**Equality of Opportunity and Justified Inequalities:
How the Family can be on Equality's Side**

Serena Olsaretti

ICREA-Universitat Pompeu Fabra

(Chapter for *Themes from Scanlon*, Lauener Library of
Analytical Philosophy,
edited by W. K. Essler, D. Føllesdal, and M. Frauchiger, vol.
7, Berlin & Boston: De Gruyter)

**Equality of Opportunity and Justified Inequalities:
How the Family can be on Equality's Side***
Serena Olsaretti
ICREA-Universitat Pompeu Fabra

Introduction

Equality of opportunity - the principle that requires that jobs and other positions of advantage be awarded to those who are best qualified for them and regardless of their starting point in the social system - seems to sit awkwardly within liberal egalitarianism. Insofar as liberal egalitarianism rejects the importance of rewarding merit or desert, equality of opportunity may appear, at best, to be nothing but an expression of a demand of efficiency rather than justice;¹ at worst, it may turn out to be an unstable ideal that pushes liberal egalitarians towards equality of outcomes. After all, if “[w]e do not deserve our place in the distribution of native endowments, any more than we deserve our initial place in society (...)” (Rawls 1999: 89) then it should be unjust to permit unequal access to jobs and other positions on the grounds of unequal qualifications, given that what qualifications individuals have must necessarily reflect their unequal natural endowments, even if we neutralised the influence of social factors.² At the same time, equality of opportunity will always be frustrated by, and will always militate against, a canonical liberty to which liberal egalitarianism is committed, the freedom to have and raise children, because differences in family values and resources will invariably affect what qualifications children come to acquire. Liberal egalitarianism thus faces two sources of tension in its endorsement of equal opportunity.

Thomas Scanlon's discussion of equality of opportunity sheds much light on how liberal egalitarianism can handle the first of these sources of tension. Equality of opportunity, Scanlon believes, is part of a justification of socio-economic inequalities that appeals to the value of harnessing the talents and skills of

* This paper was presented at the Lauener symposium in honour of Thomas Scanlon in Bern, September 2016; at the UPF Family Justice workshop in Barcelona, February 2017, and at the Stockholm Institute for Futures Studies Internal Seminar in June 2017. I am grateful to participants of those events for their comments and to Paul Bou-Habib and Andrew Williams for discussions. Work for this article has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 Research and Innovation Programme (Grant Agreement Number: 648610; Grant Acronym: Family Justice).

¹ For this worry, see Daniels 1978.

² See Williams 1962.

individuals in a way that benefits everyone, especially the least advantaged members of society; for this reason, equality of opportunity demands that positions of advantage be assigned to those whose talents and skills can be used in ways that benefit the least well off, not that those talents and skills have no impact on how well off people end up, as equality of outcomes does. But this demand is not merely a demand of efficiency, since equality of opportunity also requires that no one have reason for complaint for lacking the talents and skills that give people access to positions of greater advantage. Scanlon's treatment of equality of opportunity thus offers an understanding of how to interpret this ideal in a way that duly recognises the need to justify socio-economic inequalities to the least advantaged members of society.

Scanlon's discussion also attempts to defuse the worries raised by the second source of tension surrounding equality of opportunity's place within liberal egalitarianism, regarding the conflict between equal opportunity and the family,³ and specifically, parental partiality, that is, parents' disposition to confer benefits on their children. Here, the main point Scanlon makes is that it is often possible (without sacrificing efficiency unduly) to undo the link between, on the one hand, many of the benefits that wealthier families confer on their children, and on the other, access to positions of advantage. Cases in which this is possible include those in which the benefits that wealthier families confer on their children are not, strictly speaking, needed qualifications for the positions of advantage that these children will compete for. In these cases, the competition for positions should be set up so that it does *not* adjudicate between candidates on the basis of whether candidates possess these benefits. For example, children of wealthier families gain enriching experiences by travelling abroad, doing volunteer work, and learning foreign languages which make them more interesting job candidates, rather than ones who are better able to perform the job well. Competitions for jobs should not choose between candidates on these grounds. Furthermore, we can undo the link between parental conferral of benefits and better access to positions of advantage in a second type of cases, namely, those in which, although what wealthier parents

³ By "the family", throughout, I mean parent-child relationships characterised by the fact that the adults who are entrusted with the role of parents have substantial rights and duties over, and vis-à-vis, the child/children they are the parents of. I also assume that some parental partiality – broadly, a disposition to favour one's children – is among the things these rights and duties protect or mandate.

confer on their children *are* needed qualifications for certain positions of advantage, it is possible to structure those positions and the competition for them so that those qualifications are provided on the job for all successful candidates, rather than being presupposed. Competence in a certain computer programming language that can only be obtained through expensive programmes, for example, could be provided to all successful job candidates who have been selected on the basis of their knowledge of other, more basic, programming languages. In all these cases, undoing the link between parents' benefiting of their children and access to positions of advantage is what equality of opportunity requires. This way, heeding the demands of equality of opportunity does not require preventing parents from benefiting their children, and some of the tension between equality of opportunity and the family is diffused.

This paper does not take issue with Scanlon's understanding of equality of opportunity and its role in the justification of inequality, nor with his suggestion of how in certain cases we can reconcile respect of parental partiality and equality of opportunity. Instead, taking Scanlon's discussion as a starting point, this paper examines a different, hitherto neglected, aspect of the relationship between equal opportunity, the justification of socio-economic inequalities, and parental partiality. My central claim is that once we acknowledge that in a just society equality of opportunity must be satisfied for inequalities to be justified, and given a certain view of the special obligations of parents to their children, appealing to the latter can ground an argument for *reducing* socio-economic inequalities. In a just society, parents may not support institutions that create substantial socio-economic inequalities while also *both* upholding equality of opportunity *and* heeding their parental obligations. So, a society whose institutions are regulated by equality of opportunity, and in which parents act in line with their parental obligations, is one which will, other things equal, be more egalitarian than a society whose parents are neglectful of their parental obligations.

The discussion proceeds as follows. Section 1 presents in a bit more detail Scanlon's discussion of the relation between equal opportunity and the justification of socio-economic inequalities. Section 2 briefly sketches an egalitarian critique of the argument for inequality-generating incentives which that justification supports, formulated by G.A. Cohen. Doing so is helpful as a

preliminary to my own analysis. Section 3 presents my central claims about the reconciliation of parental partiality and socio-economic equality in a just society, and section 4 concludes by teasing out some central ways in which those claims are significant.

1. Scanlon on equality of opportunity and the justification of inequalities

As mentioned earlier, Scanlon conceives of the ideal of equality of opportunity as part of a justification of socio-economic inequalities, or as part of an answer to a complaint against inequality.⁴ In this respect, as well as in terms of the other components of the justification of inequality it endorses, Scanlon's view shares much with John Rawls's. Socio-economic inequalities can be just only if it is true of them both that they benefit the least well-off members of society and that the offices and positions to which they are attached are open to all.⁵ More specifically, the justification of such inequalities must invoke two principles:

i) *An equality of opportunity principle*, which regulates *access* to jobs and other positions of advantage. These include offices, jobs, and higher education positions but also other inequality-generating institutions like rules regulating the set-up of limited liability corporations or the acquisition of patents. The principle requires, in Scanlon's terms, both that positions of advantage be allocated through fair procedures, on the basis of relevant qualifications - i.e., that "procedural fairness" be respected - and that everyone have a fair chance of acquiring those qualifications, so that no one can complain that she was not placed in a sufficiently good position to acquire the relevant qualifications - this is a demand of "substantive fairness".

ii) *The Difference Principle*, which offers a justification of inequality-generating institutions by reference to the beneficial consequences of having institutions that generate these inequalities for the worse-off members of society. We can characterise this principle as one that concerns not access but the *payoffs*

⁴ See Rawls 1999; Scanlon forthcoming.

⁵ These are only necessary, not sufficient, conditions. Liberal egalitarians also endorse a principle of equal basic liberties as demanded by justice. On Scanlon's view, there may further objections to inequalities that are not captured by these principles, for example if they are generated in ways that fail to give due considerations to individuals or if they are stigmatising. Throughout, I focus only on the two principles I have just mentioned and assume throughout that other demands of justice are respected.

of jobs. The Difference Principle is forward-looking, identifies the interests of a particular social group – the least advantaged – as relevant, and eschews appeal to notions of desert and entitlement. If attaching unequal financial rewards to positions of advantage were not necessary to benefit the worse off, then inequalities in economic rewards would be unjust: the putative facts that the best qualified would be deserving of greater rewards, or that they are entitled to them if others are willing to offer them their justly held resources by way of reward, are irrelevant. Instead, the Difference Principle justifies those inequalities in the payoffs of jobs and other positions of advantage that make the least advantaged members of society better off than they would be if these inequalities were eliminated or reduced.

For Scanlon, as for Rawls, meeting the demands of either of these principles on its own would not be enough for inequalities to be just. A society in which socio-economic inequalities were permitted so as to please the best off (so the creation of the inequalities lacks a justification) would not be just, even if perfectly fair access were guaranteed to the best off positions. Similarly, a society in which institutions were so structured as to ensure that socio-economic inequalities benefited the worse off members of society, but in which access to the unequally rewarded positions were assigned nepotistically, would be unjust even if (as is unlikely) the nepotistic arrangements were not inefficient.⁶

The fact that equality of opportunity is a necessary part of a justification of inequality matters for my argument in what follows, since the question I examine is what implications the fact that equal opportunity must be satisfied has for which inequalities are justified. This question has not been raised in critical analyses of the Rawlsian view of justified inequalities; nor does Scanlon himself address it, although he, more explicitly than Rawls, makes perspicuous that the point and purpose of equal opportunity is to help silence objections to socio-economic inequalities and hence, that inequalities that arise against a background in which equality of opportunity is not realised are unjustified. When we focus on this fact, I argue, a hitherto unnoticed aspect of parental partiality comes to light: in a just

⁶ In his discussion of equality of opportunity, Scanlon brings out, more than Rawls does, the internal connection between the two principles, showing that the rationale for the inequality-engendering institutions must inform, at least in part, what the demands of equality of opportunity are. But even on his view, equality of opportunity also expresses independent concerns (e.g. with due and with equal consideration, with non-discrimination, and with substantive fairness).

society, that is, one that is regulated (at least to a substantial degree) by fair equality of opportunity, parents' fulfilling their obligation to their children requires that they act so as sustain socio-economic institutions that maximally benefit the worse off not only relative to less efficient egalitarian institutions, but also relative to less inefficient inegalitarian institutions – that is, those inequality-engendering institutions which, on a certain view of the Difference Principle, would be compatible with justice, insofar as they are necessary to benefit the worse off, that is, insofar as they provide those who have productive talents (henceforth, “the talented”) incentives to use those talents productively.

According to this “incentives argument”, which Rawls' Difference Principle provides normative support for (Rawls 1999: 69), and which Scanlon's view presumably also allows for, inequalities created by the high rewards that are necessary to motivate the talented to take up productive occupations, and to work productively in those occupations, are just in that they help maximally benefit the worse-off members of society. The incentives argument goes as follows:

1. Inequalities that are necessary to benefit the worse-off are just;⁷
2. The inequality-creating incentive payments demanded by the talented members of society are necessary to benefit the worse off;
Therefore,
3. The inequality-creating incentive payments demanded by the talented are just.

In what follows I suggest that, once we keep in view what Scanlon emphasizes, namely, that any justification of inequalities – and hence, this incentives argument, too - assumes that equality of opportunity is satisfied, then it is not an argument that could be proffered by talented individuals who are parents and who heed their parental obligations. So, even if these inequalities could be declared to be just by the lights of the Difference Principle, parental partiality – by which I mean, specifically, parents' special obligations to benefit their children in certain ways -

⁷ Assuming that other principles of justice, including the principle of equality of opportunity, are also respected.

would condemn them. Before I formulate these points, in the next section I sketch an egalitarian critique of the incentives argument, which denies that the Difference Principle, correctly understood, sanctions incentives inequalities. Doing so, as will become apparent, helps bring to view how my argument differs from, and can contribute to, existing liberal egalitarian treatments of which inequalities are justified.

2. G.A. Cohen's critique of the incentives argument

The incentive argument for inequalities has been the target of the egalitarian critique of John Rawls formulated by G.A. Cohen (2008). The core element of Cohen's critique is the contention that talented individuals in a just society may not, compatibly with respecting justice (and in particular, the spirit behind the Difference Principle, which Cohen identifies with ideals of community, fraternity and civic friendship), be self-seeking income maximisers in their economic choices (the choices of what occupation to work in, and how hard to work) in the way the incentives argument assumes, leaving only institutions to do work in realising justice. Contrary to Rawls and Scanlon, Cohen believes that some inequalities produced by institutions that satisfy the Difference Principle would be unjust, since justice requires that citizens be motivated by an egalitarian ethos to make productivity-promoting occupational choices without compromising socio-economic equality. More specifically, Cohen denies that in a just society the inequality-creating incentive payments demanded by productive individuals are just, because in his view, two possible interpretations of premises 1 and 2 in the argument sketched just above must be disambiguated, and, once these are disambiguated, it can be argued that the defensible interpretation of premise 1 is not one which can warrant the conclusion expressed in 3. Let me explain.

Cohen notes that incentive payments can be "necessary" to induce the talented to work productively in two importantly different senses: an intention-*dependent* and an intention-*independent* sense. An incentive payment is necessary in an intention-*dependent* sense if it is needed to induce the talented to work productively, where working productively would be something which is in the talented person's *power* to do (i.e. it is something they are capable of doing if they so choose), but which she is *unwilling* to do, without the incentive payments in

question. If the talented could, by contrast, not *bring themselves* to work productively even if they so chose, then the incentives that they receive in order to *enable* them to work are necessary in an intention-independent sense.⁸

Now, according to Cohen, when they are correctly understood, the demands of the Difference Principle (and of the related principles of fraternity and of community) are such that only inequalities that are necessary in an intention-independent sense can be just. But inequality-generating incentives are necessary only in an intention-*dependent* sense. Conclusion 3, then, does not follow from a duly revised formulation of premises 1 and 2.⁹ According to Cohen, in a just society, one whose institutions are regulated by the Difference Principle, and whose citizens accept that principle, the talented members of society would not hold out for incentive payments because they can and in order to maximise their income within the limits permitted by just institutions. Instead, just citizens would be guided by the Difference Principle in their “personal” choices, and more specifically, in their choices of which occupation to pursue and how hard to work, and talented citizens would be motivated by an “egalitarian ethos” to work productively without demanding inequality-generating incentive payments – by accepting, for example, higher redistributive taxation taxes while still working at their productive jobs. The worse off would thereby benefit *more* relative to the inequality-producing incentives scenario, while fewer or no inequalities would obtain.¹⁰

⁸ Incentives that are necessary in this sense, Cohen points out, are not, strictly speaking inequality-engendering, in that they are merely *compensatory*, i.e. they offset a disadvantage. An illustration is a monetary reward that is necessary to buy oneself a holiday one *needs* to be able to rest enough to remain productive.

⁹ Cohen’s argument could then be summed as follows (the underlined words indicate the changes to the original incentives argument):

1*. Inequalities that are necessary, in an intention-independent sense, to benefit the worse-off are just;

2* The inequality-creating incentive payments demanded by the talented members of society are necessary to benefit the worse off only in an intention-dependent sense;

Therefore,

3* The inequality-creating incentive payments demanded by the talented are not just.

¹⁰ The following table illustrates, in a simplified form, the payoffs structures that would be just according to the incentives argument (B) and according to Cohen’s egalitarian ethos argument (C). A represents the egalitarian baseline relative to which B constitutes an improvement such that the inequality in B is (allegedly) just.

	Worse-off	Talented
A – Egalitarian baseline	10	10
B – Incentives inequality	12	20
C – Egalitarian ethos payoffs	16	16

Given my interest in this paper, it bears mentioning at this point that Cohen's critique of the incentives argument assumes that the inequalities produced by the Difference Principle as it applies to institutions would be compatible with the other principles of justice, including the fair equality of opportunity principle: Cohen does not take issue with the claim that such inequalities can arise compatibly with the principle of fair equality of opportunity's being respected. That claim, by contrast, is part of the argument I level.

As already announced, in what follows I participate in the discussion over the merits of the justification of socio-economic inequalities provided by the incentives argument from a particular angle, that is, an angle concerned with assessing the rights and obligations of a particular group in a just society, namely, the rights and obligations of *parents* - by which I mean adults who are the primary carers of children. Thus, while my argument is, like Cohen's, an argument *for equality*, it is different from Cohen's insofar as it grounds the egalitarian case in the special obligations of parents to their children, rather than in general obligations of justice which citizens owe to one another. My argument is also different from Cohen's in other respects, some of which see my view as better aligned with the Rawls-Scanlon liberal egalitarian view than with Cohen's view, and others of which see my argument as opposing some convictions which the views of Cohen, Rawls and Scanlon all share despite their differences. I will return to these points in section 4, after presenting the argument from parental partiality in favour of socio-economic equality in the next section.

3. Talented parents and the limited scope of the incentives argument for inequality

Whatever the merits of Cohen's critique of the incentives argument, the latter, I now suggest, fails as a *general* justification of incentive-generated inequalities, that is, as an argument that is supposed to apply to a class of inequalities - incentive inequalities - created by *all productive members of society alike, parents as well as non-parents*. More specifically, I argue that parents may not demand inequality-creating incentive payments while also *both* upholding equality of opportunity *and*

heeding their parental obligations, that is, a set of special obligations which they have, as parents, to their children, in a just society.¹¹ Two key sets of premises are needed to support this conclusion. They concern, respectively, certain assumptions about social facts which all just citizens must take as valid given the operation, in a just society, of the equal opportunity principle; and a view about what obligations parents have towards their children in a just society.

Consider, first, what all citizens of a just society must assume regarding the implications of a principle of equal opportunity's being in operation. That that principle *is* in fact in operation is, recall, a condition that must be satisfied for the inequalities justified by the difference principle to be just. The incentives argument sketched earlier is one that holds against that the assumption that the equality of opportunity principle is satisfied, at least to a substantial degree. This much is uncontroversial; it is an implication of Rawls' according lexical priority to fair equality of opportunity over the Difference Principle, and is something that, as was mentioned earlier, Scanlon's treatment of equal opportunity's role in justifying socio-economic inequalities makes perspicuous. What should also be uncontroversial, and, I now suggest, has implications that are typically not noticed, is the following social fact which citizens in a just society should assume holds true in their society: in a society whose institutions are regulated by the equality of opportunity principle, *there is a considerable degree of social mobility, so that the social class one is born to is not a reliable predictor of what social class one will belong to as an adult*. Unless this social fact obtains, we cannot say that equality of opportunity in *any sense that is meaningful for liberal egalitarians* is satisfied. If this social fact does not obtain, in other words, at best only a formal principle of equality of opportunity, or a procedural fairness requirement, which requires that people who hold the qualifications for competing for positions of advantage not be excluded from competing for them on grounds that are irrelevant to competent performance in those positions of advantage. Liberal egalitarians like Scanlon and Rawls, however, clearly believe that equality of opportunity demands more than this. As they note, it requires that those who have equal motivation and equal

¹¹ In his discussion of equality of opportunity, Joseph Fishkin helpfully brings out that, under certain conditions (e.g. when access to positions of advantage is very competitive), families will have greater incentives to act in ways that exacerbate inequalities (Fishkin 2014, pp. 127-8). Note that my claim is different from Fishkin's, in that it is primarily a claim about *the obligations* parents have, not about what they are motivated to do.

ability (or could have equal ability if provided with the right conditions) have roughly “the same prospect of success”. It seems safe to say that, unless a substantial degree of social mobility obtains, nothing close to this ideal is approximated, let alone fully satisfied.¹²

Since much has been written on the thorny questions of exactly *what constraints* on individual parental action the principle of equal opportunity imposes (Is reading bedtime stories compatible with respecting equality of opportunity? Is sending one’s children to after-school activities?), and what *public policy measures* must be put in place in order to implement this ideal (Is high quality, equal publicly funded primary education for all required? Is that all that is required?), it is important to note that here I am not attempting to give an answer to those questions. Instead, I am suggesting that a substantial degree of social mobility is a social fact that we must assume would be the *outcome* of (more than formal) equality of opportunity’s being in place, whatever constraints on individual actions and whichever policy measures we believe equality of opportunity might require.

By way of analogy, consider the claim that, whatever gender equality might require in terms of the division in heterosexual households of unpaid domestic and paid non-domestic work between male and female partners, we can confidently claim that unless *statistical equal split* obtains (such that taking the aggregate of men in such households and women in such households, we find that overall they share equally in domestic and in non-domestic labour).¹³ We can say that a substantial degree of social mobility and statistical equal split are the macro-level, society-wide outcomes that must obtain if certain phenomena condemned by (a range of defensible interpretations of) certain ideals do not occur. (Such phenomena would be, respectively, systemic failures of a more than formal principle of equal opportunity; and widespread gender injustice, such that it would

¹² There is a scenario in which at least Rawls’ understanding of fair equality of opportunity could in principle be realised compatibly with there being little social mobility, i.e. one in which natural talents are closely correlated with social class. (Whether Scanlon’s version of the ideal would allow for this possibility is less clear, given that Scanlon denies an assumption Rawls makes, that is, that there is a pre-institutional understanding of “natural talents”.) I assume this is not the case. It is an interesting question what sort of value equal opportunity would have if this were, indeed, the case, but I do not address that question here.

¹³ Richard Arneson defends this claim (1997), as an alternative to Susan Moller Okin’s view that gender justice requires, specifically, that there be an equal split between men and women *within individual households*.

generally be possible to predict, from an individual's sex, where he or she falls in the distribution of paid and unpaid work.)

These social facts, then, can be taken as indicators of certain principles' being respected, and insofar as citizens in a just society make choices whose justice is conditional upon certain principles' being realised in their society, and must be informed by their knowledge that those principles are so realised, these social facts are ones which just citizens must assume obtain when making those choices. In a society in which equality of opportunity is in operation, and in which people's prospects in the allocation of positions of advantage are not (at least, not largely) affected by their social class, there will be a substantial degree of social mobility, both upwards and downwards. Parents in a just society, then, would be wrong to assume that their and other people's children will be in their own social class. For parents who are talented individuals and could thus, in principle, command incentive payments, this means that they would be wrong to assume that their children will be among the better-off, rather than the worse-off. This, I now suggest, has important consequences for what socio-economic inequalities these parents may demand, *compatibly with* their fulfilling their obligations to their children. In a just society, talented parents could only render inequality-engendering incentives necessary (thus making premise 2 of the incentives argument true) if they failed to respect special obligations which they have as parents, namely, the obligations to their children to not gain at their expense, and the obligation to help ensure for them the circumstances in which they will can be comfortably well-off as fully cooperating members of their society.¹⁴

The first of these two obligations bears resemblance to Rawls' principle of fraternity: parents' having an obligation not to gain benefits at their children's expense involves their refraining from rendering social positions which their children could come to occupy less good than they could be if the parents worked as productively without seeking to benefit by demanding incentive payments. Whether or not we agree with Rawls that this obligation binds citizens to one

¹⁴ The obligation at hand may share its basis with parent's obligation – which more readily springs to mind – to help raise his children so they acquire the capacities to be free and equal members of society. I do not explore this point here.

another, it seems plausible that it is one that parents have to their children.¹⁵ Parents' obligations to their children extend beyond that. It is important, here, that the obligation to help ensure for one's children the conditions for them to be comfortably well-off is an obligation to help secure for one's children the option of being well-off *by being fully cooperating members* of their society, that is, by being self-supporting and by participating in the social role which they choose to participate in and which, compatibly with background constraints (e.g. regarding the supply of jobs) and with the principle of equality of opportunity's being respected, they will be able to participate in.¹⁶ It is in virtue of having this obligation (as opposed to merely an obligation to supply for their children a certain level of material well-being) that parents would be failing their children if they intentionally undermined their children's employment chances, or worsened their children's prospective employment conditions.

They would fail their children – it is important to note this - even if they were both willing and able to secure their children's material well-being by lavishing them with generous gifts, and even if they undermined their children's employment chances, or worsened their children's prospective employment conditions, *in order to* secure for themselves material resources with which they will improve their children's material well-being *to a greater extent* than if they did not undermine their children's employment opportunities. This would be so whether parents' undermining of their children's employment opportunities occurs through individual "private" acts, or *via* institutions. So, for example, a parent who, knowing he is better qualified than his child at a job and would command a higher salary than her (on grounds of seniority, say), applies for that job in order to outcompete his child and get the higher salary, violates the obligation in question, *even if* he were willing to share his higher salary with his child. Similarly, to take another example, parents who vote for labour market

¹⁵ My discussion here makes two important assumptions I do not examine. The first is that parents have special obligations to their children, as opposed to having only general obligations towards them, obligations which other citizens also have. There are several different accounts of what grounds such responsibilities, which I do not take a stance on here. (See O'Neill 1979, Brake 2010, Archard 2010, Porter 2014, Olsaretti 2017 for some discussions.) The second assumption I make is that some of these obligations are owed to children as future adults, or once they are adults. Some special obligations parents have to their children do not cease once their children are of age.

¹⁶ The obligation at hand may share its basis with parent's obligation – which more readily springs to mind – to help raise his children so they acquire the capacities to be free and equal members of society. I do not explore this point here.

policies that are reliably predicted to have, as an effect, a reduction or worsening of the conditions of youth employment, may also be failing in this obligation – again, even if they are able and willing to more than compensate their children monetarily.

If talented parents are unwilling to work productively unless they receive inequality-generating incentives (for example, by not working productively under a higher income tax regime), thereby not improving the worse off social positions as much as they could if they accepted higher redistributive taxation, then, given that their children may be among the worse-off and come to occupy those social positions, they would violate an obligation to their children to help ensure for them the circumstances in which they can be comfortably well-off as fully cooperating members of their society. So, in a society regulated by fair equality of opportunity, parents may not justify inequality-generating incentive payments by appeal to the liberal egalitarian argument, compatibly with respecting their parental obligations.

If parents who are just citizens in a just society can only demand inequality-engendering incentive payments at the price of failing in their parental obligations, then, since I assume that parents who are just citizens are also good parents (that is, parents who comply with their parental obligations), the socio-economic inequalities that will be demanded in a just society many of whose talented members are parents will be quite limited. Talented parents who recognise both their obligations as just citizens and as parents would, in just circumstances, be motivated to both abstain from demanding inequality-engendering incentive payments, *and* to nonetheless work (nearly) as productively as they would if they received incentive payments. They would make economic choices that benefit the worse-off members of their society, *without* demanding incentive payments (or demanding only limited incentive payments) thereby contributing to there being only limited or no inequalities and benefiting the worse-off *more* than would be possible if they, the parents, did demand those payments as a condition for working productively.¹⁷ Parents would, in other words, accept greater sacrifices

¹⁷ I believe that there are other concerns that parents (reasonably) have for their children, and which have implications for the kind of society's employment structure which parents would want to help establish and maintain in a just society. In particular, I have in mind parents' concern with ensuring that their children achieve some self-realization in the jobs and positions they occupy;

for the sake of helping the worse-off than if they did not have, or failed to act on, their obligation to benefit their children.¹⁸ They would do this because they acknowledge, as they must if they are just citizens who accept that their institutions are duly regulated by the fair equality of opportunity principle, and who therefore assume the social fact of social mobility, that the worse-off members of society could include their own children, and that they have an obligation to their children to uphold just institutions which render all social positions, including those of the worse-off, as ones which they could want their children to occupy.

4. The public-private distinction, and the role of parental partiality in egalitarian theory and practice

Scanlon's treatment of equality of opportunity sees this ideal as part of a justification of socio-economic inequalities: socio-economic inequalities are only just if equality of opportunity is satisfied. Taking this claim as a starting point for my discussion, I have suggested that it can be deployed as part of an unfamiliar argument for socio-economic equality, an argument that appeals to the obligations of parents to their children in a just society. If equal opportunity really must be satisfied (at least to a substantial degree) for socio-economic inequalities to be just, then well-off parents have reason to want to reduce socio-economic inequalities and ensure that all social positions, including the worse-off ones, are reasonably good, since their children could come to occupy those positions. So, viewing the fair equality of opportunity principle as Scanlon does, as part of a justification of inequalities, can have some generally neglected inequality-constraining implications. The fact that the fair equality of opportunity principle must be in operation for any socio-economic inequalities sanctioned by the Difference Principle to be just has implications, then, not only for how *access* to

parents would, accordingly, support institutions that restructure jobs in order to render possible the pursuit of a substantial degree of self-realisation even if one occupies less "prestigious" occupations.

¹⁸ We can use the simple table used earlier to illustrate Cohen's egalitarian ethos view: just parents would opt for C if they recognised their parental obligations.

	Worse-off	Talented
A – Egalitarian baseline	10	10
B – Incentives inequality	12	20
C – Just parents	16	16

positions to advantage should be regulated, but also – and this is what I have focused on in this paper – for what *the payoffs* of those positions of advantage should be. This point has been missed in discussions of the incentives argument, which have focused only on the Difference Principle and neglected to ask what implications the fact that lexically prior principles of justice are satisfied has on which socio-economic inequalities can be just. By way of conclusion, I would like to highlight two other ways in which the argument I have sketched relates and contributes to existing positions on the liberal egalitarian justification of socio-economic inequalities and on the family.

First, while, as I already remarked, my argument supports implications that are similar to those drawn by Cohen, it does so on different grounds, and unlike Cohen's view, it does not rest on rejecting the moral division of labour between institutions and personal behaviour championed by defenders of the liberal egalitarian argument for inequality. According to the liberal egalitarian view that Cohen attacks, there is, in a just society, a division of labour between institutions, which enact justice, and personal behaviour, which does not itself aim at realizing justice.¹⁹ Cohen believes, by contrast, that the very same principle that regulates institutions – the Difference Principle – should also constrain people's personal choices. To be sure, the demands of the egalitarian ethos would only extend as far as is compatible with the independent requirement to respect an agent-centred prerogative, which Cohen believes exists, and which protects an area in which each individual is at liberty to pursue his self-interest, broadly understood (thus understood, self-interest includes parents' interest in their children's well-being).²⁰ But on Cohen's view, personal economic choices, as well as a society's institutions, would have to be regulated by the Difference Principle in order for justice to be realised.

¹⁹ In other words, just citizens uphold just institutions, and accept that their behaviour, in order to be legitimate, must not violate the constraints imposed on it by those just institutions, but, when making choices in their personal life which are permitted by the institutions they live under, they need not ask themselves which of those choices best promotes justice. I have argued against this understanding of the moral division of labour, which both Cohen and his targets display, in "The Inseparability of the Personal and the Political", *Analysis*, but leave this point aside here.

²⁰ So, Cohen does, in fact, permit *some* inequalities that are not necessary in an intention-independent sense to benefit the worse-off. He believes these would not be very extensive (for an argument to the contrary, see Estlund 1998, to which Cohen responds in his General Appendix). In any event, they would not, as I understand Cohen, be inequalities that are either *required* or even *permitted by justice*. Instead, they are unjust, but, on balance, justified inequalities.

The argument I have sketched for a society of limited socio-economic inequalities, by contrast, is compatible with endorsing the moral division of labour endorsed by liberal egalitarians, since, while it supports conclusions that overlap with Cohen's (conclusions that are favourable to socio-economic equality), it does so for reasons that are very different from Cohen's. These reasons appeal to the demands of parental obligations in a just society, rather than the need to extend the reach of demands of justice into personal life. We could thus agree with Cohen that we should aim to have more socio-economic equality than some liberal egalitarians have allowed for, but also agree with Rawls and Scanlon, against Cohen, that we should not demand that people's economic choices be guided by an egalitarian ethos.

A second, related, point highlights a respect in which the argument I have sketched differs from both Cohen's and liberal egalitarians' views. On Cohen's view as much as on the view of the liberal egalitarians he criticises, the family is seen as primarily an equality-disrupting force. Mention of parents and the family in the context of discussing both equality of opportunity and socio-economic inequalities typically points to the various respects in which the family and parental partiality pull away from equality, both equality of opportunity and the maintenance of socio-economic equality. There is, to be sure, an important difference between Cohen's view and the liberal egalitarian accounts he criticises when it comes to the family's disruption of equality. According to the Rawls-Scanlon argument for socio-economic inequalities, parents' disposition to favour their children leads to inequalities that are sanctioned as *just*, whereas for Cohen, it would be protected by the agent-centred prerogative as *legitimate departures from justice*. But the possibility I have canvassed in this paper is altogether different, and has brought to view one way in which parental concern can be aligned with justice, and push towards greater socio-economic equality, rather than being viewed as necessarily pulling away from justice and equality.

References

- Archard, D., 2010. The Obligations and Responsibilities of Parenthood. In D. Archard and D. Benatar (eds.). *Parenthood and Procreation*. Oxford: Oxford University Press

- Brake, E., 2010. Willing Parents: A Voluntarist Account of Parental Role Obligations. In D. Archard and D. Benatar (eds.). 2010. *Parenthood and Procreation*. Oxford: Oxford University Press
- Cohen, G.A., 2008. *Rescuing Justice and Equality*. Cambridge, Mass.: Harvard University Press
- Daniels, N., 1978. "Merit and Meritocracy", *Philosophy and Public Affairs* 7: 206-223
- Estlund, D., 1998. "Liberalism, Equality and Fraternity in Cohen's Critique of Rawls", *Journal of Political Philosophy* 6, 1: 99-112
- Olsaretti, S., 2017. "Liberal Equality and the Moral Status of the Parent-Child Relationship". *Oxford Studies in Political Philosophy*, vol. 3. Oxford: Oxford University Press
- Olsaretti, S., 2011. "The Inseparability of the Personal and the Political: A Review of G.A. Cohen's *Rescuing Justice and Equality*". *Analysis* 72: 147-156
- Rawls, J., 1999. *A Theory of Justice*, Oxford: Oxford University Press (revised edition)
- O'Neill, O., 1979. Begetting, Bearing, and Rearing. In O. O'Neill, and W. Ruddick (eds.). *Having Children: Philosophical and Legal Reflections on Parenthood*. New York: Oxford University Press
- Porter, L., 2014. Why and How to Prefer a Causal Account of Parenthood. *Journal of Social Philosophy* 45, 2: 182-202
- Scanlon, T., forthcoming. *Why Does Inequality Matter?* Oxford: Oxford University Press
- Williams, B., 1962. "The Idea of Equality". In P. Laslett and W.G. Runciman (eds.). *Philosophy, Politics and Society, Second Series*. Oxford: Blackwell.