parent-child relationship has not gone quite as badly wrong as that.

## VI

Denying parents the freedom generally to promote their children's interests indeed denies them the opportunity to express something valuable about familial love, and thereby to realize whatever value that expression has for them and their children. Still, it does not prevent them from realizing goods as valuable as the core familial relationship goods on which that value is parasitic, so the correct weighting of values at stake is more likely to warrant that denial. Specifically, in our view, its denial is warranted where parents exercising that freedom would deprive others of fair equality of opportunity. We now turn to the second complication identified at the beginning of the previous section: that, in particular contexts, activities like sending one's child to an elite private school or bequeathing her property may in fact contribute to the realization of the core goods themselves. We observed in Section II that it is one thing to provide an account of the properties that a particular parent-child interaction must have in order to be susceptible to justification by appeal to the value of the family, another to determine whether a particular interaction, in a particular context, has those properties. What about situations where the success of the parent-child relationship itself depends on transfers and investments of the kind we are discussing? A child might feel entitled to parental largesse, especially if she observes a cultural pattern of large-scale parent-child giving or bequeathing within her milieu. She might similarly feel undervalued if she is consigned to the ordinarily resourced local school when she knows that her parents could

readily pay for her to attend the outstandingly resourced private school some short distance away. A parent might feel that to do otherwise would be an expression of undervaluing her, and it might for that reason pollute the relationship.

One version of this phenomenon can readily be dealt with. The child who holds her parents hostage, as it were, by demanding that they provide various luxuries (sports car, ski trip) as the price of continuing the relationship, can be put to one side as a selfish brat. The relationship that she is demanding that price to continue is simply not the kind that yields its members the relationship goods we are talking about. It may indeed be that particular parents value particular kinds of interaction with their children enough to be willing to pay what those children demand for them, and we must of course acknowledge that familial relationships are complex, multifaceted, and likely to involve a mixture of healthy and unhealthy elements. Still, it is surely uncontroversial to claim that, the more a particular case tends towards the type described here, the more something has gone wrong—the relationship has become corrupted in ways that deprive it of the value central to our account.

More difficult are cases where no bargain is being struck, but where norms and conventions are such that even a nonmercenary child might experience a failure to bestow some forms of advantage as a failure of love. Here our response is somewhat conjectural. First, we doubt that such feelings would be prompted in a regime in which, for example, elite private schooling or large-scale gifting were effectively prohibited. If she is denied the opportunity to dispose of her resources in that way, a parent who does not use them to further her children's interests can hardly be doing anything that demonstrates her misevaluation of the child, and the child cannot reasonably believe that she is. Second, it is important to keep clearly in mind how much of the significance of particular kinds of parent-child interaction is conventional. As Samuel Scheffler points out,

People's judgements about the circumstances in which, and the extent to which, they have reason to give special weight to the interests of their intimates and associates are highly sensitive to the norms they have internalized and to the character of the prevailing social practices and institutions. Behaviour that is seen in one social setting as an admirable expression of parental concern, for

example, may be seen in another setting as an intolerable form of favouritism or nepotism.<sup>26</sup>

We would argue that this conventional aspect extends to the significance that such norms have as expressions of parental love. Finally, even in a society where norms do link loving firmly to the conferral of various advantages, we conjecture that children who enjoy emotionally healthy relationships with their parents need not experience parental restraint as undervaluing. This is both because the parent has some influence over the emerging values of the child and because the parent has at her disposal many other ways to convey her love.

Quite apart from these general considerations about the expressive significance of acts of giving things to, or doing things for, one's children, there can also be more specific contexts in which instances of gifting and bequeathing, or of educational investment, are particularly valuable instantiations of the parent-child relationship. Consider the bequest of a house in which a family has lived, or a plot of land on which it has worked, for centuries. Perhaps, even though an egalitarian ethos and set of parental values could prevent children from feeling damaged by its unavailability, such a legacy, symbolizing the sense of continuity over time and between generations that is among our "family values," is an important good that would be lost in a regime of prohibition. Similarly, some

26. Samuel Scheffler, *Boundaries and Allegiances*, p. 123. Thus, for example, we have observed a dramatic change in attitude towards private schooling in the United Kingdom during the last thirty years. "Going private" was once seen as more or less taboo in liberal and public sector circles, but is now much more widely acceptable. Similarly, in socialist circles in the United Kingdom going private remains taboo, but is entirely acceptable in equivalent circles in the United States. Scheffler continues: "social institutions can vary considerably in their character while still leaving ample room for people to behave in ways that give expression to the value they attach to their interpersonal relationships. Within a fairly broad range, people can modify the behaviour that serves this function to fit the institutional and normative context in which they find themselves. In particular, they can adapt their behaviour to more or less egalitarian institutions and policies. People who live in societies with relatively more extensive social welfare programmes, or more extensive policies of redistributive taxation, are not thereby prohibited from giving meaningful expression to the value they place on their most treasured relationships. To be sure, this kind of flexibility is not unlimited, and it is an interesting question where the limits lie. However, it is not necessary to fix those limits with any precision to see that a general practice or honouring special responsibilities need not preclude the implementation of significantly egalitarian policies, or deprive a professed commitment to equality of all practical implications." We are offering an answer to the interesting question of where the limits lie.



parents wish their children to receive particular kinds of education neither because they want them to enjoy competitive advantage over others nor because they want them to partake of excellences that will make their lives go better in some general sense, but because the parent-child relationship itself, or perhaps the child's sense of herself as a member of a particular familial tradition, depends on the child's knowing or understanding particular things (cricket, classical languages, music) not otherwise available, or, perhaps, on the child attending the school that one of his parents and, maybe, one of his grandparents, attended. In such cases, familial relationship goods might indeed be invoked as grounds for permitting such bequests and educational choices.

At this stage in the analysis two points, discussed in turn in the next two sections, become crucial. They apply generally, as will be seen, but are provoked particularly sharply by the suggestion that our account, contrary to its initial presentation, can support the bestowing of houses or other property, or the purchase of elite schooling. The first concerns the alternative means by which parents and children can realize familial relationship goods. The fact that a particular interaction is a vehicle for their realization is insufficient to establish that parents should be permitted to engage in that interaction, since there may well be other means by which families can do as well, or well enough, in terms of "family values" but which are less disruptive of equality. The second concerns the relation between familial relationship goods, on the one hand, and the other benefits that may, *but need not*, accrue to those who receive them. Even where the freedom to engage in a particular interaction is essential for the realization of such goods, and granting that freedom is indeed required, all things considered in the circumstances, we should be clear that that consideration yields no protection for the receipt of other, incidental or extrinsic, benefits.

## VII

We have already made clear that whether a parent may invoke the importance of her relationship with her child to justify a permission to do a particular thing to, with, or for that child depends on the circumstances—does the particular interaction indeed realize familial relationship goods? how are those not party to the relationship faring, with respect to those goods or others?—and a view about the extent of people's duties to others

in circumstances of that kind. Establishing that a particular interaction does in fact realize familial relationship goods is only the first step in any such justification. The acknowledgment that, in some contexts, the bequest of property or investment in elite education can be susceptible to justification by appeal to our account of core “family values” forces clarification of further, more specific, issues. To assess whether permissions for such partial actions are indeed justified, we need also to know to what extent depriving parents of those particular options would deprive them of the opportunity to realize familial relationship goods, and to what extent permitting them would disrupt other distributive goals. Our reaction to a parent who appeals to the value of her familial relationship to justify doing something that brings such substantial benefits for her child is to wonder whether she might not find other means of achieving her ends, means that are less detrimental to the interests of others.

We owe parents a set of means, or a range of options, by which to realize the goods that the family has to offer its members, but what means or options should go into that set is a complicated matter. Particular means vary in a number of dimensions, each of which affects the weight of the reason to protect them. They vary in the degree to which they (a) realize familial relationship goods; (b) conflict with other distributive values; and (c) can be substituted by alternatives. So far we have explicitly discussed variation in, and balancing judgments between, (a) and (b). Our taking bedtime stories as a paradigm case of an interaction that can be justified by appeal to the value of the family implies a judgment that they are such important means for the realization of such important familial relationship goods that they should be protected even where they would undermine other children’s interest in fair equality of opportunity. Our relegating to a secondary status the distinctive good that comes from parents’ acting on their loving motivation to benefit their children in general reflects a judgment that that kind of good is less weighty—and not weighty enough to outweigh that interest of other children. Cases where genuinely important relationship goods are realized by the transmission of property or the provision of a particular kind of schooling bring issue (c) into the spotlight. Doubtless there are families for whom the bequest of property, or children’s learning a particular accomplishment or attending a particular school, are indeed means by which important familial relationship goods are realized. Were permitting such interactions the only way for families to realize those goods,

that would indeed be a weighty consideration in favor of their protection. Typically, however, there are, or can easily be, alternative mechanisms for their realization, mechanisms that conflict less with other valuable distributive goals, so the case for their protection is weak.

This observation about alternative means raises a number of complexities. One concerns the specification of the interactions that require protection if familial relationship goods are to be realized. Our presenting bedtime stories as a paradigm case of a protected activity can now be seen to have begged a question about whether such stories are indeed “essential” or “necessary” for the familial relationship to yield its distinctive fruit. Are there no functional equivalents that might do as well in terms of family values while doing less to undermine fair equality of opportunity? What about lunchtime stories, or bedtime songs? Although, as our initial case for their paradigmatic status suggested, we suspect that there is indeed something special about a young child’s bedtime, we accept that what our account actually identifies, at the fundamental level, is the case for protecting not any particular, tightly specified, kind of interaction but a harder-to-define set of options that between them afford families the space necessary for them to enjoy and realize the goods of family life. If it turned out that bedtime stories could be substituted by other, less equality-disrupting, activities, and that banning them would result in no loss to the distinctive values that parents and children are able to derive from their relationship, then our account would have no grounds for objecting to their prevention.

Those are very big ifs, however. Any attempt to think seriously about the sphere of protected activity implied by our account has to bear in mind that different families will realize familial relationship goods through different kinds of interaction and shared activity, and that healthy intimate relationships need to be spontaneous. This does a good deal to mitigate the austerity of our view. Although we do not accept the idea that the family constitutes, or is part of, a “private sphere,” a realm somehow beyond considerations of distributive justice and in principle immune to state action, the grain of truth in the privacy picture is that some degree of parental discretion is important, and that the monitoring and regulation of intimate relationships threaten to destroy the spontaneity on which much of their value depends. That is true whether the monitoring and regulation are carried out by the state or by the individuals themselves.

These points about parental discretion and spontaneity have to be treated carefully. Families are indeed different in ways that mean that successful parent-child relationships will tend to arise and be sustained through different kinds of interaction, or similar kinds of interaction focused on different particular activities. Still, their members can reasonably be expected to adapt, over time and within limits, some of which will be determined by other, not intrinsically familial, normative considerations (such as respect for parents' own views about what gives life value). Parents are not owed just that set of options realizing familial relationship goods that they would prefer, and our account does not rule out the possibility of political action aimed at shaping the mechanisms by which families realize the goods of family life. What our account does demand, however, at any particular time, is enough discretion over the detailed ways in which the parent-child relationship is conducted for it to be experienced as a spontaneous, loving, intimate sharing of lives. It is also important, for children's healthy moral and emotional development and because of the parental interest in discharging the fiduciary duty, that the parent should herself have some authority over what the child does, again within limits. The delivery, however conscientiously undertaken, of a sequence of state-prescribed bedtime stories is unlikely to fit the bill—or it will do that only if there are enough other arenas where children are subject to the loving authority of their parents and parents are free, both from external regulation and from continuous self-monitoring, to act on their natural, instinctive desire to share their lives and enthusiasms with their children.<sup>27</sup>

This claim about the value of spontaneity takes on extra significance in the light of our discussion in Section V. We acknowledged there that a loving parent will be motivated quite generally to promote the well-being of her child and that permitting her to act on that motivation would indeed realize goods distinctively made available by the familial

27. Discretion and spontaneity have important implications for state attempts to promote good parenting. Richard Rothstein expresses rare skepticism that reading to children will produce cognitive benefit if the parent is unenthusiastic (see *Class and Schools*, chap. 2); but even if parents could promote their children's cognitive development when they would rather be doing something else, there would still be a loss in terms of other aspects of the relationship. Reading to one's child will be less expressive of, and hence less likely to foster, an intimate loving relationship if one is not independently invested in it. With regard to that goal, it may well be counterproductive.

relationship. But we argued that, where granting it would undermine fair equality of opportunity, the proper balance of values would yield parents no claim to the freedom that would be required for them to act on that loving motivation *as long as there is ample space available for parents to realize the core familial relationship goods that lie at the heart of our account of the family's value*. Since successful intimate relationships require a good deal of relaxed spontaneity, and since a loving parent will be motivated spontaneously to promote her child's well-being, this italicized condition is important. A parent constantly monitoring herself to make sure that she does not act on her natural motivation to assist her children lest she do things—such as occasionally helping them with their homework—that may upset fair equality of opportunity is hardly going to be enjoying a relaxed relationship with them or making them feel special. To be sure, it is the *constancy* of the self-monitoring that is the problem, and there is a good deal more to be said about the kinds or degrees of self-monitoring that are and are not compatible with successful familial relationships. Bracketing that further discussion, it should at least be clear how our account gives parents a limited claim to the spontaneous enjoyment of parent-child interactions—including those in which parents lovingly act to promote their children's well-being—even where such interactions will lead to the furthering of their child's interests in ways that would not be justified if parents were deliberately (i.e., nonspontaneously) aiming at them.

Unlike occasional helping with homework, however, the bequest of houses or other property, or the choice of elite private schools, is not the kind of child-favoring interaction the protection of which could be defended by appeal to the importance of spontaneous familial loving relationships.<sup>28</sup> As long as parents have an adequate set of means by which to realize those goods in other ways, they can hardly invoke the necessity of a space of unmonitored discretion to justify the inclusion of those particular, deliberate, choices within the set of familial interactions available to them.

28. With respect to private schooling, we here disagree with Colin Macleod, "The Puzzle of Parental Partiality," *Theory and Research in Education* 2 (2004): 309–21. Our thinking about the family owes a good deal both to that article and to his "Liberal Equality and the Affective Family," in *The Moral and Political Status of Children*, ed. David Archard and Colin Macleod (Oxford: Oxford University Press, 2002), pp. 212–30.

## VIII

Now to the second, more general, point raised by this kind of case. Suppose that there was a decisive case for permitting such bequests and educational choices by appeal to family values along the lines discussed. That would in no way justify the protection of those other forms of advantage that, in societies such as our own, they tend to confer on those who receive them. More generally, where our account justifies protecting a particular parent-child interaction because it realizes familial relationship goods, that account gives no reason for the state not to pursue other distributive goals, such as fair equality of opportunity, by taxing the benefit, or by breaking the connection between those goods and the other forms of advantage that might otherwise accompany them.

In our current social and economic environment, inheriting a house early in adulthood, or having a secure prospect of that inheritance, constitutes a substantial financial benefit and changes hugely the ways in which beneficiaries can plan and live their lives. The beneficiary is freed from the necessity of rent or mortgage payments, or can rent the house out to offset his housing costs in another residence. Requiring that the beneficiary actually live in the house, and taxing the financial benefit (including any eventual sale of the house) at 100 percent, is entirely consistent with recognizing the relationship goods case for permitting the bequest, and is recommended by fair equality of opportunity. Similarly, the fact, where it is one, that elite private schooling may be justified by appeal to family values in no way counts against governments attempting to reconfigure the distribution of wages so that such schooling yields no earnings premium nor any of the other benefits that winners in the labor market tend currently to enjoy.

The point here is quite general. Whether, and to what extent, the practices that realize the goods of family life yield inequalities in the distribution of other goods depends on the design of social institutions. Bracket the complexities of the previous section and assume that bedtime stories are indeed "essential." Assume further that not all children receive such stories and that reading to one's child for fifteen minutes every evening has a demonstrable positive effect on both her expected lifetime income and her competitiveness for interesting and rewarding jobs. While, on our account, this tendency to upset fair equality of opportunity would not license attempts to prevent the reading of

bedtime stories, that distributive goal could perfectly well be pursued by attempts to reduce the extent to which the receipt of bedtime stories influences children's prospects for the goods governed by that principle. Governments might undertake measures designed to lessen the effect of such stories on lifetime expected income or on the other, less tangible, benefits attaching to occupations, such as how interesting they are, their status, and the self-fulfillment offered to those exercising the relevant responsibilities.<sup>29</sup> This might involve a reduction in wage inequalities or the development of an occupational structure in which these other benefits were distributed more equally between occupations.<sup>30</sup> Even where the balance of values means that the government may not interfere with the intrafamilial processes that generate particular attributes in children, our account offers no reason against, and fair equality of opportunity yields some reason for, its shaping the social environment so as to diminish the extent of the influence of those attributes on children's prospects. It may, in other words, try to break the link between the kinds of parent-child interaction that make the family valuable and the extrinsic goods that they currently yield.<sup>31</sup>

Since, on our account, the extent to which individuals may legitimately pursue relationship goods depends on the circumstances in

29. Two complications: (i) equalizing reward schedules in such ways would reduce the influence on distributive outcomes not only of bedtime stories but also of endowments and motivations, whatever their origins; (ii) bedtime stories themselves influence children's endowments and motivations. Attempts to reduce the influence of bedtime stories on children's prospects might thus seem to run counter to the spirit of fair equality of opportunity, which is often read as licensing inequalities in outcomes where they result from differences in endowments and motivations. Since we read fair equality of opportunity as a very thin principle, demanding only that people with similar levels of talent and motivation face similar prospects and saying nothing about the extent (if any) of inequalities between the positions that they should have equal opportunity to achieve, we do not see this as a problematic implication of the proposal. Rather it indicates the limited significance of the principle. For relevant discussion, see Norman Daniels, "Merit and Meritocracy," *Philosophy & Public Affairs* 7 (1978): 206–23; and Morris Lipson and Peter Vallentyne, "Equal Opportunity and the Family," *Public Affairs Quarterly* 3 (1989): 29–47, reprinted in *Children's Rights Revisited: Philosophical Readings*, ed. Rosalind Ladd (Wadsworth Press, 1996), pp. 82–97.

30. For a sustained argument for a radical reform of the occupational structure, see Paul Gomberg, *How to Make Opportunity Equal* (Oxford: Blackwell, 2007).

31. Harry Brighouse and Adam Swift, "Equality, Priority, and Positional Goods," *Ethics* 116 (2006): 471–97.

which they find themselves, political action to change those circumstances can render the pursuit of relationship goods less or more legitimate. Parents who may rightly feel self-indulgent, or worried that they are giving disproportionate weight to the interests of their children in a world where others are starving, or where they know that their enjoyment of family life results in substantial unfairness in the distribution of other goods, would have less reason to restrain their pursuit of familial relationship goods in a world that distributed other goods more justly.

## IX

We argued in Section V that as long as there is ample space available for parents to realize the familial relationship goods that yield our primary account of the family's value, parents have no claim to the further freedoms that would be required for them to act on their loving motivation generally to further their children's interests, *where granting them those freedoms would undermine fair equality of opportunity*. What about parents of children who, without parental assistance, would be on the wrong end of the italicized principle? We have mainly had in mind advantaged parents who do things to, with, or for their children that tend to give them a better than fair chance but whose interactions may be protected by the role they play in the production of familial relationship goods. For illiterate parents, however, or for members of ethnic minorities whose children are known to suffer from various biases in education systems and labor markets, buying private tuition and, if they could afford it, elite private education, the significance of that kind of benefit conferral would be very different. They may be simply providing for their children some of the opportunities that they would have under a regime of fair equality of opportunity. Does our account license the freedom to engage in that compensatory kind of parental partiality?

Answering that question requires a (more or less) full-blown theory about the extent of people's duties to others in unjust circumstances, which, alas, we cannot provide. We must always keep in mind, as emphasized in Section II, that focusing on fair equality of opportunity is artificial. The real world is characterized by deprivation more urgent than the absence of the opportunity to compete on fair terms with those who are similarly talented and motivated, so the claim that parents may legitimately act to benefit their children in order to compensate for



inequalities of opportunity they would otherwise endure might be true if that were the only relevant injustice in the world but false given the wider context. Yet even if we supposed that circumstances were otherwise just, or that the other kinds of injustice that did pertain were not relevant, still the question of whether parents may so act is complex. Although parents might indeed be aiming simply to give their own children the chances they would have under the principle of fair equality of opportunity, the effect of their actions will be to increase the deprivation of others as defined by that very principle. There will be other children, similarly talented and motivated, whose prospects will be still worsened; in that sense their actions contravene, rather than being demanded by, fair equality of opportunity.<sup>32</sup> Furthermore, there is the separate issue of whether our account of the value of the family can justify parents' concern that their own children achieve what they would have under fair equality of opportunity when they could be helping other people's children achieve it instead—perhaps, to combine it with the previous point, children with even worse prospects than their own.

Our tentative suggestion about this rather stylized scenario is that this kind of parental partiality is indeed justified, by the value of acting on, and being on the receiving end of, the loving motivation that the loved one be better rather than worse off. To insist that parents deny their children even that degree of special treatment, that is, to require that parents refrain not only from advancing their children's interests beyond what they could expect under a regime of equal opportunity but also from favoring their own when deciding which children to help to that level, would be to deprive them of the permission to act on a distinctively parental loving motivation, and deprive their children of a distinctive kind of benefit, valuable enough to warrant *that* degree of special treatment. This is an explicitly comparative case—the concern is that the child should receive a fair share of, or fair access to, something. But similar considerations apply to certain absolute forms of deprivation also. Here the claim to favor one's own child may be framed in terms of adequacy rather than fairness. To expect parents to allow their children to experience malnutrition, or to incur high risk of physical assault, is to

32. For this objection, to a less nuanced version of the current argument, see Matthew Clayton and David Stevens, "School Choice and the Burdens of Injustice," *Theory and Research in Education* 2 (2004): 111–26.

expect them to forgo one of the most important goods made available by the parent-child relationship, that of acting as the protector of the fundamental interests of a person who began life as entirely dependent on one and with whom one has developed a distinctively loving, intimate relationship. A distinctive, and weighty, loss is incurred when parents may not favor their own children with respect to avoiding these absolute kinds of harm. We believe that that loss is sufficiently great to warrant a parent's acting on her desire that her own child, rather than somebody else's, avoid such outcomes.<sup>33</sup>

Mention of parents whose illiteracy would leave their children unfairly disadvantaged without compensatory investments forces into the open an issue from which the discussion so far has deliberately abstracted: the justice of the distribution of resources—money, time, cultural capital, emotional capacity—as between parents. In our view, many of those who in fact enjoy unfairly superior chances in life are children of parents who are themselves beneficiaries of an unjust distribution of resources; but our claim that parents misweigh things if they invoke “family values” to justify the general promotion of their children's interests in ways that give their children unfairly better opportunities than others applies even in cases where parents command only what is justly theirs. Even if inequalities between parents are themselves just, still, on our account, “family values” do not justify attempts to confer or convey advantage from parents to children at that cost to others. Where those inequalities are not just, then there is of course a more straightforward objection to those attempts. Suppose that, in an otherwise just society, some large packet of resources that you knew to be stolen fell into your hands. It seems clear to us that using those resources to benefit your children in ways intended to give them too more than is justly theirs, while depriving others of fair equality of opportunity, would exceed the bounds of legitimate parental partiality.

33. Cases of this kind are sometimes framed in terms of the “parental duty of care,” which raises issues too complex for adequate treatment in this article. Here we can only observe (a) that the duties that parents owe to their children cannot simply be assumed to trump the duties they may owe to others in particular circumstances; (b) that what they owe to their children is likely to depend on what other people are doing for theirs (which may itself be a function of what those others believe to be the content of their parental duty of care); and (c) that there may be a particular value to participants in relationships knowing that others have duties, and not merely permissions, to do particular things for them in particular circumstances.

One further point is also important for the proper understanding of our argument. We have presented some substantive balance-of-values judgments with respect to the standard (but misleading) conflict between the family and fair equality of opportunity. Of course, however, one might think both that governments and parents should be guided by other distributive goals and that the former may be justified in granting the latter the freedom to act in ways that those parents are not, in fact, justified in acting. Suppose that benefiting the least advantaged within a society is more important than providing its children with fair equality of opportunity. In that case the government may do right to allow parents to favor their own children in ways not justified by our account, if that is the best feasible way to prompt them to invest their resources in developing the stock of human capital the deployment of which will redound to the benefit of the least advantaged. We might think of this as a prioritarian harnessing of parents' motivations to favor their children—a version of the prioritarian “incentives” case for permitting inequalities adapted to the parent-child, fair equality of opportunity, case. Adopting a familiar position in the literature on that topic, our view is that although a government may indeed be justified in harnessing such motivations, it is a separate question whether those motivations are themselves justified. In such a regime, it would remain the case that parents could not justify favoring their children either by appeal to family values or by appeal to the principle of benefiting the least advantaged, since they could usually have benefited the least advantaged as much or more through more direct means, had they chosen, and could have done so without sacrificing their legitimate enjoyment of familial relationship goods.<sup>34</sup>

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Having offered an account of the goods distinctively made available by parent-child relationships, most of this article has focused on its implications for the legitimacy of particular expressions of parental partiality. We claimed that, all things considered, judgments about their legitimacy depend on the circumstances, and offered, essentially for illustrative

34. G. A. Cohen, *If You're an Egalitarian, How Come You're So Rich?* (Cambridge, Mass.: Harvard University Press, 2000); Adam Swift, *How Not to Be a Hypocrite: School Choice for the Morally Perplexed Parent* (London: RoutledgeFalmer, 2003).

purposes, some substantive judgments relating to rather artificial circumstances in which such expressions conflict only with fair equality of opportunity. In the real world, of course, parents' devotion to their children raises sharper issues, including that of the distribution of familial relationship goods themselves. In this final section, we return to our early observation that the goods realized by the family are valuable for (more or less) everybody and to our suggestion that they can and should be incorporated into a distributive paradigm, allowing us to ask about such matters as the duties that fall on states and individuals to promote particular distributions of those goods in particular circumstances. Adequate treatment of that suggestion would take at least another article, but we can perhaps offer, by way of illustration, a policy implication of this idea that familial relationship goods might themselves be an object of egalitarian concern.

To make things manageable, let us bracket the complex matter of how parents might be required to seek to influence the distribution of such goods through their individual choices, and consider the issue solely as it arises at the level of policy. Also, let us put to one side a range of policies, often conceived as "family friendly," the primary aim of which is the general promotion of successful family life rather than effects on its distribution. Our belief in the substantial and distinctive value of familial relationships, when they go well, makes us broadly supportive of policy initiatives that seek to increase the likelihood of their doing so, and we are generally sympathetic to the view that much current economic and social policy is premised on a misidentification, or at least a misweighing, of the goods that matter most in people's lives. Here, however, we want to highlight not that misidentification but the maldistribution of "family values." A range of factors influences that distribution—between men and women, parents and nonparents—but, for us, the biggest obstacle to successful family life that is amenable to government influence is simple poverty.

Think of parents who attempt to raise their children in poverty in the United States. They are likely to lack the cultural capital that would enable them to negotiate the educational system, and they are unlikely to afford the more expensive housing that provides access to well-resourced schools in which their children can interact with a peer group with high aspirations. They may lack health insurance, and thus access to a primary care physician; their child is therefore more likely than

others to miss school, or to be sick when she is at school. Their neighborhoods may be dangerous, or lack the concentration of social and cultural capital that contributes to children's and adults' ability to negotiate social institutions effectively.<sup>35</sup> To earn the income needed to compensate for these disadvantages, the parent may need to take two or more jobs, and work long hours, perhaps with long travel times to and from work. Her attempt to serve her children's interests well thus militates against her ability to enjoy with them an intimate relationship of the kind that is often crucial to the children's emotional and moral development, quite apart from its value to the parent.

In Section III we said that parents have a very important nonfiduciary interest in acting as fiduciaries for their children. Some readers may have balked at that point, suspecting us of reifying a naïve or privileged conception of the family. Yet our account by no means denies that, for many, parenthood is a deep source of anxiety and frustration. It is a vital source of flourishing only if it is carried out in a social environment that renders its challenges superable. Poverty and the multiple disadvantages that accompany it can easily create a micro-environment in which it is very difficult even to develop, let alone to exercise, the cognitive and emotional skills that successful parenting requires. Meanwhile children raised in poverty are typically at much higher risk of very bad outcomes than more advantaged children, so that parents seeking conscientiously to protect their children from such outcomes require greater internal resources than are needed by the parents of more advantaged children. Distributing prospects for a more rewarding family life more equally requires the government to treat antipoverty measures as a matter of urgency.

## XI

If the family did not exist it would be necessary to invent it. Without it, children would not develop the capacities they need to flourish as adults, and adults would not enjoy the distinctive goods made possible by intimate parent-child relationships. Those relationships are constituted as the relationships they are by partiality between parents and children,

35. See Stephen Macedo, "School Reform and Equal Opportunity in America's Geography of Inequality," *Perspectives on Politics* 1 (2003): 743–55.

and attempts to pursue equality are frequently countered by the invocation of family values, from those who claim that respecting the autonomy or integrity of the family means denying the legitimacy of a seriously egalitarian agenda.<sup>36</sup> Our aim has been to outline a theory that frames the issue so that we can strike the right balance: one that recognizes the value of familial relationships, their irreplaceable role in human flourishing, while insisting that such relationships not become excuses for abandoning egalitarian goals.

We have attempted to identify the distinctive goods realized by the family and thereby to provide the basis for a distinction between legitimate and excessive parental partiality, deriving, in a way that we have not seen attempted before, the content of particular reasons for action from the goods realized by a particular kind of relationship. Most of the article has been devoted to explicating the details of our view, but, to end with the big picture, the lesson is that the family and equality do not conflict nearly as much as is commonly thought. This is so in two quite different ways. On the one hand, we can respect the partiality constitutive of valuable parent-child relationships while altering the social environment so as to reduce massively its impact on the distribution of other goods. Careful inspection of the goods in question reveals that much inequality that we are often urged to tolerate as a necessary consequence of respecting the family fails to qualify as such. On the other hand, familial relationship goods can themselves be regarded as among the distribenda of a complete theory of distributive justice. To claim that certain kinds of partiality are necessary for the realization of those goods is not to claim anything about the extent to which individuals should be permitted to pursue, or are justified in pursuing, those goods for themselves and their loved ones, rather than promoting those or other goods for others. Rather than conceiving them as obstacles to egalitarian goals, those who care about “family values” should be more specific about their content and worry more about those least able to enjoy them.

36. Family values discourse is used for other rhetorical purposes too. But in the United States, for example, where there is only a very weak strand of egalitarianism in political life, family values are often invoked against measures that mitigate inequality such as estate tax, welfare payments, and integration of schools. See Michael J. Graetz and Ian Shapiro, *Death by a Thousand Cuts: The Fight over Taxing Inherited Wealth* (Princeton, N.J.: Princeton University Press, 2006); Nathan Glazer, “Separate and Unequal,” *New York Times Book Review*, Sept. 25, 2005, pp. 12–13.