

Choice, Circumstance and the Costs of Children

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1. Introduction

The creation of new persons involves substantial costs. Children are expensive to raise - some more so than others - both in terms of the labour time that is required to satisfy their various needs and the resources they consume in the process of growing up.¹ (Call these the *costs of care*.) And once they reach adulthood, new persons join the ranks of pre-existing members as fellow claimant of just shares, thereby possibly decreasing the size of those shares.² (Call these the *costs of added members*.) While we assume that justice requires that both types of costs of children be borne by someone, we may ask who that someone is. Does justice require that the costs of children be shared by all members of society equally? Or should some or all of those costs be borne by parents alone, in virtue either of the fact that they are special beneficiaries of having children or of the fact that they are responsible for having them?

Any theory of distributive justice should provide an answer to this question, since it is a question about the fair distribution of burdens among individuals. And Hillel Steiner's theory, in particular, seems especially well-equipped to shed light on it, both because it discusses explicitly some of the implications of the fact that people beget

¹ In the UK the average cost of raising a child to the age of 21 was estimated, in 2004, to be the highest in Europe at £153, 620; in 2007 this figure had risen to £186,000, with the largest expenditure being on childcare and education. See <http://www.guardian.co.uk/money/2004/nov/26/business.childtrustfunds>, and http://www.lv.com/media_centre/press_releases/cost.

² As working adults, (most) new persons also help sustain those shares, whether or not their contribution is less than their withdrawal of resources. This may affect our appraisal of parents' choices to produce new persons. Notice that on some views of children's rights and of justice, the distinction between the costs of care and the costs of added members is somewhat blurred, as children may have claims of justice to receiving a certain level of care, and what they receive while they are children is part of their just lifetime share.

children, and because it underscores the importance of the question of who should bear the costs of satisfying others' claims. In this paper I examine Steiner's position on who should bear the costs of children. I suggest that that position seems unstable as a result of a tension between Steiner's avowed views on just taxes – which support not holding parents responsible for all the costs of children - and his views about responsibility – which do seem to support holding parents responsible for all of them. I then ask how Steiner could respond to this problem, and argue that, rather than solving that tension by forgoing either the commitment to responsibility or that to expecting that some of the costs of children be shared, he could show that that tension is only apparent.

2. Steiner on the costs of children

Steiner does not himself address the question I have raised here, of who should bear the costs of children, but we can reconstruct his position on this question by looking at two parts of his account: his views about just taxes and his views about responsibility.³

Steiner's views about just taxes are, of course, the upshot of his theory of justice as a whole, and a full exposition of them would take us too far afield. For our purposes here, what matters is that according to Steiner's historical entitlement theory, all persons have only two original rights, the right to self-ownership and the right to an equal share of natural resources, with the latter being the only right that has redistributive

³ The notion of responsibility that is relevant here is that which has been referred to as “consequential responsibility”, “substantive responsibility”, “accountability”, or “liability”. To attribute responsibility to someone is to claim that that person can justifiably be made to pick up or internalise some costs of her conduct, and that others are justified in treating her in a certain way (letting her bear the consequences of her actions, enforcing an obligation she has undertaken, exacting compensation from her, and so on). See Scanlon 1998, Roemer 1998, Dworkin 2000. In what follows, I talk interchangeably of someone being responsible and of someone being held responsible to refer to this sense of responsibility.

implications.⁴ Those implications, in a nutshell, are as follows. Given that persons come into the world at different times (which, from the point of view of their having a right to an equal share of natural resources, is a morally arbitrary fact), and arrive into a world in which natural resources are already fully appropriated, they are best seen as having a right to an equal share of the *value* of natural resources (Steiner 1998: 99). Respecting this right will require holding every person who owns resources (and regardless of whether or not she uses them (Steiner 1999: 180-185)) liable to a tax in proportion to those resources' competitive value, which tax goes into a social fund that subsidises a universal basic income (Steiner 2002, 189; Steiner 2002, 193, note 11; Steiner 1998, 99).⁵

An ancillary fact that is also relevant here is that, according to Steiner, genetic information counts as a natural resource, so that, by begetting children, parents can be characterised as appropriating a natural resource (Steiner 1992, 87-8; Steiner 1994, 247; Steiner 1998, 100; Steiner 2002, 189;).⁶ As a result, they are potentially liable to paying more than non-parents to the fund, depending on the value of the genetic information they appropriate, where that value is determined in accordance with how much input, by

⁴ Our right of self-ownership, that is, the right to control, use and exchange one's mental and physical abilities and the products of those, would be violated by redistributive taxation. Steiner writes: "Self-owners are each responsible for their own choices and cannot justly compel one another to undo the distributive consequences of those choices". (Steiner, 2002, 185) According to Steiner, both the right of self-ownership and the right to an equal share of natural resources are grounded in a right to equal freedom.

⁵ Steiner leaves it open whether he supports an unconditional basic *income* or an unconditional basic *initial endowment*.

⁶ There seem to be two puzzles surrounding Steiner's position on genetic information being a natural resource: First, can genetic information really be thought to be a natural resource for which people are liable to taxation? Second, why are only parents liable to taxation? Concerning the first point, Steiner writes that "Natural resources are taxable because, since they are initially unowned, all self-owners are at liberty to use them" (Steiner, 1992, 82). But since the genetic information parents appropriate is carried by parts of their bodies, it is not clear that Steiner can say that it is a resource anyone is at liberty to appropriate: to appropriate it would *necessarily* involve violating the self-ownership rights of those who carry that information. A way out of this conundrum may be this: parents could be seen as (involuntary!) appropriators of genetic information *just in virtue of their carrying it* in particular body cells. But then this raises a second puzzle: why are only parents, rather than *all persons*, liable to this tax? Since Steiner believes that natural resource ownership, rather than use, grounds tax liability, and since all persons can be seen to appropriate this resource, it seems unjustified to tax parents alone.

way of gestational and post-natal care, is required to obtain a certain output, that is, a certain ability level (Steiner 2002: 186). (But note that if some parents appropriate some not very valuable genetic information, they, as well as non-parents, are entitled to some compensation from parents who appropriate very valuable genetic information.⁷)

From this very succinct summary of Steiner's views on just taxes, it emerges that they seem to support the following two-pronged position about transfers between parents and non-parents. On the one hand, parents, just like non-parents, are only entitled to the universal basic income that is ultimately justified by everyone's right to an equal share of natural resources. They do not have any further rights to receiving resources, and therefore no rights to assistance for covering the costs of care, although some of them will be entitled to some compensation for appropriating less valuable genetic information than other parents. This further right, however, is not a right that parents have to sharing the costs of care with non-parents, for three reasons: not every parent has it; other parents, rather than non-parents, have the correlative obligation; and in any event, this right is not grounded in the fact that parents incur costs of care, but in their right to an equal share of natural resources, so it results in (some) parents' being relieved of some costs of care only contingently.⁸

⁷ Steiner states that, through the fund, we redistribute wealth from "those adults who own children with superior genetic endowments to *those who don't*" Steiner 1994, 277 . I assume that "those who don't" refers to *both* those who appropriate genetic information that is not very valuable (i.e. parents of children with less golden genes, as Steiner would put it) and those who do not appropriate genetic information at all (i.e. non-parents).

⁸ It is true that the fact that (some parents) incur *greater* costs of care than others may affect what compensation they are owed: if they incur greater costs, this may mean that the resources they have appropriated are less valuable than others', and will be owed compensation to offset this. But that fact does not figure in the justification of their right to compensation. Notice, moreover, that it is arguably not the case that parents *must actually* incur those greater costs: while they are owed compensation because the resources they appropriate are less valuable than others', why should they use the compensation they receive to make those resources more valuable, by offering more or better care for their children, rather than to improve their stock of resources in some other ways? According to Steiner, parents must secure only a *minimum*, not an *equal* amount of inputs. See Steiner 1998, 105-6; Steiner 2002, 187.

On the other hand, while parents are not entitled to assistance for bearing the costs of care, they *are*, on Steiner's view of just taxes, entitled to sharing the costs of added members, since, when it comes to taxation for the appropriation of natural resources (other than genetic information), non-parents and parents are equal contributors to, and equal beneficiaries of, the fund that provides for everyone's universal basic income.⁹ Parents are not asked to internalise the costs of added members by having to forgo their basic income, wholly or in part, in order to subsidise their children's.

This second prong of Steiner's position on who should bear the costs of children, however, may be said to jar with Steiner's own stance about responsibility. That stance is most fully elaborated in a discussion of how the historical entitlement theory Steiner defends compares with some recent egalitarian thinking that accommodates a principle of responsibility.¹⁰ According to this now very familiar type of egalitarianism, equality requires reducing or eliminating inequalities in people's *circumstances*, but not inequalities that reflect people's *choices*. Steiner endorses this commitment to holding people responsible for the consequences of their choices.¹¹ Indeed, he suggests that he takes it a step further than responsibility-sensitive egalitarians. For responsibility-sensitive egalitarians, Steiner claims, have a tendency to overlook that in some cases someone's circumstance is someone else's choice, so that compensation for that circumstance is not to be shared equally among all, but is the responsibility of a particular

⁹ We may think that parents are internalising some costs of added members by having to pay a tax on valuable genetic information. But when children, as adults, come to claim rights, *all* adults (non-parents as well as parents) contribute equally to securing those rights. Although Steiner requires that the costs of added members be shared, he does hold parents liable for *some* costs, i.e. *the costs of damages*, until adulthood. See Steiner 2002, 187.

¹⁰ Steiner 1998. In this paper Steiner concentrates on John Roemer's egalitarian view. Since Steiner's contribution, this type of egalitarianism, which is now often referred to as 'luck egalitarianism', has received extensive discussion and elaboration. See, for example, Anderson 1999.

¹¹ Steiner 1998, 97. He states that "...the set of entitlements should reflect the requirements that persons be held *responsible* for the adverse consequences of their own actions".

person. In other words, when someone suffers a disadvantage through no fault of hers, so that she is not responsible for it and is owed compensation, we should raise the further question of who owes her compensation, since there may be someone else who is responsible for her predicament and is liable to pick up the tab.

To keep the question of who owes compensation in focus, Steiner suggests that we adopt a threefold distinction between the acts of an agent, the acts of nature, and the acts of others. Accordingly, he distinguishes between a world in which the only source of disadvantage is nature (people are both benevolent and prudent); a world in which the only source of disadvantage is the non-benevolent, harmful behaviour of others (people are prudent and nature is kind); and a world in which the only source of disadvantage is imprudence: people suffer adversity because they harm themselves (others are benevolent and nature is kind). In the first world, disadvantage is a matter of luck for everyone, and everyone should share the costs of eliminating or reducing it; in the second, disadvantage is a matter of luck for those who suffer it, but not for those who, through their non-benevolent conduct, cause it: the latter are to be held responsible for the costs of eliminating or reducing disadvantage. Finally, in the third world, disadvantage is not a matter of luck for those who suffer it, as they bring it upon themselves and may, as far as justice is concerned, be left to suffer it.¹²

¹² Steiner says that the difference he identifies between his account of responsibility and the view of responsibility-sensitive egalitarians is somewhat overdrawn. In fact, responsibility-sensitive egalitarians may argue that there is really no difference between them at all, in terms of the kind of judgments of responsibility they recommend. The choice-circumstance distinction can do all the requisite work: we only need to ask who – whether a particular agent who suffers a disadvantage or someone else – is responsible for that disadvantage. And, once we have set up the background against which make choices, and therefore, the consequences of their choices, in a certain way, we can always redescribe people's non-benevolent behaviour as imprudent. If we set up institutions that penalise the choice to act in ways that negatively affect others, we can describe the choice to do so an imprudent one, as the person who acts non-benevolently will end up disadvantaged as a result. So, responsibility-sensitive egalitarians can, and do, say that someone's circumstance can be the result of someone else's (imprudent) choice. However, in my view

To return to the issue of the costs of children, it seems that Steiner's commitment to asking whether there is someone who is responsible for someone else's circumstances should lead him to ask parents to internalise all the costs of children. Since (most) parents have the option to not have children and choose to have them freely, they alone, it seems, should bear the consequences of producing children, both in terms of bearing the burden of providing for their children's needs while they are growing up, and, later on, in terms of paying for the costs of securing their children's just shares, insofar as this is feasible. Indeed, it seems that, in the absence of an argument to the contrary, the endorsement of responsibility, which underlies Steiner's view (as I am reconstructing it) that parents bear the costs of care, would also commit him to holding parents responsible for the costs of added members.

Strangely, however, Steiner never considers this possibility, even when he asks explicitly what the consequences are of the fact that people beget people (Steiner 1994: 242), and that 'later choosers are the products of earlier ones' (Steiner 1998: 100). Indeed, in one place Steiner quotes Eric Rakowski, who is one of the responsibility-sensitive egalitarians who stands out for having explicitly argued that parents should pay for the costs of added members. Rakowski writes:

Steiner's distinctive way of mapping out the territory highlights something important. By emphasising the distinction between a world in which someone ends up worse off than others as a result of his own actions and a world in which someone ends up worse off than others as a result of others' actions, Steiner draws attention to that fact that when we ascribe responsibility, we invoke both a standard of prudence and a standard of other-affecting behaviour as standards (chosen) departures from which warrant departures from equality. Egalitarian philosophers have often drawn attention only to the former, by observing that a responsibility-sensitive egalitarian view requires that institutions be so set up that, if people behave prudently, they end up no worse off than others; but they may end up worse off than others if they make imprudent choices. See, for example, Arneson, 1989..That we must also assume a standard of other-affecting (as well as self-affecting) behaviour we expect from people (so that, if they comply with it, they end up equally well off as others) is overlooked if we subsume all responsibility judgements under the category of "imprudent behaviour".

...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?¹³

Yet Steiner does not adopt Rakowski's view, and what he takes out of the passage just quoted is not Rakowski's commitment to holding parents responsible for the costs of children, but the altogether different point that, since children and their ability levels are not in the main the result of luck (a point Rakowski does make), but the product of parents' labour *and* the use of natural resources, the right to an equal share of natural resources has the implication, which I mentioned earlier, that parents may either owe or be owed compensation, depending on the value of the genetic information they appropriate.

There seems to be a tension, then, in Steiner's position on the costs of children. This tension could be resolved, quite straightforwardly, in one of two ways. First, Steiner could forgo the commitment to responsibility and insist that non-parents should indeed subsidise parents' choices to have children by sharing all the costs children create; second, he could stick to the responsibility principle and revise his view about just taxes, so that they reflect parents' obligations to pay for all the costs of children. Parents would then be asked to forgo their basic income to subsidise their children's rights to an equal

¹³ Rakowski, 1991, 153. Cited in Steiner 1994, 278-9. The last sentence here is unhelpful: whether resources have in fact been divided justly is precisely what is in question; so Rakowski shouldn't assume that. Note also that Rakowski continues: "If the cultivation of expensive tastes, or silly gambles, or any other intentional action cannot give rise to redistributive claims, how can procreation?"

share of natural resources, insofar as this is feasible.¹⁴ However, neither of these strategies is wholly attractive. Both would require substantial revision of Steiner's views, and would conflict with some deep-seated convictions we have about justice. We believe responsibility should play some role in determining people's just shares, but at the same time, while most people are ready to consider an imprudent motorcyclist liable for the medical costs of his dangerous hobby – to take a familiar example of an activity for which it seems justified to hold someone responsible – few find the choice of parenting a justification for thinking that parents should pick up all the bills arising from their children's claims to get their just due.

Moreover, it is worth noticing that acceptance of the view that parents must internalise the costs of added members implies not only that non-parents have no obligation of justice (towards parents, that is) to share resources with the next generation, but also, more surprisingly, that non-parents have *no claim* of justice to receiving resources from anyone but their own parents. If the adoption of the principle of responsibility did require holding parents responsible for all the costs of children, then, applied consistently, it would condemn transfers from children to non-parents as much as transfers from non-parents to parents. It would require, ultimately, the abolition of a social fund, and the establishment, in its place, of what we could call *pure parental provision* of the claims of justice. This fact alone may be taken to constitute a *reductio ad absurdum* of the argument that parents are responsible for all the costs of children.

¹⁴ I assume that, on this view, it is mandatory that children's rights be met, so that, if parents cannot meet them, the costs of meeting them will have to be shared. It is then a further question what sorts of action are legitimate against parents who choose to have children when they cannot fully bear the costs. One view would be that parents have an obligation not to have children under those circumstances, and/or that they can be penalised in various ways if they nonetheless choose to have them. See Vallentyne, 2002b. Steiner seems to support a different view. See Steiner 1998, 103, note 22.

While I think this is the case, here I do not pursue this point. All I claim is that it would be fruitful for Steiner if he could avoid the radical revisions this argument would support, by showing that the tension in his position is only apparent. It is therefore worthwhile to ask whether he could indeed claim that the endorsement of a principle of responsibility can in fact be reconciled with a commitment to sharing some of the costs of children. In the remainder of this paper I examine this possibility and argue in its favour, in two steps. The first, negative step, establishes that, first appearances notwithstanding, adoption of the principle of responsibility does not, by itself, necessarily support the conclusion that parents should be held responsible for *all* the costs of children; the second, more positive step consists in identifying what line of argument is available to Steiner in support of the claim that the costs of added members should in fact be shared.

3. What the principle of responsibility does not commit us to

As a preliminary for the first, negative step of the argument I am constructing, it is helpful to note that even those responsibility-sensitive egalitarians who have explicitly addressed the issue at hand, and highlighted that parents should be liable for the costs of children, are not unanimous in thinking that they should bear *all* of those costs. For example, Rakowski, whose passage on parents' responsibility is quoted by Steiner and I reported earlier, holds that parents should indeed bear *some* of the costs of added members, but not all of them: parents must provide their children with a basic bundle of resources, that to which all members of all generations are entitled to; but parents are not

responsible for the costs of compensating for their children's bad luck.¹⁵ Peter Vallentyne's position is more demanding of parents. On his view, parents are responsible not only for all of the costs of added members, but also for the damages those children, as adults, inflict upon others.¹⁶

The question arises, then, why there are such differences in the positions which the endorsement of responsibility seems to underpin, and which of these, if any, we are committed to if we endorse the responsibility principle. In this section I suggest that the differences in the positions of responsibility-sensitive egalitarians reflect differences in that part of a theory of responsibility that determines what the stakes or consequences of choice should be. This part of a theory of responsibility, which I refer to as *an account of stakes*, is, so I claim, an integral but not much discussed component of a theory of responsibility. Since different accounts of stakes can be defended, with varying implications for just what the consequences of choices should be, it is wrong to believe that an endorsement of the principle of responsibility *in itself* necessarily commits us to a particular conclusion about what people are responsible for. So, the possibility is at least in principle open, to a responsibility-sensitive theorist of justice, of defending a principle of stakes that does *not* support holding parents responsible for all the costs of children.

A theory of responsibility that can generate determinate judgments of responsibility must include both what I call a principle of attribution and a principle of stakes. A principle of attribution answers a question about the grounds of responsibility: 'What factors determine whether actions or choices are attributable to individuals in a way that justifies making them internalise the costs of their actions or choices?' A

¹⁵ Rakowski 1991, 154. Rakowski does not offer a reason for discriminating in this way between the costs that parents should and those they should not be liable for.

¹⁶ Vallentyne 2002b.

principle of stakes, by contrast, answers a question about the consequences of choice: ‘Assuming that individuals are responsible for their actions or conduct in a sense that justifies, other things being equal, making them pick up some costs, just what costs should they bear?’. Now, while virtually all discussions of justice and responsibility focus on formulating and defending an answer to the first question, few raise and explicitly address the question of stakes at all.¹⁷ We are all too familiar with debates over whether, for example, having equal freedom, making a genuine or voluntary choice, or identifying with the preference that leads one to act in a certain way are either necessary or sufficient conditions for agents to be responsible for their actions.¹⁸ But hardly any defence is ever offered of why, when the conditions for holding people responsible for their actions or choices are met, they should be held responsible for some rather than other consequences that those actions or choices could generate.

To see that there are various possible answers to the question of stakes, consider a paradigmatic case of imprudent conduct for which it seems plausible to hold individuals responsible, that of a person who ends up poorly off as a result of deliberately taking a risk of harm by driving a motorbike at high speed without wearing a helmet.¹⁹ Just what should the consequences of the motorcyclist’s actions be? Do they include being left to the side of the road, even if this means that she might die there, and even if there is a hospital right around the corner? Or are they that she should be taken to a hospital and pay for treatment of all her injuries, or only those injuries which resulted from the accident itself, rather than from the unforeseeable effect of the accident on her hitherto

¹⁷ Some exceptions are Fleurbaey 1998; Vallentyne 2002a; Ripstein 1994; Ripstein 1999; Ripstein 2004; Arneson 2001. For a recent discussion see Stemplowska 2008.

¹⁸ See, for example, Cohen 1989; Cohen 2004; Dworkin 2000; Dworkin 2004.

¹⁹ For this example, see Fleurbaey 1995.

unknown predispositions to certain illnesses? And at what price should the treatment be charged, so that that price may also be deemed ‘a consequence of her actions’? (If a hospital has a policy of charging motorcyclists more than others, is the additional expense also a cost the motorcyclist should be held responsible for?) Are the consequences of her action also that passers-by may appropriate her motorbike from the side of the road? That she may lose her job if, once she has recovered from her accident, her limpness makes her a less attractive employee?

So, when we endorse the principle of responsibility, it is not enough to hold that a person who is responsible for her actions should bear the consequences of her actions: we need to ask what those consequences justifiably include, and why. There is no answer to this question that is privileged, in the sense that it is self-evidently the right one *given* our commitment to the principle of responsibility. We may at first think otherwise because we may assume a contextualist account of stakes, on which people are responsible for whatever the consequences of their actions are in the context in which they act. But on second thought this account is implausible: there are clearly cases in which we do not think that people should bear the consequences which their actions happen to have in the context in which they are carried out. For example, suppose that employers refused to employ parents of young children, on the grounds that children thrive best under parental care than under alternative day care arrangements.²⁰ People who choose to have children in this context face unemployment for several years and the prospect of serious financial hardship. I submit that it would be implausible to say, of the people who do choose to have children, that their resulting economic disadvantage is just, simply because it is the

²⁰ I stipulate this so that we do not think that a minimally plausible interpretation of equality of opportunity would clearly condemn the employers’ initiative.

result of their choices, even if it were made clear to them in advance of having children that their making this choice would have this consequence.

Since a principle of responsibility, in order to yield determinate judgments of who should bear what costs, must include an account of stakes, and since it is possible to defend different accounts of stakes, to accept that justice should be responsibility-sensitive does not by itself necessarily commit us to a particular view of what costs people should bear. This is not to say that all accounts of stakes are equally plausible, but only that we would be wrong to assume that Steiner, and indeed all defenders of responsibility-sensitive theories of justice, are being inconsistent if they require that some of the costs of children be shared by non-parents and parents alike. Whether or not they are depends on their account of stakes. In Steiner's case, that account is given by his view of what rights people have. So, the next question is whether it would be wrong to come to the conclusion that responsibility and sharing the costs of children are compatible after examining what considerations Steiner could invoke for why the stakes of the choice of having children do not include the costs of added members.

4. Reconciling responsibility and sharing the costs of children

The grounds we could appeal to for sharing the costs of children are diverse. Some that immediately spring to mind are forward-looking or incentive considerations of the kind that arguably motivate most country's policies of subsidising parenting (we need to support parents if we want to maintain a birth-rate that is high enough to sustain a healthy

economy and welfare policies put under strain by our increased longevity)²¹, and considerations of gender equality (supporting parents amounts to doing justice to women, as they currently do the lion's share of child-rearing in the context of norms and institutions that are gender-biased, and which render them economically vulnerable and lacking in recognition compared to their male counterparts). There are also arguments that press a case for the justice-based claims of parents as such (as opposed to incentive-based ones, or the justice-based claims of women). The most prominent of these is the public goods argument, which points to the fact that parents produce positive externalities by producing children (their children will become tomorrow's workforce and help pay for non-parents' pensions) and that, by accepting these benefits, non-parents incur an obligation of fairness to help bear the costs incurred in producing them.²²

While some of these lines of argument are, in my view, promising, I do not examine them here, since my concern is not with the general question of whether a convincing case for the sharing of the costs of children can be made but with the more specific one of whether Steiner can be justified in thinking that on his historical entitlement theory non-parents are required to share some of these costs, those of added members. The arguments I have mentioned so far would not help answer that question. Incentive considerations could not, on Steiner's view, ground enforceable obligations. And while Steiner may be sympathetic to considerations of gender equality, the gender-based argument is not one that would necessarily require transfers from non-parents to

²¹ The moral status of these incentive-based case is dubious in light of the fact that population growth could be achieved by allowing for immigration, which the same countries that offer subsidies to parents set strict limits to. For a discussion see George 1993 and Casal 1999

²² For a defence of the public goods argument, see George 1993; for critiques, see Casal 1999; Casal and Williams 2004; Rakowski 1991. Other arguments appeal to the objective good of parenting, and claims of parental autonomy. See, for example, Alstott 2004.

parents, and would in any event point to a demand of non-ideal justice for why (female) carers should be assisted. Nor would Steiner support the public goods argument. That argument supports too extensive a range of enforceable obligations, and, by holding that someone can incur an enforceable obligation as a result of someone else's choice, it violates a principle which Steiner says his view of responsibility respects. That principle, formulated by Alan Gibbard, states that '[m]oral rules should be so constructed that, if the rules are obeyed, the acts of each person benefit or harm only himself, except as he himself chooses to confer or exchange the benefits of his acts' (Gibbard 1976).

So, just what grounds are available to Steiner for showing that his endorsement of responsibility is not in tension with his view about just taxes, which support the sharing of the costs of added members? I suggest that Steiner could claim that the principle of responsibility he supports is qualified, so that it requires that the only other-affecting form of behaviour that individuals should be held responsible for is harmful interference, where this is understood as rights-violating interference; and hold that parents' choice to have children and externalise the costs of added members is not rights-violating.

The qualification of the principle of responsibility I have in mind is suggested by Steiner's own discussion of responsibility. On this view, we should hold people responsible only for *harmful* other-affecting behaviour, where harmful behaviour is rights-curtailling behaviour. This suggestion can be extracted from Steiner's discussion of the three-world story I mentioned earlier. Recall that Steiner distinguishes between a world in which the only source of disadvantage is nature, a world in which the only source of disadvantage is the non-benevolent behaviour of others, and a world in which the only source of adversity is imprudence. In order to ask parents to internalise the costs

of having children within this framework, we would have to show that their choice amounts to a failure of benevolence of the sort that arises in the second world, where ‘...on any view of personal responsibility, the sort of regime required to eliminate adversity [...] must be one based on *redress*: one that compels harmers alone to bear the full costs of compensation’ (Steiner 1998: 103).

Should we consider parents as harmers from who owe redress to non-parents? The answer is negative. While it is true that parents’ choice to have children (may) negatively affect others, by diminishing the share of resources available to them, this does not, on the view at hand, suffice to establish their liability. Parents’ choices to have children do not, arguably, fit the bill, for it is plausible to understand the benevolence baseline, departures from which people are held responsible for, as requiring only that people do not *harm* others, where this is not coextensive with the more demanding requirement that they do not affect others’ interests negatively. And one possible way of drawing the distinction between negatively affecting others’ interests and harming them is by adopting a rights-based definition of harm.²³ Someone is harmed only when her rights are violated; if others, by contrast, impose on someone costs while acting within their rights, that does not constitute harm in the relevant sense – not in the sense, that is, that justifies asking that person to internalise those costs, or asking her for redress.

Someone might object that even if we accepted, for the sake of argument, the restriction on the principle of responsibility I have just mentioned, it still would not follow that parents are not liable for the costs of added members. This is because, according to the objection I am considering, we should reject one of the premises of this

²³ Steiner does not himself discuss a rights-definition of harm. I discuss the rights-definition of harm and the use Robert Nozick makes of it in Olsaretti 2004.

argument, namely, that parents are not violating non-parents' rights (even on Steiner's view of what rights people have) by having children and creating costs of added members which non-parents are required to internalise. After all, isn't what is at issue, in the argument from responsibility, precisely whether non-parents' rights would be violated by the externalisation of the costs of added members? The objection at hand insists that those rights would indeed be violated. More precisely, people's right to an equal share of natural resources is violated by a demand that they forgo some of those resources in order to ensure that new persons' rights to an equal share of natural resources are met.

In reply, Steiner could argue as follows. The claim that non-parents' rights would be violated by a requirement to internalise the costs of added members, where the latter is expressed in Steiner's commitment to viewing those rights as encumbered, would, if applied consistently, lead to an implausible interpretation of those rights. If we thought that non-parents' rights to an equal share of natural resources were violated by the externalization of the costs of added members, then it would seem to follow that everyone would each have a right to *all* the natural resources. This is because, if we apply the principle that underlies the objection consistently – namely, that our right to a share of natural resources is violated whenever the share of resources at our disposal is diminished by new members for whose existence someone else is responsible – then non-parents' rights to a share of natural resources would be violated not only by having to share resources with the children of their cohorts, but also by having to share resources with their cohorts, who are the children of parents of the previous generation, and whose share of resources should therefore be the responsibility of those parents. And that right would also be violated by having to share resources with their cohorts' parents, who in turn are

the responsibility of their own parents. Since everyone is someone's child, there is no one whose claim to an equal share of resources would not, on the view in question, count as a rights-violation; each non-parent would then claim to have a right to all the natural resources. But this would obviously amount to a set of impossible rights, or rights which are not mutually consistent, and would be unacceptable by Steiner's lights.²⁴

So, it is wrong to assume that non-parents' rights to a share of natural resources is a right to a determinate share of natural resources, that equal share of natural resources they have at their disposal prior to new children's arrivals. A plausible interpretation of those rights is one on which the share of natural resources which everyone is entitled to varies depending on how many other persons, in previous and subsequent generations as well as in one's own generation, are fellow claimants of just shares.

Conclusion

Steiner can defend himself against the charge that his views on responsibility and his views on just taxes are inconsistent. While parents can legitimately be held responsible for the costs of care of their children, they may externalise the costs of added members they create by creating new persons. To suggest as much does not indicate a failure to take the principle of responsibility seriously. Adoption of that principle by itself does not, I have argued, necessarily commit us to the view that parents are responsible for *all* the costs of children, and Steiner can adduce considerations for why they should not bear the costs of added members which are consistent with his views on rights and on responsibility.

²⁴ On the requirement of compossibility, see Steiner 1994, 2-3.

Those who, unlike Steiner, contest the rights-based definition of harm which I have suggested Steiner could adopt in his argument, and, or, reject the Gibbard rule, would not support Steiner's conclusion. They could argue that the principle of responsibility for other-affecting behaviour as Steiner understands it is too restrictive, that the adversity of a person can be another's responsibility even when she has not infringed the former's rights, and that parents are responsible for the costs of added members, as well as the costs of care. Some of the points I have raised in my discussion of Steiner, such as that concerning the role of the principle of stakes in any conclusion about what people are responsible for, could be deployed in a reply to these arguments. Moreover, that reply could also import considerations such as the idea that the creation of children produces benefits as well as costs, which are barred to Steiner and which I have not examined here. What an examination of these further arguments reveals – and this is a point that should be of interest to Steiner as well as to responsibility-sensitive egalitarians - is that there is a greater difference than Steiner thinks between various responsibility-sensitive egalitarian views and Steiner's own view on the costs of children, since adoption of the principle of responsibility can be argued to be compatible with a range of very different positions on sharing the costs of children.

References

Alstott, A.L. 2004. *No Exit: What Parents Owe Their Children and What Society Owes Parents*. Oxford: Oxford University Press.

Anderson, E. 1999. "What is the Point of Equality?" 109 *Ethics* 287-337.

Arneson, R. 1989. "Equality and Equality of Opportunity for Welfare." 56 *Philosophical Studies* 77-93.

Arneson, R. 2001. "Luck and Equality." 10 *Proceedings of the Aristotelian Society* 73-90.

Casal, P. 1999. "Environmentalism, Procreation, and the Principle of Fairness." 13 *Public Affairs Quarterly* 363-76.

Cohen, G.A. 1989. "On the Currency of Egalitarian Justice." 99 *Ethics* 906-44.

Cohen, G.A. 2004. "Expensive Tastes Ride Again." In J. Burley (ed.), *Dworkin and His Critics*, Oxford: Blackwell.

Dworkin, R. 2000. *Sovereign Virtue*. Cambridge, Mass.: Harvard University Press.

Dworkin R. 2004. "Ronald Dworkin Replies". In J. Burley (ed.), *Dworkin and His Critics*, Oxford: Blackwell.

Fleurbaey, M. 1995. "Equal Opportunity or Equal Social Outcome?" 11 *Economics and Philosophy* 25-55.

Fleurbaey M. 1998. "Equality among responsible individuals." In J. F. Laslier, M.

Fleurbaey, N. Gravel, A. Trannoy (eds.), *Freedom in economics. New perspectives in normative analysis*. Routledge.

George, R. 1993. "On the External Benefits of Children." In D.T. Meyers, K. Kipnis, C.F. Murphy (eds.), *Kindred Matters. Rethinking the Philosophy of the Family*, Ithaca and London: Cornell University Press.

Gibbard, A. 1976. "Natural Property Rights." 10 *Nous* 77-88.

Olsaretti, S. 2004. *Liberty, Desert and the Market. A Philosophical Study*. Cambridge: Cambridge University Press.

Ripstein, A., 1994. "Equality, Luck, and Responsibility." 23 *Philosophy and Public Affairs* 3-23.

Ripstein, A. 1999. *Equality, Responsibility, and the Law*. Cambridge: Cambridge University Press.

- Ripstein, A. 2004. "Justice and Responsibility." 17 *Canadian Journal of Law and Jurisprudence* 361-86.
- Roemer, J. 1998. *Equality of Opportunity*. Cambridge, Mass.: Harvard University Press.
- Scanlon, T.M., 1998. *What We Owe To Each Other*. Cambridge, Mass.: Harvard University Press.
- Steiner, H. 1992. "Three Just Taxes." In P. Van Parijs (ed.), *Arguing for Basic Income*. London and New York:Verso.
- Steiner, H. 1994. *An Essay on Rights*. Oxford: Blackwell.
- Steiner, H. 1998. "Choice and Circumstance." In A. Mason (ed.), *Ideals of Equality*. Oxford: Blackwell.
- Steiner, H. 1999. "Just Taxation and International Redistribution." In I. Shapiro & L. Brilmayer (eds.), *Nomos XLI: Global Justice..* New York: New York University Press.
- Steiner, H. 2002, "Silver Spoons and Golden Genes: Talent Differentials and Distributive Justice." In D. Archard and C.M. McLeod (eds.), *The Moral and Political Status of Children*. Oxford: Oxford University Press.

Stemplowska, Z. 2008. "Making Justice Sensitive to Responsibility."

Vallentyne, P. 2002a. "Brute luck, Option Luck, and Equality of Initial Opportunities."
112 *Ethics* 529-557.

Vallentyne, P. 2002b. "Equality and the Duties of Procreators". In D. Archard and C.M. McLeod (eds.), *The Moral and Political Status of Children*. Oxford: Oxford University Press.