

I. THE QUESTION OF PARENTAL JUSTICE

Should a liberal egalitarian society offer support to the family for raising children? There are several arguments in favor of supporting the family in the context of current, nonideal conditions, in which considerations of a general theory of distributive justice, children's rights, and gender equality all seem to tell in favor of assistance to parents. Under nonideal conditions, many parents, especially single parents, are poorly off and have claims to assistance because, as citizens, they are not getting what they are entitled to. Moreover, considerations about children's rights tell in favor of aiding some families, as a way of ensuring that children's claims are met in households in which parents are otherwise unable to meet them. Finally, under current, nonideal conditions, assistance to (most) parents seems to be demanded by a concern with gender equality, since women currently do the lion's share of child-rearing in the context of norms and institutions that might plausibly be argued to be gender-biased, and that render them economically vulnerable and lacking in recognition compared to their male counterparts.

These considerations are valid and pressing, but we may wonder whether liberal egalitarian justice has something to say about the claims

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of parents *as such*, that is, insofar as they are parents, and not insofar as they are disadvantaged fellow citizens or women or both. We could then rephrase our question as follows: *Do nonparents in a just society have an obligation to share with parents some of the costs of having children?* We could call this the question of parental justice (so as to distinguish it from the general question of distributive justice, and from the question of gender justice).¹

Addressing the question of parental justice within the liberal egalitarian framework is important for two main reasons.

The first one is that this question constitutes a test case for theories of justice, including liberal egalitarian ones, which require that we hold individuals responsible for the choices they make in life.² According to this class of theories, parents who choose to have children and who identify with their desire or ambition to have them are justifiably held responsible for the costs of having them. Indeed, some current liberal egalitarians argue that parents may be held responsible for *any* costs that arise from the existence of new persons, including the costs involved in giving these new persons, even once they have become adults, what justice requires that they have.³ To take this view seriously would require that we revise some very deep-seated convictions. Although many people are ready to consider an imprudent motorcyclist liable for the medical costs of his dangerous hobby, few find the choice of parenting a justification for thinking that parents should pick up all the costs that arise from their children's claims to get their just due. Whether responsibility-sensitive theories of justice can resist this implication is a question that needs to be addressed.

1. I prefer this term to that of "procreative justice," which I use to refer to the duties and rights of individuals qua procreators, that is, as individuals who are morally responsible for bringing new people into existence (typically, but not necessarily, by conceiving them). Their rights and duties may but need not include parenting rights and responsibilities.

2. For a few central contributions to responsibility-sensitive egalitarianism, also known by the label of "luck egalitarianism" coined by Elizabeth Anderson, see R. Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56 (1989); G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989); R. Dworkin, *Sovereign Virtue* (Cambridge, Mass.: Harvard University Press, 2000).

3. See E. Rakowski, *Equal Justice* (Oxford: Clarendon Press, 1993); P. Vallentyne, "Equality and the Duties of Procreators," in *The Moral and Political Status of Children*, ed. D. Archard and C. Macleod (Oxford: Oxford University Press, 2002); H. Steiner and P. Vallentyne, "Libertarian Theories of Intergenerational Justice," in *Intergenerational Justice*, ed. A. Gosseries and L. Meyer (Oxford: Oxford University Press, 2009).

A second reason why the question of parental justice deserves attention concerns its implications for the redress of gender inequalities in less than fully just contexts. If we can defend an affirmative answer to the question of parental justice, then we have a *further* reason for condemning existing arrangements that penalize parents, who are typically women, independently of any concerns we may have about equality of opportunity. Being able to appeal to such reasons would be helpful, insofar as it would allow us to bypass thorny debates about the conditions under which true equality of opportunity is realized.⁴ If it could be shown that the fact that someone chooses to parent *does not justify* holding that person liable for all the costs of having children, then the worries of those concerned with the consequences of the gendered division of labor could be addressed without delving into controversial disputes about the nature of women's preferences to have children or about the conditions under which there is true equality of opportunity to choose whether to have and rear children, since women would, *qua* parents and main carers, be entitled to assistance.⁵

For these reasons, the question of parental justice deserves systematic attention. In this article, I examine the most widely discussed argument for sharing the costs of children: the public goods argument. In a nutshell, this argument holds that nonparents have an obligation to share with parents the costs of children because they benefit from parents' work: their children are the future workforce and taxpayers whose economic contributions everyone, nonparents included, will depend on when they reach old age. Parents, by having and rearing children, produce positive externalities for everyone, and nonparents would be

4. In particular, we would be able to condemn some gender inequalities without taking a stance on whether women's choice to care for their dependents reflects the existence of gendered social norms, and on whether we should treat any inequality of outcome as evidence for inequality of opportunity. For a discussion of these issues, see A. Mason, "Equality, Personal Responsibility, and Gender Socialisation," *Proceedings of the Aristotelian Society* 100 (2000): 227–46; A. Phillips, "Defending Equality of Outcome," *Journal of Political Philosophy* 12 (2004): 1–19; A. Phillips, "'Really' Equal: Opportunities and Autonomy," *Journal of Political Philosophy* 14 (2006): 18–32.

5. From a feminist perspective, this move might seem to reduce the question of gender justice to that of parental justice and, for that reason, to get things the wrong way round. This, however, need not be the case. A further argument might be available for why theories that systematically neglect to take seriously parental claims, *given that most parents are women*, exhibit a certain gender bias.

unfairly free riding on parents if they accepted the benefits but did not share the costs.

My aim is to defend three main claims about the public goods argument. The first claim supports that argument: I show that a seemingly powerful objection to it is unsuccessful. My second claim, however, is that one of the argument's empirical premises—that the central benefits that parents produce are a public good—is mistaken. My third and final claim is that an alternative prosharing argument, which I call the socialized goods argument, is defensible; while it bears some resemblance to the public goods argument, it is importantly different from it and, I think, more robust. All in all, what I offer could be seen as a friendly critique of the public goods argument: my discussion suggests that there is some truth in that argument, but that it has been mischaracterized.

II. THE COSTS OF CHILDREN, PRO-COST-SHARING AND ANTI-COST-SHARING VIEWS

Before turning to the public goods argument, it is helpful to briefly map the territory within which my discussion proceeds. In what follows, I will refer to affirmative and negative answers to the question of parental justice as *pro-cost-sharing* and *anti-cost-sharing* views, respectively (or prosharing and antisharing views, for short), but it must be noted at the outset that these two camps include a variety of different views, which differ depending on just which costs of children are at stake. In particular, it is helpful to make two distinctions with regard to the costs of children.

The first distinction is between what I will call the *costs of care*, on the one hand, and the *costs of added adult members*, on the other. The costs of care include the loss of freedom, time, and financial resources that carers—typically parents—undergo in order to bring up their children and provide for the needs children have as increasingly less helpless human beings. Sharing these costs would mean that nonparents would assist parents through measures such as publicly funded parental leave programs, subsidies to nurseries, or tax credits for parents. Most discussions of the costs of children assume that the latter refer to the costs of care,⁶ but, as some recent egalitarians have suggested, there are also what I will call the *costs of added adult members*, namely, the costs

6. See, e.g., A. Alstott, *No Exit: What Parents Owe Their Children and What Society Owes Parents* (Oxford: Oxford University Press, 2004).

involved in meeting whatever claims their children will make as adults, which, depending on our conception of justice, might include their claims to a fair share of (the value of) natural resources, to a basic minimum, or to an equal share of the fruits of social cooperation. Nonparents share these costs with parents quite simply by being equal contributors, through general taxation, to any publicly funded scheme for citizens (aimed at protecting either negative or positive rights), rather than being liable to a lesser tax burden, such that they could be said to have their share *unaffected*, insofar as this is feasible, by parents' choices to create new persons.

A second distinction needs to be made, with regard to both the costs of care and the costs of added adult members, between those costs that are required to meet new persons' *moral claims*, on the one hand, and those costs that are either morally indifferent or morally unjustified, on the other. The former are costs that must be borne in order to fulfill the demands of care that *are owed* to children (according to our favored account of what rights children have, or of what duties their carers have toward them), and to meet the claims to a *fair* share that adults are entitled to. It should be clear that there are many costs of care and costs of added adult members that may exceed what it is morally required that people get, and some that may be in tension with what it is morally permitted that people get, either as children or as adults. The preference that one's child wear only organic cotton clothes, attend the best-performing school, or be cared for exclusively by family members all arguably generate nonmorally required costs of care, some of which may be permissible. Moreover (and depending on our favored theory of justice), it is possible that adult members will impose costs on their fellow citizens that are not part of the fair share they have a claim to, but that it is not morally impermissible for them to create. And it is certainly possible for adult members to impose costs on others that are unjust (i.e., costs that are deemed unjust by the light of some other part of our theory of justice than the part under consideration, concerning parental justice).

With these distinctions in mind, it is possible to make two clarificatory remarks about the prosharing and antisharing views I will consider. First, I assume that a plausible prosharing view is one that favors the sharing of only the morally required costs of children, rather than one that also includes the morally indifferent or the morally unjustified costs of children. (It also requires the sharing of the morally required costs of added

adult members; this claim is generally assumed by theories of justice.) This, it seems to me, is the sort of prosharing view that is in fact tacitly assumed when people think of sharing the costs of children: publicly funded education is an instance of a morally required cost, and publicly funded parental leave schemes are often defended on the assumption that there is a certain minimum period of time when parental provision of continuity of care plays a crucial role for a child's physical, emotional, and cognitive development. It is important to bear in mind that a prosharing view could draw a clear limit to the claims that parents can make on nonparents by pointing to the distinction I have outlined above. It is plausible to hold that, while justice may require that nonparents share the *morally necessary* costs of children with parents, it certainly does not require that they share those costs that are morally contingent and are thus properly seen as a reflection of parents' preferences.

A second clarificatory remark concerns the antisharing views that have been recently formulated by responsibility-sensitive theorists of justice. Those views hold that parents should be liable not only for the costs of care but also for the costs of added adult members, even where these costs are *morally required*.⁷ Eric Rakowski has formulated the view starkly and provocatively, and it is worth quoting him at length:

Babies are not brought by storks whose whims are beyond our control. Specific individuals are responsible for their existence. It is therefore unjust to declare . . . that because two people decide to have a child, or through carelessness find themselves with one, *everyone* is required to share their resources with the new arrival, and to the same extent as its parents. With what right can two people force all the rest, through deliberate behavior rather than bad brute luck, to settle for less than their fair shares after resources have been divided justly?⁸

Other defenders of various versions of the antisharing view include Bruce Ackerman, Paula Casal, Matthew Clayton, Hillel Steiner, Peter

7. I believe that some of the most implausible implications of the antisharing view follow from its commitment to holding parents responsible for the costs of added adult members. I explore this point in S. Olsaretti, "Choice, Circumstance and the Costs of Children," in *Hillel Steiner and the Anatomy of Justice*, ed. S. De Wijze, M. Kramer, and I. Carter (London: Routledge, 2009); and Olsaretti, "Parenting Is Not an Expensive Taste," unpublished manuscript.

8. Rakowski, *Equal Justice*, p. 153.

Vallentyne, and Andrew Williams.⁹ Their arguments for the antisharing view vary; sometimes they proceed by taking issue with the prosharing arguments and finding them wanting; other times they tease out the supposed antisharing commitments of responsibility-sensitive egalitarian theories, such as, for example, Ronald Dworkin's equality of resources. Moreover, there are varying radical versions of the antisharing view, depending on whether they hold that parents are required to bear the above-mentioned costs of children *in all circumstances*, and regardless of whether their having children produces, on balance, positive externalities. Casal and Williams, for example, argue that when children produce on balance positive externalities, it may be *permissible* for parents to externalize some of the costs of children. But they still oppose the prosharing argument according to which, in that case, nonparents are *required*, or have an obligation, to share those costs.¹⁰ I now turn to that argument.

III. CHILDREN AS PUBLIC GOODS

Among political philosophers, relatively little attention has been given to the question of parental justice. The attention the question has received seems to have come especially from antisharing quarters, which, often

9. See B. Ackerman, *Social Justice in the Liberal State* (New Haven, Conn.: Yale University Press, 1980); P. Casal and A. Williams, "Rights, Equality and Procreation," *Analyse & Kritik* 17 (1995); P. Casal, "Environmentalism, Procreation, and the Principle of Fairness," *Public Affairs Quarterly* 13 (1999); P. Casal and A. Williams, "Equality of Resources and Procreative Justice," in *Dworkin and His Critics*, ed. J. Burley (Malden, Mass.: Blackwell, 2004); P. Casal and A. Williams, "Equality," in *Issues in Political Theory*, ed. C. MacKinnon (Oxford: Oxford University Press, 2008); M. Clayton, *Justice and Legitimacy in Upbringing* (Oxford: Oxford University Press, 2006); Steiner and Vallentyne, "Libertarian Theories of Intergenerational Justice"; Vallentyne, "Equality and the Duties of Procreators."

10. Casal and Williams's position is complex. They certainly oppose the view that justice requires sharing the costs of children when parents produce negative externalities. They also certainly oppose the view that, when parents produce positive externalities, justice requires sharing the costs of children *because* parents produce those externalities and nonparents willingly benefit from them. I also interpret their position as inhospitable to other prosharing arguments when parents produce positive externalities, on the basis of passages such as the following: "Procreative justice is asymmetric: very roughly, even if parents produce a public good, justice need not require that their activity be subsidised, yet when their actions threaten a public bad, it may require that they be taxed." Casal and Williams, "Rights, Equality and Procreation," p. 94. However, as they have suggested to me in conversation, Casal and Williams do not commit themselves to the view that, where positive externalities are produced, *no* prosharing arguments are successful.

only briefly, have cast doubt on the prosharing received wisdom. A thought-provoking, if small, debate has established itself around the most commonly mentioned and defended prosharing argument, the public goods argument, which suggests that nonparents should help meet the costs of children since they benefit from parents' activities. This argument, besides appearing in public debates,¹¹ has received support from several social scientists and some political theorists who discuss matters—such as the need to provide for children's well-being or the causes and the remedy for fertility decline—for which the question of who should pay for the costs of children is salient.¹² The public goods argument has also been developed and defended at some length by Rolf George,¹³ and it has been reconstructed, closely examined, and criticized by Casal and Williams.¹⁴

The public goods argument holds that parents, by having and rearing children, produce, as a positive externality of their activity, important public goods: centrally, children are an economic asset to society, since they will become tomorrow's workforce and sustain the economic institutions that we rely upon for our retirement. As Folbre writes:

Parents who raise happy, healthy, and successful children create an especially important public good. Children themselves are not the

11. See, e.g., the blog discussions "Are Children a Public Good?" on *The Economist* website <http://www.economist.com/blogs/freeexchange/2007/07/are_birthrates_a_public_good>, and "Are Children Public Goods?" on *Crooked Timber* <<http://crookedtimber.org/2005/03/30/are-children-public-goods/>>. Both accessed July 30, 2013.

12. The best-known defender of the public goods argument is Nancy Folbre. See N. Folbre, "Children as Public Goods," *American Economic Review* 84 (1994): 86–90; N. Folbre, *Who Pays for the Kids?* (London: Routledge, 1994); N. Folbre, *The Invisible Heart* (New York: New Press, 2001); N. Folbre, *Valuing Children* (Cambridge, Mass.: Harvard University Press, 2010). Others who have endorsed the public goods argument include Daniel Engster, *The Heart of Justice* (Oxford: Oxford University Press, 2007); Gøsta Esping-Andersen, *The Incomplete Revolution* (Cambridge: Polity Press, 2009); Robert Goodin, "Responsibilities for Children's Well-Being," in *No Time to Lose: The Wellbeing of Australia's Children*, ed. M. Prior and S. Richardson (Melbourne: Melbourne University Press, 2005); Phillip Longman, *The Empty Cradle* (New York: Basic Books, 2004); Myra Strober, "Children as a Public Good," *Dissent* (2004); E. Anderson, "What Is the Point of Equality," *Ethics* (1999).

13. See R. George, "Who Should Bear the Costs of Children?," *Public Affairs Quarterly* 1 (1987); R. George, "On the External Benefits of Children," in *Kindred Matters: Rethinking the Philosophy of the Family*, ed. D. T. Meyers et al. (Ithaca: Cornell University Press, 1993).

14. Casal, "Environmentalism"; Casal and Williams, "Equality of Resources." Rakowski also expresses reservations about the public goods argument. Rakowski, *Equal Justice*, p. 153.

only beneficiaries. Employers profit from access to productive workers. The elderly benefit from Social Security taxes paid by the younger generation. . . . Fellow citizens gain from having productive and law-abiding neighbors. These are all examples of positive spillovers and side effects that economists often call “positive externalities” because they are external to the actual decision to provide care.¹⁵

It is important to note here three preliminary points about the public goods argument that are relevant for what follows. Keeping them in mind allows us to formulate the argument with greater precision than is typically done, and also helps us see that some common worries or objections that are leveled against the public goods argument actually only apply to some versions of it.

First, there are different versions of the premise that parents produce a public good, depending on what aspect of parents’ activities we think is beneficial. In particular, parents might be said to produce benefits by merely *creating* more persons, by *bringing up* persons whose existence is taken as a given, or by the conjoined act of *creating and bringing up* persons. Nationalist pronatalist policies seem to imply the first of these three views: the sheer addition of members of a given national group is supposed to be beneficial. Turning an existing child into a law-abiding citizen is a benefit of the second kind (this is a benefit that an adoptive parent may produce). Finally, the benefit of children’s expanding the tax base is a benefit of the third kind: in this case, it is true that parents’ choices to procreate *and* to bring up or care for their children so as to help turn them into well-adjusted and productive adults are beneficial.

In my view, the most forceful version of the public goods argument is one in which parenting is said to be beneficial in this third sense. This claim is clearly more plausible than the first one; moreover, it is better

15. Folbre, *The Invisible Heart*, p. 50. Anderson notes that caretakers “raise the future workers of the economy,” and, taking issue with Rakowski’s antisharing stance, she remarks that “as long as one does not plan to commit suicide once the next generation enters the workforce, one can’t help but demand the labor services of future generations.” Anderson, “What Is the Point of Equality?” p. 325. As I show in Section 5, the point generalizes: by demanding any other person’s labor, even if that person is in our generation or the preceding one, we are all benefiting from *some* parents’ work (the work of parents from previous generations).

equipped than the second one to address a potential objection to the prosharing view that appeals to the importance of holding people responsible for some of the consequences of their choices. For note that, with regard to benefits of the second kind (some of which figure in Folbre's passage quoted above), critics of the prosharing view could say to the parents:

It is true that you, parents, are doing something beneficial in bringing up a child as law-abiding, relative to a state of affairs in which this child existed and was not law-abiding. But since you could have chosen not to procreate, the relevant state of affairs with which to compare your activities, so as to determine whether they are beneficial in an obligation-grounding sense, is that in which this child did not exist at all: your activities are not beneficial relative to *that* state of affairs.

It bodes well for the case for parental claims, then, that a central benefit which parents are said to produce—the creation of economically active agents who enlarge the tax base—is of the third kind. If it holds, the claim that parents produce a public good in this sense is true when compared with a state of affairs in which they had not had children, thus meeting the challenge cited above.

There is a second respect in which public goods arguments for sharing the costs of children could differ: they could take either individual parents or parents collectively as being the benefit providers. The difference is significant, for different children grow up into variously socially productive adults, and if we thought that it is each individual parent's contribution that is relevant for parents' claims to sharing the costs of children, then, since not all parents' contribution will be the same and some parents' contribution will in fact be negative, not all parents will have a claim to having the costs of children shared.¹⁶ But this worry does not arise if we think that it is parents *collectively* who produce a benefit. There are justice-based reasons for endorsing this second version of the public goods argument. We may think that parents should share among themselves the unequal brute luck of the uneven distribution of "golden

16. See Goodin, "Responsibilities for Children's Well-Being," p. 78.

genes.”¹⁷ Alternatively, or additionally, we may think that parents’ unequal opportunity to parent well, which partly accounts for unequal “outcomes” in terms of their children’s social productiveness, is in part a matter of unequal brute luck, and that prospective parents would purchase insurance against lacking parenting skills.¹⁸ As a result, it would be unjust in many or most cases to hold individual parents responsible for the unequal extent to which their children become socially productive.

It might be objected that parents who have unequally productive children have unequal *option* luck, rather than *brute* luck: given that people choose whether or not to have children, having children is like a gamble, and it would be unfair, for those whose gamble turns out to be unsuccessful (i.e., for parents of less productive or wholly unproductive children), to ask others to provide them with compensation.¹⁹

We can make two observations in reply to this objection. The first is to note that we are pointing here to the unequal luck of parents not in order to establish that *nonparents* should share with some parents the particularly high costs they face by dint of having less socially productive children, but in order to make a case for why parents must share *among themselves* the unequal luck of having unequal genes and unequal parenting skills. This matters because we are referring here to the inequalities that occur among people who have made *the same choice*—in this case, that of having children. This leads us to the second observation, which is this: on a plausible version of responsibility-sensitive

17. The term is Hillel Steiner’s, who develops the idea of parents’ having to share the unequal brute luck of appropriating, by procreating, unequally valuable genetic information. See H. Steiner, “Silver Spoons and Golden Genes: Talent Differentials and Distributive Justice,” in *The Moral and Political Status of Children*, ed. D. Archard and C. M. Macleod (Oxford: Oxford University Press, 2002).

18. Clayton, *Justice and Legitimacy in Upbringing*, p. 65. These considerations apply against background justice conditions. In nonideal conditions, there are further considerations for not holding “unsuccessful” parents liable for creating fewer or no public goods, since under those conditions, not all parents have a fair opportunity to parent well, and not all children have comparably good opportunities outside the home to acquire the educational wherewithal that is crucial for their developing productive skills.

19. I thank an anonymous referee for pressing me on this point. For the distinction between brute luck and option luck, see R. Dworkin, *Sovereign Virtue* (Cambridge, Mass.: Harvard University Press, 2000), p. 73. Dworkin defines option luck as “a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined,” and brute luck as “a matter of how risks fall out that are not in that sense deliberate gambles.”

egalitarianism, it is not just to leave inequality between individuals who made the same choice (i.e., having a child) uncorrected on the ground that they all had the option of making a different choice (i.e., not having a child), if the value of the option set they faced was vastly unequal to begin with, through no responsibility of the individuals in question. Inequalities that result from people's choices are just only if they are made against equal background conditions. These conditions require, roughly, the elimination or mitigation of unchosen inequalities between the value of the option sets individuals face, either in the sense that those who make the same choice end up equally well off, or in the sense that, prior to making their choices, they do not prefer anyone else's option set to their own.²⁰ In line with this conviction, responsibility-sensitive egalitarians view as unjust many or most of the inequalities among parents reflecting unequal genetic endowments and unchosen parenting skills.²¹ In order, once again, to focus on the strongest available version of the public goods argument, in what follows I assume that it is parents *collectively* who are the creators of the public goods children are.

A third and final point that is worth noticing, and which others have already highlighted, is that there is a difference between a forward-looking and a backward-looking version of the prosharing view.²² The fact that children are a public good could be used as a premise in an argument for cost-sharing that points to the threat of undersupply of that good in the absence of cost-sharing. Here the argument would be that, if we want parents to continue to have children, we have to reward them, so as to make parenting a more attractive option. Alternatively, that claim can be used in an argument to the effect that, independently of whether we need to or would like to incentivize production of this

20. These two different suggestions about what counts as an equally valuable option set correspond to two versions of responsibility-sensitive egalitarianism, *ex post* and *ex ante* egalitarianism. These hold, respectively, that how people actually fare should not reflect unequal luck, and that people should be equally placed vis-à-vis risks. For this distinction, see R. Dworkin, *Justice for Hedgehogs* (Cambridge, Mass.: Harvard University Press, 2011), pp. 358–60.

21. See the views by Steiner and Clayton, mentioned in footnotes 17 and 18. This argument is compatible with there being some inequalities among parents that some individual parents may be liable for. The most straightforward case would be that of a parent who deliberately and avoidably brings into the world a child who suffers a debilitating condition, when that parent could have had another child without such a condition.

22. See Casal and Williams, "Equality of Resources."

public good, *fairness* tells in favor of sharing the costs of children between nonparents and parents. Some discussions of the public goods argument equivocate between these two arguments.²³

In what follows, I focus on the fairness-based version of the public goods argument, since only that would ground a claim of justice on the part of parents. It is worth highlighting, moreover, that in virtue of the distinction just drawn between forward-looking considerations and considerations about fairness, an assessment of the fairness-based case should not be confused with the issue of whether, because of concerns about sustainable population growth, it is all things considered best to implement policies that deter procreation. Those concerns warrant serious, but separate, attention.

The fairness-based version of the public goods argument, which I refer to from now on, has been reconstructed by Casal and by Casal and Williams, partly by drawing on the prosharing arguments developed by George. The fairness-based case makes two central claims. The first is that parents' having and rearing children creates benefits for third parties (people other than parents and their children), benefits that have the features of public goods—centrally, they are goods that the producers cannot exclude the nonproducers from, so that there exists the opportunity for the latter (in the case at hand, nonparents) to free ride on the former (i.e., parents), internalizing the benefits without sharing the costs. Second, the argument claims that nonparents' free riding is in violation of the principle of fairness. According to the principle of fairness, or fair play, people can acquire special obligations by receiving benefits in some situations (as opposed to voluntarily consenting to becoming obligated). More precisely, the principle holds that if some people engage in a cost-incurring, benefits-producing cooperative scheme, it is unfair to free ride on them, and those who receive benefits have an enforceable obligation to do their fair share in maintaining, or bearing the costs of maintaining, the scheme.²⁴

23. Examples are Folbre's and Esping-Andersen's discussions. This is not to say that forward-looking considerations and fairness-based ones may not be related. For example, Garrett Cullity deliberately brings forward-looking considerations into his formulation of the conditions under which it is justified to *use force* to prevent unfair free riding. See G. Cullity, "Public Goods and Fairness," *Australasian Journal of Philosophy* 86 (2008): 1–21.

24. The principle of fair play was first formulated by H.L.A. Hart, discussed by John Rawls, and criticized by Robert Nozick, and it has subsequently been widely discussed

What are we to make of this argument? Its most careful formulators have argued that it is unsuccessful. In the next section, I reply to their objection.

IV. SIDELINING AN OBJECTION

In order to assess carefully the public goods argument, it is helpful to lay down fully the various premises it rests on. They are as follows:

- (i) Parents' having and rearing children creates benefits for others;
- (ia) these benefits are positive externalities and, more specifically, are public goods;
- (ii) there is a plausible version of the fair play principle, such that under certain conditions producers of benefits have enforceable claims against those who receive the benefits;
- (iii) the conditions specified by a plausible version of the fair play principle obtain in the case of parents' producing the benefits and nonparents' receiving them.

In what follows, I do not discuss the empirical premise expressed in (i), which would require venturing into complex factual territory. However, I would like to highlight that objections to that premise are harder to come by once we keep in mind the following two points. First, as I have suggested in the previous section, we should assume that the premise at hand refers to the *collective* effects of all parents' having and rearing children. The fact that individual parents, or a particular set of parents, do not create positive externalities is not an objection to the premise thus specified. Second, the claim that parents' activities produce positive externalities for others does not amount to the claim that they produce

mostly in the context of justifying political obligation, where it has received wholehearted support by some (most famously, George Klosko) and attracted criticism by others (chiefly, A. John Simmons). I do not enter these extensive debates here. For some key contributions, see H.L.A. Hart, "Are There Any Natural Rights?" *Philosophical Review* 64 (1955): 175–91; J. Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 108–14; Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 90; G. Klosko, "Presumptive Benefit, Fairness and Political Obligation," *Philosophy & Public Affairs* 16 (1987): 241–59; A. J. Simmons, "The Principle of Fair Play," *Philosophy & Public Affairs* 8 (1979): 307–37; A. J. Simmons, "Fair Play and Political Obligation: Twenty Years Later," in *Justification and Legitimacy* (Cambridge: Cambridge University Press, 2001).

such externalities for *all* others. Accordingly, to point to the fact that there are some people, such as those distant in time or space, who do not benefit from this activity is not an objection to (i).²⁵

I would also like to note that identifying (i) and (ia) as separate premises (rather than referring to the single claim that parents' having and rearing children creates positive externalities or public goods), while it may seem unnecessary, is in fact important. I distinguish (ia), which is about the features that the benefits parents produce have, from premise (i), which states that benefits are produced, because some of my arguments in what follows show that, unlike what discussions of the public goods arguments have so far assumed, the benefits that parents create are neither externalities in the strict sense, nor public goods.

The critique of the public goods argument elaborated by Casal and Casal and Williams grants the public goods argument the first and the second premises, and challenges (iii) by defending a particular version of (ii).²⁶

According to Casal and Williams, a plausible formulation of the fair play principle insists that only the *costly* and *intentional* creation of such benefits creates enforceable obligations. They see the costliness and intentionality constraints as justified in light of the fact that, on a construal of the principle they favor (namely, John Rawls's construal), the principle applies to a context in which "persons engage in a mutually advantageous cooperative venture" and "restrict their liberty in ways necessary to yield advantages to all."²⁷ Now, on this qualified version of the principle of fairness, parents' creation of the public good of children does not ground compensation, for parents clearly do not *intend* to confer a benefit on others, and moreover, they do not "regard having

25. The public goods argument only aims to justify the obligations of *those who benefit* to do their fair share; it cannot, but it also does not need to, show that there is no one who does not benefit from the cooperative scheme, and therefore, that there is no one who is not obligated to contribute.

26. See Casal and Williams, "Rights, Equality and Procreation"; Casal, "Environmentalism"; Casal and Williams, "Equality of Resources." From now on, for ease of reference, I refer to "Casal and Williams" to refer to the claims made in both Casal's single-authored and Casal and Williams's jointly authored pieces.

27. Rawls, *A Theory of Justice*, p. 112. Casal and Williams point out that there are alternative and more lax formulations of the principle, but side with Rawls. As several people, starting with Nozick, have shown, it is implausible to think that lax formulations of the principle of fairness can account for our having enforceable obligations.

children as a *cost*.²⁸ The benefits parents produce are like a “pleasant surprise,” and a plausible version of the principle of fair play does not hold us under any obligation when we accept benefits of this sort.

I agree with Casal and Williams that a costliness requirement and an intentionality requirement are warranted constraints on a plausible version of the fair play principle. One reason for endorsing these constraints—apart from the intuitive implausibility of a principle that would hold us hostage to too many unchosen obligations—is the following. If someone produced benefits that are a pleasant surprise, and without incurring costs in so doing, then only something like a crude view of producer’s entitlement—on which individuals have claims over every product of their labor—would ground a claim that others who internalize the benefit owe them something in return. However, this idea of producer’s entitlement—the idea that producers of positive externalities have full property rights over whatever they produce, and that they have claims against free riders by virtue of the latter’s appropriating what is rightfully theirs—is neither the same as nor presupposed by the principle of fair play. The principle of fair play’s distinctive claim is that “we are not to gain from the cooperative labors of others without doing our fair share.”²⁹ The context of application of the fair play principle, then, is one involving people cooperating by intentionally participating in a mutually beneficial scheme. Casal and Williams are right in insisting, therefore, that unlike what philosophers studying the principle of fairness have tended to do, we must also focus on features of the *creation* of benefits, rather than only on features of the *acceptance* of those benefits, when formulating a plausible principle of fairness.³⁰

28. Casal, “Environmentalism,” p. 367. Casal and Williams’s doubts are similar to those expressed by A. John Simmons about the capacity of the principle of fairness to justify political obligation. Simmons understands the principle as requiring that people be moved by a desire to cooperate, and he writes: “I do not think that many of us can honestly say that we regard our political lives as a process of working together and making necessary sacrifices for the purpose of improving the common lot.” Simmons, “The Principle of Fair Play,” p. 336.

29. Rawls, *A Theory of Justice*, p. 112. Rawls’s interpretation of the principle is broader than Hart’s, which focuses specifically on “mutuality of restrictions.” See Hart, “Are There Any Natural Rights?” p. 185.

30. Casal, “Environmentalism”; Casal and Williams, “Rights, Equality and Procreation.” Like Casal and Williams and other defenders of the fair play principle including Klosko, I think of the intentionality and costliness conditions as necessary but not sufficient conditions to generate enforceable obligations of fair play. Another plausible necessary condition is that the good be substantial or one that people have reason to want or to bring about.

However, I think that Casal and Williams interpret the costliness and the intentionality requirements too stringently. On a less demanding but, I think, independently plausible interpretation of them, parents' activities could be seen to meet these requirements.

Consider, first of all, the costliness condition.³¹ Casal contrasts the parents with environmentalists who fit a catalytic converter on their car. She notes that they "regard fitting the converter *as a cost*, though one worth paying in order to maintain a public good" and that "if they wanted converters anyway—say, because they developed a converter fetish—and converters happen to have the unintended beneficial effect of reducing pollution," the principle of fairness would not apply.³² According to Casal, since parents do not view children as a cost, they are relevantly like converter fetishists and unlike standard environmentalists, and have no claims under a plausibly formulated principle of fairness.

In reply, we should note that this interpretation of the costliness condition seems unjustifiably demanding. There is a difference between whether parents perceive *children* as a cost (i.e., as an occurrence, which, in itself, has a negative impact on their lives), and whether having children involves incurring costs for parents. Most parents surely do not perceive children as a cost in the first sense but certainly do incur costs, and we might think that a principle of fairness requires only costliness in the second sense, as opposed to its requiring the more stringent condition of *sacrifice* Casal and Williams seem to think is necessary.³³

31. Idil Boran's response to Casal's interpretation of the principle of fairness collapses the intentionality requirement into the costliness one. On Boran's view, the case for insisting that people intentionally produce benefits is that the unintentional production of benefits does not carry costs for their producers (so that, Boran continues, rewarding them would make them overall better off than the nonproducers). Boran writes: "unless intentions are factored in, the principle of fairness might increase the reward some people get from engaging in certain activities" (p. 106). Boran then takes issue with the costliness condition, on the grounds that it requires taking into account welfarist considerations that should have no place in a theory of justice. See I. Boran, "Benefits, Intentions, and the Principle of Fairness," *Canadian Journal of Philosophy* 36 (2006): 95–116. I do not think that Boran's conflation of the two conditions is motivated, and moreover, I do not think that her case against the costliness condition is persuasive, but I do not pursue these points here.

32. Casal, "Environmentalism," p. 367.

33. This weaker condition about costs seems to be commonly assumed. See, e.g., R. Arneson, "The Principle of Fairness and Free-Rider Problems," *Ethics* 92 (1982).

Suppose, for example, that some environmentalists who decide to plant trees to counter the effects of increased aircraft use on levels of carbon dioxide in the atmosphere are keen gardeners, and do not experience the planting of trees as a *sacrifice* (they would do *some* gardening anyway). Nonetheless, planting trees costs money and takes time and physical effort. Shouldn't the rest of us (and especially frequent flyers, perhaps) who are benefiting from the environmentalists' efforts help meet the costs they incur in planting trees? Wouldn't the environmentalists have a claim if they asked for tree seeds to be subsidized, or if they asked to use public land to plant trees, or to have some tax breaks for the money they spend on their environmentally minded gardening, just as there are tax breaks on charity donations? I think that most defenders of the fair play principle would give an affirmative answer to this question.

In response, someone could suggest that what must be true for the principle of fair play to kick in is that *overall* having children leaves parents worse off than they would be without children.³⁴ If parents enjoy having children so much that they are better off having children (even while bearing their costs themselves) than not having them, then it is not unfair for nonparents to free ride on parents' activity.

This suggestion is unsatisfactory, however. Why should this non-comparative consideration, about how parents fare in two alternative scenarios, *by itself* settle the question of what nonparents owe to parents? Even if it is true that parents are better off, having children while bearing their costs, than *they* would be without children, it is also true—and relevant—that nonparents too are better off as a result of parents' having children. The question that needs addressing is whether it is fair, *given that both parties benefit*, that *only* parents bear the costs.

In addressing this question, I suggest that we pay attention to one important consideration regarding the costs that the producers of benefits incur, which in my knowledge is widely neglected in discussions about fair play: whether the costs the producers incur are greater as a result of others' benefiting, relative to a situation in which others did not benefit from the activity at hand. Some of the costs of parenting are socially created, *and they are created as a by-product of the activity's being beneficial* for third parties. Take, for example, a very considerable

34. I thank Peter Vallentyne for pressing this point.

cost of children, the expense to provide them with adequate education.³⁵ This cost has been rising steadily, in line with social, economic, and technological changes that require children to be in the education system for many more years in order to have good prospects as adult members of the economy. The increased costs for parents (in terms of education costs and maintenance costs for children who postpone becoming financially self-sufficient until much later than they used to) are to the benefit not only of their children, but of all citizens who benefit from a better-educated and skilled workforce.³⁶ If someone's benefiting from others' activities makes those activities more costly for these others, this may make a difference to whether the beneficiaries incur obligations of fairness as a result of benefiting from those activities.³⁷

Going back to the analogy with the environmentalists' case, suppose now that environmentalists face increasing costs for land, trees, fertilizers, and so on, where the increase in costs is due to pressure that has made the environmentalist's job more beneficial to third parties—imagine that the only fertilizers and seeds available on the market are very expensive ones, and they are expensive because they are genetically engineered so as to help trees produce extra-large quantities of oxygen during photosynthesis. In such circumstances, it could be argued that the environmentalists have an even greater claim to ask non-environmentalists to share the costs of their beneficial activity. Environmentalists can now clearly say to others that it is in order to create

35. In the United Kingdom, for example, a recent report claims that the average cost of raising children up to the age of twenty-one is £218,024, of which £71,780 is spent on education. This does not include private school fees and does not include childcare, which totals £62,099. The report, by insurer LV=, highlights that the most expensive years are between eighteen and twenty-one, when children enter higher education. See <<http://www.guardian.co.uk/money/2012/jan/26/cost-raising-child-rises-218000>>.

For estimates of the costs of bringing up children in U.S. households, see the Department of Agriculture's reports at <<http://www.cnpp.usda.gov/ExpendituresonChildrenbyFamilies.htm>>; these estimates only include the costs of education up to age eighteen. Both sites were last accessed on July 30, 2013.

36. Considerations about the socially created costs of parenting, I believe, are at the heart of the most plausible reconstruction of Anne Alstott's autonomy-based case for supporting parents. See Alstott, *No Exit*. I explore this point in P. Bou-Habib and S. Olsaretti, "Liberal Equality, Autonomy and Parental Justice," *Journal of Social Philosophy*, forthcoming.

37. Whether or not it does may depend on further considerations, such as whether the increase in costs was avoidable, or whether those whose benefiting contributes to the increase in costs are morally responsible for it.

benefits for others that they, the environmentalists, face higher costs than they would otherwise.

The reasons why the costs of a benefits-creating activity are as high as they are, I submit, should be relevant when determining whether those who bear those costs have a claim of fairness to sharing them. This fact has been neglected in discussions about the conditions under which the principle of fair play generates obligations, yet seems important for distinguishing cases in which obligations of fairness intuitively do seem to arise (such as the case of cleaning a polluted river that the free riders have contributed to polluting), from those where they do not.³⁸ I return to this point in the next section, when formulating the version of the prosharing view I think is more robust.

Let us now turn to the intentionality condition that Casal and Williams favor. Once we clarify what the possible object of our intentions (or the goal at which our actions aim) is in this case, and distinguish between intentions and motives, it becomes clear that Casal and Williams's understanding of the intentionality condition is too strong.

For notice that, on a literal interpretation of it, the claim that Casal and Williams make is not true: it is clearly not true that parents create a benefit unintentionally, in the sense that they do not intentionally bring about the outcome that is beneficial to third parties. They clearly do intentionally take steps to ensure, or maximize the probability, that they

38. A well-known case is Robert Nozick's neighborhood public broadcasting system, which Nozick uses to cast doubt on the principle of fair play. See Nozick, *Anarchy, State and Utopia*, p. 93. According to Nozick, the fact that you happily enjoy listening to the records and the news run on such a system by your neighbors, who take turns running the system each day, does not seem to create in you an obligation to spend a day yourself running the system. We can agree with Nozick that we do not have an enforceable obligation in the case he sketches, but suggest that matters are different, and that free riding would be wrong, where the costs that some people incur in producing a benefit are as high as they are *because* of the beneficial character of the activity. The nonparticipating neighbors in Robert Nozick's scheme are *not* contributing, by benefiting, to making the activity costly to those who run the scheme. Even those sympathetic to Nozick's conclusion in the public broadcasting system case may switch sides in favor of the fair play principle if the case were one in which the costs of running the public address system are increased as a result of the community's unanimously approved measures aimed at increasing the quality and quantity of public address system provisions for everyone. In my view, Richard Arneson's case of well-dressed people's creation of a positive externality (a pleasant sight for others), also used by some to discredit some versions of the fair play argument, is analogous to Nozick's case, and unlike the parents' and the environmentalists' cases, for the reasons just discussed. See Arneson, "The Principle of Fairness," p. 621.

bring up children who will become economically active and productive members of society, and this *is* the outcome that is beneficial to third parties.

In reply, it might be said that what is required is not merely the intentional production of that which is beneficial of third parties, but the intentional *benefiting* of third parties. Parents' actions fail to meet this tighter condition, since the goal at which parents aim is not that of benefiting others, but that of benefiting their own children. It may be true—the objection continues—that parents' decisions of how to bring up their children are affected by considerations about how to help their children become economically productive, but parents' intention to bring about an outcome that is beneficial to third parties is conditional upon its being the case that that outcome is the one that happens also to be in their child's interest. If, contrary to facts, it were possible for parents to ensure that their own children were well off while being unproductive members of society, parents would pursue that course of action instead of the one that is beneficial to third parties.

I doubt that this is the case for some, and possibly many parents, but I will not press this point here.³⁹ Instead, I ask why this fact, assuming it is true, should be relevant for our obligations of fairness. What the objection shows is not that parents do not intend to benefit others, but rather that their *motive* in benefiting others—their ultimate, that is, nonderivative, motive—is to benefit their own children. They lack an altruistic motive to benefit the third parties who are said to have an obligation to share the costs of the beneficial activity. But while people's good motives might matter for obligations of gratitude or claims of moral desert, they are not necessary for obligations of fair play; all that matters for the latter is that some people produce a benefit intentionally, in a certain context. The rationale behind the principle of fairness assumes that people intentionally participate in a cooperative benefits-creating scheme; it does not assume that their *motives* for participating in it are altruistic.

An important corollary point that emerges from the above discussion is that to say, as both defenders and critics of the public goods argument

39. I think it is very plausible that many parents have *mixed motives*: they want their children to become economically successful and socially productive adults both because this is good for their children, and because this is good for others.

for sharing the costs of children do, that the benefits parents produce are a positive “externality”—which is described as an *unintended* side effect of people’s activity—is importantly misleading.⁴⁰ For parents actually do typically aim at an outcome that is beneficial for third parties, and moreover, they aim at it partly because it is beneficial for third parties, although their ultimate motive is their concern with their own children’s welfare. This contrasts with paradigmatic cases of positive externalities, in which individuals do not intend to produce benefits for others. An example is the positive side effect, for beekeepers, of the neighboring apple farmer’s decision to tend to his apple trees: here the fact that the beekeeper benefits is thought to be altogether irrelevant, and does not figure at all, not even derivatively or instrumentally, in the apple farmer’s intention to grow his apple trees.⁴¹ Characterizing the benefits that parents produce as externalities is misguided and has weakened the case for the prosharing view.

In summary, while I grant to Casal and Williams that mere receipt of benefits generated by people does not suffice to generate enforceable obligations, even where the goods produced are substantial ones, I have argued that the further conditions that must be met for the principle of fairness to kick in are not that people have altruistic motives, or that they consider the activity as a net cost on the whole. Rather, I suggest that they are, first, that the producers intentionally contribute to a cooperative scheme that confers benefits upon those whose obligations are in question, and, second, that contributing to the scheme results in (extra) costs for the benefits producers. I now turn to assess the prosharing view in light of these observations.

40. In the passage quoted in the text above, Folbre talks about “positive spillovers and side effects that economists often call ‘positive externalities’ because they are external to the actual decision to provide care.” Folbre, *The Invisible Heart*, p. 50. George claims that “the benefit to the childless is an unintended third-party benefit, an economic externality.” George, “On the External Benefits of Children,” p. 210. For similar definitions of externalities, see D. Hausman, “When Jack and Jill Make a Deal,” *Social Philosophy and Policy* 9 (1992): 95–113, who defines an externality as an “unintended and not fully voluntary effect of some agent’s action on others” (p. 97); C. Fried, “Difficulties in the Economic Analysis of Rights,” in *Markets and Morals*, ed. G. Dworkin, G. Bermant, and P. G. Brown (New York: Halsted Press, 1977), who defines externalities as “unintended impositions incidental to the pursuit of some other end” (p. 192).

41. The example is from J. E. Meade’s famous discussion of externalities. J. E. Meade, “External Economies and Diseconomies in a Competitive Situation,” *Economic Journal* 62 (1952).

V. CHILDREN AS SOCIALIZED GOODS

Despite the arguments of the previous section, I do not think that the public goods argument stands. It still faces two problems. The first problem is a nagging doubt, which survives my response to Casal and Williams, that the fair play principle's context of application is one in which people intentionally partake in a *cooperative scheme* to produce benefits, and that there is no cooperative scheme parents are partaking in, even if it is true that they incur costs in order to produce a benefit that others receive. The second problem is that it is false that the benefits—or some of the central benefits—which parents' having and rearing children produce are public goods.⁴²

In this section, I argue that, surprisingly, the truth exposed by the second problem provides a solution to the first: children are not public goods, but deliberately socialized goods; our society intentionally and forcibly redirects some of the benefits of children to nonparents, and thereby sets up a cooperative scheme that, in the absence of nonparents' cooperation, is unfair to parents. A prosharing argument emerges from this discussion that bears some resemblance to the public goods argument, but is also importantly different from it.

Let us begin by noting what characterizes public goods. Among their various features, three in particular are relevant here, one of which, nonexcludability, is a necessary defining feature of such goods, and two of which, avoidability of receipt and nonrivalry, characterize many paradigmatic cases of public goods.⁴³ To say that public goods are nonexcludable is to say that they are goods from the enjoyment of which it is either impossible or too costly to exclude noncontributors. Clean air and national defense are paradigmatic cases of nonexcludable goods:

42. I should emphasize that I do not hold that parents, by having and rearing children, produce no public goods. Rather, my claim is that *some* of the benefits parents produce, which are substantial and which figure prominently in discussions of the public goods argument, are not public goods. These are the benefits constituted by having economically productive taxpayers whose contributions fund all welfare schemes (and other publicly funded goods, such as roads, from which it would be possible to exclude free riders).

43. To be precise, as Arneson remarks, the publicness of public goods is scalar, and is a matter of the degree to which goods exhibit certain characteristics. See Arneson, "The Principle of Fairness." "Pure" public goods are those that are both nonexcludable and nonrival. See H. R. Varian, "Markets for Public Goods?" *Critical Review: A Journal of Politics and Society* 7 (1993): 539–57.

the contributors, by making these goods available for themselves, unavoidably make them available for others in the affected area. Non-excludability is different from unavoidability of receipt—the impossibility, or prohibitive costliness, for beneficiaries, of avoiding the benefit. Clean air and national defense are unavoidable as well as nonexcludable; but a clean river in an area where there are other comparably accessible and comparably useful rivers may be a nonexcludable but an avoidable good (I assume it is too costly to fence off the river along all its length from potential noncooperating river users). Finally, public goods also exhibit nonrivalry, that is, someone’s consumption of the good does not reduce another person’s. Again, clean air and national defense are examples of goods that exhibit a very high degree of nonrivalry, and so is, to some extent, the clean river mentioned above: there could be some users of the river who do not pollute it and do not deplete it.

In the context of a fairness-based case for why those who willingly benefit from the production of public goods may incur obligations to share the costs of their production, the fact that the goods are nonexcludable, and that therefore the opportunity exists for free riding, are relevant because it is possible for some people to exploit, or take unfair advantage of, others’ willingness to cooperate.⁴⁴

Note, however, that while the nonexcludability of public goods may in this way support the prosharing view, the nonrivalrous and unavoidable character of public goods may work against the prosharing view. In the presence of nonrivalry, the contributors’ complaint, against free riders, seems diminished, since noncooperators’ benefiting from the good does not negatively affect the contributors’ lot. And where the goods produced are unavoidable, it may seem unfair to *nonparents* to hold them to

44. The fact that some goods are public is often discussed in the context of examining the twin threats of market failure and undersupply: where nonexcludable goods are produced, the costs of production are not duly registered by the price of the goods, since free riding is possible, and the incentives to produce the goods will accordingly dwindle. Assuming that the good is one people want, or that there are reasons to want, this is a problem. But, recall, these forward-looking considerations are not the context of our present discussion. Our focus is the fairness-based case for sharing the costs of public goods. Admittedly, on accounts of equality like Ronald Dworkin’s, the concern about market failure and concerns about justice are at one: the fact that the market fails to register the true opportunity costs to creators of public goods of others’ appropriation of those goods may make the resulting distribution unjustly unequal. In some such cases, Dworkin’s “principle of correction” may justify interventions with the market mechanism. See Dworkin, *Sovereign Virtue*, chap. 3.

be under an enforceable obligation to cooperate by dint of having accepted a benefit that they would have to go out of their way to avoid, or that they cannot but accept. This worry seems to be at the basis of familiar opposition to the principle of fair play.⁴⁵ So if the benefits that parents create by having and rearing children really are public goods, the prospects for making a case for sharing the costs of children are mixed. This is not to suggest that, where public goods are produced, no fair play obligations can be generated. Rather, the point is the more moderate one that, where the provision of public goods is at stake, defenders of the fair play argument face challenges that they may not confront in other cases. Although these challenges may be ultimately surmountable, I assume it is desirable to formulate a prosharing case that concedes as much ground as possible to its critics, and shows that, even then, it can be argued that nonparents have enforceable obligations to share the costs of children with parents.

Now, once we think closely about arguably the most important way in which children are supposed to be or create public goods—namely, as the future taxpayers of the welfare state—these are goods that exhibit none of the three characteristic features of public goods I have just discussed. First, it is possible for nonparents to avoid receiving these benefits—nonparents could forgo the pensions funded by the next generation. Secondly, nonparents' consumption of a unit of the good in question leaves less for others. So nonparents are unable to say, in reply to the demand that they help pick up the costs of the benefit-producing activity, that they effectively have no option but to accept the benefit, and that parents are no worse off by dint of nonparents' free riding (relative to a state of affairs in which the nonparents did not exist at all, or did not take the benefits). Finally, the next generation's tax contributions are not a nonexcludable good. It is conceivable that we could set up a split welfare system, where nonparents are excluded from the benefits funded by the taxes of the next generation.

To illustrate this point, it is helpful to begin with a stylized example that focuses our attention on one of the most salient ways in which new generations contribute to previous generations' welfare: by paying for

45. See Nozick, *Anarchy, State and Utopia*; Simmons, "The Principle of Fair Play"; Simmons, "Fair Play and Political Obligation: Twenty Years Later." Some of these concerns also animate Casal and Williams's worries about an unqualified principle of fairness, discussed in Section 4.

their retirement. Imagine, for the sake of simplicity, a two-generation society, in which all adults, some of whom are parents and some of whom are nonparents, are sixty-five and all children are thirty-six. This society could set up, instead of a unified system of social security, in which all citizens, regardless of whether they are parents or not, are equal claimants on a single pension fund, a two-tier system, in which parents are the sole beneficiaries of the taxable economic contribution of the next generation earmarked for the pension fund. This society would be one in which the producers of the benefits—parents—exclude potential free riders from benefiting from their cost-incurring activities, and bear fewer costs as a result.

Notice, moreover, that the same point holds with regard to any other benefits to which adults may be eligible in a welfare state, such as unemployment benefits, disability benefits, access to publicly funded adult education and retraining schemes, and so on. Like pension fund contributions, all these benefits could be seen as ones that parents' having and rearing children has contributed to producing, and that nonparents partly appropriate. That nonparents who receive any of these benefits are appropriating a benefit from parents' activities becomes apparent once we move away from an example like the one just used, with only two generations, one at retirement and one at working age, respectively, and adopt a dynamic perspective in which, at any one time, there are adults at various different stages of their lives, *all of whom* are someone's children, and all of whom, therefore, either have been or are being raised at some costs to their parents. A twenty-five-year-old person who receives unemployment benefits and a forty-year-old on disability benefits are receiving the tax contributions of *someone's* children. Even though the taxpayers whose contributions these welfare claimants are benefiting from include individuals who belong to previous and contemporaneous, rather than successive, generations, it is as true here as it is in the case of the generation of sixty-five-year-old pensioners deriving benefits from the pension payments of the thirty-six-year-old individuals that all recipients of welfare benefits and publicly funded goods, including nonparents, are benefiting from the contributions of someone's children, and hence, indirectly, from parents' having and rearing children.

It is also true, with regard to all these welfare benefits just as it is of pension contributions, that they constitute *excludable, avoidable, and rival goods*, rather than public goods. Just as society could institute a split

pension system, it could institute a split welfare system, on which nonparents and parents are not equal beneficiaries of a unified social fund, but instead draw on two separate funds, one of which—namely, the one to which only parents have access—is boosted by the contributions of each generation’s children. Admittedly, the picture is more complicated here than in the simple two-generation model mentioned above, because, once children grow up, they themselves join the ranks of either parents or nonparents. A split welfare system in which every citizen’s contributions are not redistributed equally among parents and nonparents alike but in which parents exclude nonparents from benefiting from their cost-incurring activities would now have the following two features. First, once children are working adults, they contribute tax to the welfare fund that is accessible only to parents up to the point at which parents recoup the costs of children they have incurred. Second, thereafter, working adults would pay their tax contributions to, and be able to draw on, one of two welfare funds—parents’ or nonparents’ welfare funds—depending on whether they themselves have and raise children.

These remarks about possible split welfare systems make apparent that some of the central benefits created by parents’ having and rearing children are not public goods. Rather, children are *socialized* goods: our social and economic institutions *are intentionally so structured as to ensure that* the product of parents’ labors is socially beneficial for everyone, including nonparents. These institutions ensure that children are beneficial for everyone, including nonparents, by forcibly directing some benefits, from the next generation, to today’s nonparents and parents alike.⁴⁶ What are the implications of this fact?

One view, which I do not endorse, is that parents are being wronged by having what is *rightfully theirs* redistributed to everyone; on this view, we should either set up the two-tier social security system I sketched above, or, if we do not, we should socialize the costs of children *as compensation* for wronging parents.⁴⁷ I do not believe that we should set

46. Once the benefits of children are socialized, these benefits are like public goods, as far as individuals are concerned; individual parents cannot exclude free riders and individual nonparents cannot easily avoid the good. I speculate that this fact may partly account for why the idea that children are public goods is generally thought plausible.

47. A feminist economist has actually defended the privatization of benefits for parents as a policy proposal. See S. Burggraf, “How Should the Costs of Child Rearing Be

up such a system, that is, a system in which nonparents and parents are unequal beneficiaries of the next generation's contributions. I do not believe that this system is more just than one in which children's contributions are equally shared among nonparents and parents alike.

Rather, on my view, the main implications of the fact that children are not public goods but deliberately socialized ones are that this fact provides empirical premises for a prosharing argument that is relevantly, if subtly, different from the public goods argument. A prosharing argument that draws on these premises provides stronger support for a claim to fairness on the part of parents than does the public goods argument. Recall that the context in which it seems appropriate to invoke the principle of fair play, which is a principle of mutual restriction, enjoining us not to take advantage of others' cooperative efforts, is the context of a "mutually advantageous cooperative venture."⁴⁸ Now, opponents of the public goods argument insist that parents' having and rearing children, much though it generates benefits for third parties, and even if its generating such benefits, as I suggested in the previous section, informs the shape the activity takes, does not constitute a cooperative venture. For such a venture to be in place, so opponents of the public goods argument can continue, it is necessary that a scheme of cooperation be established so as to produce a collective benefit, where this means either that the beneficiaries, including those who may be tempted to free ride, are implicated in setting up or supporting the scheme, or that the provision of the collective benefit is part of the rationale for setting up the scheme, or both. Where people's choices to have and rear children are concerned, however, neither of these conditions is met.

In response to these points, consider, now, the following revised statement of the prosharing view:

- (i*) in a society with a unified welfare system, parents' having and rearing children creates benefits, some of which are distributed to nonparents, at some cost to parents;

Distributed?" *Challenge* (1993): 48–55. Folbre has criticized this proposal on the grounds that it gives parents undesirable control over their children's income. See Folbre, "Children as Public Goods," p. 89. I think this concern is unjustified, since what is at stake is not giving parents control over their own children's income, but allowing only parents, collectively, to be the sole beneficiaries of the taxable income of the next generation.

48. Rawls, *A Theory of Justice*, p. 112.

- (ii*) on a plausible version of the fair play principle, those who are required to bear some costs in order to benefit others have enforceable claims against those others who receive the benefits;
- (iii) in a society with a unified welfare system, the conditions under which the principle of fairness specified in (ii*) applies obtain in the case of parents' producing benefits and nonparents' receiving them.

Besides resting (and partly because it rests) on a different empirical premise, the socialized goods argument differs from the familiar public goods argument in two important ways that are worth emphasizing.

First, the socialized goods argument is a *conditional* argument, in that it establishes an enforceable obligation, on the part of nonparents, to share the costs of children, in a context in which the benefits of children are socialized. The socialized goods argument does not apply where those benefits are not socialized (i.e., where premise [i*] does not obtain), nor does it establish that they should be socialized. The fact that the scope of application of the socialized goods argument is thus restricted may appear to be an unwelcome limitation, but I would now like to suggest that this appearance is deceptive, for three reasons. First, insofar as we are interested—as I said at the outset of this article that I am—in determining what liberal egalitarian justice requires with regard to parents' claims, and given that liberal egalitarians are committed to a unified system of welfare in the name of egalitarian justice, the socialized goods argument can indeed be safely deployed as an argument for cost-sharing as part of a liberal egalitarian theory. Indeed, the socialized goods argument can be deployed within any theory of justice that is committed to *some* welfare measures, including those nonegalitarian views that uphold people's rights to basic needs satisfaction. Secondly, with regard to those theories of justice, such as right-libertarian theories, which oppose all redistributive measures and any welfare entitlements, the socialized goods argument fares no worse than the public goods argument—right-libertarians would reject the latter outright⁴⁹—and it arguably fares better in that it is likely to have right-libertarians' support as an argument that applies in nonideal conditions. This is because

49. An example is Nozick's well-known opposition to the principle of fair play, which I mentioned above.

right-libertarians may well accept that, if and where, as a matter of (in their view regrettable) fact, social and economic institutions extract taxes from individuals in order to provide benefits that are made accessible to all, those who bear costs in order to make these benefits available to all may have an enforceable claim to compensation by those who benefit as a result of the coercively socialized benefits scheme. There is, finally, a third reason why the structure of the socialized goods argument is not a weakness of the prosharing case, but in fact, I now suggest, a point of strength. The socialized goods argument, if successful, shows that defenders of the antisharing view cannot occupy a comfortable middle ground, one in which there is a familiar welfare state in place that serves egalitarian justice, but in which nonparents are not obliged to share the costs of children. The socialized goods argument implies that, in order to stand their ground, opponents of the prosharing view must forgo their support for a unified welfare system, since, if that system is adopted, then there is a fairness-based case for sharing the costs of children. The socialized goods argument thus puts pressure on critics of the prosharing view, showing that the price they have to pay in order to avoid the implications of the argument is to forgo support for a unified welfare system. Although some defenders of the antisharing view do embrace a version of just that position, and believe that the obligation to meet individuals' claims of egalitarian justice falls, in principle, on each individual's parents, this is thus far a minority view and a highly revisionist one.⁵⁰ By forcing us to choose between that view and a prosharing one, the socialized goods argument helps boost the case for the latter.

A second main respect in which the socialized goods argument differs from the public goods argument concerns the features of the fairness principle that can successfully be deployed as part of that argument. The socialized goods argument can appeal to a principle which holds that a person's intentional contribution to a cooperative, benefits-producing scheme, as a result of which she incurs some costs, grounds enforceable obligations on the part of those who receive the benefits.⁵¹ The socialized goods argument holds that parents have

50. See Steiner and Vallentyne, "Libertarian Theories of Intergenerational Justice."

51. By way of analogy, consider a situation in which the government enforced a socialization of art, requesting all artists to display their work in public exhibitions for a certain amount of time: under such a scheme, it seems that the public at large, or at least exhibition-goers, should help the artists meet the costs of holding such public exhibitions.

claims of fairness because the following three things are true. First, a cooperative scheme *is* in place; this is the scheme constituted by a unified welfare scheme that distributes the benefits of children to everyone, nonparents and parents alike. Second, parents contribute intentionally to that scheme, whatever their ultimate motive for doing so. It is important to note here that the benefits-producing activity parents intentionally engage in, and by dint of which they have claims of fairness against nonparents, is that of having and rearing children *in the context of a scheme that redistributes the benefits of children to nonparents and parents alike*.⁵² Finally, it is crucial, on the socialized goods argument, that others' benefiting from parents' activities results in those activities being more costly for parents: parents bear greater costs in having and rearing children than they would bear under different socioeconomic institutions which did not redistribute the benefits of children to nonparents and parents alike. As I mentioned in the previous section, this fact makes a difference to whether those who receive benefits have enforceable obligations of fairness.⁵³

By way of concluding, I would like to reply to a possible objection to the socialized goods argument. The objection is that, unless the socialized goods argument assumes that parents have producer entitlements

For a less clear-cut case, consider the recent UK government's endorsement of a proposal for "Gold" open-access publishing: in order to ensure that research publications are freely accessible to all readers, authors would pay publishers to publish. If the UK government enforced such a policy, and assuming that publishers' revenue should be kept constant, it would be arguably fair for authors to receive public support. Indeed, the report that recommends Gold open-access publishing implicitly makes a case along these lines, emphasizing that "barriers to access—*particularly when the research is publicly-funded*—are increasingly unacceptable in an online world." See the executive summary of the Flinch Group Report, <<http://www.researchinfonet.org/publish/finch/>>. Accessed July 30, 2013.

52. While most parents do not explicitly formulate to themselves the specific intention of raising children who will provide tax contributions, they do implicitly intend that outcome as part of a more complex goal they aim at in raising their children.

53. We could say that a scheme that permits some (nonparents) to benefit from parents' contribution while worsening their situation is one that allows for parasitism as opposed to free riding (where the latter is mere reaping of benefits, without the benefactors' situation being worsened). See D. Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1986), p. 205; G. Van Donselaar, *The Right to Exploit* (Oxford: Oxford University Press, 2009), p. 4 (although note that Van Donselaar focuses on what structure of *property rights* is parasitic). I thank an anonymous referee for drawing the distinction between free riding and parasitism to my attention.

in their children's tax contributions (something I have denied), it must admit that *nobody owns* those contributions, which are rather on a par with manna from heaven, and hence, redistributable to everyone, nonparents and parents alike, without anything being owed to parents in return. In reply to this objection, I suggest that we can deny both that socializing the benefits of children in itself involves any violation or infringement of parent' claims, and that the benefits parents create are on a par with manna from heaven. The claim that these benefits are on a par with manna from heaven overlooks half of the truth of the matter, namely, that parents have borne burdens that were necessary for the production of this "manna." Overlooking this fact would lead us to penalize parents relative to nonparents. This is what the socialized goods argument highlights as the flaw of a system that distributes the benefits of children to everyone, while not requesting nonparents to share the costs of parenting.

Some of the central benefits that parents produce by having and rearing children, then, are not the unintended side effects of parents' pursuit of their plans of life in a context in which no cooperation with nonparents is in place. Quite the opposite is true: parents participate in a cooperative scheme that intentionally socializes and makes available to all the benefits that parents create by having and rearing children. To be sure, the socialized goods argument aims to capture only some of the ways in which parents' creating and bringing up children may be claimed to be beneficial or morally desirable. Some claim that parents contribute by fulfilling a duty to preserve the human species;⁵⁴ others suggest that societies with few or no children would be joyless, and that our very sense of purposefulness would be eroded if we thought we faced imminent extinction.⁵⁵ These and other considerations may justify thinking of society "as a scheme of cooperation over time indefinitely."⁵⁶ Defending the socialized goods argument does not preclude acknowledging that having and rearing children is beneficial in these other ways, and that perhaps further prosharing arguments may be formulated by

54. See R. Arneson, "What Do We Owe to Poor Families?" unpublished manuscript.

55. This point has been recently explored by Samuel Scheffler in his Tanner Lectures on "The AfterLife." See <<http://grad.berkeley.edu/tanner/1112.shtml>>. Accessed July 30, 2013. I thank an anonymous referee for drawing this to my attention.

56. J. Rawls, *Justice as Fairness: A Restatement* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2001), p. 162.

pointing to them. But it is a strength of the socialized goods argument that it relies on less controversial premises than the existence of a duty to be fruitful and multiply, or the defensibility of an unqualified version of the principle of fairness. That we can ground the case for sharing the costs of children without relying on these contested assumptions is a welcome conclusion for those who wish to make a case for sharing the costs of children.