

The Value in Equal Opportunity: Reply to Kershnar

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ABSTRACT *Stephen Kershnar (2004) recently argues that under its most plausible interpretation, equality of opportunity is simply not something worth pursuing; at least, not for itself. In this paper I try to show that even if we accept Kershnar's characterisation of equality of opportunity in terms of weighted aggregate chances, none of his objections succeed. Opportunities, not outcomes, are the appropriate focus of EO advocates; hedonic treadmills are irrelevant to the issue; we do not need to assume general equality in some attribute to ground equality of opportunity; finally, it is possible to show that it is permissible to promote EO at some cost to other independent values.*

1. Introduction

Whether or not you agree with any particular implementation, or indeed interpretation, of the principle of equality of opportunity, you probably at least agree that it is a principle worth aspiring to. In an interesting and complex paper, Stephen Kershnar¹ recently argues under its most plausible interpretation, equality of opportunity is simply not something worth pursuing; at least, not for itself. I think Kershnar's arguments can be shown to be mistaken, and that is the purpose of this paper.

First, I will explicate what Kershnar means by 'equality of opportunity'. Taking as given that equality of opportunity is what Kershnar suggests it is, I then explicate his four objections to the *value* of equality of opportunity so construed. Finally, I discuss each objection in turn; demonstrating, I hope, that each fails.

2. Opportunity as Weighted Aggregate Chances

Following Levine,² Kershnar proposes that the *opportunity* in 'Equal Opportunity' is best understood in probabilistic terms. So, my opportunity with regard to a job (for example — and it will be the standard example) is the *chance* that I would be given the job were I to apply. My opportunity level is high if there is a good chance that I would be offered the job, low if that were unlikely.

Since we are comparing people's opportunity levels *in general*, however, we need to consider a person's chances in general at *any* job for which she could apply. One way to do this is simply to sum the person's chances for each potential job. We can then compare people's *aggregate* chances. As a first pass, then, the ideal of equality of opportunity is the ideal of equalizing aggregate chances with respect to jobs, education, wealth, and so on.

There are two things that need to be taken into account, however. The first is the idea of *merit*. We do not want to give a person with unsteady hands the same chance at, for example, a surgical job as someone with steady hands; in general, some people *ought*

to have a higher chance at some jobs than others by virtue of their natural capacities, and this fact is not a violation of the ideal of equal opportunity, even if it results in some people having higher aggregate chances than others. We can build this into the probabilistic account of Equal Opportunity in this way: the ideal of equal opportunity is not to equalize aggregate chance levels *overall*, but rather to equalize aggregate chance levels among those with the same natural abilities.³

Secondly, we need to take into account the preferences that people have for some opportunities over others. Kershnar illustrates this point with the following example. Sue has a 50% chance at very desirable jobs (say, CEO and lawyer), and hardly any chance (say, 1%) at a number of relatively quite undesirable jobs (fast food worker, cleaner). Tanya, on the other hand, has the opposite chances; she would be quite likely to land a job as a fast food worker or cleaner if she applied (50%), but very unlikely to be hired as a CEO or lawyer. By merely *summing* their chances, we see that Sue and Tanya have the same aggregate chance levels (Sue's total chance level is 102 (2.50% + 2.1%), as is Tanya's (2.1% + 2.50%)). But intuitively, Sue has far more opportunity compared with Tanya. The 'likely explanation' of this difference, Kershnar argues, is that both Sue and Tanya would *prefer* working as a CEO or lawyer over working as a fast food worker or cleaner. When calculating a person's opportunity level, therefore, we need to take this fact into account. The obvious way to do this is to *weight* chances by preference; so, when we sum a person's chances at various jobs, we give more weight to those jobs that the person actually wants. In the case of Sue and Tanya, it works as follows: because Sue wants to be a CEO or lawyer, we give these chances (50% in both cases) their full weight; on the other hand, we give little weight to her chances at becoming a fast food worker or cleaner (since these are 1%, we might weight them by one quarter, so that when we sum the chances they are worth only .25% each). For Tanya, we also give full weight to her chances at becoming a CEO and lawyer, but this was low to begin with so their full weight only amounts to 1% each; as for Sue we give her *dispreferred* occupations only one quarter weight, amounting to 12.5%. After weighting, Sue aggregate level is almost the same (100.5), while Tanya's level drops dramatically (27). Sue therefore has a much higher opportunity level than Tanya, according to this analysis, and this is intuitively the right result. The ideal of Equal Opportunity, therefore, is that the weighted aggregate chances (opportunities) of those with the same natural capacities should be equal.⁴

It is not the purpose of this paper to dispute Kershnar's characterization of equal opportunity. Rather, I hope to show that even if we do accept that characterization, Kershnar has not demonstrated that the ideal of equal opportunity is not valuable. Suffice it to note that significant aspects of this characterization might successfully be challenged. From here on, I assume for the sake of the argument that the account he gives is correct. I move now to a description of Kershnar's objections to the idea that equal opportunity is valuable, understood as equality of weighted aggregate chances between those with equal natural abilities and willingness to work hard.

3. The Objections to the Value of Equal Opportunity

Objection 1

'Opportunities', writes Kershnar, 'are valuable only to the extent that they bring about valuable outcomes, specifically flourishing lives.'⁵ This is a statement with considerable

intuitive pull, and is famously the sort of reason why Arneson⁶ recanted equal opportunity for welfare. What good could a mere *opportunity* be, absent its connection with something more tangible such as individual wellbeing? Moreover, Kershnar argues, the connection is looser than might be imagined, since people often do not take advantage of the opportunities they have. Plausibly, therefore, we should focus *not* on equality of opportunity as such but rather why it is valuable, namely individual flourishing.

He points out a further reason for thinking that *equality* of opportunity is not valuable in itself. Imagine a situation in which equality of opportunity has been achieved, but in which it is possible to increase one person's opportunity level without affecting the opportunity level of any other (for example one might create a new job for which only that person is eligible). In this case, since nobody is worse off in terms of opportunity (or otherwise), it is difficult to see in what way anyone is harmed, and therefore what reason there could be against the provision of the extra opportunity. The fact that opportunity levels are made less equal by the provision of this opportunity cannot, therefore, be something that we value in itself.

Reply

The idea that outcomes are what are important is suggested by some accounts of equal opportunity. Goldman,⁷ for example, writes that equal opportunity is motivated by a commitment to equality of distribution; that is to say of egalitarianism. But that is certainly not the only, or even the main, motivation of equal opportunity. The metaphor of the fair race used to the point of cliché in discussions of equal opportunity makes this clear. Given that there will be an unequal distribution of goods, the competition for them should be decided by a 'fair race'. It doesn't make any sense to talk about a fair race, as Sher⁸ has noted, unless it is assumed that some do better than others.

Moreover, recently popular versions of egalitarianism — an outcome-based doctrine if anything is — focus not on outcomes as such but *choices* of outcomes. According to this view, unchosen inequalities (that is, inequalities of outcome) are unjust. This leaves room for inequality provided that they are the result of informed (etc.) choices. Mason makes the point that choice-based egalitarianism (or 'luck egalitarianism', as it is known) 'seem[s] to occupy the same territory as what is usually termed 'equality of opportunity' and is sometimes regarded as offering a better interpretation of that ideal'.⁹ Although the relationship between luck egalitarianism and the traditional notion of equal opportunity is complex, as Mason notes, to the extent that luck egalitarianism is what contemporary upholders of equal opportunity really believe in, it is simply not true that outcomes are of primary importance.

Arneson¹⁰ gives a further reason, not explicitly mentioned by Kershnar, for thinking that outcomes, not opportunities, are of primary importance, and that opportunities merely as such are only instrumentally valuable to the extent that they lead to valuable outcomes. He imagines a scenario in which we are in a position to give a person a fabulous opportunity, but an opportunity which we *know* the person will not take up. In this situation, Arneson asks, is there *any* point at all in offering the opportunity? Is it in any way better to offer it than not, despite our certainty that it will not be taken up? His clear intuition — one I assume most share — is that it isn't. It cannot then be opportunities that we value merely as such.

There are two things to say about this argument. The first is that whatever its merits, Kershnar cannot make use of it. Since Kershnar arrives at an opportunity level by weighting chances according to preference, if a person has no desire at all for a job, what chance they have of getting the job attracts no weight, and there is therefore no opportunity associated with it. Arneson's description of the case is incoherent if we interpret 'opportunity' in the way Kershnar endorses.

Secondly, it isn't clear that Arneson's argument works. What it shows is not that opportunities aren't valuable in themselves, but rather that opportunities with no chance of being taken up aren't valuable. It is reasonable to think that opportunities are valuable only if they might be taken up. At best, what this shows is that opportunities are *extrinsically* valuable, not that they are only instrumentally valuable (I get this distinction from Mason¹¹). The difference between these is significant. Think of a rare coin, which has value only in relation to the lack of other similar coins, compared with an ordinary coin, which has value only to the extent that it can be used to buy things of real value. The rare coin is valuable only in relation to something else, but it would be wrong to infer from this that it lacks value in itself — that what we value is *really* something other than the coin. Similarly, Arneson's argument shows that opportunities are valuable only in relation to something else, namely the chance they will be used, but one cannot infer from this that what we value is really something other than opportunities.

Finally, Kershnar argues that it is hard to see what is wrong about a situation in which one person or group gets extra opportunities, but no one is worse off, opportunity-wise. An example of this would be that extra jobs are created, but only (and arbitrarily) for white people. The non-white people have no *less* opportunity than they did, so where is the harm? To some extent this question goes to the heart of the justification of equality of opportunity as a goal, which is beyond the scope of this paper. Nevertheless it is possible to show that examples of this kind are not as simple as they seem. To see this, take a black person who is born immediately after the jobs for white people are created, so that for her the new jobs don't count as an additional extra. Insofar as we are inclined to think that this person is treated unjustly by being denied the chance at these jobs on the grounds of being non-white, it is difficult to see what relevant difference the timing of her birth could have made to its being unjust.

This sort of case is the inverse of those that feature in the well-known 'levelling-down' objection to egalitarianism. According to this objection, one way of rendering the distribution of goods equal across persons is to take goods away from all except the very poorest, so that all are equally as poor as the poorest. While no egalitarian theory would recommend that such a thing be done, egalitarian theories are committed to the proposition that were it done, it would be an improvement *in some sense* (namely in respect of equality) over the formerly inegalitarian state of affairs. The crucial intuition behind the levelling-down objection is that the levelled-down state of affairs is not better in *any* way than the previous state of inequality, since there is no *person* who is in any way better off. The principle underlying the levelling down objection is expressed by Temkin¹² as 'the Slogan':

One situation *cannot* be worse (or better) than another *in any respect* if there is *no one* for whom it is worse (or better) in any respect.

In Kershnar's schematic, new opportunities for one group of people do not, by hypothesis, come at the expense of anyone else, so there is no one who is made worse

off by the addition of new opportunities, either in terms of opportunity level or, we can suppose, any other way.

As a version of the levelling down objection, Kershnar's schematic is not, it must be said, strikingly plausible. Indeed, unlike the intuition against levelling down, the idea of providing jobs to whites only, even if non-whites are left the same, is in itself repugnant. In the same way that any egalitarian theory that actually *recommends* levelling down is intuitively suspect, any theory that actually *permits* colour-based hiring is intuitively suspect. Whatever intuitive force the Slogan has, it has certainly no *more* force than the idea that hiring on the basis of colour should not be allowed.

It is important to appreciate the strength of the levelling down objection. The Slogan would have it that there is *nothing* good about levelling down, even if that creates a situation of equality. Many theorists have been inclined to agree. But the Slogan would also have it that there is *nothing* bad about hiring on the basis of colour if no one is actually made worse off by that practice. Whatever may be said in favour of this second consequence, serious argument is required to make it sound even vaguely plausible.¹³ That is not to say that the Slogan cannot be defended; it is merely to say that it *must* be defended rather than, in effect, merely made reference to.

So as a version of the levelling-down objection, Kershnar's objection doesn't work. Indeed if anything it reveals a substantial weakness in the levelling-down objection itself. Nevertheless one may wonder how best to weigh Paretian improvements in opportunity levels (that is, improvements for some that do not come at the expense of opportunities for others) against increases in equality of opportunity. A Rawlsian approach is one possibility, where increases in inequality of opportunity are permitted only if they are to the absolute advantage of the most opportunity-poor. There have reportedly been appeals to something like the Difference Principle in post-Apartheid South Africa; that in order to stem the drain of white people (and therefore capital) overseas, whites should be given preferential treatment for government jobs — the idea being that this would stabilise the economy and therefore increase opportunities available for non-whites. However, even if the premises of this argument are true, there is something deeply repugnant about its conclusion; namely a recommendation for preferential treatment of an historically privileged group. In this respect even the Difference Principle seems to fail to give sufficient weight to the value of equality of opportunity. I don't propose to further investigate here the proper relative weights to assign to equality of opportunity as against Paretian improvements in opportunity. Again the point is merely that Paretian improvements in opportunities cannot be taken without argument to trump considerations of equality. The point is that *weighing* is necessary, and that implies that equal opportunity is at least somewhat valuable in itself.

Objection 2

Since opportunity level is a function of individual preference, it is sensitive to empirical findings in the psychology thereof. And it turns out that an important component of individual preference, namely happiness, is surprisingly insensitive to changes in life circumstances across the medium to long term. In a famous study, Brickman *et al.*¹⁴ found that the happiness of neither lottery winners nor serious accident victims differed substantially from the rest of the population. This finding has been shown to be robust. We should not expect, therefore that increased opportunities at various jobs

will make a person happier — nor, consequently, that new circumstances made available by increased opportunities would be preferred once they are achieved. So it is questionable, Kershnar argues, that there really are significant benefits to be gained from equalizing opportunities.

Reply

If we should focus on outcomes rather than opportunities, then it is reasonable to weight chances by preference at the point of outcome rather than before it — or, as Kershnar puts it, we should use not a subject's preference for the job, but 'the preference he would have if he had the job.'¹⁵

This is similar to saying that we should weight chances by resultant utility rather than preference. In fact there is a significant difference, to the detriment of Kershnar's argument. The premise of this objection — the so-called 'hedonic treadmill' — is that utility (construed obviously as something like 'happiness') remains fairly constant whatever happens to us. Now whatever is the truth of this claim, it is certainly not true that either the accident victim or the lottery winner are in hindsight indifferent to what happened to them. This is dramatically true of the accident victim, of course; even if he or she ends up for some reason *happier* because of the accident, it would be perverse to think that this even *suggests* that they prefer to have had the accident. This is generally true. Given only information that a person would be equally happy either as a doctor or a taxi driver, this tells us next to nothing about whether she would prefer to switch occupations from the point of view of either one or the other.

Kershnar does not suggest weighting chances according to some hedonic measure *rather* than preference to arrive at an opportunity level, nor does there seem any good reason to. And since it is only if we focus on 'happiness' *rather* than preference that we run into the problem of adaptation, there is that much more reason *not* to do it.

Objection 3

Thirdly, Kershnar writes that although the value of equal opportunity is motivated by the idea that persons are equally valuable, it is likely that this is false. Although there are different theories of what it is that makes a person either intrinsically or extrinsically valuable — rationality, autonomy, etc — none of these purported grounding attributes hold of people to an equal degree. In this sense, inequality is rife. And since, as Kershnar claims 'there is no plausible factor that explains why persons are . . . valuable are that persons have in equal degree,'¹⁶ we have to conclude that it is not the case that all persons are equally valuable. Since this undercuts the motivation for promoting equality of opportunity, it is unclear why it should be promoted.

Reply

The third objection can be boiled down to the following argument:¹⁷

- a) 'The idea that motivates equal opportunity is that all persons in a society, or at least all members of some class within it, are equally valuable . . .'
- b) ' . . . this is probably false.'

because:

- c) 'There is no plausible factor that explains why persons are intrinsically valuable and that persons have in equal degree.'
- d) Therefore, equal opportunity is unmotivated.

Here both the first claim and the support that the third claim gives to the second are questionable. Much of the philosophical literature on equal opportunity written in the late eighties focussed on the idea of hiring on merit; of what exactly that means and what notion of desert, if any, is at play in it. The idea was that there ought to be an *appropriate* matching between material inequalities and inequalities in people's natural endowments. Insofar as equality motivated this debate, it was simply that all those with relevantly similar attributes equally deserve some job, university place, or what have you. Indeed this is how Kershnar described the idea of equal opportunity: that those with the same natural endowments (etc.) should have the same opportunities. Insofar as your favourite theory of why people are valuable rests on some 'natural endowment' or other, equal opportunity as Kershnar describes it is merely the thesis that those who *are* equal in that respect should have the same opportunities. We do not need any assumption of general equality of this endowment to motivate this principle.

In addition, one might think that people are equally valuable if they possess some attribute *full stop*, or a *sufficient* level of some attribute, rather than that they possess it to the same degree. For example, one view might be that people are valuable because they are rational agents, or rational to at least a certain degree. It is not necessary to think, indeed it would be very odd to think, that in general to the extent that a person is *more* rational than others, he or she is more valuable. The very fact, therefore, that people possess in different degrees the feature that makes them valuable *does not* mean that they are in different degrees valuable.

Kershnar's third objection seems to get a lot of its weight from some existing literature that problematizes the idea that all humans are equally valuable.¹⁸ In fact there is no real connection — or at any rate, no connection between this literature and the ideal of equal opportunity as Kershnar construes it. This is because that construal involves the equalisation of opportunities only among those who *are* equal in terms of their natural capacities and willingness to work hard. So whatever one thinks are the grounds of human worth, those groups who ought to have the same opportunity level according to the ideal almost certainly possess just those grounds to the same degree. It is *only* if we drop the idea of accommodating merit in the way Kershnar proposes that the fact of unequal capacities and attributes presents a problem.

Even then it is not clear that the problem it *would* present is insoluble. Those theories of Equal Opportunity which do propose that everyone ought to have the same level of opportunity (modulo competing principles), unlike the theory under discussion here, certainly are more vulnerable to the 'groundlessness' objection, but it is not at all straightforward. Some egalitarians are content to embrace the groundlessness of the idea that humans are of equal value. Kai Nielson,¹⁹ for example, writes of the idea as a 'starting commitment', from where his theorising begins. Pojman²⁰ rejects Nielson's position as 'a posit of secular faith, but a faith that seems to suffer from counter-examples: the apparent inequalities of every sort', but Nielson's 'commitment' is not even the sort of thing that is open to counter-examples as such. That said, Nielson's

position is admittedly rhetorically weak, since it contains no rational grounds to move others to take the commitment on.

Rawls²¹ holds that the obligation to treat people equally is based on equal human worth, which is in turn based on a *sufficiency* of certain psychological characteristics — in particular the abilities to plan one's life and to think in terms of justice; to possess, as Rawls puts it, a 'moral personality'. To base the idea of human worth on a sufficiency of certain attributes — on a 'range property' in Rawls' terms — does not need an assumption of equality of attributes.

Arneson disputes that a range property can be a ground of equal human worth.²² He argues that the capacities in question *can* be possessed to a greater or lesser degree, and therefore there is *some* onus on Rawls to say why differences in these respects do not lead to differences in human worth. To my knowledge Rawls has not done this, but it seems to me that there are plausible Rawlsian things to be said. Morality, for Rawls, is a collective (i.e. deliberative) enterprise, and as such is underpinned by mutual respect, which is impossible without an acknowledgment of equal worth. The most obvious ground of that acknowledgment is the enabling conditions to take part in the enterprise itself, since by definition everyone who can take part in it does possess the enabling capacities. But again, this problem, vital as it is, is only a problem *here* if we are using a different conception of equality of opportunity than the one Kershnar defends — and the one I am assuming here — which does not begin by accommodation *merit* in the way he proposes.

Objection 4

Lastly, even if we agree that equality of opportunity is valuable, Kershnar argues that its promotion would clash unacceptably with other, seemingly more fundamental, values²³. In particular, following Fishkin,²⁴ Kershnar notes that the ideal of equality of opportunity could be achieved only at the expense of the family as an institution for the promotion of wellbeing. Families which value education, for example, are likely to out-compete other families for the best university places, and therefore for the best jobs. Equalizing opportunities would involve effectively discriminating against those families, which is precisely the opposite of what ought to be the case — that families which value education should be encouraged. Consequently, writes Kershnar, equality of opportunity ought not to be pursued.

Reply

That families shape our life chances seems indisputable. Indeed intuitively, the benefit of growing up simply in a generally *happy* family would seem to be good for one's life chances. Now imagine that a person from a happy family is more likely than an equally naturally endowed person from an unhappy family to get any particular job, by virtue, let's just say, of being more confident and therefore being able to present a better appearance at an interview. Indisputably it is the person from the unhappy family's *bad luck* to have been so situated (ignoring the metaphysical subtleties about whether she would have been the same person had she been born elsewhere, etc). On many conceptions of equal opportunity, including Kershnar's, she doesn't have the same opportunities as the person from the happy family and therefore something should be

done. Kershnar's objection is that whatever we do, it will involve penalising someone essentially because they come from a happy family, which is perverse.

Let me first address a point which may lend credence to the objection but which can be brushed aside. It is in the nature of increasing one person's chances at getting some job that the chances of at least some others will decrease, since all things being equal the sum of everyone's individual chance of getting that job will equal one in either case.

So simply by — let's say — boosting the confidence of the person from the unhappy family, we decrease the opportunity level of the person from the happy family. In some sense the person from the happy family is thereby penalised, but it is not in any sense unjust, since the high opportunity level he enjoys is owed specifically to the misfortune of the person from the unhappy family. The mere equalisation of opportunities therefore, even if it 'discriminates against' happy families, cannot be thought to do so unfairly.

This is not, however, the core of the objection. Rather it is that in practice, giving greater opportunities to those coming from unhappy families will inevitably involve redistributing resources away from happy families — as in our toy example, to pay for the self-esteem programs. This is, in effect to impose a *fee* on happy families. Aside from being objectionable in itself, this can only have the effect of discouraging, therefore decreasing the number of, happy families.

Something one might say at this point is that those who uphold the ideal of equal opportunity regard it as *one* thing they value rather than *everything* they value. Applications of equal opportunity will inevitably involve weighing up the extent to which one values equal opportunity against the extent to which one values other things — like happy families. The mere fact of a conflict between the application of equal opportunity and some other principle does not show that equal opportunity is not valuable.

It seems to me that this reply goes some of the way towards answering the objection, but not enough of the way. If we are interested in defending equal opportunity at all, we are interested in defending not merely that we should value it to some extent, but at least the rough extent to which we should value it. Munoz-Dardé²⁵ has recently shown that considerations of equality can be weighed against the various considerations that come under the broad category of 'family autonomy'. She argues, more specifically, that considerations of equality recommend against the complete abolition of the family. This does not speak directly to the question of mere interference with the family. Crucially, however, she demonstrates that considerations of equality of opportunity are *relevant* to the question of whether the family ought to be abolished, and carry some weight.

Kershnar is mainly concerned with the question of wealth redistribution (or 'economic penalties'), however, which is the very weakest sort of family interference discussed in the literature (most of which concerns interfering with the family as an institution). An argument for this sort of interference can be given by a simple thought experiment: imagine that we tax happy families — they're the wealthy ones, *ex hypothesi* having had extra opportunities — in order to put in place our self-esteem program for the people from unhappy families. Suppose further that in some cases, the extra tax we impose burdens some families to the extent that financial pressures are created within the household that lead to conflict and lots of unhappiness. So our tax on happy families leads to a reduction in their number. On the other hand, suppose also that our

self-esteem program is successful, and coming from an unhappy family is no longer a predictor of a lack of confidence in interviews, and therefore dramatically increases equality of opportunity.

I think it is possible to show that this benefit may be worth the price. Since we are supposing that a certain distribution of income is necessary for the maintenance of a certain number of happy families, to the extent that this number being as high as it *depends* on the misfortune of those born into an unhappy family, it is not unjust to remove the misfortune and thereby decrease the number. Clearly, good can result from misfortune. But if we are faced with a choice between mitigating the misfortune and prolonging the good that results from it, so long as the two are even roughly comparable it is reasonable to choose mitigation.

There are some arguments to the effect that they aren't, in the actual world, comparable; that in order even modestly to equalise the opportunity advantage that comes from being born in the right family would involve horrific interference in family life, such as putting all children in state-run care (Fishkin²⁶ is the most commonly cited source for this argument). But the empirical question is very much open, as Mason shows;²⁷ there appears to be conflicting evidence both that minor interference in family life can dramatically improve equality of life chances, and that nothing short of major interference could have anything but a minor effect. In short, Kershnar is wrong that the mere fact of a decrease in happy families outweighs improvements in equality of opportunity, and it is far from clear that significant improvements in equality of opportunity cannot be bought at minor costs to whatever it is that we value about families.

4. Conclusion

To conclude, I've tried to show that even if we accept Kershnar's characterisation of equality of opportunity in terms of weighted aggregate chances, none of his objections succeed. Opportunities, not outcomes, are the appropriate focus of EO advocates; hedonic treadmills are irrelevant to the issue; we do not need to assume general equality in some attribute to ground equality of opportunity; finally, it *is* possible to show that it is permissible to promote EO at some cost to other independent values, such as the happiness of families.

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NOTES

- 1 S. Kershnar, 'Why equal opportunity is not a valuable goal', *Journal of Applied Philosophy* 21 (2004): 159–172.
- 2 M. Levin, 'Equality of opportunity' in R. Stewart (ed.) *Readings in Social and Political Philosophy* (Oxford: Oxford University Press, 1986), pp. 270–272.
- 3 There are further issues arising from this that it is not to the purpose to discuss here. What, for example, is a 'natural' capacity? Should the ideal of equal opportunity include the idea of *proportionality* between aggregate chance levels and levels of natural capacity?
- 4 Although for the purpose of this discussion I am accepting this characterization of Equal Opportunity, it is worth noting briefly that weighting by preference is probably not the best solution to the Sue and Tanya problem. For if we change the example so that Tanya really *wants* to be a fast food worker or cleaner, it

- is not clear that we would want to say that Sue and Tanya's opportunities would in that case be equal. Our intuition about Kershnar's example, that they do not have equal opportunities, seems much better explained by the fact that being a CEO or lawyer bring with them other goods, such as wealth and social position, and we intuitively think that access to *these* goods should be equal regardless of preference.
- 5 Kershnar, op. cit., p. 165.
 - 6 R. J. Arneson, 'Equality of opportunity for welfare defended and recanted', *Journal of Political Philosophy* 7 (1999): 488–497.
 - 7 A. Goldman, 'The justification of equal opportunity' in E. Frankel Paul (ed.), *Equal Opportunity* (Oxford: Basil Blackwell, 1987).
 - 8 G. Sher, 'Qualifications, fairness and deserts', in N. Bowie, (ed.) *Equal Opportunity* (Boulder, CO: Westview Press, 1988).
 - 9 A. Mason, 'Equality of opportunity, old and new', *Ethics*, 111 (2001): 760–81 at p. 760.
 - 10 Arneson, op. cit.
 - 11 Mason (2001), op. cit.
 - 12 L. Temkin, *Inequality* (Oxford: Oxford University Press, 1993), p. 256.
 - 13 In addition, The Slogan has obvious similarities to the 'person-affecting principle', according to which an action harms only if there are particular individuals who are thereby harmed. Strict adherence to this principle creates something of a minefield of ethical dilemmas, largely due to the 'non-identity problem' it seems to create. For discussion of this literature see A. Carter, 'Can we harm future people?', *Environmental Values* 10 (2001): 429–454.
 - 14 P. Brickman, D. Coates, and R. Janoff-Bulman, 'Lottery winners and accident victims: is happiness relative?', *Journal of Personality and Social Psychology* 37 (1978): 917–27.
 - 15 Kershnar, op. cit., p. 162.
 - 16 *Ibid.*, p. 167.
 - 17 *Ibid.*, p. 167.
 - 18 For example, L. Pojman, 'On equal human worth: a critique of contemporary egalitarianism', in L. Pojman and R. Westmoreland (eds.) *Equality: Selected Readings* (Oxford: Oxford University Press, 1997), pp. 282–298; R. Arneson, 'What, if anything, renders all humans morally equal?', in D. Jamieson (ed.) *Singer and His Critics* (Oxford: Blackwells, 1999b), pp. 103–128.
 - 19 K. Neilson, *Equality and Liberty* (Totowa, NJ: Rowman and Allanheld, 1985), p. 23.
 - 20 Pojman, op. cit.
 - 21 J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 506.
 - 22 Arneson (1999b), op. cit.
 - 23 Kershnar includes some quite contentious 'fundamental' values in this list, such as the right not to be taxed, but he sees that they cannot be the main force of this objection, so I will put them to one side.
 - 24 J. Fishkin, *Justice, Equal Opportunity, and the Family* (New Haven: Yale University Press, 1983).
 - 25 V. Munoz-Dardé, 'Is the family to be abolished then?', *Proceedings of the Aristotelian Society* 99 (1999): 37–56. See also J. Schwarz, 'Rights of inequality: Rawlsian justice, equal opportunity, and the status of the family', *Legal Theory* 7 (2001): 83–117.
 - 26 J. Fishkin, op. cit.
 - 27 See A. Mason, 'Equality of opportunity and differences in social circumstances', *The Philosophical Quarterly* 54 (2004): 368–388.