

## EQUAL OPPORTUNITY AND THE FAMILY

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### INTRODUCTION

**L**IBERALS cherish the right of individuals to pursue their conception of the good—subject, of course, to the constraint that doing so does not harm others. Having and raising children is part of many people's conception of the good life, and for that reason liberals have defended a significant degree of autonomy for parents in deciding how to raise their children. In this paper we shall argue that *on good liberal principles* liberals must reject this claim of parental autonomy. And we shall suggest that it is very likely that this will require significant changes in the role of the state in raising children.

We build upon some work of James Fishkin. In his book, *Justice, Equal Opportunity, and the Family*<sup>1</sup> he has clearly laid out the incompatibility of effective equal opportunity and the autonomy of the family.<sup>2</sup> Quite simply put: if effective equality of opportunity is to be enjoyed by all, the family must lose some of its traditional decisionmaking powers for children. More specifically, Fishkin shows (pp. 35-36) that the following three principles are not jointly satisfiable:

*Merit:* Positions should be allocated on the basis of qualifications.<sup>3</sup>

*Life Chances (Equal Life Chances):* Children with equivalent capacities (i.e., who have the same potential for qualifications) should have the same prospects for eventual positions in society.

*Family Autonomy:* Consensual relations within a given family governing the development of its children should not be coercively interfered with except to ensure for children the essential prerequisites for adult participation in society.

We follow Fishkin in understanding these essential prerequisites to be

fairly minimal relative to current North American standards. Very roughly the essential prerequisites are basic physical health, some minimal level of psychological health, and some minimal level of cognitive skills. On the intended reading, then, most current North American families seek to ensure (as a matter of contingent fact) that their children have the essential prerequisites.

Fishkin's argument that these three principles are not jointly satisfiable rests on the following empirical assumption (which Fishkin does not state as explicitly as we do):

*Family Influence (Familial Influence on the Development of Skills):* If consensual relations within a given family governing the development of its children are not coercively interfered with except to ensure for children the essential prerequisites for adult participation in society, *then* in general children with equivalent capacities will not have the same prospects for qualifications.

Given this empirical assumption, the three principles are not jointly satisfiable. For given this assumption, if Family Autonomy is satisfied, then children with equivalent capacities will not have the same prospects of developing qualifications. And if positions are allocated on the basis of qualifications (as required by Merit), then children of equivalent capacities will not have the same chances of being assigned the various positions, thus violating Life Chances.<sup>4</sup>

To illustrate the incompatibility, consider two identical twins that are adopted by different families, one family being well-educated, economically well-off, stable, and loving, and the other family having none of those characteristics. Since they are identical twins, they have equivalent capacities. But given the differences between the families, and the significant impact of the familial environment (assuming Family Autonomy and Family Influence) the twins will not normally develop qualifications equally. Indeed, the twin in the less advantaged family will normally develop fewer qualifications (e.g., mathematical skills and verbal skills) than the twin in the more advantaged family. Consequently, if, as required by Merit, adult positions are fairly allocated on the basis of qualifications, the twin from the less advantaged family will have less of a chance than her sibling of being allocated one of the more skilled positions (since she will have fewer qualifications). But that violates Life Chances (which requires that they have the same chance), since the two have equivalent capacities.

Of course, if Family Influence does not hold, the three principles can be satisfied. Parents could be given their traditional control over their children (thereby satisfying Family Autonomy) since such control would have no serious effect on the development of their children's eventual

qualifications. Non-familial social institutions could be arranged so that children of equivalent capacities develop the same qualifications and positions could be allocated on the basis of qualifications (thereby satisfying both Merit and Life Chances). Family influence, however, is a very plausible assumption. Studies show, and common sense concurs, that the impact of the family is profound, and that the familial advantages/disadvantages for the development of qualifications can only be partially offset by social institutions that do not interfere with family life.<sup>5</sup> So rejecting Family Influence is not a tenable way of denying the incompatibility.

Note that even given Family Influence any two of the principles are compatible. Merit and Family Autonomy can be satisfied if one gives up Life Chances (as illustrated above). Merit and Life Chances can be satisfied if Family Autonomy is given up—for example, if jobs are allocated on the basis of qualifications and children are raised in state foster homes of uniform quality. And Life Chances and Family Autonomy can be satisfied if Merit is given up—for example, if parents are allowed to influence the development of their children's qualifications, but positions are randomly allocated (thereby giving all an equal chance).

Given Family Influence the three principles are incompatible. Which principle should be given up? Fishkin's view is that all three of the principles should be given up as *absolute* principles, but that all three are valid as *prima facie* principles. Interpreted as *prima facie* principles there is, of course, no incompatibility between the three principles.

We regard this resolution as unacceptable. The commitment among most liberals to some form of equality of opportunity is stronger than a (weak) *prima facie* commitment. Perhaps liberals need not be committed to Merit and Life Chances, but they are surely committed absolutely to some minimal form of equality of opportunity. (They are absolutely opposed to laws that prohibit blacks from voting, for example.) The issue, we submit, is whether liberals can weaken their (absolute) commitment to equality of opportunity so as to avoid the incompatibility with Family Autonomy without giving up entirely the spirit of liberalism.

In what follows we show that there is a principle much weaker than the conjunction of Merit and Life Chances, that is incompatible on its own with the traditional autonomy of the family. Although it may be open to liberals to reject Merit or to reject Life Chances, it is not open to them, as we shall argue below, to reject this much weaker principle. Consequently, we conclude that liberals must reject the traditional autonomy of the family (since it is incompatible with this weak, and very plausible, principle). Unlike Fishkin, then, our aim is not merely to show an incompatibility between a certain equality of opportunity requirement

and the tradition autonomy of the family; it is to argue that liberals should accept the former requirement, and reject the latter.

#### STRENGTHENING THE ARGUMENT: THE EQUAL LIFE SKILLS PRINCIPLE

Fishkin's incompatibility result rests on understanding effective equality of opportunity as requiring both (1) that all allocations of positions be made on the basis of qualifications (Merit), and (2) that children of equivalent innate capacities have roughly equal chances of obtaining the various positions (Life Chances). But many will hold that this result is uninteresting because this notion of equality of opportunity is too strong. Some, for example, hold that it is permissible for private employers to hire on whatever basis they want. If they want to hire a less qualified person over a more qualified person, that, they claim, is the employer's personal business. On the other hand, there are those who advocate strong forms of affirmative action. They hold that preferential treatment should be given to individuals that are members of groups that have been systematically wronged in the past. At least sometimes, they claim, members of such targeted groups should be allocated positions for which they are not the most qualified.

The merit principle, then, is not uncontroversial. Many would thus resolve the incompatibility of the three principles simply by rejecting Merit, thereby seeming to leave Family Autonomy intact. But Family Autonomy cannot be protected that easily—at least not if one accepts the plausible empirical assumption that qualifications generally are a factor (no matter how weak) in the allocation of positions. This assumption is plausible, since even if positions are allocated primarily on the basis of sex, race, and religion, for example, it is plausible that qualifications will (as a matter of fact) at least sometimes be used as a tie-breaker (for example, between two white males).

Given this empirical assumption and Family Influence, Life Chances is incompatible with Family Autonomy—even without Merit. For given Family Influence, satisfying Family Autonomy has the result that children with equivalent capacities, but in different families, will in general have different prospects concerning the development of qualifications. And given the assumption that qualifications are a factor in the allocation of positions, it follows that such children will not in general have equal chances for positions—thereby violating Life Chances.

So giving up Merit does not suffice to avoid a conflict with Family Autonomy. In order to maintain Family Autonomy, Life Chances must be given up as well. Liberals cannot, however, simply drop Life Chances without replacing it with some similar principle. To do so would be to abandon liberalism. Merely insisting on Merit, for example, is compatible with social arrangements in which only boys (or whites) are educated

and trained, and hence (given Merit) in which only boys (or whites) end up with the desirable social positions. But such arrangements are patently illiberal.

What these considerations show is that liberals cannot protect Family Autonomy simply by (1) rejecting Merit, or (2) by rejecting Life Chances without replacing it with some sort of similar (although perhaps weaker) requirement. In order to maintain Family Autonomy, then, liberals must replace Life Chances with a similar principle that preserves the spirit of liberalism, but that does not conflict with Family Autonomy. We shall now argue that this is not possible. For liberals are deeply committed to a principle that, although much weaker (and therefore more plausible) than the conjunction of Life Chances and Merit, is incompatible on its own (given Family Influence) with Family Autonomy.

To help motivate this new principle, note that in the presence of Merit, Life Chances' requirement is equivalent to the requirement that children with equivalent capacities have the same expectations concerning eventual qualifications for positions. For, if (as Merit requires) positions are allocated on the basis of qualifications, then two children of equivalent innate capacities will have equal chances of being allocated any given position (equal life chances) if and only if they have the same expectations concerning qualifications. That is, if positions are allocated on the basis of qualifications, then life chances and chances of developing qualifications coincide.

Call the skills deemed relevant for the various positions *life skills*<sup>6</sup> and call a specification, for each of the life skills, of a child's expected skill level upon the attainment of adulthood his/her *life skill expectations*. In the presence of Merit, then, Life Chances requires that children with equivalent capacities (i.e. the same potential for developing the various life skills) have the same life skill expectations. That is roughly our new principle (although in the next section we shall modify it in several ways). Consider then:

**Life Skills (Equal life skills expectations):** Children with equivalent innate capacities should have identical life skill expectations.

In the presence of Merit, Life Skills and Life Chances are effectively equivalent. So anyone who finds both Merit and Life Chances plausible will also find Life Skills plausible.

On its own, however, Life Skills neither entails, nor is entailed by, Life Chances. For, if positions are not allocated on the basis of skill, there need be no connection between life skills and life chances. For example, if all children are given equal opportunities to develop, but all the desirable positions are allocated to men, a boy and a girl of equivalent innate capacities would have equal life skill expectations, but not have

equal life chances. Likewise, if girls are given much less opportunities to develop, but all adult positions are allocated on the basis of an appropriate lottery, then a boy and a girl of equivalent innate capacities would have equal life chances, but not equal life skill expectations.

Life Skills is a relatively weak principle. It leaves open how adult positions are to be allocated. Both invidious discrimination and strong forms of affirmative action (for positions) satisfy it. And it allows, but does not require, children with greater innate capacities to have greater life skill expectations. It only rules out people having greater life skill expectations solely because of more favorable childhood environments.

Life Skills is so weak that (after a few modifications we shall make below) liberals cannot reasonably reject it. For, as we shall argue below, it is implied by a principle that lies at the core of liberal thought, *viz.* that the state should treat everyone with equal concern and respect. If we are right about this, then, liberals are committed to (a modified version of) Life Skills.

Of course, many will object that Life Skills is too weak, but that would miss one of the main points of this paper. Life Skills is clearly incomplete as a characterization of liberalism, since, as we have just noted, it is compatible with all sorts of illiberal arrangements. It is compatible, for example, with: (1) invidious discrimination in the allocation of positions; and (2) with the systematic suppression, or even elimination, of an entire group of children with equivalent innate capacities (the principle only requires that they all be treated the same). A full statement of liberal principles would require Life Skills to be supplemented in a wide variety of ways. It might, for example, require supplementation by (1) adding Merit; (2a) adding a principle that says: a child with *greater* capacities than a second should have life skill expectations that are greater than those of the second child; or alternatively, (2b) adding a principle that requires all children—regardless of their capacities—to have equal life skill expectations; or (3) adding a principle that all children's skills are to be developed above some minimal level.

For our purposes, however, we do not need a complete statement of liberal principles. We only need a partial statement. In fact, in the present context, the weakness of Life Skills is an asset rather than a liability. For if liberalism entails Life Skills, and if Life Skills is incompatible Family Autonomy, then liberalism is incompatible with Family Autonomy.

Now, although Life Skills is considerably weaker than the conjunction of Merit and Life Chances, it is still incompatible with Family Autonomy. For, as we have seen, the traditional autonomy of the family has the effect that children with equivalent innate capacities (for example, identical twins adopted by different families) do not in general

have the same life skill expectations. Thus, granting the traditional parental autonomy violates the equal life skills expectations principle. In the last section of the paper we shall highlight the ways in which the life skills principle requires that parental autonomy be restricted.

Given that Family Autonomy is incompatible (given Family Influence) with Life Skills, one of the principles must be rejected. In the next section we acknowledge that Life Skills, as formulated above, is subject to several powerful objections. These objections, however, do not undermine the spirit of Life Skills; they merely show that it needs to be qualified in various ways. We therefore modify Life Skills so as to make it immune to these objections. In the section after next we argue that liberalism is committed to the modified principle.

### MODIFICATIONS AND CLARIFICATIONS

#### 1. LIFE SKILLS

In order to preserve a parallel with Fishkin's discussion, we have so far construed life skills to be whatever skills are deemed relevant for the effective performance of the duties of positions. So understood, life skills include the highly specific skills that are relevant for certain positions (e.g., for being a surgeon, being a sculptor, etc.). Based on this notion of life skills, Life Skills requires that children with equivalent capacities have the same chance of developing these highly specialized, job specific skills.

This makes Life Skills a highly demanding requirement, since it requires equal expectations—not only for broadly useful skills, but also—for highly specific skills. But one might reasonably object that liberalism is not committed to the equalization of expectations concerning such highly job-specific skills.

We find this objection plausible, and we shall therefore modify the construal of life skills. As a first try, instead of understanding life skills as job-related skills, understand them as widely valued skills, i.e., as skills that a significant portion (e.g., at least 50%) of the population ranks highly (e.g. in the top 50%) when they rank the various skills in terms of their desirability. Life Skills on this new interpretation is likely to be much less demanding than on the original interpretation. It does not require children with equivalent capacities (i.e., capacities that are equally conducive to the development of the various life skills) to have the same expectation of developing the skills of a surgeon (for example), but only that they have the same expectation of developing the same mathematical and verbal skills (for example) up to the point that they are widely valued. This weakening makes Life Skills significantly more plausible.

A problem remains, however. For the skills that are widely valued in society need not be skills that *every* child is likely to value highly upon the attainment of adulthood. It therefore seems unfair to require of children that (for whatever reasons) are likely to value few of the widely valued skills that they develop those skills. This is unfair, because (due to the finite resources, for example) developing widely valued skills will often have the effect of reducing the development of skills that they are likely to value highly.

This problem can be illustrated by considering children in relatively isolated communities that have radically different values than the larger society of which they are a part. It seems unacceptable from a liberal perspective, for example, to require a child in a traditional rural Amish community to develop all the skills that are widely valued in the larger modern, urban society (e.g., computer skills), if she is unlikely to value those skills.

The point is not that there shouldn't be any minimal requirements on what skills are developed in isolated communities, but rather that the requirement proposed above—that children with equivalent capacities have the same expectations concerning those skills *that are widely valued in society* is too strong. It is not sufficiently sensitive to the differences among communities within society concerning what skills are likely to be valued highly.

One way of overcoming this problem would be to relativize the equal life skill principle to communities. The principle would require only that two children with the same community have the same expectations concerning the widely valued skills of their community (not society at large). Relativizing to communities would eliminate much of the objectionable value imperialism. It wouldn't, for example, require Amish parents in rural Pennsylvania Amish community to supply their children with basic computer skills simply because such skills are widely valued in the United States. The modified principle would only require that children *within* the Amish community have the same (perhaps very low) expectations concerning the development of basic computer skills.

Unfortunately, even with this modification the life skills principle still seems too imperialistic. Consider, for example, a family that does not share the values of the fairly homogeneous community of which it is a part. Suppose that the family favors an extremely austere life-style, and is suspicious of the western" acquisitive and competitive ways of the community at large. Suppose further that the parents are quite likely to transmit their values to their children, and that the skills that would be useful relative to the values in children will acquire are actually incompatible with those that are widely valued by the community at large. The community-relative version of the life skills principle would nonetheless require that the children of the family have the same



expectations as other children concerning the widely valued skills—even though such expectations would interfere with the development of the skills that the children of the given family are likely to highly value. It could thus plausibly be held by liberals that even the community-relative version of the life skills principle is too imperialistic. It is not sufficiently sensitive to the skills that children are expected to value.

Perhaps, the residual imperialism in the community-relative life skill principle can be eliminated by a suitable understanding of communityhood. Rather than pursue this line, however, we shall drop the community relativization, and take a more direct approach. For what the above discussion suggests is that the liberal interest is to prepare children to pursue the life their values dictate—hence, to develop whatever skills would be useful to them in the pursuit of their goals, whatever they turn out to be.

The idea is this: At conception there are a wide variety of ways that a child might turn out upon the attainment of adulthood. Corresponding to each of these ways that the child might turn out there is a set of skills that the child upon the attainment of adulthood values highly (e.g., in the top 50% of the skills when ranked). Some skills (such as being able to read) will be highly valued in almost all scenarios, whereas others (such as being able to deal with computers) will be highly valued only in a few scenarios. The idea is to have the principle consider, for a given child, only those skills that the child is highly likely (e.g., more than 50%) to highly value (e.g., in the top 50%). The new principle, then, says: Society should be arranged so that for any skill, if two children with equivalent capacities are both highly likely to highly value that skill upon attainment of adulthood, then they have the same expectation concerning the development of that skill upon the attainment of adulthood.

This revised principle does not necessarily require that society be structured so that, for example, children of a traditional Amish community be raised so that they have the same life skill expectations as children with equivalent capacities in modern urban environments. If the Amish children are unlikely to highly value computer skills, then they need not have the same computer skill expectations as the urban children who are highly likely to value the skill. On the other hand, if the Amish children *are highly likely to highly value* computer (geography, history, etc.) skills—perhaps because of a breakdown of traditional Amish society—then the principle requires that society be structured so as to ensure that they have equal expectations with their urban counterparts. The revised principle seeks to ensure that children are not disadvantaged in terms of the skills that *they* are likely to end up wishing they had. Consequently, the principle is sensitive to issues of community autonomy—but only up to the point that the children are likely to end up adopting their community's values.<sup>7</sup>

For brevity, we shall ignore the modification just introduced in the next subsection. Ultimately, after another modification has been made, we shall, however, reformulate the resulting principle.

## 2. THE PROBLEMS OF UNLIMITED COSTS AND INTRUSIVENESS

Another objection to Life Skills is that it requires something that is impossible. The amount of time, effort, and other resources required to achieve the appropriate equality of life skill expectations exceeds, it might be argued, the amount available. It is empirically impossible to achieve the requisite equality. We doubt that this is so, but in any case the principle should be reformulated so as to avoid the possibility of requiring the impossible. The principle should require only that life skill expectations for children of equivalent capacities be *as equal as possible*.

A related, and considerably more forceful, objection is that the cost of ensuring equal life skill expectations for children having equivalent capacities would be enormous—even if strictly speaking they do not exceed the resources available to society. Indeed, the costs might be so great that all social structures that ensure equal life skill expectations make *everyone* worse off<sup>8</sup> than some social structure that yields unequal life skill expectations. But surely, the objection continues, justice does not require making everyone worse off in order to ensure equal life skill expectations.

We agree that this is an objectionable feature of Life Skills, but it is one that can be avoided by modification. The requirement of equal life skill expectations should, we propose, be understood as setting a *minimum* welfare level. Everyone should be at least as well off as they would be if equal life skills expectations were ensured. So interpreted the principle does not require the adoption of a structure that yields equal life skill expectations. It allows the adoption of a structure that yields unequal life skill expectation, if (and only if) it makes everyone at least as well off as all structures yielding equal life skill expectations.<sup>9</sup> So interpreted the principle is not subject to the objection that it might require the adoption of social structures that *no one* wants.<sup>10</sup>

## 3. SUMMARY

In this section we have introduced two modifications to Life Skills. The modified principle is now:

*Modified Life Skills (Modified Equal Life Skills Expectations):* Society should be arranged so that everyone is expected to be at least as well off as he/she would be if society were suitably arranged<sup>11</sup> so that any two children having equivalent capacities have—to the extent that it is

possible—equal expectations concerning those skills that both are highly likely to highly value upon the attainment of adulthood.<sup>12</sup>

This modified principle is *not* incompatible with Family Autonomy—even given Family Influence. For suppose that the *only* way to ensure equal life skill expectations is to raise children in state group homes (which makes Family Influence true) but that, although children develop equally in such an environment, they all develop less well and/or are less well-adjusted than they would be if they were brought up by their parents in the traditional manner. In such a case bringing up children in the traditional manner would satisfy both Family Autonomy and Modified Life Skills (since the children would all be at least as well off as they would if equal life skill expectations were ensured).

Thus, we do not yet have an incompatibility with Family Autonomy. One is close at hand, however. For the family influence assumption can be strengthened and still remain highly plausible. In particular, it is plausible that the traditional autonomy of the family always makes at least some children less well off than if equal life skill expectations were ensured. Gifted children in severely impoverished families, for example, are less well off than they would be if they received the same opportunity to develop as other children having equivalent capacities.

Accordingly, we propose to strengthen Family Influence to:

*Strong Family Influence (Strong Influence of the Family on the Development of Qualifications):* If consensual relations within a given family government the development of its children are not coercively interfered with except to ensure for the children the essential prerequisites (on the minimal construal outlined in the introduction) for adult participation in society, then at least some children will be less well off than they would be if society were suitably arranged so that children having equivalent capacities have equal expectations concerning skills that are both highly likely to highly value.

Given Strong Family Influence, Family Autonomy is incompatible with Modified Life Skills. Because Strong Family Influence is relatively uncontroversial, liberals must reject either Family Autonomy or Modified Life Skills. Liberalism, we shall now argue, is more deeply committed to Modified Life Skills than it is to Family Autonomy. Consequently, liberals must reject Family Autonomy.

#### REJECTING FAMILY AUTONOMY

Let us be clear from the outset that we are here construing liberalism in the narrow sense that excludes hard core libertarianism. Dworkin and Rawls are liberals in this sense, but Nozick is not. Although it may be

possible to give a plausible argument that a sophisticated form of libertarianism is also deeply committed to Modified Life Skills, we shall attempt only the less ambitious task of arguing that “welfare” liberals are so committed.

Admittedly, it is not very clear what the core idea of liberalism is. A common characterization of the core idea is that the state should be neutral between competing conceptions of the good life. Ronald Dworkin has argued persuasively, however, that, although liberalism is committed to such neutrality, it is because of a deeper commitment to the view that the state should treat everyone with equal concern and respect.<sup>13</sup> Only the latter understanding of liberalism, he argues, can adequately justify liberalism’s commitment to effective equality of opportunity.

We shall assume that Dworkin’s characterization of liberalism is correct. More specifically, we shall assume that liberalism requires the state not only to protect, but also to promote, the interests of its citizens. Although these assumptions are not uncontroversial, it is clear that a wide range of liberals hold them. We argue now that such liberals are deeply committed to something like Modified Life Skills.<sup>14</sup> To establish this conclusion we need to contrast the implications of the equal concern and respect principle when applied to adults with its implications when applied to children.

Start, then, by considering what equal concern and respect requires of the state *vis-a-vis* adults. Plausibly, it requires that the state leave adults relatively free to live their lives as they choose (as long as they don’t harm others). This is because most adults are fully developed autonomous agents: they have relatively stable and informed beliefs, they have relatively stable and informed conceptions of the good, and they are fairly good at choosing options that they believe best promote their conception of the good. Equal concern and respect (we are assuming) requires the state to promote and protect the interests of all. For autonomous adults the best way to promote and protect their conception of the good is to leave them free to make their own choices.

Children, on the other hand, are not fully autonomous agents. They are not very well informed. They do not have a stable conception of the good: it is in the process of being developed. And they are not very good at choosing options that they believe best promote their current conception of the good. When, then, does equal concern and respect require with respect to children?

It does *not* require that children be given as much liberty to control their lives as adults are. Leaving young children to live their lives as they choose is not—as it is in general for adults—an effective way of promoting and protecting their interests. Young children just aren’t very good at looking after their true long run interests. Consequently, equal concern and respect for children does not require that the state leave

children as much freedom as adults. Rather, it requires that the state take an active role in promoting and protecting their developing conceptions of the good.<sup>15</sup>

But what aspect of these developing conceptions of the good is the state to promote and respect? Children, we have said, do not have a stable conception of the good. This is not, however, to say that no part of their conception of the good is stable. In addition to the obvious first order interests in food, love, etc., they also have a second order interest in having whatever skills are highly useful for promoting whatever conception of the good they end up having. They have an interest, that is, in there being a fit between their values and their skills. The interest in having whatever skills are useful for pursuing one's conception of the good is, of course, a second order value that everyone has. It is thus reasonable to think that it is exactly the sort of interest that equal concern and respect as applied to children would require the state to promote and protect.

Giving equal respect and concern to children plausibly requires, then, that children have an effectively equal opportunity to develop the skills they are likely to value, and that requires that two children with equivalent innate capacities have an equal chance of developing any skill that they are both highly likely to highly value. But that is just to require Modified Life Skills. So liberalism is committed to Modified Life Skills.

Of course, liberalism may be committed to the equalization of life skills only because they are *instrumentally* valuable. Liberals may deem life skills valuable, that is, only because they serve persons in pursuing their life plans, whatever they happen to be. Liberalism may not be committed to Modified Life Skills no matter what the world is like. In a world in which how one fares is totally unrelated to the exercise of one's skills (e.g., where goods fall from the sky like manna) liberals might very well not insist on the equalization of life skill expectations. However, in worlds (such as the actual world) in which life skills are instrumentally valuable liberalism is committed to this equalization. Liberalism as it applies to this world then, carries an absolute commitment to Modified Life Skills.

These considerations indicate that liberalism is not deeply committed to Family Autonomy. For once children are recognized as falling under the scope of the equal respect and concern, Family Autonomy is seen to be at best a contingently derivative liberal principle. For, just as the requirements of equal concern and respect for (say) blacks override the interests of racists in treating blacks as they see fit, the requirements of equal concern and respect for children override the interests of parents in raising their children as they see fit.

Why, then, have liberals accepted Family Autonomy? Perhaps at some earlier time some liberals implicitly assumed that children are their parent's property, or, more weakly, that children are part of some

“private” realm in which the state has no role. But no reflective liberal today holds that the state has no business in how parents raise their children. The state must protect the basic interests of children (for example, it must ensure that they are not being systematically physically and mentally abused). So, if there is a conflict between treating children with equal concern and respect and the interests of parents in raising their children as they see fit, liberalism will sacrifice the latter. Since equal concern and respect requires Modified Life Skills, and it conflicts with Family Autonomy, liberalism must reject Family Autonomy.

Liberalism is thus not deeply committed to Family Autonomy. It is only contingently and derivatively committed to it. In general it has been assumed that the interests of children are best protected by leaving almost all decision-making powers about the raising of children with their parents. We have argued, however, that this is not so. Consequently, liberals will have to give up Family Autonomy.

#### CONCLUSION

Family Autonomy allows *some* state intervention in family life. It allows such intervention when—and only when—it is necessary to ensure that children obtain the essential prerequisites for adult society. Following Fishkin we have understood the essential prerequisites to be rather minimal: roughly, minimal food, shelter, education, and freedom from extreme physical and psychological abuse. Modified Life Skills requires state intervention even when these minimal prerequisites are being provided. Consequently, because liberalism is committed to Modified Life Skills, it must reject Family Autonomy.

One could, of course, weaken the family autonomy principle, by invoking a more demanding conception of the essential prerequisites for adult society. One could, for example, understand essential prerequisites as including the equal opportunity to develop highly valued skills. If one weakens the family autonomy principle by allowing state intervention to ensure that these more demanding prerequisites are obtained, there is no incompatibility between Modified Life Skills and the weakened version of Family Autonomy. The former requires, and the latter allows, intervention to ensure such “essential prerequisites”.

Liberals can, and probably should, defend such a weaker form of family autonomy. By endorsing the weak—but not the strong—form of family autonomy, they can avoid inconsistency. The move from strong to weak family autonomy is not, however, a minor revision of received liberal doctrine. It has the potential of legitimizing very significant state intrusion into family life. Many liberals have already recognized this fact. But many have not. It is therefore worth considering some of the arrangements that Modified Life Skills might force liberals to accept.<sup>16</sup>

The satisfaction of Modified Life Skills probably would require that a wide range of high quality, state funded developmental programs be available to all children. This would probably include programs of the following sorts: programs of nourishment to pregnant mothers, counseling and training for parents, programs to ensure that all children are adequately nourished (e.g., by providing meals in day care centers and in schools), education programs (perhaps including university programs for those qualified), and extracurricular programs. Admittedly, some (but certainly not all) such programs are already in place (e.g., schools); but it hardly needs arguing that many of them vary considerably in quality depending upon the average income of the members of the community in which they are run. The upgrading and expansion of programs likely required by Modified Life Skills would certainly be a good deal more expensive than our present programs are. Further, in order to ensure that accessibility to these programs does not depend on the resources of the family, they would need to be *state funded* (at least in cases where the family does not have the means to pay). Thus, some citizens (e.g., the well off; or perhaps, more narrowly, well off parents) would be required to share significantly the cost of such programs for other people's children. Thus, to the extent that parents are required to spend their money (via taxes) on other people's children, their freedom to spend that money on their own children is restricted.

Increased taxes to fund the upbringing of other people's children is, of course, an implication that most liberals already accept, but it is only the beginning. More dramatically, there may well also be restrictions on who is allowed to raise children. People who do not have certain minimal qualifications for raising children might, for example, be legally prohibited from doing so.<sup>17</sup>

Furthermore, even those parents judged suitable to be parents may be restricted in what they can require or prohibit their children from doing. It may be legally forbidden, not only for parents to prevent their children from attending school, but also for parents to prevent their children from participating in various skill developing extra-curricular activities (e.g., sports, music, etc.). Parents may not have the legal option of not sending their children to such programs. These would be very direct restrictions of traditional parental autonomy.

More problematic yet is the possibility that Modified Life Skills might (given Family Influence) also require that parents be prohibited from raising their children *too well*. For, if Modified Life Skills requires equal life skill expectations for equal capacities, well off parents would need, it seems, to be prohibited from sending their children to private schools of above average quality, of providing extra lessons (in music, sports, mathematics, etc.) that are not available to everyone, etc. For if this special attention is not prohibited, children from privileged families

will have greater life skill expectations than their counterparts in less privileged families.

It is even possible that Modified Life Skills might require, not only severe restrictions on parental decision-making powers, but the total abolition of the family. If familial influence on the development of life skill is extremely strong, Modified Life Skills might require that all children be raised in state funded group homes with the natural parents having no special access to their children.

We doubt that Modified Life Skills requires the abolition of the family. For the institution of the family (with a small number of children being raised by a small number of adults) has all sorts of benefits. The love and intimacy, for example, that usually occurs in a family context, would not be present to a significant degree in state homes. And love, intimacy, and the like are important for children's sense of self-worth, for example, which in turn is essential for the development of their capacities. So, raising all children in state homes would likely make many, if not most, children worse off than they would be if they were raised under some form of familial system. Thus, it is unlikely that Modified Life Skills would require the abolition of the family.

If, however, the family does not provide the above sorts of benefits to enough children, then it is plausible that Modified Life Skills would require its abolition. But in such a case, the family is a pernicious institution (providing little benefit to children, and having a significantly adverse affect on many). And so, it seems appropriate that Modified Life Skills requires its abolition in such a case.

These, then, are some of the potentially radical implications of accepting Modified Life Skills and abandoning Family Autonomy. Many liberals, however, have been reluctant to abandon Family Autonomy. Although many liberals accept that they have a very significant financial responsibility for other people's children (and therefore less autonomy on how they spend their money on their own children), not all liberals recognize how great that responsibility is. Furthermore, most liberals are reluctant to accept the legitimacy of more than minimal state intrusion into family life. But liberals must accept Modified Life Skills, and that very probably endorses such intrusion as legitimate.

Liberals have been reluctant to abandon Family Autonomy because of a profound commitment to the freedom of individuals to pursue their conceptions of the good. Liberals have generally supposed that such freedom extends into their own homes—and in particular into how they raise their children. What they have not seen very clearly, however, is that the right to an equal opportunity to pursue one's conception of the good is a right to which children will lay claim when they become adults. Liberals must therefore ensure that children have an equal opportunity to develop the skills that are likely to be useful in pursuing their



conception of the good. And since that conflicts with the traditional autonomy of the family, liberals must reject the strong form of family autonomy.<sup>18</sup>

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## NOTES

1. James Fishkin, *Justice, Equal Opportunity, and the Family* (New Haven: Yale University Press, 1983).

2. The conflict between some form of effective equality of opportunity and the traditional autonomy of the family is also discussed by: Jeffrey Blustein *Parents and Children* (New York: Oxford Univ. Press, 1982); John Charvet, "The Idea of Equality as a Substantive Principle of Society", *Political Studies*, vol. 17 (1969), pp. 1–13; Joel Feinberg "The Child's Right to an Open Future", in William Aiden and Hugh LaFollette *Whose Child?* (Totowa: Littlefield, Adams & Co., 1980); Amy Gutmann "Children, Paternalism, and Education: A Liberal Argument", *Philosophy and Public Affairs*, vol. 9 (1980), pp. 338–58; Amy Gutmann *Democratic Education* (Princeton: Princeton Univ. Press, 1987); Laurence Houlgate *Family and State* (Totowa: Rowman & Littlefield, 1988); Kai Nielsen, *Equality and Liberty: A Defense of Radical Egalitarianism* (Totowa: Rowman & Allanheld, 1985), ch. 8; and David A.J. Richards, "The Individual, the Family, and the Constitution", *New York University Law Review*, vol. 55 (1980), pp. 1–62.

3. Fishkin's official statement of the merit principle is: "There should be widespread procedural fairness in the evaluation of qualifications for positions." (p. 22), but his discussion makes it clear that the main thrust of this requirement is that positions be allocated on the basis of (relevant) qualifications.

4. The incompatibility relies on the uncontroversial, but hidden, assumption that there are children with equivalent capacities. For if no two children have equivalent capacities, Life Chances is vacuously satisfied.

5. See, for example, Samuel Bowles and Herbert Gintis, *Schooling in Capitalist America* (New York: Basic Books, 1976); James S. Coleman et al., *Equality of Educational Opportunity* (Washington: Government Printing Office, 1966); Christopher Jencks et al., *Inequality* (New York: Basic Books, 1972); and Christopher Jencks et al., *Who Gets Ahead?* (New York: Basic Books, 1979).

6. Here and below, we use 'skill' in a broad sense that includes not only physical and intellectual skills in the narrow sense, but also "non-cognitive skills" such as discipline, patience, initiative, etc.

7. To see that even this relativized version of the life skills principle has bite, consider, for example, a child, of a very traditional immigrant family, that watches "mainstream" television, goes to public school, etc. In contemporary America such a child is very likely to end up adopting many "mainstream" values and rejecting many of her parents' values. The relativized principle requires roughly that society be so arranged so that such a child has the same opportunity to develop those "mainstream" skills that she is highly likely

to value as other children who are highly likely to value those skills. Since there are lots of skills that children from different community backgrounds are likely to highly value, the relativized principle still has significant implications.

8. We leave open here what the relevant notion of well-being is (e.g., material well-being, or desire satisfaction).

9. We think it plausible to further strengthen the principle so as to *prohibit* the adoption of a social structure that yields equal life skill expectations if it makes everyone worse off than some other adoptable structure. For the purposes of our argument against Family Autonomy, however, we want to keep the equal life skill expectations principle as weak as possible, and so we shall not incorporate this strengthening. For further discussion of how rights considerations can be incorporated into a welfaristic theory, see Peter Vallentyne, "Rights Based Parentianism", *Canadian Journal of Philosophy*, vol. 18 (1988), pp. 527–544.

10. Note, however, that, unlike Rawls' difference principle, our Modified Life Skills principle does not require—indeed, it may forbid—maximizing the net benefit to the worst off members of society. For our principle will prohibit doing so when doing so would require that some (non-worst off) child be made less well off than he/she would be were equal skill expectations ensured.

11. Since in general there are many arrangements that would ensure equal life skill expectations (e.g., one in which all children are treated poorly, another in which they are all treated well, etc.), we say that society should be arranged so that everyone is at least as well off as they would be if society were "suitably" arranged to ensure equal life skill expectations. An arrangement is suitable (in our intended sense) just in case it satisfies all other principles that one might want to impose (but we leave unspecified).

12. There is at least one further possible weakening of Life Skills. As it stands, it prohibits abortion except when all fetuses having the same capacities are also aborted. For if one fetus is to be aborted and another having the same capacities is not, then the not-to-be-aborted one has greater life skill expectations than the to-be-aborted one. To avoid this implication Life Skills could be weakened in some appropriate manner. For brevity, we ignore this modification in the text.

13. Ronald Dworkin, "Liberalism", in Stuart Hampshire, ed., *Public and Private Morality* (Cambridge: Cambridge Univ. Press, 1978), pp. 113–43, and "Neutrality, Equality, and Liberalism", in Douglas MacLean and Claudia Mills, eds., *Liberalism Reconsidered* (Rowman & Allanheld, 1983). Fishkin endorses this view (on p. 158). See also Bruce Ackerman *Social Justice in the Liberal State* (New Haven: Yale Univ. Press, 1980), p. 11.

14. In "Libertarianism, Autonomy, and Children", unpublished, we argue that *all* liberals—even libertarians—are committed, at least with respect to children, to the view that the state should *promote*, as well as protect, interests. Hence, given the argument that follows in the text, all liberals are committed to Modified Life Skills.

15. We do not mean to deny that children should (as argued by children's rights activists) be given more control over their lives. We mean only to claim that at least with respect to very young children some sort of paternalism is required by the principle of equal concern and respect.

16. Most of these implications are mentioned, and often discussed, by

Fishkin.

17. One may have to obtain a *license* to raise children, just as one currently has to obtain a license to drive a car, or to practice medicine. This view is defended by Hugh LaFollette in "Licensing Parents", *Philosophy and Public Affairs*, vol. 9 (1980), pp. 182–97.

18. We have benefited from the critical comments of Jeffrey Blustein, James Fishkin, Shelly Kagan, Will Kymlicka, Heidi Malm, Geoff Sayre-McCord, and Karen Wendling.