Essays on Partiality:

Special Cases and New Areas

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Abstract

The leitmotif of this thesis is the examination of special cases and new areas in the ethics of partiality. 'Partiality' refers to the special concern that we display for ourselves and other people with whom we stand in some special personal relationship.

The first essay provides a thematic backdrop to the ethics of partiality. I trace the main themes in the debate on the ethics of partiality through a focus on *permissible* partiality (options) and *required* partiality (associative duties).

The second essay considers one of the most special cases: the justification of parental partiality. I defend a new account of the right to parent that appeals to the special value of engaging in *parental projects*. These are a distinctive kind of valuable creative pursuit.

The third essay extends the theme of permissible partiality, but with a twist. I defend the existence of what I call *other-sacrificing options*, which are permissions to act sub-optimally by making choices that discount the interests of people with whom we stand in an adversarial personal relationship.

The fourth essay digs deeper into the question of what distinguishes pursuits that can justify permissible partiality from those that cannot. I develop a meaning-based view according to which those endeavours that can justify permissible partiality are meaningful.

The fifth essay moves from the domain of permissible to the domain of required partiality. I explore the revisionist thesis that there can also be associative duties to give less moral priority to our adversaries. These duties turn out to be duties that we owe to *ourselves*.

The sixth essay concludes by considering structural questions about the relationship between positive and negative partiality. Four symmetries between positive partiality to intimates and negative partiality to adversaries are defended. These, in turn, help point us to a more fundamental principle of morality: its propensity to *dissolve* negative personal relationships while *preserving* positive ones.

Common Sense seems to regard it as immediately certain that we owe special duties of kindness to those who stand in special relations to us. The question is, on what principles we are to determine the nature and extent of the special claims to affection and kind service which arise out of these particular relations of human beings. The different answers given to this fundamental question will obviously constitute the main difference between the Intuitional and Utilitarian methods.

– HENRY SIDGWICK, *The Methods of Ethics*

Most of us believe that there are certain people to whom we have special obligations. These are the people to whom we stand in certain relations—such as our children, parents, pupils, parents, members of our own trade union, or those whom we represent. We believe we ought to help these people in certain ways. We should try to protect them from certain kinds of harm, and should try to give them certain kinds of benefits. Commonsense morality largely consists in such obligations. Carrying out these obligations has priority over helping strangers.

– DEREK PARFIT, *Prudence, Morality, and the Prisoner's Dilemma*

I hold myself entitled to give extra weight to a cost or benefit which is to accrue to someone with a special relation to me. The most special relation of all is identity—I am entitled to put the thumb on the moral scales on behalf of my own interests—but I extend this to my offspring, my parents, closest friends and so on.

– JONATHAN BENNET, *Morality and Consequences*

For my family

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The Ethics of Partiality

Abstract: Partiality is the special concern that we display for ourselves and other people with whom we stand in some special personal relationship. It is a central theme in moral philosophy, both ancient and modern. Questions about the justification of partiality arise in the context of enquiry into several moral topics, including the good life and the role in it of our personal commitments; the demands of impartial morality, equality, and other moral ideals; and commonsense ideas about supererogation. This paper provides an overview of the debate on the ethics of partiality through the lens of the domains of permissible and required partiality. After outlining the conceptual space, I first discuss agent-centred moral options that concern permissions not to do what would be impartially optimal. I then focus on required partiality, which concerns associative duties that go beyond our general duties to others and require us to give special priority to people who are close to us. I then turn to the justification of partiality, focusing on underivative approaches and reasons-based frameworks. I survey arguments for 'the big three', according to which partiality is justified by appeal to the special value of either projects, personal relationships, or individuals. I conclude by discussing a newly emerging area in the debate, namely negative partiality, which concerns what we owe our moral adversaries as opposed to our intimates.

Keywords: Partiality, Permissible Partiality, Required Partiality, Options, Prerogatives, Associative Duties, Supererogation, Reductionism, Non-reductionism, Projects, Relationships, Individuals

1. Introduction

The focus in this paper is partiality: the special concern that we display for ourselves and other people with whom we stand in some special personal relationship, in terms of both our actions and our attitudes. The over-arching narrative question for us will be: 'What, if anything, may justify partiality?'

Take a moment to reflect on those endeavours that are centrally important in your life. Like most people, you probably have personal commitments, goals, and hobbies as well as personal relationships you value with your family, friends, and colleagues. You see these endeavours as giving you good reasons for actions and attitudes that other people lack—you are partial to your hobby of playing the drums even though you could spend your time doing something better from an impartial point of view. And when it comes to your relationships, you see yourself as owing *more* to your children, spouse, and friends than to people who are completely unrelated to you. You feel joy and excitement when your pursuits and intimates fare well and sadness and grief when they fare poorly. Intuitively, partiality is an obvious and justified fact of life.

Partiality is a central theme in ancient and modern moral philosophy.[1] At the same time, the literature on it is scattered across many sub-areas and debates, because the field has various entry points. One point of entry into reflections on partiality begins

[1] See Aristotle (1894), *NE*, Bks VIII and IX; Hume (1777), p. 146; Sidgwick (1874), p. 242; Ross (1930), p. 21; Nagel (1970), pp. 129–130 (1980), pp. 119–126, and (1995); Williams (1973), p. 110, and (1981), Ch. 2; Walzer (1970), Ch. 1; Wassertrom (1975), p. 4; Mackie (1977), pp. 157–158; and Parfit (1983), pp. 35–36, and (1984), pp. 95, 485. For more comprehensive surveys, see Goodin (1985), Ch. 1, Feltham (2010), and Keller (2013), Ch. 1.

with the perennial question of ancient ethics: How may I live well?[2] This may lead to a concern with the role of personal commitments in a good life. A second entry point is impartiality—roughly, the idea that we ought to promote the good impartially; the study of partiality through this lens tries to resist the dictates of impartiality or harmonize them with partiality.[3] This approach to partiality is most gripping for those who, while finding the impartial standpoint compelling, cannot deny some intuitions that favour partiality. Impartial theories such as consequentialism have famously been charged with being too demanding by turning us into nodes in a maximizing calculus of value or alienating us from ourselves.[4] But Kantian or other deontological theories may also seem objectionably impartial, abstracting from the *identity* of persons and thereby failing to make room for a particular person's agency.[5]

Defending partiality can give us breathing space from the stringent demands of morality and make it a more human phenomenon as opposed to a distant and austere one.[6] The stakes in this debate are high: insofar as some consequentialist or deontological impartialist theories are unable to justify partiality, we may face a seismic shift at the level of normative theorizing, being forced to move away from these theories in

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[2] A good starting point is Aristotle's *NE*, Bks VIII and IX. See also Annas (1993), p. 27, and Cottingham (1998).

[3] Scheffler's (1982) *The Rejection of Consequentialism* is a good example of this approach (the clue is in the book title). See also Williams (1981), Stocker (1976), Wolf (1992), and Jeske (1997).

[4] Williams (1973), pp. 116–17.

[5] Williams (1981), Ch. 1.

[6] Some examples, though this list is not exhaustive, are Stocker (1976) and (1996); Scheffler (1994), Chs. 1. and 2; and Seglow (2010), p. 14.

search of more plausible alternatives.[7] In other contexts, partiality may put pressure on other important moral ideals, such as those of moral equality and freedom.[8] The ethics of partiality therefore interacts with some issues at the very core of ethics.

In light of the heterogeneity of the partiality literature, I find it helpful to divide the topic into *permissible* partiality on the one hand and *required* partiality on the other. Permissible partiality concerns your *permissions* not to do what would be impartially optimal. Required partiality concerns *associative duties* that go beyond your *general* duties to others and require you to give special moral priority to people who are close to you, such as your family, friends, or other intimates.

Below, I first describe the conceptual space available (Section 2) and then give an overview of the domains of permissible and required partiality (Section 3 and 4). I then review some of the most influential lines of defence for permissions and requirements (Section 5). I conclude with some recent trends in the literature on the ethics of partiality (Section 6).

2. Conceptual Space

We can distinguish four different positions on partiality:

No Partiality: Partiality cannot plausibly be defended.

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[7] Brink (2009), for example, argues that consequentialist theories are unable to account for associative duties. A natural way to think of partiality in the context of consequentialist theorizing is hence the question: 'How much can we modify the consequentialist value function to ac?'

[8] For an excellent discussion, see Nagel (1995) on impartiality, equality, and partiality. Another example of how partiality may come into conflict with liberty and equality is the justification of parental partiality; see Brighouse and Swift (2014), Chs. 1 and 2.

On this view, there is no breathing space or escape from morality's stringency.[9] The most forceful defence of this can be attributed to Kagan (1991), though he argues for the stronger claim that no *moderate morality* can be justified, where *moderate morality* is understood to include permissions to deviate from doing what would be impartially optimal as well as any *constraints* on doing what is impartially optimal.[10]

> ***Permissible Partiality Only****:* There exist only permissions (not requirements) to deviate from doing what would be impartially optimal.

On this view, you are sometimes permitted to forgo doing what is impartially optimal, but you are never *required* to do so.[11] For example, you might sometimes be permitted to focus on your interests or spending time with your good friend instead of doing what impartial morality would demand. However, on this view, you would never do wrong by nonetheless choosing to do what would be impartially optimal.

> ***Required Partiality Only:*** There exist only associative duties (not permissions) to give special priority to your intimates (plausibly, in addition to other general duties).

Conversely, this view says that you can only be required, and never merely permitted, to act with partiality.[12] Even though this view might sound a bit extreme, it does seem

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[9] To be clear, this claim applies probably more to the absence of permissions as opposed to associative duties, since the absence of more stringent duties to look after our intimates may indeed, in one respect, give us more 'freedom'.

[10] Kagan (1991), Chs. 1 and 2, gives a helpful overview; see Chs. 5 and 6 on the (impossibility of the) justification options. See also Crisp (2018) for a more recent critique of partiality.

[11] See Scheffler (1982), Ch. 2, for an outline of his defence of an 'agent-centred prerogative'. Stroud (2010) also explores the option of defending permissible partiality only.

[12] Theorists such as Ross (1930), Carritt (1947), and Prichard (2002) did not allow for supererogation and endorsed 'duties only' pictures. See Hurka (2014), Ch. 8, for an insightful

intuitively plausible when considering some special personal relationships. For example, we might think that the parents are mostly under special requirements to care for their children.

> ***Full Partiality:*** There exist permissions to deviate from doing what would be impartially optimal and associative duties to give special moral priority to your intimates.

This picture is what most people intuitively endorse and what is probably most closely aligned with commonsense morality. On this view, you have permissions to deviate from doing the best, but in some cases, you are also required to act in certain ways toward your intimates.

3. Permissible Partiality

A helpful way to think about the domain of permissible partiality is in the context of the previously mentioned fight for breathing space from impartiality's stringent demands. Much of the literature here reacts to impartial theories such as maximizing consequentialism, trying to make room for the optionality of acting on our personal point of view.

3.1 Options

More formally, permissible partiality concerns

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analysis, especially pp. 178–183. Some consequentialist views, such as that developed by Railton (1984), can also be construed as 'required partiality only' accounts. However, they account for partiality *indirectly* or in a self-effacing manner by maintaining that the action that intuitively supports partiality turns out to be the one that is in fact impartially required. I return to the issue of accounting for *fundamental* partiality in the context of the reductionism vs. non-reductionism debate in Section 5.

> ***Agent-Centred Moral Options (henceforth just 'options'):*** Permissions to bring about outcomes that are impartially suboptimal because they promote your own or your intimates' interests.

Options are also commonly referred to as 'prerogatives' or simply 'permissions'. They permit you to act non-optimally if you choose to do so, but they do not *require* that you act in a non-optimal way. 'Interests' here can be understood narrowly in terms of our self-concern, desires, or preferences, or more broadly in terms of objective goods such as valuable personal relationships.[13] A central feature of options is that they are *agent-relative*; they are indexed to you and consequently give *you* permission to help your friend rather than a stranger, but they do not necessarily give someone else permission to do the same.[14]

3.2 Options to do what?

Hardly anyone who thinks that options exist denies the existence of

> ***Self-Favouring Options:*** Permissions to bring about an impartially suboptimal outcome because it favours your own interests; [15,16]

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[13] It's common to assume that the interests protected by options do not refer only to pure self-concern; see Kagan (1989), pp. 6–10. For an overview of different accounts of well-being, see Fletcher (2016).

[14] On agent-relativity, see Parfit (1984), p. 27, and Nagel (1986), Ch. 9.

[15] Early discussions of this permission are in Parfit (1977), Davis (1980), and Scheffler (1982).

[16] My exposition of options here presupposes what I have called a *List Picture* (see Lange (2020), Section 3). On this view, there is a list of different kinds of options, based on who enjoys the benefits or suffers the burdens—oneself, or others. This is not the only picture that you can endorse. According to the *Agent-Neutral/Relative Picture*, permissible partiality is

and

> ***Other-Favouring Options:*** Permissions to bring about an impartially suboptimal outcome because it favours your intimates' interests.

For example, you might be permitted to give one unit of happiness to yourself instead of giving five units to a stranger, or you might permissibly give two units of happiness to your long-term friend instead of giving five to a stranger.

More controversial is the existence of so-called

> ***Self-Sacrificing Options:*** Permissions to bring about an impartially suboptimal outcome because it discounts your own interests.[17]

The idea here is that you can sometimes permissibly forgo a greater benefit to yourself for the sake of providing a *lesser* benefit to someone else. For example, you might forgo five units of happiness for yourself to give your friend one unit of happiness.

The reason that the existence of these self-sacrificing options is more controversial is that they appear *antithetical* to the idea that moral closeness increases our options to favour.[18] It is because your intimates are *closer* to you that it seems plausible that you can favour intimates more than strangers. Likewise, commonsense morality also suggests that you can significantly favour yourself over intimates and strangers because

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understood as permissibly acting from an agent-relative point of view; for more on this, see Bader (2020), Section 3. Kamm (1992), pp. 362–3, also seems to allude to this agent-relative picture.

[17] Stocker (1976) first noted the existence of this option. See Slote (1984; 1985) for further discussion. For a detailed discussion of the relation between self-sacrificing options and options to favour your own interests, see Hurka and Shubert (2012). For an exploration of the relation between other-favouring and other-sacrificing, see Lange (2020) and Brandt and Lange (manuscript).

[18] Slote (1984), p. 185.

you are 'closest to yourself'—an ultimate intimate. But if this picture is true, then why should you ever be permitted to sacrifice your own interests for others?

More recently, some have additionally defended the existence of

> ***Other-Sacrificing Options:*** A permission to bring about an impartially suboptimal outcome because it discounts your adversaries' interests.[19]

These options concern permissions to act or not act in certain ways toward the moral opposite of your *intimates*: your moral *adversaries*. In dealings with your adversaries, you might sometimes be permitted to give lesser weight to their interests than to the interests of strangers. For example, you may permissibly give a stranger one unit of happiness instead of giving three units to your adversary. You might, for example, think that someone who is rude to you for no reason may be treated by you in this way.

One of the challenges for defenders of other-sacrificing options is to explain plausibly why the response of discounting our adversaries is not an impartial phenomenon. We might think that the agent-neutral notion of desert should explain why your bully's interests should be discounted.

4. Required Partiality

Debate about required partiality can arise in the context of impartiality, but various other entry points exist as well, ranging from the commonsense idea that 'we owe

[19] See Brandt (2020) and Lange (2020) for defences of this option; see also Lange and Brandt (manuscript). See Eskens (forthcoming) for a critique.

more' to people who are, in some sense, closer to us to the justification of political obligation.[20]

4.1 Associative Duties

Required partiality concerns

> ***Associative Duties*:** Requirements to act in certain ways in virtue of the special relationships in which you stand to your intimates.[21]

Associative duties are also sometimes referred to as 'special obligations' or 'duties of partiality'. In contrast to options, they are 'presumptively decisive' agent-relative considerations and require you to be partial to your intimates. On most conceptions, to fail to discharge your duties is to wrong your intimate.

Associative duties are duties you owe to people who are close in virtue of some special relationship (be it a personal history, affection, love, or group membership), such as your children, parents, siblings, spouses, friends, colleagues, peers, compatriots, or even members of the same species as you. Going beyond general or natural duties to others, these duties may require that you do distinctive things for your intimates, give extra weight to them, or do more for them of what you would have to do for strangers.

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[20] For literature on what associative accounts say about why we must obey the laws of our country or state, see Dworkin (1986), Horton (2006; 2007), and Scheffler (2018).

[21] The term 'associative duties' is commonly adapted from Dworkin (1986), p. 196, who speaks of 'associative obligations' to refer to 'the special responsibilities social practice attaches to membership in some biological or social group, like the responsibilities of family or friends or neighbours'.

4.2 The Strength of Associative Duties

Associative duties not only are more extensive than general duties to other people but also have much greater strength. The strength of associative duties can be understood in terms of three further features.[22]

(1) Stringency

First, associative duties are not so easily overridden by considerations of cost to oneself as positive duties to others. For example, although you may be expected to bear some cost to provide assistance to a stranger, you may be expected to bear greater costs to provide comparable assistance to your brother or child. So, you might have to risk your life to save your child from drowning in a river, but you might not be required to incur the same risk to your life if the person at risk is a stranger.

(2) Gravity

A second feature of associative duties is that they often take precedence over general duties in cases where the two conflict. If both a sister and a stranger need assistance, and you can help only one of them, you might be required to help the sister, even if you would have been required to help a stranger who was the only person in need of assistance. This holds even if the sister's need is less urgent than that of the stranger.

(3) Overridingness

Third, associative duties are sometimes considered to have a different threshold at which they can override other duties. For example, the threshold at which a positive duty can override a negative duty is sometimes lower if the positive duty is to an intimate than it would be if the positive duty were to a stranger. For example, you might

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[22] See Scheffler (2001), 'Families, Nations, and Strangers', pp. 51–4. On the strength of associative duties, see also Lazar (2013), pp. 14–15, and (2016), p. 33. Kamm (1996), pp. 313, 321, calls them the 'efforts' and 'precedence' standards of duties.

sometimes be required or permitted to harm someone in order to provide a badly needed benefit for your sister or child, though this might be wrong for you to do in order to provide a comparable benefit for a stranger. Conversely, the threshold at which a positive duty can override a negative duty is sometimes higher if the negative duty is to a family member than if it is to a stranger. It may sometimes be permissible to inflict a lesser harm on one stranger to prevent a much greater harm to another stranger when it would be wrong to inflict the same lesser harm for the same reason on your sister or child.

4.3 Two Objections to Associative Duties

There is much to say about associative duties. The two objections to them most important to grasp in some detail are the following. Both highlight how a commitment to partiality can come into conflict with other ideals, such as freedom or equality.

4.3.1 The Voluntarist Objection

The voluntarist objection is directed at the special duties that are supposed to arise from non-consensual actions.[23] It is, in effect, an objection on behalf of the individual who is supposed to be bound by associative duties. As the child of my parents, I might be required to impose much greater cost on myself to help them than the cost I would have to impose on myself to help a stranger, yet I did not choose to become their child. Associative duties, if they can apply to agents absent any relevant consensual act, would, according to the voluntarist, therefore constitute unreasonable constraints on some of the individuals they bind.

If we are not prepared to deny that children have associative duties towards their parents, there are three main ways to reply: (i) attempt to show that all the associative

[23] This objection was first developed in Scheffler's 'Families, Nations, and Strangers'. See Scheffler (2001), pp. 54–57.

duties in question really are contractual or promissory in nature; (ii) show that, while not all associative duties are contractual, they nevertheless resemble contractual duties in a relevant respect; or (iii) bite the bullet and maintain that, in some cases, associative duties can arise absent an agent's consent.[24]

4.3.2 The Distributive Objection

The distributive objection focuses not on the unreasonable burdens that being bound by associative duties seem to impose on an individual but instead on the objectionable feature of supplying participants in special relationships with benefits that appear to be unreasonable.[25] This is, in effect, an objection on behalf of the individuals who neither are bound by nor benefit from associative duties.

By way of illustrating the distributive objection, imagine a three-person society that consists of A, B, and C. Imagine that all three owe general duties toward each other. Suppose now that A and B start to form a special personal relationship. This relationship brings them a number of benefits. For one thing, participation in the relationship may itself be inherently rewarding and contribute to the participants' flourishing. The relationship also changes the structure of their duties, providing A and B with associative duties to one another. Once A and B enter into a special relationship, C is disadvantaged in at least in three ways: (1) where A and B might have benefited C supererogatorily, their focus will now be on each other; (2) when it is impossible for them to perform their general duties both to each other and to C, it is C who will always lose out; and (3) sometimes the associative duties that A and B owe to one another will override their general duties to C.

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[24] See Jeske (2019), Section 4, for an overview of available responses.

[25] See Scheffler (2001), pp. 57.

The distributive objection thus sees associative duties as providing additional advantages to people who have already benefited from participation in rewarding groups and relationships, and it views this as unjustifiable when the provision of these additional advantages is to the disadvantage of those who are needier either because they are not themselves participants in rewarding groups or relationships or because they have significantly fewer resources of other kinds to begin with.

One response to the distributive objection is to insist that upon acquiring associative duties, you do not owe less to others but simply *more* to your intimates. So, for example, in addition to your duty of benevolence, you might have additional duties to your intimates. But discharging these duties need not mean that you are required to do less for strangers.[26]

5. Justifying Partiality

The literature on justifying partiality can be confusing. One reason is that it is not always clear whether the aim is to justify permissions, requirements, or both. A second reason is that the debate about justification takes place at different levels. Before we discuss the respective grounds of associative duties and options, let's consider two 'high-level' frameworks within which partiality can be justified.

5.1 Underivative and Reasons-based Approaches

According to

[26] Scheffler (2001), pp. 105–110, also responds to voluntarist and distributive objections. See Kolodny (2002) and Lazar (2009) on the distributive objection.

> ***Underivative Approaches,*** agent-centred options and associative duties are grounded in independent and underivative permissions and duties (as opposed to normative reasons).[27]

These approaches justify partiality by appeal, not to more basic factors such as normative reasons or 'ought other things equal', but to fundamental notions that are themselves permissive or deontic. For example, a version of this approach might say that you have a prima facie duty of beneficence to promote the interests of everyone impartially, but in addition to this duty, you have underivative permissions to either pursue or not pursue your own interest. In some cases, your permissions outweigh your duty of beneficence, granting you options not to bring about the impartially optimal outcome. As for required partiality, underivative approaches might hold that your associative duties are strengthened general duties of beneficence.[28]

According to

> ***Reasons-based Approaches,*** options and associative duties are grounded in normative reasons.

The starting point of this approach is typically to say that there are two fundamental kinds of reasons: agent-neutral reasons and agent-relative reasons.[29] In the case of permissible partiality, options are then grounded in the *conflict* between agent-relative and agent-neutral reasons and their incommensurability. For example, according to one view, you have agent-neutral reason to do what is best from the impartial

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[27] Examples of underivative views are Raz (1975), Gert (2004), and Hurka and Shubert (2012).

[28] Hurka (2016) defends this view in Section 5.

[29] Why are there two distinct kinds of reasons? According to one view, agent-relative reasons are grounded in the intrinsic value of permitted projects (Nagel 1989) or in the more general value of having 'space' in which to pursue our personal lives (Scheffler 1982).

perspective and agent-relative reason to do what is best from the agent-relative perspective. You have a permission to act impartially suboptimally in some situation just in case your agent-neutral and agent-relative reasons favour conflicting courses of action. When this is the case, you are permitted to take on either perspective and do either what is agent-neutrally optimal or what is agent-relatively optimal.[30]

In the case of required partiality, reasons-based approaches ground associative duties in 'presumptively decisive' agent-relative normative reasons to act in special ways with respect to our intimates. These approaches must then offer a story about why certain grounds give rise to such distinctively strong reasons. For example, as we shall see below, we might think that certain valuable personal relationships based on mutual intimacy and love can give rise to reasons of this sort.

5.4 The Reductionism–Non-reductionism Debate

A central issue in the partiality debate is whether partiality can be justified reductively by appeal to more basic moral principles or must be justified non-reductively by appeal to *sui generis* options or duties. The importance of this issue goes back to the stakes mentioned in the introduction, above, about the correct moral theory. If partiality can be accounted for derivatively, then we might be able to keep our commitment to impartial theories such as consequentialism; however, if partiality *must* be accounted for non-derivatively, we might face a seismic shift at the level of normative theorizing.

The reductionist–non-reductionist debate is more prevalent in the arena of required than of permissible partiality. The reason for this is that derivative approaches to the existence of options do not really account for options but rather *debunk* them. For example, according to Railton's (1994) self-effacing view, there exist agent-neutral

[30] See Bader (2020) for a recent defence of a decision-theoretic form of dual-ranking act-consequentialism based on this framework of normative reasons. Other versions of dual-ranking act-consequentialism are developed by Sen (1982) and Portmore (2003).

reasons to promote the good impartially, but it turns out that, as a matter of fact, being partial to our intimates will accomplish what is impartially best.[31] This, however, does not yield options—just a requirement to be partial when that is what impartial morality demands.

For required partiality, there are two camps available. According to

Reductionism, associative duties are reducible to more basic special duties.

This camp says that associative duties are reducible to more basic duties that morality typically countenances and that are themselves grounded in more basic moral principles. These may have to do with the moral significance of *i)* promises and contracts, *ii)* compensating benefactors by expressing gratitude, *iii)* providing aid to those we have made particularly vulnerable to our actions, or *iv)* a general duty of beneficence.[32]

According to

Non-reductionism, there exist *sui generis* associative duties.

This camp says that some of our associative duties are irreducible to other, more basic moral duties in the way that the reductionist suggests. For example, some non-reductionist views maintain that intimate personal relationships between two people may ground *sui generis* duties of love.[33]

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[31] Jackson (1991) arguably offers another derivative account of partiality.

[32] See Goodin (1985), Sommers (1986), Simmons (1996), and Wellman (2001) for contemporary reductionist accounts of special duties. For a further overview, see Seglow (2013), Ch. 1. Early modern theorists such as Ross (1930), Carritt (1947), and Prichard (2002) could also be understood as reductionist.

[33] See Scheffler (2002), 'Relationships and Responsibilities'; Kolodny (2003); Jeske (2008); Wallace (2012); and Keller (2013). Most references in the next section also address non-reductionist accounts of partiality.

A prominent starting point for non-reductionism proceeds by appeal to the phenomenology of being partial. Versions of non-reductionism often say that, in paradigmatic instances of legitimate partiality when we are discharging our associative duties, our motives are, at the very least, an indication of the ground of associative duties.[34] Others emphasise the intrinsic value of harmony between our motives and our reasons and argue that self-effacing theories that maintain a discrepancy between the two cannot be appropriately action-guiding.[35]

The debate between reductionists and non-reductionists is at an impasse.[36] Reductionists typically flat-out deny that what motivates our adherence to our associative duties must also ground its justification. Others may suggest that our motives indicate that our existing basic moral duties ought to be discharged to a greater degree.[37] Progress could be made by better distinguishing the *content* of our associative duties from the content of general duties to determine to what extent what we owe our intimates cannot be captured reductively.

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[34] See, for example, Keller (2013), p. 27: 'It would be depressing if in paradigmatic cases of partiality, we are systematically misperceiving our reasons. […] It is difficult to see what sort of philosophical argument could convince you that when you act out of your special concern for your intimates, the things that really provide you with reasons are different from the things that seem to provide you with reasons. [Therefore,] our motives can sometimes be guides to our reasons.'

[35] Stocker (1976), pp. 453–455, and (1998), p. 173.

[36] See Wallace (2012), p. 183, who notes that '[...] there is, in my view, no knock-down argument in favour of the non-reductionist position.'

[37] Bazargan-Forward (2018) develops an account along these lines. Hurka (2016) argues that love can be a *sui generis* strengthener of basic moral duties.

6. The Big Three

The previous section considered partiality at the level of inputs and outputs, but there is also the further substantive question: what are the things that give us reasons or underivative permissions/duties? What are the *grounds* of partiality?

Three main contenders are available: the Project View, the Relationship View, and the Individuals View.

According to the

> ***Project View,*** partiality is justified by appeal to the special value of ground projects.

Bernard Williams (1981) has famously suggested that at least some of an agent's ground projects are fundamental components of the agent's identity and give meaning to the agent's life.[38] Projects must involve a certain amount and continuity of goal-oriented agency, since they would not otherwise be distinguishable from mere preferences, desires, or wants. Thus, for you to have a project with central importance for your life, it must necessarily be the case that certain of its constitutive elements are sufficiently pervasive within your life.

One challenge that the Project View faces is that it cannot account for associative duties.[39] If your project is to play the drums, then you may permissibly do so instead of doing other impartially better things, but it does not seem that you would be doing something *wrong* if you decided to give up the project. In response, the Project View

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[38] Williams (1981) pioneered the Project View. Other writers who have defended it include Wolf (1982; 1992), MacIntyre (1984), Sandel (1982), and Stroud (2010). Sandel and MacIntyre focus particularly on commitments to the political community that has formed one's identity and to which one owes one's allegiance.

[39] See Scheffler (2004), pp. 258–260.

can say that some *joint* projects may generate duties and that many of our personal relationships can be construed as such joint endeavours.[40] Alternatively, we might go fully disjunctive and restrict the Project View to permissible partiality alone. On this view, associative duties are justified reductively; for example, having possibly put someone in a vulnerable position with regard to you may create certain duties on your part toward them.[41]

According to the

> ***Relationship View,*** partiality is justified by the appeal to the special value of personal relationships.

There are different versions of the Relationship View. Some say that personal relationships are valuable (or valued) for their own sakes and that this fact explains why they can justify partiality (permissions, duties, or both);[42] others focus more on facts about relationships and the reason-giving force of those facts.[43]

The Relationship View has strong commonsensical support, but it also faces challenges. One worry is that in paradigmatic cases where we show special concern for our intimates, it does not seem that we are thinking about the *relationship* but rather about the individual to whom we are partial. This might suggest that the Relationship View does not fully accommodate the phenomenology of partiality.[44] One way to defuse

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[40] Stroud (2010), pp. 143–149.

[41] Wolf (1992), p. 247, gives a defence along these lines. For critique, see Keller (2013), Ch. 2.

[42] See Raz (1989), Scheffler (2002, 2004), and Kolodny (2003).

[43] Views of this sort are put forward by Scanlon (1998) and Jeske (2008).

[44] Keller (2013), pp. 63–64, presses this criticism.

this worry is to draw attention to the fact that even the Relationship View can still make intimates—the persons to whom we are partial—the *focus* of valuing.[45]

According to the

> ***Individuals View,*** partiality is justified by appeal to the special value of individuals.

The Individuals View says that partiality is justified by the individuals with whom our special relationships are shared.[46] Rather than acting as reasons for treating those persons better than others, our relationships act as enablers—that is, as background conditions that explain why some facts count as reasons for a given agent.[47]

A main challenge for the Individuals view is that it seems to accomplish *too* much. It does not seem able to explain why we should give moral priority to our intimates *over* strangers but instead denies that strangers have claims on us in the first place. This might seem to 'throw the baby out with the bathwater'.[48]

7. Conclusion

In this article, I have given an overview of the literature on the ethics of partiality and clarified the various entry points to the subject, ranging from questions about the good life and impartialist moral theories to commonsense morality and supererogation.

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[45] Kolodny (2003), pp. 154–157, especially p. 156, addresses this objection. See also Frankfurt (1998), p. 170.

[46] Keller (2013), p. 79. Implicit variants of this view can be found in Blum (1980), Friedman (1993), and Velleman (1999). Jollimore (2011) defends the view in a related debate about the reasons of love.

[47] For similar views, see Jollimore (2011) and Lord (2016).

[48] Lord (2016), p. 582.

I have discussed the domain of permissible partiality, which concerns our moral options to act suboptimally, and the domain of required partiality, which concerns our associative duties to act in certain ways toward people with whom we stand in a special personal relationship. At the level of justification, I sketched two main 'high-level' frameworks for generating partiality, along with the three main contenders at the finer-grained level for *grounding* options and associative duties.

Let me conclude with some general remarks about the future of the ethics-of-partiality debate.

As I mentioned previously, recent scholarship has turned to the negative mirror image of partiality to our intimates: the realm of negative partiality to our moral adversaries.[49] To recognise its existence, suppose that you conceive of yourself and your personal relationships as existing in a kind of moral space. You are closest to yourself. The moral distance between you and someone else is a function of your personal relationship, which is in turn constituted by histories of various forms of morally significant positive encounters: intimates are closer to you than (and hence you can prioritise their interests more than you can those of) loosely associated colleagues, who in turn are closer to you than strangers. Strangers represent how you may act independent of any special personal relationship. We can think of this relationship as setting a baseline characterisation of morality (or moral midpoint), relative to which you may be more or less partial depending on your positive or negative personal relationships. If intimates are located closer to you in moral space, and strangers represent a moral midpoint, then there may also be people who are more distant than strangers. These people are your adversaries by virtue of a negative personal relationship with them.

Negative partiality raises various new issues in the ethics-of-partiality debate: What forms of negative partiality exist? Are there options to discount our adversaries, and

[49] See Brandt (2020) and Lange (2020) on negative partiality.

could there also be duties to do so? Can 'the big three' account for negative partiality in the same way in which they are invoked to justify positive partiality? What is the relationship between positive and negative partiality? Can you favour your friends as much as you can dis-favour your enemies?

I hope to have left you with an appetite to dive in.

References

Annas, J. 1993. *The Morality of Happiness*. Oxford: Oxford University Press.

Aristotle. 1894. *Ethica Nicomachea* (ed. I. Bywater). Oxford: Clarendon Press.

Bader, R. 2020. Agent-Relative Prerogatives and Suboptimal Beneficence. In M. Timmons (ed.), *Oxford Studies in Normative Ethics: Volume 9*. Oxford: Oxford University Press.

Bazargan-Forward, S. 2019. The Identity-Enactment Account of Associate Duties. *Philosophical Studies* 197: 2351–2370.

Bennett, J. 1981. Morality and Consequences. In S. M. McMurrin (ed.), *The Tanner Lectures on Human Values: Volume 2,* pp. 45–116. Cambridge: Cambridge University Press.

Blum, L. A. 1980. *Friendship, Altruism, and Morality: Volume 32*. Routledge & Kegan Paul.

Brandt, J. 2020. Negative Partiality. *Journal of Moral Philosophy* 17(1): 33–55.

Brink, D. 2001. Impartiality and Associative Duties. *Utilitas* 13: 152–172.

Brighouse, H., and Swift, A. 2014. *Family Values: The Ethics of Parent-Child Relationships*. Princeton University Press.

Broad, C. D. 1942. Certain Features in Moore's Ethical Doctrines. In P. Schilpp (ed.), *The Philosophy of G. E. Moore*. Evanston, Ill: Northwestern University Press.

Carritt, E. F. 1947. *Ethical and Political Thinking*. Oxford: Clarendon Press.

Cottingham, J. 1998. Partiality and the Virtues. In R. Crisp (ed.), *How Should One Live?: Essays on the Virtues.* Oxford University Press.

Crisp, R. 2018. Against Partiality, Lindley Lecture 2018. https://kuscholarworks.ku.edu/bitstream/handle/1808/26747/Crisp_2018_AgainstPartiality.pdf?sequence=3&isAllowed=y

Feinberg, J. 1980. *Rights, Justice, and the Bounds of Liberty*. Princeton, NJ: Princeton University Press.

Friedman, M. 1993. *What Are Friends For?: Feminist Perspectives on Personal Relationships and Moral Theory*. Cornell University Press.

Dworkin, R. 1986. *Law's Empire*. Harvard University Press.

Eskens, R. Forthcoming. Other-Sacrificing Options: Reply to Lange. *Journal of Ethics and Social Philosophy.*

Feltham, B., and Cottinggham, J. 2010. *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*. Oxford University Press.

Feltham, B. 2010. Introduction: Partiality and Impartiality in Ethics. In B. Feltham and J. Cottingham (eds.), *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*. Oxford University Press.

Fletcher, G. (ed.) 2016. *The Routledge Handbook of Philosophy of Well-Being*. Routledge.

Frankfurt, H. 1998. On Caring. In *Necessity, Volition, and Love* (pp. 155–180). Cambridge: Cambridge University Press.

Goodin, R. E. 1985. *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities.* Chicago: The University of Chicago Press.

Horton, J. 2006. In Defence of Associative Political Obligations: Part One. *Political Studies* 54(3): 427–443.

Horton, J. 2007. In Defence of Associative Political Obligations: Part Two. *Political Studies* 55(1): 1–19.

Hume, D. 1977. *An Enquiry Concerning the Principles of Morals*. London: Cadell.

Hurka, T., and Shubert, E. 2012. Permissions To Do Less Than the Best: A Moving Band. In M. Timmons (ed.), *Oxford Studies in Normative Ethics: Volume 2*. Oxford: Oxford University Press.

Hurka, T. 2016. Love and Reasons: The Many Relationships. In K. Schaubroeck and E. Kroeker (eds.), *Love, Reasons and Morality*. Taylor and Francis.

Jackson, F. 1991. Decision-Theoretic Consequentialism and the Nearest and Dearest Objection. *Ethics* 101(3): 461–482.

Jeske, D. 1997. Friendship, Virtue, and Impartiality. *Philosophy and Phenomenological Research* 57(1): 51–72.

Jeske, D. 2008. *Rationality and Moral Theory: How Intimacy Generates Reasons*. Routledge.

Jeske, D. 2019. Special Obligations. In E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy (Fall 2019 Edition)*. https://plato.stanford.edu/archives/fall2019/entries/special-obligations/

Jollimore, T.A. 2011. *Love's Vision*. Princeton University Press.

Kagan, S. 1991. *The Limits of Morality*. Oxford: Oxford University Press.

Kamm, F. M. 1992. Non-Consequentialism, the Person as an End-in-Itself, and the Significance of Status. *Philosophy & Public Affairs* 21(4): 354–389.

Kamm, M. F. 1996. *Morality, Mortality: Volume 2: Rights, Duties, and Status*. Oxford University Press USA.

Keller, S. 2006. Four Theories of Filial Duty. *The Philosophical Quarterly* 56(223): 254–274.

Keller, S. 2013. *Partiality*. Princeton: Princeton University Press.

Kolodny, N. 2002. Do Associative Duties Matter? *Journal of Political Philosophy* 10 (3): 250–266.

Kolodny, N. 2003. Love as Valuing a Relationship. *The Philosophical Review* 112(2): 135–189.

Lange, B. 2020. Other-Sacrificing Options. *Philosophy and Phenomenological Research* 101(3): 612–629.

Lange, B., and Brandt, J. Manuscript. Partiality, Asymmetries, and Morality's Harmonious Propensity.

Lazar, S. 2013. Associative Duties and the Ethics of Killing in War. *Journal of Practical Ethics* 1(1): 3–48.

Lazar, S. 2016. The Justification of Associative Duties. *Journal of Moral Philosophy* 13: 28–55.

Lord, E. 2016. Justifying Partiality. *Ethical Theory and Moral Practice* 19(3): 569–590.

Mackie, J. L. 1977. *Ethics: Inventing Right and Wrong*. Harmondsworth: Penguin.

Nagel, T. 1970. *The Possibility of Altruism*. Oxford: Clarendon.

Nagel, T. 1995. *Equality and Partiality*. Oxford: Clarendon.

Parfit, D. 1983. Energy Policy and the Further Future: The Identity Problem. In D. MacLean and P.G. Brown (eds.), *Energy and the Future*, pp. 166–179. New Jersey: Rowman and Littlefield. Reprinted in Parfit 1984, pp. 480–486.

Parfit, D. 1984. *Reasons and Persons*. Oxford: Clarendon.

Portmore, D. 2003. Position-Relative Consequentialism, Agent-Centered Options, and Supererogation. *Ethics* 113(2): 303–332.

Prichard, H. A. 2002. *Moral Writings* (J. MacAdam, ed.). Oxford: Clarendon Press.

Raz, J. 1989. Liberating Duties. *Law and Philosophy* 8(1), 3–21.

Ross, W. D. 1930. *The Right and the Good.* Oxford: Clarendon.

Scheffler, S. 1982. *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*. Oxford: Clarendon Press.

Scheffler, S. 2001. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. Oxford: Oxford University Press.

Scheffler, S. 2004. Projects, Relationships, and Reasons. In R. J. Wallace (ed.), *Reason and Value: Themes From the Moral Philosophy of Joseph Raz*. Oxford University Press.

Scheffler, S. 2018. Membership and Political Obligation. *Journal of Political Philosophy* 26: 3–23.

Sen, A. 1982. Rights and Agency. *Philosophy and Public Affairs* 11(1): 3–39.

Slote, M. 1984. Morality and Self-Other Asymmetry. *Journal of Philosophy* 81(4): 179–192.

Slote, M. 1985. *Common-Sense Morality and Consequentialism*. London: Routledge & Kegan Paul.

Stroud, S. 2010. Permissible Partiality, Projects, and Plural Agency. In B. Feltham and J. Cottingham (eds.), *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*. Oxford University Press.

Seglow, J. 2013. *Defending Associative Duties*. New York City: Routledge.

Simmons, A. J. 1996. Associative Political Obligations. *Ethics* 106(2): 247–273.

Sommers, C. H. 1986. Filial Morality. *Journal of Philosophy* 83(8): 439–456.

Stocker, M. 1976. The Schizophrenia of Modern Ethical Theories. *Journal of Philosophy* 73(14): 453–466.

Stocker, M. 1998. How Emotions Reveal Value and Help Cure the Schizophrenia of Modern Ethical Theories, in Roger Crisp (ed.), *How Should One Live*. Oxford: Clarendon Press.

Velleman, J. 1999. Love as a Moral Emotion. *Ethics* 109(2), 338–374.

Wallace, R. 2012. Duties of Love. *Proceedings of the Aristotelian Society, Supplementary Volumes* 86: 175–198.

Walzer, M. 1970. *Obligations*. Cambridge: Harvard University Press.

Wasserstrom, R. 1975. Lawyers as Professionals: Some Moral Issues. Human Rights 5: 1–24.

Wellman, C. H. 2000. Relational Facts in Liberal Political Theory: Is There Magic in the Pronoun 'My'? *Ethics* 110(3): 537–562.

Williams, B. 1973. A Critique of Utilitarianism. In J.J.C. Smart and B. Williams, *Utilitarianism: For and Against*. Cambridge University Press.

Williams, B. 1981. *Moral Luck*. Cambridge University Press.

Wolf, S. 1992. Morality and Partiality. *Philosophical Perspectives* 6, 243–259.

Wolf, S. 1997. Meaning and Morality. *Proceedings of the Aristotelian Society* 97(3): 299–315.

A Project View of the Right to Parent

Abstract: The institution of the family and its importance have recently received considerable attention from political theorists. Leading views maintain that the institution's justification is grounded, at least in part, in the non-instrumental value of the parent–child relationship itself. Such views face the challenge of identifying a specific good in the parent–child relationship that can account for how adults acquire parental rights over a *particular* child—as opposed to *general* parental rights, which need not warrant a claim to parent one's biological progeny. I develop a view that meets this challenge. This *Project View* identifies the pursuit of a *parental project* as a distinctive non-instrumentally valuable good that provides a justification for the family and whose pursuit is necessary and sufficient for the acquisition of parental rights. This view grounds moral parenthood in a *normative* relation as opposed to a biological one, supports polyadic forms of parenting, and provides plausible guidance in cases of assisted reproduction.

Keywords: Parental Partiality, Right to Parent, Project View, Relationship View, Particular Parental Rights, Polyadic Parenthood, Parent–child Relationship

1. Introduction

The institution of the family has recently received considerable attention from political theorists, with special attention to its role and structure in a just society. A central question is how, if at all, parents' rights over children can be justified.[1]

One approach that aims to answer this question justifies the family (or the 'moral right to parent') by appeal to the *non-instrumental* value of the parent–child relationship itself. This view is based on the following two core ideas:

> ***Dual Interest:*** The parent–child relationship is justified by appeal to *i)* the interests of adults in playing a fiduciary role and *ii)* the interests of children in receiving adequate care.[2]
>
> ***Familial Good:*** Standing in a parent–child relationship amounts to a distinctive, non-instrumentally valuable good for both parents and children.[3]

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[1] The notion of a parent is ambiguous in multiple ways and therefore worth clarifying: A *moral* parent, who holds a parental right, should be distinguished from a *social* or *legal* parent. A moral parent has a warranted claim to care for a child based on some normatively significant property *P*. By contrast, a social parent is the person who, by convention, is given the role of looking after a child, and a legal parent is the person who has the legally protected rights of a parent as determined by law. This distinction is from Archard (2010), p. 21.

[2] According to the interest-based approach I adopt here, for an agent *A* to have a right to *p*, an interest of *A*'s must be of sufficient weight for another agent, *B*, to be under a duty owed to *A* with respect to *p*—where a relevant 'interest' is understood as contributing to *A's objective,* as opposed to *subjective,* well-being. For an overview of different accounts of well-being, see Fletcher (2015).

[3] For purely parent-centred views, see Narveson (1989), Hall (1999), Steiner (1994), and Brake (2015). The two best-known dual-interest views developed in a liberal egalitarian framework are proposed by Macleod (2002; 2010) and Brighouse and Swift (2006; 2009; 2014).

This approach offers a promising defence of the value of the family and a *general* right to parent, but it struggles to explain why people should have parent–child relationships with *particular* children (typically their biological children). For brevity, the idea that people should have such relationships will henceforth be called 'the right to parent'.

Though it maintains that as long as parents fulfil a sufficiently high standard of parenting competency, they should be allowed to raise children—as opposed to maintaining that children always ought to be reallocated to the 'best' available parents—it does not offer a justification for any particular distribution of children among competent parents *at birth* in the first place, such as the one in *our* world whereby biological parents have the right to keep and raise their biological offspring.[4]

The importance of filling this argumentative lacuna is reinforced by the challenge to explain what would be wrong with baby redistribution among competent parents (a challenge that will simply be called *'Baby Redistribution'* below).[5] We might think that there are reasons of social justice to reshuffle newborns at birth between all recent competent birth parents.[6] For example, in societies where baby girls have historically been less highly valued than baby boys, the redistribution of babies at birth among all new adequate parents could provide a disincentive for sexist practices of gender

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[4] I assume, in line with other dual-interest theorists, that children are entitled to care above a certain, possibly high, threshold but not to care by the 'best' available parents. I here leave open what a 'sufficiently competent' parenting standard amounts to. For a discussion of standards of parenting competency, see Shields (2016).

[5] See Velleman (2005), Brighouse and Swift (2009; 2014), Macleod (2015), Olsaretti (2017), Shields (2016), Gheaus (2012; 2018), and Ferracioli (2018). For views that are more sympathetic to the redistribution of babies at birth, see Archard (1995; 2003), Brennan and Noggle (1997), Goodin (2005), and Vallentyne (2002; 2003).

[6] See Gheaus (2012), pp. 445–446, for arguments showing how baby redistribution at birth between recent, competent birth parents may mitigate social injustices.

selection. Here the idea is that if the inclusion into the baby-redistribution lottery were conditional on being expectant parents, then only those people who would rather remain childless than have a baby girl would continue to abort based on the sex of their fetus.

For non-instrumental views to account for parent–child relationships with *particular* children, including one's biological children, and to be able to avoid *Baby Redistribution*, the following two requirements must be satisfied. The first is what I call

> ***Robustness:*** The right to parent must be grounded in a robust connection between parents and a particular child or children.

Meeting this requirement ensures that the proposed parent-centred interest identifies a specific connection (be it causal, historical, emotional, or of another kind) between parents and a *token* child, such as one's biological progeny, as opposed to a connection to *some* child.

The second requirement I refer to as

> ***Special Value:*** The right to parent must be grounded in a non-instrumentally valuable feature of the parent–child relationship.

Meeting this requirement ensures that the value of the proposed distinctive interest in parenting a particular child is consistent with *Familial Good*.

For the more specific task of justifying the right to parent one's biological child, the conditions named in *Robustness* and *Special Value* must be met at or before the time of a child's birth. That is, a plausible account of the right to parent one's biological child must show that there typically exists a sufficiently weighty, non-instrumentally valuable, *de re* connection between birth parents and their newborn at birth. This will then answer *Baby Redistribution* by showing that the reallocation of children at birth between competent parents would destroy non-trivial, normatively significant value.

My aim in this paper is to develop a non-instrumental account of the right to parent that meets both these requirements. I adopt a project-based approach, which is a well-known contender in the ethics of partiality, and spell out in detail how it can ground the right to parent.[7] This *Project View* maintains that parents have a weighty interest in pursuing and continuing *parental projects*, which are a special kind of creative project aimed at successfully rearing a child. Appeal to the value of engaging in parental projects can reinforce existing non-instrumental defences of the view that children should be raised in families, since only the institution of the family makes possible the pursuit of a parental project, and it justifies parents' *acquisition* of a right to this good, since, at the time of a child's birth, certain adults typically have a weighty interest in continuing to pursue their parental project with respect to that *particular* child, typically their biological child—though, as we shall see, the Project View can equally account for adoptive parenthood. By spelling out the resources of the Project View in the context of parenthood, this paper also aims to reinforce the credibility of project-based approaches in the ethics of partiality more generally.

I proceed as follows. Section 2 begins with a contrastive backdrop to the view that I shall develop. I illustrate how one of the most influential non-instrumental accounts, the *Relationship View* developed by Harry Brighouse and Adam Swift, and a modification to it proposed by Anca Gheaus, each fail to fulfil either the *Robustness* or the *Special Value* desideratum. Section 3 then develops the Project View. I characterise the constitutive elements of parental projects and what makes them valuable, discuss their relation to the intimate-relationship good identified by the Relationship View, and

[7] The view I defend is inspired by Williams (1981) and Wolf (2007; 2015). Related project-based accounts to parenthood, such as those proposed by Page (1984), Macleod (1997), Taylor (2009), and Richards (2010; 2017), are contrasted with my approach in Section 3. Despite their different origins, even proponents of these alternative approaches may welcome some of my arguments in favour of a project-based approach to parenthood.

show how my project-based approach can meet the two desiderata outlined above. Section 4 explores some of the implications of the Project View in more depth. I discuss its ability to capture biological parenthood without appeal to the value of biological ties, its support for polyadic forms of parenting, and its demandingness. Section 5 illustrates these implications by considering how the Project View applies to the practice of surrogacy. I show how it entails that commissioning parents typically acquire parental rights, whereas anonymous donors or gestational surrogates do not. I conclude in Section 6.

A complete theory of parenthood must answer many more questions than I am able to tackle here. Hence, a few caveats: My aim in what follows is to provide a non-instrumental account of the right *to* parent that includes a justification for the *acquisition* of this right. I understand this task to be distinct from the issue of determining the rights *of* parents, which concerns the substantive rights that parents may exercise in relation to their children, as well as from the issue of determining the ground of parental *obligations* or *responsibilities*.[8] Nor will I say anything about the permissibility of procreation.[9]

2. The Relationship View

According to the

[8] See Archard (2010), Ch. 5, for the distinction between *parental obligations* and *parental responsibilities*. For views that assume that parental responsibilities and rights go together as part of a 'parental package', see Kolers and Bayne (2003), p. 223, and Olsaretti (2017). See also Vallentyne (2002), Goodin (2005), and Austin (2007).

[9] On the ethics of procreation, see Friedrich (2013), Brake (2015), Rulli (2016a), and Ferracioli (2018). For a survey of the literature on the ethics of procreation and adoption, see Rulli (2016b).

Relationship View, An agent *A* has a right to parent a child *C* when and because

(i) *A* is a sufficiently competent parent;

(ii) *A* enjoys a distinctively valuable personal relationship through being a parent to *C*;

(iii) *C* derives sufficient value from relationship from being parented by *A*.

The Relationship View identifies a special interest that the family facilitates and protects and argues that this interest is the reason it is better for children to be raised in families by parents than to be raised in state-run orphanages or other institutions that do not closely mimic the family. This interest is

Intimate Relationship*:* A special kind of intimate and mutually loving relationship between children and their parents.[10]

The Relationship View argues that since only the family can make this special, relationship-based good available, the right to parent is effectively a right to enjoy this special kind of good—conditional on the parents' serving the children's interests in being adequately parented.

Both parents and children have an interest in *Intimate Relationship*.[11]

Children, so the argument goes, have an interest in securing continuous attachments to specific adults who will provide them with the loving attention necessary to develop physically, emotionally, cognitively, and morally, as well as to flourish in both

[10] I am here generalising the Relationship View's account of the distinctive features of this relationship. See Brighouse and Swift (2014), Ch. 4, for a detailed description of the features that make the personal relationship between parents and children special.

[11] Brighouse and Swift (2014), pp. 87–93.

childhood and adulthood. The family makes the realisation of these goods possible for children by allowing them to enjoy the love of their parents and affording them a sense of belonging and security provided by one or more persons with a special duty of care for them.

In addition to the relationship-based goods that accrue exclusively to children, the Relationship View further argues that *Intimate Relationship* is distinctively valuable for parents. It allows parents to enjoy an intimate and mutually loving relationship in which they each act 'as a fiduciary for [their] child's nondevelopmental interests and for her interests in physical, cognitive, emotional, and moral development, which include, usually, the interest in becoming an adult who is independent of her parents, capable of taking over responsibility for her own judgment and for her own welfare.'[12]

I think that the Relationship View gets many things right. Its argumentative strategy strikes me as correct, and it offers a convincing argument for Intimate Relationship as a distinctive non-instrumental familial good.

However, as Brighouse and Swift themselves recognise, their account cannot meet *Robustness* in a way that grounds a right to parent a particular child and rules out the reshuffling, at birth, of newborns between recent competent birth parents. This is because their argumentative ambition is only to show that appeal to *Intimate Relationship* can provide a defence for parent–child relationships or a right to parent *in general*, not to show that it can justify a right to parent *a particular* (that is, one's biological) child. According to them, the realisation of *Intimate Relationship* is independent of a prenatal connection between adults and a child, allowing adults to enjoy this good by parenting children to whom they are entirely genetically unrelated.[13] This leaves open the issue

[12] Brighouse and Swift (2009), p. 53.

[13] Brighouse and Swift (2006), p. 97, and (2014), Ch. 4.

whether, at birth, a child's biological parents or other available, competent adoptive parents should have the right to parent the newborn.

Dissatisfied by this implication, some theorists have attempted to build on the Relationship View. They appeal to

> ***Prenatal Relationship:*** Gestation typically gives rise to an intimate emotional relationship between a gestational procreator and her fetus.[14]

The Gestationalist View agrees with the Relationship View that children and parents have an interest in establishing and maintaining a valuable emotional relationship. It adds the novel suggestion that the enjoyment of *Intimate Relationship* already begins *in utero* and that 'children come into the world being already in an intimate caring relationship with their gestational procreator.'[15]

Expectant parents are usually highly emotionally invested in their pregnancy.[16] This investment is facilitated in part through the costs that pregnancy incurs and in part through the many ways of interacting with the fetus, such as seeing it on ultrasound images, hearing its heartbeat, and feeling its movements. Unborn children can recognise their gestational procreator's voice and smell at birth, which seems to provide further evidence of their attachment to their birth parent.

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[14] Gheaus (2012; 2018) proposes the Gestationalist View as an extension of the Relationship View. Other independent gestationalist accounts are developed by Narayan (1999), Rothman (1989), and Feldman (1992). For an account of the phenomenology of pregnancy, see Mullin (2005).

[15] Gheaus (2018), p. 235.

[16] Gheaus (2012), pp. 446–451, and (2018), pp. 234–237.

Appeal to *Prenatal Relationship* thereby provides a potential answer to *Baby Redistribution* by satisfying *Robustness* at birth, since the redistribution of children at birth would rupture a valuable emotional bond between parents and their birth child.

The Gestationalist View's proposal is interesting, but I am sceptical that the appeal to *Prenatal Relationship* can meet *Special Value*.[17] The reason for this is that the alleged value of the *in-utero* connection seems to rely on *too loose* a conception of what a non-instrumentally valuable personal relationship is.

By way of making this point more explicit, let's clear up some ambiguity concerning the nature of the relationship between a gestational procreator and her fetus. There are two respects in which the two can be said to enjoy a relationship. The first is a biological connection based on the gestation of the fetus within the woman's womb. This is a kind of relationship, but not one that the Relationship View would consider normatively significant (though one might think that this relationship can indeed be the basis of an account of parenthood). So, to offer an extension of the Relationship View, the Gestationalist View must claim that beyond this biological connection, a gestational procreator and her fetus share a non-instrumentally valuable relationship akin to *Intimate Relationship*.

I'm unconvinced that the relationship between a fetus and her gestational procreator is a relationship of this sort. This is, primarily, because it lacks crucial elements that characterise the value of *Intimate Relationship* as it manifests between (born) children and their parents.

From the parents' perspective, though the experience of pregnancy is extremely rich and valuable, it does not include much knowledge of the unborn participant in the relationship; impressions of that participant are based on personal projection, fantasy,

[17] In the appendix to this paper, I provide an extended critical discussion of Gheaus's Gestationalist View.

and limited forms of interaction.[18] These forms of investment, as I shall argue later, are indeed valuable, but their value should be understood not as reflecting a sufficiently strong intimate and emotional relationship but rather as reflective of the parents' investment in a parental project.

From the unborn child's perspective, the existence by the time of birth of an already partially formed relationship akin to *Intimate Relationship* with the gestational procreator seems implausible. Despite the ability of newborns to recognise their gestational procreator's voice and odour, it seems a stretch too far to maintain that this kind of valuable relationship-based good begins to be realised during gestation.[19]

This is not to deny that the *Prenatal Relationship* could be *instrumentally* valuable for a fetus or expectant parents. Perhaps infants are developmentally harmed by being separated from their gestational procreators at birth, though this is hardly a given.[20] Regardless of whether there is some *instrumental* value to the *in-utero* bond for a child, the important point for my purposes here is that as soon as this possibility is entertained, the Gestationalist View must give up its aspiration to offer a *non-instrumental* account that is a consistent extension of the Relationship View. I submit that the

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[18] See Ferracioli (2018), pp. 18–19, for a development of this criticism. See also Little (1999), p. 311.

[19] For literature that is critical of the significance of *prenatal* attachment, see Eyer (1992), Daly and Wilson (1988), and Goldberg (1983). For a dissenting view, see Agnafors (2014).

[20] See Gomblok et al. (2017), pp. 1973–1974: 'Despite the concern that children born through reproductive donation would be at risk for psychological difficulties at adolescence, the findings of the present phase of this longitudinal study of families formed through egg donation, donor insemination, and surrogacy showed that these families did not differ from natural conception families when the children reached age 14.'

Gestationalist View can meet *Robustness* only at the cost of failing to meet *Special Value* at birth.

3. The Project View

3.1 What is a parental project?

Though the *Relationship View* explains why adults have a right to parent *in general*, the appeal to the special value of *Intimate Relationship* reaches its limits when applied to the issue of how the rights to this good are acquired. But if not an appeal to the special value of an intimate parent–child relationship, what could fare better?

The kind of view I propose in this section is a competitor to the *Relationship View*. It belongs to a tradition of normative views that try to justify partiality by appeal to the special value of projects rather than that of personal relationships.[21] Though within the ethics of partiality, the project- and relationship-based approaches are often seen as rivals that each lay claim to being the single correct framework for justifying partiality, I think their incompatibility, at least in the case of parenthood, is overstated.[22] Just as personal relationships can give rise to shared projects, projects can give rise to

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[21] Keller (2013), Ch. 1, provides an accessible overview of the three main contenders in the ethics of partiality. For defences of project-based approaches, see Williams (1981), Wolf (2007; 2015), and Stroud (2010); discussions of projects in the context of parenting can also be found in Page (1984), Macleod (1997), Taylor (2009), and Richards (2010; 2017)—I discuss how these approaches differ from my approach later in this section. For defences of relationship-based approaches, in addition to Brighouse and Swift (2006; 2014), see Scheffler (1997) and Kolodny (2003). For individual-based approaches, see Keller (2013) and Lord (2016).

[22] Scheffler (2004), p. 259, makes a similar observation about the intertwining of relationship-based and project-based reasons.

and contain valuable relationships—the family here being a case in point, or so I shall argue.

My guiding idea in what follows is to show how the *Robustness* and *Special Value* desiderata can be fulfilled by conceiving of the good of parenting *holistically* in terms of its connected and intertwined physical and psychological dimensions. For want of an established label, I shall refer to such a related and connected set of commitments oriented towards rearing a child as a *parental project*.[23]

Unsurprisingly, I will call my preferred view the

> ***Project View:*** An agent *A* acquires a right to parent a child *C* when and because
>
> *(i)* *A* is a sufficiently competent parent, and
>
> *(ii)* *A* pursues a distinctively valuable parental project with respect to *C*.

This view aims to capture the significance of parenting by means of the multidimensional notion of a parental project, understood as a distinctively valuable, volitional, ongoing, creative undertaking that involves the planning and rearing of another human life.

But parental projects have a larger significance than that: The *Project View* identifies the pursuit of parental projects as a irreplaceable familial good that can serve as a distinctive source of flourishing and meaning for many adults. Engagement in a parental project is a source of satisfaction and fulfilment that is, by virtue of the project's pervasiveness in one's life and its special content of rearing another human being, unavailable through the pursuit of any other project—be it writing a book, building a house, or being a teacher. Parents' interests in parental projects thus provide an explanation of how particular parental rights are acquired at birth and an additional justification for the institution of the family.

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[23] In the rest of this paper, I use the terms 'commitment' and 'investment' interchangeably.

The family should therefore be understood as realising two familial goods: a project-based good that concerns the creative and successful planning, pursuing, and completion of a child's upbringing, and a relationship-based good, as identified by the Relationship View, that develops as part of, and is realised alongside, the pursuit of a parental project. This, I believe, is the correct normative picture of moral parenthood.

The claim that the family encompasses these two intertwining and overlapping familial goods is a tricky one to defend. For one thing, the notion of a parental project can seem elusive—and that of its relation to *Intimate Relationship* perhaps even more so. I therefore want to put this approach into sharper focus, first describing the constitutive elements of parental projects and what makes such projects a distinctively valuable component of parents' well-being, then considering their relation to *Intimate Relationship*.

To this end, I propose the following general characterisation of parental projects:

> ***Parental Project:*** A special kind of creative project aimed at successfully rearing a child.

And a more technical one:

> ***Parental Project*:*** An agent *A's* connected set *S* of commitments with respect to rearing a particular child *C* such that *S* has central subjective importance to *A's* life and such that *S* is objectively worthwhile.
>
> > ***(i)*** *S* is constituted, more specifically, by certain actions and by forms of intellectual and emotional investments in the rearing of *C*.

(ii) The subjective importance of *S* is a function of the magnitude of the investments that constitute *S* over some time period *T*.[24]

(iii) *S* is objectively worthwhile *iff* it realises *A's* interest in creatively rearing *C* and *C*'s interests in *Intimate Relationship*.

Parental projects are a threshold construct. A parental project manifests just if, and because, a relevant set of parental commitments concerning the rearing of a child has been sustained over a sufficient period of time. Such projects require a certain amount and continuity of goal-oriented agency, since they would not otherwise be distinguishable from mere preferences, desires, or wants. Thus, for a parental project to have central importance for an agent's life, a certain set of that project's constitutive elements must necessarily be sufficiently pervasive within that life—that is just what a parental project is.

Parental projects have a temporal longevity that distinguishes them from *Intimate Relationship*. Whereas the special parent–child relationship develops only after a child is born, the time before and during a pregnancy can be part of what constitutes a parental project. The formation of a parental project is therefore not restricted to the moment of conception. Typically, a couple may plan to become parents and deliberately pursue a pregnancy before the conception of what will later become their child. Once the couple knows that they are expecting a child, they begin to adapt their lives accordingly and prepare themselves for their future role as parents. This process then continues after the child is born, throughout infancy, early childhood, and adolescence, until the

[24] Roughly, we might consider the relevant currency here as energy expended over time as opposed to mere strength of preference; see Stroud (2010), n. 16.

completion of the parental project, which, for many parents, is marked by the point at which a child is capable of being independent from them and their care.[25]

Hence, there are two stages where the familial goods of *Parental Project* and *Intimate Relationship* are non-overlapping: before the birth of a child and after a child leaves their parents' care, when the special personal parent–child relationship may and often does persist.

Parental projects are characterised by distinctive kinds and forms of investments, all of which are necessary and jointly constitutive of a parental project. This classifies the *Project View* as a type of *combined* view as opposed to a *pluralist* one, which would consider several features as sufficient but none as necessary for moral parenthood.[26]

All investments constitutive of a parental project require certain forms of agency directed toward the rearing of a child. Though listing the full range of these commitments would amount to determining the Project View's account of the *content* of parental rights—an important but rather extensive task that must wait for another occasion—child-oriented actions typically include, at a specific level, such things as the buying of a crib and nappies or playing with and feeding a newborn, and at a more general level, interaction with and care for a child throughout day-to-day activity. These elements can be categorised more granularly along three dimensions.

First, a parental project has an intellectual dimension, which typically takes the form of a deliberate process to become a custodian for a child. The Project View can thus be classified as at least partly intentionalist insofar as it requires certain intentional undertakings with respect to a child. This process typically encompasses expectant

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[25] This is not to deny that many parents, having successfully completed a parental project, may also have an interest in being a good parent to their *adult* child for the rest of their lives. Whether this interest is also part of a parental project is beyond my focus here.

[26] Bayne and Kolers (2003), pp. 238–241, outline a pluralist view.

adults' learning about and preparing themselves for their future role as caregivers in anticipation of the infant's birth and then, once the child is born, fulfilling this role by planning and following through on decisions that pertain to the child's life and promote its well-being.

A second dimension of a parental project is emotional. It encompasses an array of emotions and vulnerabilities related to the rearing of a child both during and following pregnancy, resulting partly from the emotional bonding with a child that features in the project and partly from continuous and prolonged investment in other ways through fantasy, anticipation, and projection. Since the existence of emotional investment in a child is a constitutive element of a parental project, the Project View thereby preserves part of the appeal of the Gestationalist View—that is, both views acknowledge the normative significance of emotional investment as one of several constitutive elements of a parental project. The Project View, however, attributes this investment not to the existence of an intimate relationship but rather to the pursuit of the project.

Thirdly, a parental project can, but need not, involve a social dimension, which cuts across the previous two psychological dimensions. I here foreshadow the possibility of a social dimension of parental projects because, as we shall see in the next section, a parental project can be, and often is, a shared or joint pursuit between several parties that arises in the context of an already existing romantic relationship.

So far, I have claimed that parental projects necessarily involve an intellectual and an emotional dimension and optionally involve a social one. This taxonomy is meant to better flesh out how the multidimensional construct of a parental project is supposed to be understood. But to what extent are certain procreative biological acts constitutive of parental projects?

It does not seem to me that the creation of a child, in the form of the fusion of the procreators' gametes or the embodied gestation of a fetus, is a necessary element of a

parental project. I therefore deny that the initiation of parental projects is restricted to biological procreators. Either physical interaction with or a certain physical proximity to the womb in which a fetus gestates is necessary, I think, in so far as it facilitates other salient psychological investments—as a condition for some of these other *de re* commitments to arise in a relevant way—but it is only important for this subsidiary function, and gestation has no independent constitutive significance for a parental project.

The reason is that, when relevant considerations are held equal, there is no intuitive difference in magnitude between the parental project of procreative biological parents in a typical planned pregnancy and that of commissioning adoptive parents who accompany the surrogate pregnancy of a child entirely genetically unrelated to them. The same intuitive comparison holds in the case of prospective grandparents actively supporting their child's pregnancy. Adoptive parents and non-gestating family members who relevantly invest in a pregnancy can acquire suitable parental projects and rights with respect to a particular child. The Project View consequently maintains that parenthood is a *normative* relation grounded in the existence of parental projects, rather than a *natural* relation grounded in biology.

3.2 The Project View and Special Value

I have described parental projects and their constitutive dimensions. But why are they valuable? The non-instrumental normative significance of pursuing parental projects lies in their importance as a distinctive constituent of flourishing and meaning for many adults, assuming that one accepts this as an ethical category of objective value.[27] This meets the *Special Value* condition.

[27] See Williams (1981) and Wolf (2007; 2015).

Parental projects are inherently linked to what is subjectively meaningful to an agent. Engagement in the project of rearing a child to a state of being fully independent, with the capacity to take responsibility for her own actions, gives an agent's life a sense of direction and opportunity for personal growth that provides that agent with a distinctive kind of satisfaction. Note that although this action-guiding centrality is a characteristic feature of parental projects, agents need not be consciously aware of the role that parental projects play in their lives, let alone be able to articulate that role as I do here. As Williams aptly observes: 'One good testimony to one's existence having a point [through pursuing one's projects] is that the question of its point does not arise [...].'[28]

While the subjective importance of pursuing a parental project is often a good indication of that project's objective value, it is not a guarantee. Some parental projects can be misguided or worthless, just as some 'loving' relationships that parents purport to have with their children can be abusive, twisted, and harmful for a child. An overly ambitious couple whose sole investment in their parental project stems from their desire to rear their future child as a musical prodigy may indeed consider this pursuit a central part of their lives, but it does not follow that the pursuit of this parental project warrants the ascription of parental rights, since may not be objectively worthwhile.

Whether a parental project is worthwhile is conditional on its realisation of *Intimate Relationship* for the child who features in the project, since children, at least for most of their childhood, do not have an interest in parental projects. The parent-centred interest in Parental Project is a kind of creativity in rearing a child that promotes that child's well-being as part of that very creative process.

This puts the project-based approach in a very appealing position to explain why the parent–child relationship is valuable to parents. It sees the source of the non-

[28] Williams (1981), p. 12.

instrumental familial good as the pursuit of the parental project itself as opposed to merely its completion. Put differently, the engagement in the parental project is what realises the creative expression that the Project View identifies as an extremely valuable parent-centred interest.[29] The value structure of parental projects thereby explains exactly why it matters to adults to be parents themselves despite their knowledge that there may be better parents: they want to experience the distinctive satisfaction of engaging in a parental project.

3.3 The Project View and Robustness

The Project View understands the right to parent as a normatively significant relation as opposed to a natural biological one. But even though it does not consider biological ties as necessary for moral parenthood, it offers a *de facto* justification for the right to parent one's biological child—the difference being that this justification does not consider the biological parent–child connection (be it genetic, causal, or gestational) to be in and of itself valuable. The Project View, in this sense, allows us to capture biological parenting without appeal to biology.

To see how the Project View meets *Robustness* at birth and justifies suboptimal parenting, consider the following vignette:

> ***Innocent Mistake:***[30] Ann and Beth are in hospital, each due to deliver a baby girl. Unfortunately, a midwife accidentally swaps their newborns just after birth without anyone noticing. Consequently, Ann and Beth take home children who are not their actual offspring.

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[29] Wiggins (1991), pp. 132–134, Frankfurt (1999), p. 178, and Kolodny (2003), pp. 186–187, make similar observations about the value structure of projects.

[30] A similar case is discussed by Brighouse and Swift (2014), pp. 109–110.

Suppose that both Ann and Beth were fully invested in their pregnancies. Can the midwife's actions, innocent as they were, be characterised as violating a right to continue the pursuit of a parental project? Yes. The Project View explains Ann's and Beth's parental rights violation by appeal to the fact that each had pursued *a particular* parental project with respect to her *particular* biological offspring, on whom her physical and psychological parental-project-constituting commitments were centred.

Could the Gestationalist View invoke a parallel argument to account for *Innocent Mistake*? By the same token, we might think that Ann and Beth each love a particular baby, namely the one to whom each gave birth. Since each one's love is directed to a particular token baby, the value each derives from her loving relationship with that particular baby will be disrupted if their babies are swapped. To clarify, I am arguing not that the Gestationalist View fails to meet *Robustness* at birth but that it fails to satisfy *Special Value*, which—assuming that the Gestationalist View is an extension of the Relationship View—means that it cannot be a view of the sort that is committed to grounding the acquisition of parental rights in a non-instrumentally valuable feature of the parent–child relationship. Most expectant parents are, of course, attached to their unborn child, but I deny that this is 'love' proper, that is, the manifestation of a non-instrumentally valuable personal good. This is the reason that the Relationship View cannot be extended to deal with parental rights acquisition.

Already at birth, the pursuit of a parental project represents a weighty parent-centred interest valuable enough to resist *Baby Redistribution*. Recall that *Baby Redistribution* challenges us to identify a parent-centred interest sufficiently weighty to justify suboptimal parenting for one's birth child when optimal parenting through redistribution among all competent parents is an option. Since it is the engagement in a parental project, and not only its achievement, that is valuable to parents, the process of investing in the planning as well as the carrying through of a pregnancy—and not only the child-rearing postpartum—can be immensely rich and valuable to them, including

various forms of physical, intellectual, emotional, social, and financial investments that fundamentally transform their lives even before the child's birth.

The weight and specificity of adults' interest in *Parental Project* can be recognised by imagining Ann and Beth's reaction upon learning that their babies had been swapped: As in the case of unexpected late-stage pregnancy termination, Ann and Beth would experience tremendous grief and suffering. Similar considerations hold in a modified version of *Innocent Mistake*¸ where the midwife's mistake is not discovered until some twenty years later, after Ann and Beth have already successfully raised the swapped children under their care. Though upon the discovery of the mistake, both might not think that their opportunity to pursue a valuable parental project had been compromised, they might still feel regret about the accidental swap that occurred in the past. The Project View explains the reactions in each of these cases as appropriate responses to the frustration of a valuable parental project.

3.4 Other Project-based Approaches

I have argued for a project-based account of the right to parent one's biological child and offered a particular version of this approach, the Project View. To clarify this view further, it is instructive to contrast it with other project-inspired approaches to justifying parenthood. These approaches often invoke similar project-based notions, but they nonetheless differ in their implementation from the account that I have given here. (Despite these differences, I think these alternative approaches will also benefit from the general arguments for the project-based strategy that I have pursued so far.)

Edgar Page appeals to a notion of creative self-extension and argues that 'the parental aim is not simply the creation of a person, but rather the creation of a person in the parents' own image.'[31] Page thinks that 'the propensity to determine the development

[31] See Page (1984).

of the child, *far from being aimed simply or primarily at the child's good*, is the manifestation of a fundamental and unique interest which lies at the heart of human parenthood.'[32]

Though it recognises the importance of creative expression, this view fails to pay sufficient due to children's interests. My claim, in contrast to Page, is that although the distinctive creative satisfaction derived from parenting matters and reflects a weighty parent-centred interest, it must be (and generally is) compatible with the realisation of the primary interest of children in securing the continuous attachments and loving attention necessary to flourish. This is reflected in the fact that parental projects are objectively valuable only when they realise children's interests in *Intimate Relationship.*

Colin Macleod argues that some of the intrinsic value of the family is grounded in 'creative self-extension', which arises out of the 'the special opportunity […] parents have to express their own commitments to ideals and ground-projects by passing them on to children.'[33] For him, seeing 'that valued features of one's own sense of self have been extended to one's children and form part of their sense of self can be a profound source of satisfaction,' though, in contrast to Page, he claims that the prerogatives parents have to share ideals or favoured projects with their children are constrained by respect for children as independent beings and a concern to facilitate meaningful autonomy in children.[34]

Macleod's dual-interest approach is more closely aligned with the kind of view that I am exploring here, but it is not identical. What the Project View identifies as an important relationship-based good justifying the right to parent is not the passing on to their children of parents' commitments *to* their own ground projects—which, to some

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[32] *Ibid.*, p. 196 (my emphasis).

[33] Macleod (2010), p. 142.

[34] *Ibid.*

extent, does seem to treat children as mere vessels for the realisation of parents' ideals—but the *engagement in the parental project itself*, a distinctive kind of ground project in its own right.[35]

Another intriguing project-inspired approach to parenthood comes from Norvin Richards.[36] Richards' account is grounded in the Millian principle of liberty to do anything we choose as long as it is not morally wrong, and he understands the right to parent as 'an instance of [a] general right to continue with whatever we have underway [project of parenthood]' so long as this project is morally innocent and harmless to others.[37]

On closer inspection, Richards' account, too, differs from the Project View. First, the starting points of the two views are different: Richards' view maintains that the right to parent is an instance of a more general project right, which in turn follows from a Millian principle of liberty, whereas the Project View maintains that the right to parent is a right to enjoy a special kind of non-instrumentally valuable good, the engagement in a parental project. But this right is not just an instance of another more general right. Secondly, though both accounts appeal to the significance of 'projects', their respective notions of the parental project are spelt out differently. Richards characterises projects primarily in terms of forming of an intention, whereas the notion of a parental project that I have attempted to articulate here is more encompassing: it refers to a set of connected and intertwined physical and psychological dimensions with respect to rearing a child.

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[35] See also Brighouse and Swift (2014), pp. 102–103, for a similar point.

[36] See Richards (2010; 2017).

[37] Richards (2010), p. 22.

4. Neutrality, Polyadic Parenthood, and Ambivalent Procreators

4.1 Biological vs. Adoptive Parenthood?

Though the Project View provides a *de facto* justification for biological parenthood, it does not draw a distinction between *biological* and *adoptive* parenthood—just as a child's biological procreators can acquire parental rights, so can the parents or close friends of a gestational procreator. This kind of neutrality and ability to account for both biological and adoptive parenthood within a unified framework gives the Project View an advantage over rival accounts that cannot explain how and why adoptive parents can also acquire full parental rights, often rendering their account of parenthood *incomplete*.

Consider the Gestationalist View. Recall that it maintains that *Prenatal Relationship* grounds the right to parent. Since a gestational procreator shares an intimate *in-utero* bond with her fetus that any non-gestating supporting party necessarily lacks, the view privileges gestational procreators as moral parents and therefore cannot explain how adoptive parents or, on some views, men can acquire parental rights.[38]

One downside of biological theories' inability to provide a unified account that includes both biological and adoptive parenthood is illustrated by cases such as

> ***Mixed Family:*** Chloe and Dave have two newborn daughters; one of them is their biological child, the other is their adoptive daughter. Suppose that both

[38] Gheaus' account (2018), p. 237, allows that partners of gestational procreators can form emotional relationships with a fetus. Rothman's more restrictive monistic gestationalism (1989) faces a more general—namely, the *paternity*—problem: if the gestational relation is necessary for parenthood, how do men acquire parental rights? See Bayne and Kolers (2003), p. 226.

daughters are equally sick and in need of vital flu medicine. However, there's only enough medicine to treat one of them and foreseeably cure her disease.

Do Chloe and Dave have stronger reason to treat their biological daughter than their adoptive daughter?

Assuming, for the sake of argument, that a proposed ground of the right to parent serves as a ground for parental partiality, it seems clearly wrong that, in mixed families, parents have stronger agent-relative reasons to be partial to their biological children than they do to be partial to their adoptive ones—parents should treat all their children equally, whether they are their biological offspring or not.[39] However, certain geneticist or gestationalist views seem hard-pressed to explain how they can avoid this implication if their proposed biological feature in fact has the value that they claim it does.

Of course, one might think that, in *Mixed Family*, Chloe and Dave do not have *all-things-considered* reason to be more partial to their biological daughter than to their adoptive one. Perhaps parents have additional reasons of partiality based on other non-biological grounds to treat their children equally. Perhaps this makes it less implausible that a theory of parenthood may endorse a biological ground for parenthood as well as an additional ground for adoptive parenthood.

My aim is not to assess this kind of response to *Mixed Family* here, but only to present the Project View's alternative explanation. Since the Project View maintains that parental partiality is justified by the pursuit of parental projects, parents have the same *pro tanto* reason to be partial to their adoptive children as to their biological ones. This

[39] Kolodny's geneticist account (2010), p. 68, n. 41, struggles to avoid this implication; for a discussion of the argument, see Rulli (2016a). See also Ferracioli (2018) for a recent attempt to solve the tension posed by *Mixed Family*.

explanation strikes me as the most intuitive, and in this respect preferable to that of rival accounts.

4.2 Parental Projects as Joint Commitments

Parental projects can be *joint* commitments shared between several people. The Project View is therefore consistent with a *polyadic* conception of moral parenthood, according to which children can have more than two moral parents. It thereby captures alternative parental setups, such as communal forms of child-rearing, as legitimate forms of parenting.[40]

We can recognise that parental projects can be joint pursuits by reflecting on their constitutive structural features. Many commitments that give rise to parental projects are paradigmatically capable of being shared and constituted by collaborative agential investments: a pregnancy can involve the joint plan and pursuit of becoming parents, sharing of financial and physical costs, and mutual emotional support, as well as making sense of the pregnancy-related changes together.

To reinforce the plausibility of these claims, consider the following comparison. Undertaking a pregnancy all by oneself in isolation from supporting parties is extremely taxing. But it seems that a person doing so would acquire a particularly strong parental project, given the magnitude of the commitments that the pregnancy entails. By contrast, it seems that the magnitude of a given parental project that arises in less extreme conditions, as in the case of two supportive partners who pursue the pregnancy together, is less strong. The explanation for this judgment, I submit, is that

[40] See Millum (2018), pp. 36–38, for a compelling argument that it is arbitrary to regard a binary conception of parenthood as the optimal parental setup. See also Gheaus (2011), hooks (1984), and Goldfeder and Sheff (2013).

commitments that would normally be shared and constitutively intertwined manifest themselves in the life of a single individual in the first case.

Of course, it does not follow from this that all parental projects are necessarily joint. A gestating procreator can possess a parental project and acquire a right to parent her child even if there are no other individuals who accompanied the pregnancy. Similarly, an individually undertaken parental project can become a shared project if it is still in a sufficiently incipient stage that relevant constitutive interdependencies can arise.

Neither does it follow that parental projects can be shared only by two people—though I think there is a limit. Several parties can share the same parental project so long as the distribution of its constitutive elements among these parties ensures that the project still amounts to an important source of flourishing for all of them and so long as the child's interest in *Intimate Relationship* can be ensured.

If these remarks are correct and parental projects can take the form of joint commitments, then this helps us to make sense of parental custody disputes. When the pursuit of a parental project is shared between several people, all of them have a claim to continued participation.[41] This explains why it is impermissible, without justified cause, for a parent spontaneously to move away with their child, preventing the other parent's continued engagement in the project.

4.3 The Stringency of the Project View

The pursuit of a parental project is a centrally important good for many adults. However, its enjoyment requires a significant amount of worthwhile child-rearing-oriented commitment. Overall, the Project View imposes a higher burden for the acquisition

[41] See Gilbert (2010), Chs. 1 and 2, on joint action as well as Stroud (2010) for some remarks on ground projects and joint agency.

of parental rights than other biological accounts and rules out as moral parents people who are not significantly invested in a pregnancy or cannot pursue parental projects.

This latter implication is problematic. The Project View implies that adults who are unable to pursue parental projects at all through no choice or fault of their own cannot *acquire* a right to parent a particular child. That fully cognitively impaired people cannot acquire parental rights is a regrettable but unavoidable implication for the kind of non-instrumental approach defended here, and I accept it.[42] Nonetheless, since these cases are typically the exception as opposed to the rule, we might think that people who are unable to engage in parental projects should still have a legal right to parent despite their lack of a moral right. Indeed, some adults may be able to play an active role in nurturing children and derive special value from their parental project despite their cognitive impairment. If they can, with assistance from others, play a significant role in the project of parenting, we might think that they should be assigned a right to *assisted parenting* or *partial* rights to parent.[43]

In cases in which an individual is not sufficiently committed to the rearing of a child, the stringency of the Project View is a plausible feature rather than an implausible bug. Consider the following case:

> ***Cryptic Pregnancy:*** On her way to school, 16-year-old Emily suddenly experiences severe cramps. Once she has been examined by the school nurse, it turns

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[42] Brighouse and Swift (2014), pp. 100–101, similarly acknowledge that some people may be unable to enjoy the relationship-based good that they identify as justifying the family.

[43] The extent to which the state should support individuals in being able to enjoy the familial goods that justify the family, be the grounds for that support relationship- or project-based, is an open issue. For example, McTernan (2014) argues that the project of parenting should *not* be disproportionately funded over other important projects.

out that Emily is going into labour. It is decided to perform a caesarean section, and Emily gives birth to a healthy daughter.

Some might be sympathetic to the idea that Emily has a right to parent her newborn. For example, according to Richards' project-inspired view, a gestational procreator always acquires parental rights (insofar as she would do no harm through parenting) even in unintentional pregnancies, since 'she is entitled to be a parent to the child she has conceived just by virtue of being pregnant with that child [and] [w]hat brought her these parental rights would be the actions that resulted in her being pregnant.'[44] However, this judgment seems misguided to me.

Of course, Emily might have parental obligations or responsibilities toward her daughter. Emily might have also begun to form a parental project to rear her daughter after she learned about her pregnancy, and this would grant her a claim to be given a chance to parent her newborn. But the fact that she gestated another human being in complete ignorance of doing so up until birth should not grant her the power to control that human being's life in the form of a parental right *at that moment*. The acquisition of a right to parent requires sustained investment; it is not something to which one is entitled based on natural facts. The Project View can help us appreciate this better.

In fact, the Project View's more demanding requirements *vis-à-vis* the acquisition of parental rights avoid the pitfalls of other accounts that are not exclusively biological. For example, consider

> ***Ambivalent Procreator:*** Ann is in her second trimester and only slowly becoming invested in her pregnancy. Indeed, she has not decided yet whether she wants to rear the child with whom she is pregnant. By contrast, her friend

[44] Richards (2017), p. 273.

> Frank emotionally invests in and supports Ann's pregnancy and, without Ann's knowledge, forms the intention to parent the child himself.

Matters depend on the specific contextual details of Ann's and Frank's respective investments, but I assume that—the investments being otherwise equal—Frank's forming of an intention to parent is insufficient to give him the right to parent the child.

This means that an intentionalist account of parenthood, according to which an agent has a right to parent a child when and because that agent intends to parent the child, faces challenges in avoiding the implication that Frank acquires a parental stake to parent his friend's baby.[45] This seems correct.

A related worry befalls more sophisticated non-biological accounts such as Joseph Millum's *Investment View*.[46] According to this view, parental rights are generated by the performance of morally deserving parental work. More specifically, the Investment View is based on the principle that 'ceteris paribus, the extent of an agent's stake in an entity is proportional to the amount of appropriate work he or she has put into that entity.'[47] A relevant entity is a given child in relation to whom an agent can acquire parental rights. An agent's stake constitutes the basis for a claim to some set of rights over a particular child. The relevant work is to be understood as appropriate and morally permissible effort that promotes the flourishing of the child. The Investment View thereby presents a straightforward way to apply the principle of justice that 'reward' (understood here as decision-making rights over the child's upbringing, etc.) should be proportional to work.

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[45] Perhaps the best-known intentionalist accounts are proposed by Hill (1991), Shultz (1990), and Stumpf (1986).

[46] Millum (2018), Ch. 2.

[47] Millum (2018), p. 25.

To illustrate the worry, imagine that we fill out the case a bit more. Suppose that although Ann has become emotionally invested in her pregnancy, Frank goes farther and spends a lot of time educating himself about parenting so he can be a good carer for the child. Meanwhile, Ann makes no such investment in her own 'parental education'. Since Frank's investment foreseeably promotes the flourishing of his friend's baby, it seems that he may also acquire a weighty parental stake in the child, which seems implausible.[48]

By contrast, the Project View sets a much higher threshold for Frank to acquire a parental stake. This is because—in contrast to the Investment View, which aims to individuate and compare different forms of investments in order to determine parental rights—the acquisition of parental rights according to the Project View requires weighty and continuous *multidimensional* investments in order to make the connection between parents and a child sufficiently robust. Most intuitively objectionable scenarios of 'fetus hijacking' for the realisation of one's own parenting ambitions are thereby ruled out; in cases where someone other than the gestational procreator forms a parental project, the Project View accordingly submits that there is nothing objectionable about that individual consequently acquiring parental rights. In the modified version of *Ambivalent Procreator*, unless either Ann or Frank is committed to the child in a way that can be rendered to have risen to a commitment to a parental project, neither will have acquired parental rights. And whoever, if anyone, is first to be so committed is the appropriate moral parent of the child at birth.

5. An Illustration: Surrogacies

The implications highlighted in the previous section can be illustrated by considering how the Project View applies to surrogacies. These practices are ripe for disagreement

[48] Lange (2019).

and instructive insofar as they make possible the separation of genetic, gestational, and non-biological parents. Consequently, cases involving conflicting claims to custody by involved parties are settled differently in different jurisdictions around the world.[49] The Project View can provide normative guidance on these issues and a consistent basis for legal regulation.

Let's first distinguish more precisely between different types and forms of surrogacies. There are two types of surrogacies:

> ***Full Surrogacy:*** In a full surrogacy, a surrogate mother provides her womb to gestate a child who will be genetically unrelated to her. There are three different forms of full surrogacies: those whereby **(1)** the commissioning parents both provide their respective gametes (mother's egg and father's sperm); those whereby **(2)** only one gamete comes from a commissioning parent, the other coming from an anonymous donor (mother's egg and donor's sperm or father's sperm and donor's egg); and those whereby **(3)** both gametes come from anonymous donors.
>
> ***Partial Surrogacy:*** In a partial surrogacy, the surrogate mother who gestates a commissioned child is also genetically related to it. In these cases, the surrogate mother provides not only her womb but also her egg, which is inseminated by the commissioning father's or an anonymous donor's sperm.

The Project View implies that, in all these types and forms of surrogacies, the right to parent a surrogate child typically accrues to the commissioning (called 'intended') parents as opposed to anonymous gamete donors or gestational surrogates. Having no knowledge of whether their gametes end up being used for fertility treatments, anonymous donors cannot form parental projects even when their gametes are being so

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[49] See Bayne and Kolers (2005), pp. 223–225, for a survey of legal rulings concerning custody disputes in cases of assisted reproduction.

used. In the case of gestational surrogates, the formation of a parental project on the part of the intended parents as opposed to the surrogate can be explained by the fact that a surrogate's investment in her pregnancy does not amount to a parental project. Since a surrogacy is agreed upon with the expectation of the surrogate's ultimately relinquishing the child, in most cases a surrogate has only the project of bringing a pregnancy to completion without an intention to rear the child.

Not all surrogacy arrangements are equal. The Project View implies the acquisition of parental rights on the part of intended parents under the assumption that they suitably invest in the pregnancy throughout and that the surrogate does not (and nor does anyone else). Intended parents whose surrogacy arrangements include no personal interaction with the surrogate during the pregnancy and who meet their surrogate only at the handover of their commissioned child (or not at all) therefore have not acquired a right to parent said child at that particular point in time.[50] Even if such intended parents are otherwise emotionally invested in their surrogacy from afar, it seems to me that their lack of physical proximity to and interaction with the person in whom their commissioned child is gestating causes their investment to lack a sufficient *de re* connection to the particular token child to give rise to a parental project in relation to that child.

On the other hand, the Project View supports parental rights acquisition on the part of intended parents in commercial surrogacy practices such as those in North America, which typically involve the facilitation of close emotional interpersonal relationships between all involved parties: intended parents accompany the surrogate, partake in

[50] This applies to surrogacy practices in India. See Mitra and Schicktanz (2016), n. 14, and Pande (2010).

social events and pregnancy-related activities together, and form near-familial bonds.[51] That the acquisition of parental rights by intended parents in surrogacies is context-dependent is not a disappointing result. It is an accurate reflection of normative reality. It renders the Project View appropriately sensitive to the extant moral complexities of cases of assisted reproduction in a commercial context.[52]

Moreover, it correctly tracks how most surrogates perceive their own claims in relation to the children they have gestated as surrogates. Though the literature often focuses on surrogacy disputes involving a surrogate who refuses to relinquish her gestated child, such cases are the exception rather than the norm; for example, most surrogates in the U.S. do not perceive the children they have gestated as 'their own'—though many maintain some form of personal relationship with them.[53]

This gives the Project View an explanatory advantage over rival accounts that categorically ascribe parental rights to genetic procreators and gestational surrogates or that oppose the practice of surrogacy altogether.[54] One example of such opposition to surrogacy is Gheaus's Gestationalist View. Since it maintains that a gestational procreator has a right to parent, at least in part, by virtue of the *in-utero* relationship, the view opposes the practice of surrogacies, as one of the very conditions for the incipience of

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[51] For a study of the motivations of surrogates in the United States, see Ragone (1994), pp. 51–86. See also Bromfield (2016), Section 6.

[52] Other complexities concern the validity of surrogacy contracts. See Anderson (1990), Arneson (1992), and Fabre (2006) for discussions of this issue.

[53] Cases of surrogates refusing to relinquish the child they have gestated range from 4–5%: Brazier et al. (1997), p. 26. See also Ragone (1994) and Bromfield (2016). For a critical discussion of genderist assumptions in psychosocial empirical surrogacy research, see Teman (2009).

[54] See Tong (1991).

the right to parent is the interest of a fetus in the *Prenatal Relationship* with its gestational procreator.[55]

6. Conclusion

This paper has spelt out in detail the resources of a project-based theory of the value of the parent–child relationship. Unlike alternative proposals, such a theory can also account for how parents acquire the rights to parent their biological children.

The Project View provides an account of parenthood by appeal to the non-instrumental value of a *parental project* whose pursuit is a distinctive constituent of flourishing and meaning for many adults. This account can reinforce extant non-instrumental defences such as the one offered by the Relationship View. We have seen that conceiving of the right to parent in terms of valuable parental projects has several important advantages, such as capturing biological parenthood without appeal to biological ties, making possible polyadic conceptions of parenthood, and offering normative guidance in cases of assisted reproduction.

More generally, the Project View's approach to justifying the value of the parent–child relationship represents a tradition of normative views that try to justify instances of partiality by appeal to the special value of projects. Thus, insofar as the Project View is the correct view of moral parenthood, it also reinforces the credibility of project-based approaches in the ethics of partiality.

[55] Gheaus (2018), p. 16.

References

Agnafors, M. J. 2014. The Harm Argument Against Surrogacy Revisited: Two Versions Not to Forget. *Medicine, Health Care and Philosophy* (17)3: 357–363.

Anderson, E. S. 1990. Is Women's Labor a Commodity? *Philosophy & Public Affairs* 19(1): 71–92.

Archard, D. 1992. Rights, Moral Values and Natural Facts: A Reply to Mary Midgley on the Problem of Child-Abuse, *Journal of Applied Philosophy* 9(1): 99–104.

Archard, D. 1995. What's Blood Got to Do with It? *Res Publica* 1(1): 91–106.

Archard, D. 2003. *Children, Family and the State*, London: Ashgate.

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

Arneson, R. J. 1992. Commodification and Commercial Surrogacy. *Philosophy & Public Affairs* 21(2): 132–164.

Bayne, T., and Kolers, A. 2003. Towards a Pluralist Account of Parenthood. *Bioethics* 17(3): 221–242.

Brake, E. 2015. Creation Theory: Do Genetic Ties Matter. In S. Brennan, S. Hannan, and R. Vernon (eds.), *Permissible Progeny*. Oxford: Oxford University Press.

Brazier, M., Golombok, S., and Campbell, A. 1997. Surrogacy: Review for the UK Health Ministers of Current Arrangements for Payments and Regulation. *Human Reproduction Update* 3: 623–628.

Brennan, S., and Noggle, R. 1997. The Moral Status of Children: Children's Rights, Parents' Rights, and Family Justice. *Social Theory and Practice* 23(1): 1–26.

Brighouse, H., and Swift, A. 2014. *Family Values: The Ethics of Parent–Child Relationships.* Princeton University Press.

Brighouse, H., and Swift, A. 2009. Legitimate Parental Partiality. *Philosophy & Public Affairs* 37(1): 43–80.

Brighouse, H., and Swift, A. 2006. Parents' Rights and the Value of the Family. *Ethics* 117(1): 80–108.

Bromfield, N. F. 2016. 'Surrogacy Has Been One of the Most Rewarding Experiences in My Life': A Content Analysis of Blogs by U.S. Commercial Gestational Surrogates. *IJFAB: International Journal of Feminist Approaches to Bioethics* 9(1): 192–217.

Clayton, M. 2006. *Justice and Legitimacy in Upbringing*. Oxford: Oxford University Press.

Eyer, D. E. 1992. *Mother-Infant Bonding: A Scientific Fiction*. New Haven, CT: Yale University Press.

Fabre, C. 2006. *Whose Body is it Anyway?: Justice and the Integrity of the Person.* Oxford: Oxford University Press.

Feldman, S. 1992. Multiple Biological Mothers: The Case for Gestation. *Journal of Social Philosophy* 23: 98–104.

Ferracioli, L. 2018. Procreative-Parenting, Love's Reasons and the Demands of Morality. *Philosophical Quarterly* 68, 77–97.

Frankfurt, H. 1999. Caring. In *Necessity, Volition, and Love* (Cambridge: Cambridge University Press).

Fletcher, G. (ed.) 2016. *The Routledge Handbook of Philosophy of Well-Being*. Routledge.

Gheaus, A. 2011. Arguments for Nonparental Care for Children. *Social Theory and Practice* 37(3): 483–509.

Gheaus, A. 2012. The Right to Parent One's Biological Baby. *Journal of Political Philosophy* 20(4): 432–455.

Gheaus, A. 2018. Biological Parenthood: Gestational, Not Genetic. *Australasian Journal of Philosophy* 96(2): 225–240.

Gilbert, M. 2013. *Joint Commitment: How We Make the Social World*. Oxford, New York: Oxford University Press.

Goldberg, S. 1983. Parent–Infant Bonding: Another Look. *Child Development* 54: 1355–1382.

Goldfeder, M., and Sheff, E. 2013. Children of Polyamorous Families: A First Empirical Look. *Journal of Law and Social Deviance* 5: 150–243.

Golombok, S., Ilioi, E., Blake, L., Roman, G., and Jadva, V. 2017. A Longitudinal Study of Families Formed Through Reproductive Donation: Parent-Adolescent Relationships and Adolescent Adjustment at Age 14. *Developmental Psychology*, 53(10): 1966–1977.

Goodin, R. 2005. Responsibilities for Children's Well-Being. In S. Richardson and M. Prior Carlton (eds.), *The Well-Being of Australia's Children*. Victoria: Melbourne University Press.

Hill, J. L. 1991. What Does It Mean to Be a 'Parent'? The Claims of Biology as the Basis for Parental Rights. *New York University Law Review* 66(4): 353–420.

hooks, bell. 1984. *Feminist Theory: From Margin to Center.* South End Press.

Keller, S. 2013. *Partiality*. Princeton University Press.

Kolers, A., and Bayne, T. 2001. 'Are You My Mommy?' On the Genetic Basis of Parenthood. *Journal of Applied Philosophy* 18(3): 273–285.

Kolodny, N. 2003. Love as Valuing a Relationship. *Philosophical Review* 112(2): 135–189.

Lange, B. 2019. Moral Desert and Parental Rights. *Philosophy & Economics* 35(2): 339–347.

LaFollette, H. 2010. Licensing Parents Revisited. *Journal of Applied Philosophy* 27(49): 327–343.

Little, M. O. 1999. Abortion, Intimacy and the Duty to Gestate. *Ethical Theory and Moral Practice* 2: 295–312.

Lord, E. 2016. Justifying Partiality. *Ethical Theory and Moral Practice* 19(3): 569–590.

Macleod, C. 1997. Conceptions of Parental Autonomy. *Politics & Society* 25(1): 117–140.

Macleod, C. 2010. Parental Responsibilities in an Unjust World. In D. Archard and D. Benatar (eds.*), Procreation and Parenthood: The Ethics of Bearing and Rearing Children.* Oxford: Oxford University Press.

McTernan, E. 2014. Should Fertility Treatment Be State Funded? *Journal of Applied Philosophy* 32(3): 227–240.

Millum, J. 2010. How Do We Acquire Parental Rights? *Social Theory & Practice* 36(1): 112–132.

Millum, J. 2018. *The Moral Foundations of Parenthood*. Oxford University Press.

Moody-Adams, M. 1991. On Surrogacy: Morality, Markets and Motherhood. *Public Affairs Quarterly* 5: 175–191.

Mullin, A. 2005. *Reconceiving Pregnancy and Childcare: Ethics, Experience and Reproductive Labor.* Cambridge University Press.

Narayan, U. 1999. Family Ties: Rethinking Parental Claims in the Light of Surrogacy and Custody. In U. Narayan and J. Bartkowiak (eds.), *Having and Raising Children*. Pennsylvania State University Press.

Narayan, U., and Bartkowiak, J. J. 1999. *Having and Raising Children: Unconventional Families, Hard Choices, and the Social Good*. Penn State University Press.

Narveson, J. 1989. *The Libertarian Idea*. Temple University Press.

Olsaretti, S. 2017. Liberal Equality and the Moral Status of Parent–Child Relationships. In D. Sobel, P. Vallentyne, and S. Wall (eds.), *Oxford Studies in Political Philosophy: Volume 3*. Oxford University Press.

Page, E. 1984. Parental Rights. *Journal of Applied Philosophy* 1(2): 187–203.

Pande, A. 2010. Commercial Surrogacy in India: Manufacturing a Perfect Mother-Worker. *Signs* 35(4): 969–992.

Porter, L. 2015. Gestation and Parental Rights: Why is Good Enough Good Enough? *Feminist Philosophy Quarterly* 1(1): 1–27.

Ragone, H. 1994. *Surrogate Motherhood: Conception in the Heart*. Westwind Press.

Rothman, B. K. 1989. *Recreating Motherhood: Ideology and Technology in a Patriarchal Society.* New York: W.W. Norton.

Richards, N. 2010. *The Ethics of Parenthood*. Oxford: Oxford University Press.

Richards, N. 2017. How We Acquire Parental Rights. In L. Francis (ed.), *The Oxford Handbook of Reproductive Ethics*. Oxford: Oxford University Press.

Rulli, T. 2016a. Preferring a Genetically-Related Child. *Journal of Moral Philosophy* 13: 669–698.

Rulli, T. 2016b. The Ethics of Procreation and Adoption. *Philosophy Compass* 11: 305–315.

Sayani, M., and Schicktanz, S. 2016. Failed Surrogate Conceptions: Social and Ethical Aspects of Preconception Disruptions During Commercial Surrogacy in India. *Philosophy, Ethics, and Humanities in Medicine: PEHM* 11. DOI: 10.1186/s13010-016-0040-6

Scheffler, S. 1986. Morality's Demands and Their Limit. *The Journal of Philosophy* 83(10): 531–537.

Scheffler, S. 1997. Relationships and Responsibilities. *Philosophy & Public Affairs* 26(3): 189–209.

Scheffler, S. 2004. Projects, Relationships, and Reasons. In R. J. Wallace (ed.), *Reason and Value: Themes From the Moral Philosophy of Joseph Raz*. Oxford University Press.

Scheffler, S. 2010. Morality and Reasonable Partiality. In B. Feltham and J. Cottingham (eds.), *Partiality and Impartiality: Morality, Special Relationships, and the Wider World.* Oxford University Press.

Shultz, M. 1990. Reproductive Technology and Intent-Based Parenthood: An Opportunity for Gender Neutrality. *Wisconsin Law Review* 1990: 297–398.

Steiner, H. 1994. *An Essay on Rights*. Oxford University Press.

Stroud, S. 2010. Permissible Partiality, Projects, and Plural Agency. In B. Feltham and J. Cottingham (eds.), *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*. Oxford University Press.

Stumpf, A. E. 1986. Redefining Mother: A Legal Matrix for New Reproductive Technologies. *The Yale Law Journal* 96(1): 187–208.

Taylor, R. S. 2009. Children as Projects and Persons: A Liberal Antinomy. *Social Theory and Practice* 35(4): 555–576.

Teman, E. 2008. The Social Construction of Surrogacy Research: An Anthropological Critique of the Psychosocial Scholarship on Surrogate Motherhood. *Social Science & Medicine* 67(7): 1104–1112.

Tong, R. 1990. The Overdue Death of a Feminist Chameleon: Taking a Stand on Surrogacy Arrangements. *Journal of Social Philosophy* 21: 40–56.

Vallentyne, P. 2003. The Rights and Duties of Childrearing. *William and Mary Bill of Rights Journal* 11(3): 991–1009.

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

Velleman, D. 2005. Family History. *Philosophical Papers* 34: 357–378.

Velleman, D. 2008. Persons in Prospect. *Philosophy & Public Affairs* 36: 245–266.

Wiggins, D. 1991. Truth, Invention, and the Meaning of Life. In *Needs, Values, Truth*, 2d edition, pp. 87–137. Oxford: Blackwell.

Williams, B. 1981. *Moral Luck*. Cambridge University Press.

Wolf, S. 2007. Meaning in Life and Why it Matters: Lectures 1 & 2 (delivered at Princeton University). In S. M. McMurrin (ed.), *The Tanner Lectures on Human Values* Cambridge: Cambridge University Press.

Wolf, S. 2015. *The Variety of Values: Essays on Morality, Meaning, and Love*. Oxford University Press.

Appendix

Note: This short piece is an extended negative discussion of the Gestationalist View.

Biological Parenthood: Not Gestational

Abstract: Parenting our biological children is a centrally important matter, but how, if it all, can it be justified? According to a contemporary influential line of thinking, the acquisition by parents of a right to parent their biological children should be grounded by appeal to the value of the intimate emotional relationship that gestation facilitates between a newborn and a gestational procreator. I evaluate two arguments in defence of this proposal and argue that both are unconvincing.

Keywords: Parental Partiality, Right to Parent Biological Children, Gestationalist View, Personal Relationship

1. Introduction

According to the

> ***Gestationalist View,*** gestation typically facilitates an intimate emotional relationship between a gestational procreator and her unborn child.

This is an influential account of the acquisition of a moral right to custody of biological children in contemporary discussions on parental partiality.[1]

Why talk about the acquisition of a right to parent our biological offspring? For one thing, the question merits attention within the ethics of partiality, specifically justifying partiality toward our biological children. But the question also bears on contemporary political theory. On commonly endorsed interest-based approaches to parental rights, rights to parent biological offspring do not necessarily follow from the protection of any relevant party's interest by a right, whether that be a parent-centred right (protection of a parent's interest in parenting), a child-centred right (protection of a child's interest in being parented), or a dual-interest approach focused on both.

For example, we might hold a child-centred view according to which one has a right to parent a particular child by virtue of being the best parent for that child. Whoever is deemed the best parent for any given child need not be that child's biological procreator, assuming that an appropriate evaluative standard of parenting excellence can be determined.

The argument by the Gestationalist View typically runs that, by the time of birth, the intimate relationship between a gestational procreator and her child amounts to a non-instrumentally valuable good that both the gestational procreator and her gestating

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[1] See Gheaus (2012: 2018). Other independent Gestationalist accounts are developed by Narayan (1999), Rothman (1989), and Feldman (1992). For an account of the phenomenology of pregnancy, see Mullin (2005).

fetus have an interest in maintaining.[2] Taking birth children away from their birth parents would destroy considerable normative value. This relationship should therefore be protected.

I here evaluate two arguments in defence of this idea and argue that they are both unconvincing. In the next section, I discuss an argument according to which the relationship between fetus and gestational procreator is a *sui generis* intimate relationship with special value. In the third section, I evaluate an argument that defends the idea that there exists a relationship by appeal to the idea that children would be harmed by separation at birth from their gestational procreator. I conclude in Section 4.

An upshot of my discussion is that the story of how one of the most foundational elements of partiality, partiality to biological children, is justified is not as 'neat' as one might have hoped and that we will have to turn to alternative justificatory avenues to provide a defence of one of our strongest convictions regarding parental partiality.

2. A *Sui Generis* Emotional Relationship

Let's begin by examining the Gestationalist View's claim that at birth there exists a non-instrumentally valuable intimate relationship between newborn and gestational procreator.

Whatever the nature of this relationship at birth, it seems to lack the emotional complexity, intimacy, and intensity of other paradigmatically valuable intimate relationships such as loving relationships between adults, parental love at later stages of parenthood, and the love between siblings.

[2] In more recent work, Gheaus (2018) argues that only children's interests in this relationship facilitated through gestation are relevant.

But perhaps facts about the complexity and richness of a relationship do not fully determine its relative importance for the individuals involved in the relationship. One way of cashing out this idea is to suggest that the newborn–gestational procreator relationship is a *sui generis* relationship that is valuable despite lacking much of what characterises paradigmatically valuable intimate relationships.

To begin, the parent–child relationship is already highly asymmetrical, and the fetus–gestational procreator relationship is even more so. It is therefore helpful to consider the idea of a valuable *sui generis* relationship from the perspective of each participant.

The Newborn's Perspective

We cannot ask newborns how they feel about their gestational parents right after birth. But as a first step, it is possible to examine their behaviour.

At birth, an infant is drawn toward its gestational procreator's voice and smell, such as the scent of her amniotic fluid.[3] The development of these abilities begins in the last trimester of pregnancy, during which a fetus' auditory and olfactory systems develop sufficiently for a fetus to start to learn the gestational procreator's voice and odours.

This might suggest that insofar as newborns display preferential treatment toward their gestational parents after birth, they have already formed an emotional relationship with them.

But the issue is not so straightforward.

A first question concerns how infants' behavioural patterns at birth should be interpreted. Do they indicate the *existence* of attachment? Or do they *reflect a process* whereby strong emotional bonds are created? Clinical evidence suggests that the latter is the case: infants' behaviour at birth reflects an evolutionary predisposition to *attract* the attention of a caregiver in order to ensure their survival. Infants enter the world

[3] Sullivan et al. (2011), pp. 2–3.

with an urge, not to maintain an intimate emotional relationship with their gestational carrier, but to *form* a strong emotional attachment with any potential caregiver in their immediate vicinity.[4] Babies are born with cognitive skills that allow them to recognise and respond to caregivers. For example, they are immediately able and ready to draw a caregiver—anyone keeping them healthy and alive—into a relationship with them.

The Gestationalist View will, of course, want to resist this interpretation. It might say that an infant's favourable behaviour toward the gestational parent right after birth really does show that some form of affectional relationship with her exists, and that, by virtue of being the most developed attachment a newborn can have, it ought to have its value protected.

Let's probe this idea some more.

If a valuable relationship does exist at birth, it must be primarily characterised for the fetus by experiences of hearing, smelling, and feeling the gestational procreator during gestation once the relevant faculties are appropriately developed.

Is this sufficient to characterise a relationship in the 'thicker' normative respect (beyond just a biological connection) that is usually appealed to in the context of justifying partiality toward other friends and family?

Now, to clarify, the point is not to deny that the (developed) parent–child relationship is one of the strongest and most valuable intimate relationships. The question is rather whether whatever relationship exists at birth is normatively significant enough to outweigh the considerations that may speak in favour of assigning the parental rights to other or non-biological parents.

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[4] See Prior and Glaser (2006), Ch. 2, and Brandon et al (2009).

And the bar to meet here is non-trivial: in principle, re-allocating newborns away from their birth parents to adoptive parents can mitigate social injustices or even lead to better care for the children.[5]

So, the Gestationalist View cannot just point to the *existence* of some form of attachment. This attachment needs to be *sufficiently* normatively weighty to establish a right. In this respect, I disagree with the contention that 'by virtue of being the most developed [emotional] relationship that a new-born can have' the relationship between newborn and gestational procreator ought to be protected.[6]

With this in mind, consider the following case to support the idea that the relationship ought to be protected:

> ***Limited Relationship:***[7] Imagine an attachment between a cognitively impaired adult, Ann, and her caregiver, Beth, who is the only person with whom Ann has a relationship.

Is this relationship sufficiently normatively significant and therefore deserving of protection despite its limited complexity and richness?

I think that appeal to *Limited Relationship* is unhelpful in answering this question. It is underspecified and contains confounding factors that render it improperly equalised with the case of a fetus during the gestational period. Once we draw attention to these factors, I think we can see that the case is unhelpful as an analogy to illustrate that the newborn–gestational procreator relationship is sufficiently normatively significant:

- **Kind of interaction:** Suppose we equalise the kind of interaction that Ann is capable of with that of a fetus during gestation. Admittedly, our

[5] See Gheaus (2012), pp. 445–446.

[6] Gehaus (2018), pp. 235–237.

[7] See Gheaus (2018), p. 236, who supports her argument by appeal to this case.

imagination might be somewhat challenged here, but suppose that Ann's cognitive development is equivalent to that of a fetus. She is not able to see Beth or in any deliberate respect comprehend Beth's presence, but she has some rough olfactory and touch-based perception of her.

- **Process of interaction:** Neither is interaction possible in the way in which it typically constitutes other interpersonal relationships, even between adolescent impaired people and their caretakers. Instead, imagine that the interaction between Ann and Beth is limited so as to resemble the interaction that is possible through gestational containment. Suppose, for example, that Ann and Beth are separated by a transparent rubber wall thin enough for Ann to feel and hear Beth through it.
- **History of interaction:** Lastly, the history and amount of interaction also have to be equalised. Usually, a fetus' ability to hear and respond to the gestational procreator's voice begins in the third trimester (week 28), so we should imagine a relationship between Ann and Beth that has lasted for about two months.
- **Amount of interaction:** In terms of the amount of interaction, it may be difficult to find an analogy since gestation is such a distinctive phenomenon, but suppose that Beth spends a couple of hours every day talking to Ann and feeling her through the rubber wall.

Having specified these features of *Limited Relationship* in more appropriate detail, we can now ask: would Ann feel a loss if Beth were now replaced by another caretaker, or perhaps even a caregiving robot, who gives Ann everything that Beth gave her (nourishment, touch, and voice)?

I think that the answer is No.

Once *Limited Relationship* is better equalised, and we reflect again on the question to what extent the case shows that the relationship between newborn and gestational

procreator is sufficiently normatively significant from the perspective of the new-born, I think the intended implication of the case is debunked. It is debunked because, given more careful specification of the features intended to characterise the valuable relationship between Ann and Beth, it seems mysterious what the exact nature of Ann's loss could be.

The Gestational Procreator's Perspective

What is the gestational relationship like from the perspective of the gestational procreator?

Gestational procreators are usually highly emotionally invested in their pregnancy.[8] This investment is facilitated in part through the costs that pregnancy incurs and in part through the many forms of interaction with the fetus, such as seeing it on ultrasound images, hearing its heartbeat, and feeling its movements. Gestational procreators often invest attention in the waking and sleeping patterns of their child and bond with the newborn through delivery, which, as countless testimonies show, is usually one of the most memorable experiences in the lives of birth parents.

But even though the experience of pregnancy is extremely rich and valuable, gestational procreators do not know much about the unborn participant in the relationship apart from the limited forms of interaction available; the rest of their impression is grounded in personal projection and fantasy.[9] As Little (1999) notes: 'With gestation […] there is little to the relationship, as a relationship, other than the biological substrate and the woman's experience and conception of it.' This is not to deny that these

[8] Gheaus (2012), pp. 446-51, and (2018), pp. 234-7.

[9] See also Little (1999), p. 311.

investments are valuable, only to point out that their value need not be entirely grounded in the value of an extant intimate relationship.[10]

The problem, again, is that it seems like too much of a stretch to suppose that loving actions and emotions and the bestowal of benefits add up to the existence of a sufficiently weighty normatively significant personal relationship.

To see the point, consider the case of

> ***Secret Admirer:***[11] Imagine that Chloe is a singer in a bar who feels a strong affection for Daisy, a regular visitor, with whom she has never spoken.

Assume that Chloe cannot see Daisy, though she can sense her in some indistinct physical way. It seems true that Chloe feels a strong sense of anticipation and fantasy in relation to Daisy. We can also suppose that Daisy feels a sense of security and love when listening to Chloe's singing. But their 'connection' does not seem to have the form that we find in valuable relationships.

This point can be further borne out by considering the constitutive features of the valuable *sui generis* relationship between newborn and gestational procreator. Accounts of friendship or love maintain that the value of these relationships is grounded in certain properties of a beloved, in reciprocity of interaction or a shared history, or in both features.[12] According to these accounts, the loving relationship between somewhat older children and their parents might be characterised by lovable characteristic features and the shared history of living together.

However, it seems difficult to see how these frameworks can account for the value of gestational relationship. We have already noted that this relationship is very short-

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[10] See Lange (manuscript), which extensively explores this idea.

[11] See Ferracioli (2018), pp. 94–5, for a similar argument.

[12] See Benett (2021) for a recent overview of the various accounts of love.

lived, simple, and sparse in its constitutive interactions. Neither participant knows much about the other's properties, and most interaction is one-directional rather than reciprocal, though the gestational procreator's investment is indeed significant. In light of these details, what would be the constitutive features that ground its special value?

Of course, the absence of a detailed account of the value of the relationship between newborn and gestational procreator hardly shows that no account could be developed. However, by the same token, insisting that an account *could* be developed is hardly a convincing defence of this way of grounding the right to parent biological children.

One might wonder why we should be so strict about the standard for what counts as a valuable intimate relationship. If we set such a demanding standard for the loving relationship that the Gestationalist View posits to exist between newborn and gestational procreator, it seems that parents might not be able to form what would count as valuable relationships with their infants. And this seems highly implausible.

However, my argument does not entail that parents cannot form valuable relationships with their offspring. It entails only that they cannot do so until *after* birth. The normative picture changes very rapidly once a child is born. Typically, intimacy and attachment arise readily and rapidly within the first two weeks after birth with any person who nurtures the newborn.[13] This is when the strong emotional bond develops that is often characteristic of early parent–child relationships.

3. The Harm Argument

A second way to argue for the presence of a normatively significant attachment between newborn and gestational procreator is to maintain that separating them would *harm* the newborn. Call this the *Harm Argument*. (The separation here consists in the child's being appropriately separated shortly after birth and given to an adoptive

[13] Sullivan et al. (2011), pp. 3–5.

parent.) On this line of reasoning, the fetus–gestational procreator relationship is *instrumentally* valuable.

Let's look at the empirical evidence first.

There is mixed empirical evidence to suggest that separating an infant from a gestational carrier at birth does not damage the infant in the short or long term so long as it occurs within an appropriate context and time range. Children do not lose out in this way on the development of an intimate emotional bond with their adoptive parents. For example, Gomblok et al. (2017) note:

> Despite the concern that children born through reproductive donation would be at risk for psychological difficulties at adolescence, the findings of the present phase of this longitudinal study of families formed through egg donation, donor insemination, and surrogacy showed that these families did not differ from natural conception families when the children reached age 14.[14]

However, to prevent too one-sided an empirical assessment, this kind of study should be contextualised in light of counter-evidence indicating that adoptive children are at a higher risk of encountering psychological problems later in life.[15] I don't want to get hung up on the empirical facts here—the relevant point, to my mind, is that our current empirical knowledge does not conclusively favour or disfavour the Harm Argument.

Moreover, a shortcoming of these empirical studies is that they study long-term effects of separation at birth and cannot therefore conclusively show that an infant is not harmed *at the very moment* of separation. This is because infants could presumably forget about the painful rupturing of the bond with their gestational procreator.

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[14] Gomblok et al. (2017), pp. 1973–4.

[15] Keynes et al. (2008).

Agnafors (2014) draws on this idea and offers a conceptual version of the Harm Argument. He writes that

> The child is then harmed to the extent that the separation from the surrogate (the gestational mother) increases its difficulty to successfully form a healthy attachment bond, since such attachment is crucial to successfully developing social and emotional functioning. As stressed earlier, this is not to say that a child whose attachment process is interrupted cannot, or will not, develop normal emotional and social functionings. Thankfully, the child's adaptive capacities and a loving environment are likely to ensure a healthy development. But pointing to apparently normal families and teenagers, or the potential or likely development into such, does not suffice to show that surrogacy involves no morally relevant harm, just as it cannot be proven that a man has not suffered a great harm when, say, losing a leg 10 years ago, by showing that he feels fine today, or that divorces are not harmful because children and parents are usually fully functional individuals in the long run.[16]

So even though interrupting the process of attachment does not prevent an infant from successfully bonding to another caregiver in the long term, doing so nonetheless reduces the infant's chances of successfully developing a filial attachment by virtue of ending its ongoing attachment process. This reduction of attachment success chance, according to Agnafors, constitutes a harm to the newborn.

Agnafors' argument is a helpful reminder why the normative issue cannot be easily settled by empirical data, but I think it nonetheless misses its mark.

First, it does not follow that separation from gestational procreators at birth increases attachment difficulty for newborns. This is because it need not be the case that any given gestational procreator is indeed the most suitable caregiver for her biological newborn. So, whatever development of attachment would be lost by separation might be offset by a significantly greater 'attachment success' factor offered by a prospective

[16] Agnafors (2014), p. 360.

adoptive parent. An adoptive caregiver might accordingly provide the newborn with *better* chances of attachment. This means that even this version of the Harm Argument needs to rely on additional empirical premises that do not seem obviously true.

Second, even if we assume that the chances of successful attachment for the newborn are reduced and that this harms the newborn, it need not be impermissible. Not all harms are categorically morally prohibited: Just because your success as an academic philosopher makes me unhappy, it does not follow that you have violated a duty by succeeding in your pursuits.

So, the argument must be that separating a newborn from its gestational parent constitutes a morally relevant and significant harm. In contrast to the person who loses a limb after an accident, who can and likely does express great grief and pain after the fact, a newborn cannot tell us what it thinks or feels right at birth, and we have no other way to discern this. Since we cannot ask a newborn, and since re-attachment to an adoptive caregiver occurs readily, I think the appropriate abductive conclusion to draw is indeed that no significant harm is done.

4. Conclusion

I have evaluated and argued against two arguments that support the Gestationalist View's claim that at birth there exists a valuable intimate personal relationship between newborn and gestational procreator.

It is instructive to return to an earlier issue, namely the question of why we ought to be so strict with the kinds of attachments or connections that we label as 'normatively significant personal relationships' that merit protection. The idea is not to apply unnecessarily demanding standards to these relationships just for the sake of it but rather to reinforce their normative importance by carefully delineating the limits of their application to prevent the notion from becoming a 'black box' for any loose attachment whatsoever. Valuable personal relationships are one of the most important

elements of a meaningful life, and they have great impact on how we ought to live day in and day out.

My arguments may imply that the story of how we justify one of the most foundational elements of partiality, partiality to biological children, is not as 'neat' as one might have hoped—it is not as neat as saying that the in-utero connection is already a normatively significant personal relationship and in virtue of that justifies the right to parent biological children—yet our normative framework should not be guided by conceptual convenience. Normative reality can be complicated, and, as I have argued elsewhere, a plausible alternative account of how particular parental rights are acquired (if not by way of the Gestationalist View) is readily available.

References

Agnafors, M. J. 2014. The Harm Argument Against Surrogacy Revisited: Two Versions Not to Forget. *Medicine, Health Care and Philosophy* 17(3): 357–363.

Archard, D. 2010. The Obligations and Responsibilities of Parenthood. In D. Archard and D. Benatar (eds.), *Procreation and Parenthood: The Ethics of Bearing and Rearing Children*, pp. 103–127. Oxford: Oxford University Press.

Helm, Bennett, 2021. Love. Forthcoming in E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy.* https://plato.stanford.edu/archives/fall2021/entries/love/

Brandon, A. R., Pitts, S., Denton, W. H., Stringer, C. A., and Evans, H. M. 2009. A History of The Theory of Prenatal Attachment. *Journal of Prenatal & Perinatal Psychology & Health* 23(4), 201–222.

Brazier M., Golombok S., and Campbell A. 1998. Surrogacy: Review for the UK Health Ministers of Current Arrangements for Payments and Regulation. http://webarchive.nationalarchives.gov.uk/20110208100210/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4014373.pdf, 1–99.

Brighouse, H., and Swift, A. 2014. *Family Values: The Ethics of Parent–Child Relationships.* Princeton: Princeton University Press.

Ferracioli, L. 2018. Procreative-Parenting, Love's Reasons and the Demands of Morality. *The Philosophical Quarterly* 68, 77–97.

Gheaus, A. 2012. The Right to Parent One's Biological Baby. *Journal of Political Philosophy* 20(4): 432–455.

Gheaus, A. 2018. Biological Parenthood: Gestational, Not Genetic. *Australasian Journal of Philosophy* 2: 225–240.

Keyes, M. A., Sharma, A., Elkins, I. J., Iacono, W. G., and McGue, M. (2008). The Mental Health of US Adolescents Adopted in Infancy. *Archives of Pediatrics & Adolescent Medicine* 162(5): 419–425.

Little, M. O. 1999. Abortion, Intimacy and the Duty to Gestate. *Ethical Theory and Moral Practice* 2: 295–312.

Ragone, H. 1994. *Surrogate Motherhood: Conception in the Heart*. Westwind Press.

Sullivan, R., Perry, R., Sloan, A., Kleinhaus, K., and Burtchen, N. 2011. Infant Bonding and Attachment to the Caregiver: Insights from Basic and Clinical Science. *Clinics in Perinatology* 38(4): 643–655.

Prior, V., and Glaser, D. 2006. *Understanding Attachment and Attachment Disorders: Theory, Practice and Evidence*. Kingsley Publishers.

Other-Sacrificing Options

Abstract: I argue that you can be permitted to discount the interests of your adversaries even though doing so would be impartially suboptimal. This means that, in addition to the kinds of moral options that the literature traditionally recognises, there exist what I call other-sacrificing options. I explore the idea that you cannot discount the interests of your adversaries as much as you can favour the interests of your intimates; if this is correct, then there is an asymmetry between negative partiality toward your adversaries and positive partiality toward your intimates.

Keywords: Moral Options, Commonsense Morality, Other-Sacrificing, Negative Partiality, Self-Other Asymmetry, Other-Favouring, Symmetry, Moral Space, Partiality

1. Introduction

Commonsense morality denies that you are always required to do what is best from an impartial point of view. According to one interpretation of this postulate, this means that you have

> ***Agent-Centred Moral Options (henceforth just 'options'):*** Permissions to bring about outcomes that are impartially suboptimal in that they promote your own or your intimates' interests.[1]

This interpretation of options maintains that you can sometimes permissibly do what is impartially suboptimal, but you are not required to do it—that is, you are still permitted to do what is impartially best. Many people believe that options of this sort exist, but they are tricky to defend.[2] Much debate has consequently focused on how, if at all, different moral theories can accommodate them.[3]

This paper argues that matters are even more complicated than has previously been recognised. I defend a new kind of option, which I call an

> ***Other-Sacrificing Option:*** A permission to bring about an outcome that is impartially suboptimal because it discounts your adversaries' interests.

Your adversaries are those with whom you stand in a morally negative personal relationship. This relationship is constituted by a morally significant history of negative

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[1] Scheffler (1982) calls these options 'agent-centred prerogatives'. The difference is only terminological. I follow Kagan (1989), pp. 6–10, and understand 'interests' here broadly as opposed to narrowly in terms of pure self-concern.

[2] Kagan (1989) argues at length that options cannot plausibly be defended.

[3] The *locus classicus* for a defence of an agent-centred prerogative is Scheffler (1982). Other defences of options, though this list is by no means exhaustive, are Sider (1993), Portmore (2003; 2008), and Bader (forthcoming).

interactions. If you have a choice between giving a moderate benefit to your adversary and giving a smaller benefit to a stranger, I argue that you are permitted to benefit the stranger.

I defend other-sacrificing as follows. Sections 2 and 3 each give an argument for the permissibility of other-sacrificing: an intuitive argument and a symmetry argument, respectively. Section 4 considers the relation between other-favouring and other-sacrificing options. I explore a view according to which you may not permissibly discount the interests of your adversaries as much as you may favour the interests of your intimates. Section 5 concludes by examining two of the most promising approaches for justifying options. I find that only one of them has the resources to account for the evolution of permitted other-favouring and other-sacrificing in moral space.

2. The Intuitive Argument

Suppose that in

> **Intimate vs. You,**[4] you can either
>
> 1. Benefit your intimate by 1 unit or
> 2. Benefit yourself by 5.

If you have the choice of providing a small benefit to an intimate or a moderately greater benefit to yourself, impartial consequentialism says that you must give the

[4] Most of the cases that will be considered in what follows are abstract but nonetheless informative. I focus on outcomes and make simplifying assumptions about the means by which you might be helping or burdening people. I understand the bestowing of benefits as including the prevention of evils, assume that prospective benefits and burdens are unowned, and set aside issues concerned with details of the causal structure of the provision of benefits and burdens in question.

benefit to yourself because this will bring about the most good. Commonsense morality disagrees. It permits you to give less weight to your own good and give the small benefit to your intimate. However, it does not generally require you to do so.

Put more abstractly, some think that since it is permissible to give the smaller benefit to your intimate in *Intimate vs. You,* you have a

> ***Self-Sacrificing Option:***[5] A permission to bring about an impartially suboptimal outcome because it discounts your own interests.

Suppose next that in

> **Intimate vs. Intimate,** you can either
>
> 1. Benefit one of your intimates by 1 unit or
> 2. Benefit another intimate by 5.

If you have the choice of providing a small benefit to one of your intimates or a moderately greater benefit to another intimate, who is equally dear to you, many think that you may *not* permissibly give your first intimate the lesser benefit. You are required to give the greater benefit to the second intimate.

These two cases are in some respects parallel, yet your permissions differ. The benefits you may provide in each case are the same, but only in *Intimate vs. You* are you permitted to forgo providing the greater benefit. A natural explanation for this difference is the fact that in *Intimate vs. You* you face the choice of sacrificing *your own* good whereas in *Intimate vs. Intimate* you face the choice of sacrificing the greater good of

[5] Stocker (1976) first noted the existence of this option. See also Slote (1984; 1985). For a detailed discussion of the relation between self-sacrificing options and options to favour your own interests, see Hurka and Shubert (2012).

someone else, namely of one of your intimates.[6] We might therefore conclude that there exists a morally significant *Self/Other Asymmetry*.

Many think that such a Self/Other Asymmetry categorically rules out the permissibility of other-sacrificing. Douglas Portmore expresses this point as follows:

> On common-sense morality, there is an asymmetry between what an agent is permitted to do to herself and what she is permitted to do to others (hence, the name): specifically, whereas it is permissible for an agent to sacrifice her own greater good for the sake of providing others with some lesser net benefit, it is not permissible for an agent to sacrifice someone else's greater good (even with her permission) for the sake of providing yet others with some lesser net benefit.[7]

This claim is false. Though other-sacrificing is impermissible in *Intimate vs. Intimate,* it does not follow that it is always impermissible. It can be permissible within the domain concerned with partiality in relation to your *adversaries* as opposed to your *intimates*.

To recognise this domain, suppose that you conceive of yourself and your personal relationships as existing in a kind of moral space.[8] You are closest to yourself. The distance between you and someone else—but not necessarily between you and

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[6] For an argument that consent is not a relevant explanation, see Stocker (1976), pp. 210–212, and Slote (1984), pp. 190–191.

[7] Portmore (2008), p. 411. This asymmetry was first introduced by Stocker (1976), Section 2, and later more extensively explored by Slote (1985), Ch. 1. See also Sider (1993).

[8] Broad (1942), p. 55, has alluded to moral space in the context of special obligations, and Bader (2016; forthcoming) provides a more explicit account of moral space. Nozick (1974), p. 57, has written about moral space in the slightly different context of moral rights.

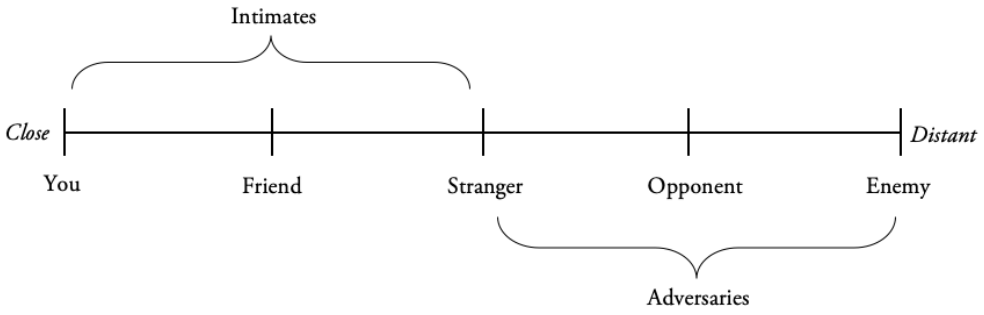
yourself—is a function of the personal relationship that you have with them.[9] Among other variables, this function may include the nature of your personal interactions, the intensity of your relationship, and whether your relationship is one-directional or reciprocal. Intimates such as your family members and friends are closer to you in moral space than strangers by virtue of the positive personal relationship that you have with them. Your positive personal relationships are constituted by histories of various forms of morally significant positive encounters.

Strangers represent a morally neutral midpoint. They represent how much you should promote people's interests independent of any personal relationships that you have with them.

If your intimates are the ones located closer to you in moral space than strangers, then there can also be people who are morally distant from you—that is, located farther away from you than strangers. These people are your adversaries. They are more distant from you than strangers by virtue of your negative personal relationship with them. Your negative personal relationships are constituted by histories of morally significant negative encounters.

Illustration 1. Distance in Moral Space

[9] For simplicity, I here assume that the totality of facts of how people relate to one another determines *net* moral distance. This leaves open the possibility of *multidimensional* accounts of moral space, which would allow for 'frenemy' relationships—*i.e.* relationships with people who are dear intimates and bitter adversaries in equal proportion.



Other-sacrificing is *impermissible* when you are concerned with bestowing benefits on your intimates. However, other-sacrificing may be *permissible* when you are concerned with bestowing benefits on your adversaries.

Suppose that in

> **Stranger vs. Adversary,** you can either
>
> 1. Benefit a stranger by 1 unit or
> 2. Benefit your adversary by 5.

This case is parallel to *Intimate vs. Intimate* except that your personal relationship to one of your beneficiaries has changed. Whereas you previously had the choice of sacrificing the good of your intimate, with whom you stood in a morally positive relationship, you now face the prospect of sacrificing the good of your adversary for someone with whom you stand in a morally neutral personal relationship.

The fact that you stand in a morally negative personal relationship with your adversaries is morally significant. It can render it permissible for you to *discount* their interests. We may think that you are therefore permitted to give the lesser benefit to the stranger in *Stranger vs. Adversary*.

Here is a vignette that lends colour to *Stranger vs. Adversary* and elicits the normatively significant factors that characterise adversarial personal relationships and justify an other-sacrificing response:

> ***Callous Colleague**:* Imagine that Ann's co-worker Beth has recently been very mean to her with no justification, being very keen to point out typos in her document write-ups or to delay her admin requests. Ann has tried talking to Beth about their having started off on the wrong foot, but Beth has not shown any willingness to change. Suppose now that Beth could really use Ann's help with preparing a document for an upcoming meeting, a favour that Ann could grant Beth easily by having a chat with her, thus making her very happy. However, suppose that Ann could also instead help her new co-worker Chloe with preparing a document for her first weekly report. For this she would have to have an equally long chat with Chloe. This would make Chloe happy, though not quite as happy as receiving Ann's help would make Beth. Further, suppose that Chloe herself has also had a rough start at her new workplace and has been mean to almost all her new colleagues except Ann, whom she has not yet met.

Assuming that Ann must make a choice to help either Beth or Chloe, that the cost of helping both in the form of a short clarifying conversation is the same, and that Beth and Chloe have been equally mean in the past to people in general, is Ann permitted to give less weight to Beth's interests in the prospectively greater benefit that she could receive and instead help Chloe?

Intuitively, it seems that Ann is indeed permitted to discount Beth's interests by virtue of their history of negative interactions. Though a single act of not approving an admin request or pointing out mistakes in a document write-up may not suffice to justify a discounting response with notable practical consequences, a history of such negative acts becomes more normatively significant.[10] The fact that Beth fails to adjust her

[10] See Kolodny (2010) for an attempt to explain the normative significance of historical interactions by appeal to a *resonance principle*. In his discussion of negative partiality, he argues that morally negative personal relationships can never justify a retaliatory response in the form

behaviour upon being repeatedly confronted by Ann creates a morally negative personal relationship that is constituted by a history of acts of hindering and ingratitude, along with a lack of cooperation.

However, though Ann's other-sacrificing response is reasonable, it does seem like an intuitive stretch to assert that Ann is *required* to provide her adversary with the lesser benefit. We might think that though there is something morally admirable about her choosing not to act on her other-sacrificing permission, to suggest that it would be *wrong* if she chose not to act on it is implausible.

It is worth clarifying that Ann has a distinctively *agent-relative*, as opposed to *agent-neutral*, reason to discount Beth's interests as she decides whether to bestow a benefit on her: this would be a justified response for Ann, but not necessarily for anyone else.[11] For example, Ann's reason is not fully explained by the fact that, from an impartial point of view, Beth morally deserves to be treated less favourably. Explaining the permissible discounting of your adversaries' interests entirely by appeal to the fact that they are impartially less deserving of being benefited is as implausible as attempting to explain the permissible favouring of your intimates' interests by appeal to their being more deserving of being benefited. Neither positive partiality to your intimates nor

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of *harming* your adversary (pp. 186–9). This claim is consistent with (though not necessarily implied by) my view in this discussion, since I defend a permission to *discount the interests of*, as opposed to *harm*, an individual with whom you have a negative personal relationship. The conditions under which other-sacrificing options may imply a permission to burden your adversaries receive attention at the end of Section 4.

[11] Neither is Beth permitted to discount Ann's interests. Ann may discount Beth's interests but not *vice versa* since Ann does not mirror Beth's negative behaviour. More generally, this illustrates that morally negative personal relationships can be *asymmetrical*: You are not necessarily your adversary's adversary.

negative partiality in relation to your adversaries is entirely reducible to agent-neutral considerations such as moral desert.

3. The Symmetry Argument

The previous section made the intuitive case for other-sacrificing options. But we can say more to support their existence: We can appeal to reasons of symmetry. If symmetry considerations lead us from independently plausible phenomenon *A* to some other phenomenon *B*, then this provides some evidence for the plausibility of phenomenon *B*.

There are two ways to conceptualise the various types of suboptimal behaviour that commonsense morality typically countenances. I do not commit here to either conception. My aim is merely to show that both allow us to appeal to symmetry considerations to derive the permissibility and, more problematically, perhaps even the requirement of other-sacrificing.

Here is the first picture. According to what we can call the

> ***List Picture***, impartially suboptimal behaviour should be understood in terms of a list of permissions.[12]

On this view, there exists a list of different kinds of options, based on who enjoys the benefits or suffers the burdens—oneself or others.

For instance, the first item on the list reflects the fact that commonsense morality sometimes allows you to give more weight to your interests than to the interests of strangers. This item takes the form of a

[12] This is by far the most common picture of options. Theorists that rely on this picture are Kagan (1989), Scheffler (1982), Sider (1993), and Portmore (2006; 2008).

Self-Favouring Option:[13] A permission to bring about an impartially suboptimal outcome because it favours your own interests.

The second item reflects the fact that you are sometimes allowed to give more weight to the interests of your intimates than to the interests of strangers. This is an

Other-Favouring Option: A permission to bring about an impartially suboptimal outcome because it favours your intimates' interests.

We can illustrate the List Picture as follows:

Table 1. List Picture of Moral Options

Focal point / Response type	Favouring	Sacrificing
Self-	**Self-Favouring Option**	**Self-Sacrificing Option**
Other-	**Other-Favouring Option**	**?**

(As I shall argue below, I think an other-sacrificing option belongs in the bottom right cell and should be added to the list.)

An alternative view is available. Here is a second picture of options. According to what we can call the

[13] Early discussions of this permission are in Parfit (1977), Davis (1980), and Scheffler (1982).

> ***Agent-Neutral/-Relative Picture,*** impartially suboptimal behaviour should be understood in terms of permissibly acting from an agent-relative point of view.[14]

This picture understands options as a permission to take on and act from an agent-relative perspective that is sensitive to facts about moral closeness. You may centre this perspective on the person who is acting (the agent) or the person who is being acted upon (the patient). If you centre this perspective on yourself when you are concerned with benefiting your intimates, then their interests will matter *more* to you by virtue of the shorter moral distance between you and them. This can render it permissible for you to favour your intimates' interests over those of strangers even if this leads to a suboptimal outcome from the agent-neutral perspective. The agent-neutral perspective abstracts from any particular perspective.

The contrast with the List Picture becomes more apparent upon considering the following illustration:

Table 2. Agent-Neutral/-Relative Picture of Moral Options

Focal Point / Modification	Close (Favouring)	Unmodified / Neutral	Distant (Discounting)
Agent-Neutral	Impartiality		

[14] Kamm (1992), pp. 362–363, seems to allude to this kind of picture. Bader (forthcoming), Section 3, endorses it explicitly.

Agent-Relative	**Positive Partiality (oneself and others)**	**Neutral Partiality**	**?**

In contrast to the List Picture, which stipulates different *kinds* of options, this picture understands the various ways to engage in suboptimal behaviour in a *unified* fashion as acting from an agent-relative perspective. For example, the option to sacrifice your own interests for an intimate may be understood as your taking on the perspective of that intimate and favouring their interests from their own agent-relative point of view.[15]

This means that according to this picture, there exists only what we might call an

> ***Agent-Relative Favouring Option:*** A permission to bring about an impartially suboptimal outcome because it favours your own or your intimates' interests from the agent-relative perspective.

It is irrelevant for our purposes which of these two pictures of options is correct. Reasons of symmetry support the permissibility of other-sacrificing on either view. Other-sacrificing options can be understood as the negative mirror image of the other-favouring or agent-relative favouring option. We can see this by making explicit the negative

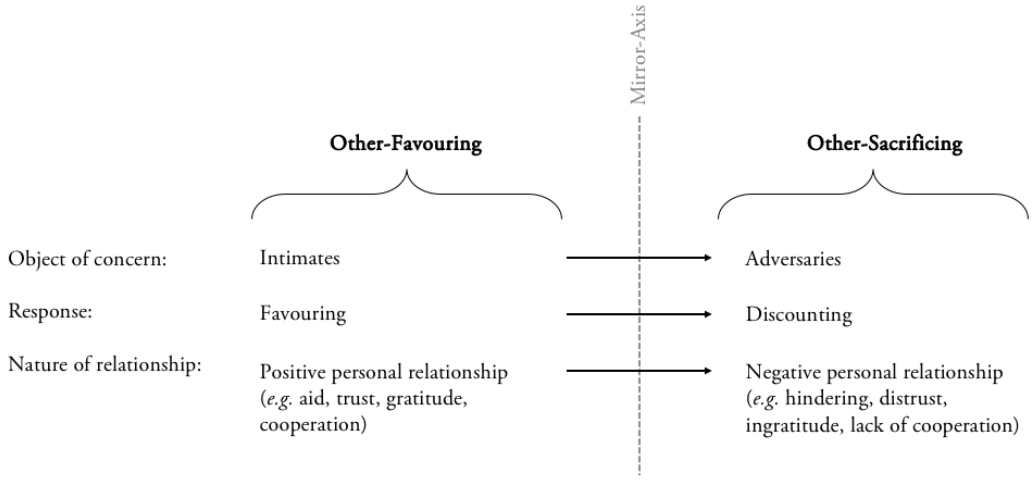
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[15] Though the Agent-Neutral/-Relative Picture *could* construe self-sacrificing options as a form of patient-self-favouring, whether it should is another matter; see Bader (2020), Section 6, for a discussion of the problems involved in doing so.

There is also a more general worry. As Slote (1984), p. 185, observes, despite their intuitive appeal, self-sacrificing options appear antithetical to the idea that moral closeness increases your options to favour. Some may take this tension to reinforce the plausibility of the List Picture—which need not ascribe ultimate explanatory significance to moral closeness facts—whereas others might see it as reason to be sceptical about the existence of self-sacrificing options altogether. I flag, but do not settle, this issue here.

counterparts of the constitutive elements of both options. Once we do this, we will end up with an other-sacrificing option.

Illustration 2. Negative Mirror Image of Other-Favouring



Other-favouring and agent-relative favouring options are forms of positive partiality to your intimates. You are permitted to favour the interests of your intimates over those of strangers by virtue of your *positive* personal relationships with them. Positive relationships with your intimates include normatively significant histories of interactions of, for example, aid, trust, gratitude, or cooperation, whereas your relationships with strangers, or rather the absence thereof, lack such a history.[16] As a result of your positive relationships with your intimates, they are morally closer to you than strangers, and you are permitted to favour them.

[16] I'm not claiming that all positive personal relationships are constituted by these kinds of interactions. For example, the parent–child relationship is structurally very different from the relationship between friends and characterised by distinctive interactions. See Lange (manuscript-a) for a discussion of permissible parental partiality. My claim is only that, insofar as there exist certain positive interactions that constitute positive personal relationships, they have negative counterparts.

If positive partiality to your intimates is permissible, then symmetry suggests that negative partiality as regards your adversaries is permissible as well. The permissible attitude to take toward your adversaries is the negative mirror image of the permissible attitude to take toward your intimates. This means that you are permitted to discount rather than favour the interests of your adversaries. The ground of your permission to discount your adversaries' interests is the negative mirror image of the ground of your permission to favour your intimates. If you are permitted to favour your intimates by virtue of your *positive* personal relationships with them, then you are permitted to discount your adversaries' interests by virtue of your *negative* personal relationships with them. The constitutive elements of your negative personal relationships with your adversaries are the negative mirror image of the constitutive elements of your personal relationships with your intimates. Negative relationships can be characterised by normatively significant interactions of, for example, hindering, distrust, ingratitude, and lack of cooperation.

We might now wonder: If reasons of symmetry can lead us from other-favouring to other-sacrificing *options*, can symmetry also lead us from duties to favour your intimates over strangers to *duties* to discount the interests of your adversaries?[17] I previously suggested that requirements to discount your adversaries' interests are intuitively implausible. However, symmetry seems to imply their existence.

Whether such requirements exist depends on our picture of options. I have here characterised the List Picture as concerned only with different kinds of options, but we might think that it naturally lends itself to a more encompassing interpretation: one that also includes duties of positive partiality to your intimates. If this is correct, then it seems natural to think that the List Picture should add duties to discount your

[17] I'm grateful to an anonymous referee for encouraging me to explore this idea in more detail.

adversaries' interests—the negative mirror image of positive duties of partiality to favour your intimates—to its list.

By contrast, the Agent-Neutral/-Relative Picture cannot, at the same time, imply both the existence of other-sacrificing options and that of other-sacrificing duties. According to the interpretation of that picture given here, you always have the choice to act from the agent-relative perspective, but you are never required to do so. This interpretation of the picture therefore cannot generate duties of partiality—positive or negative—at all.[18] According to a second interpretation, you are always *required* to act from your agent-relative perspective, perhaps precisely because it is *your* perspective. This interpretation implies the existence of certain kinds of duties of partiality, including duties to favour your intimates over strangers and, by appeal to symmetry, duties to discount your adversaries' interests. However, it cannot account for options.

So, either we get both other-sacrificing options and duties (List Picture), or we get only options, but no duties, of positive partiality (first interpretation of Agent-Neutral/-Relative Picture), or we get no options and only duties of partiality (second interpretation of Agent-Neutral/-Relative Picture). None of these possibilities seems entirely satisfactory.

4. The Fabric of Other-Sacrificing

If you are permitted to discount the interests of your adversaries, to what extent can you discount them? Is negative partiality in relation to your adversaries the negative mirror image of positive partiality to your intimates?

We can make more headway on these questions by reflecting on how the evolution of the degree of your permitted other-favouring options through varying distances in

[18] This is Bader's view (2020).

moral space is related to that of the degree of your permitted other-sacrificing options.[19]

First, imagine that in

Stranger vs. Close Intimate, you can either

1. Benefit a stranger by 5 units or
2. Benefit your close intimate by 1.

If you can give either a small benefit to your intimate or a moderately greater benefit to a stranger, intuitively it seems permissible for you to care more about your close intimate than the stranger and to give your intimate the benefit. However, it seems intuitively implausible that you may favour your intimate's interests over those of strangers by a greater amount. If the prospective benefit to the stranger becomes large enough, you will be required to benefit the stranger instead. Suppose that you are permitted to favour your close intimate by a ratio of 1:5, giving your intimate the lesser benefit.

Suppose now that in

Stranger vs. Very Close Intimate, you can either

1. Benefit a stranger by 10 units or

[19] There is an alternative to reflecting on permitted other-favouring and other-sacrificing at this coarse-grained level of partiality. We can also examine how the constitutive elements and nature of positive and negative personal relationships influence permitted other-favouring and other-sacrificing. For example, we might think that reciprocal positive personal relationships increase permitted other-favouring, whereas reciprocal negative personal relationships decrease permitted other-sacrificing, perhaps even to the point of permitting no discounting at all. See Lange (manuscript-b) for a fine-grained analysis of this sort.

2. Benefit your very close intimate by 1.[20]

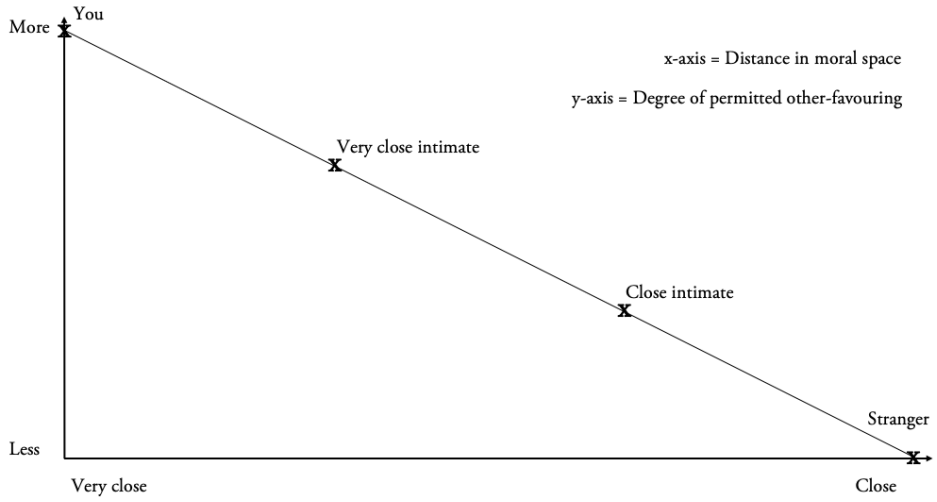
If you have a choice between giving a small benefit to your very close intimate or a much larger benefit to a stranger, we might think that you can permissibly benefit your intimate.

This seems intuitively plausible. You are permitted to favour the interests of your recent acquaintance whom you met at a dinner party to some degree, but you are surely permitted to favour the interests of your very good friend, whom you have known since your childhood, to a greater degree. Your permitted other-favouring might consequently *increase* as the moral distance between you and your intimates *decreases*, as shown in the following illustration.

Illustration 3. Evolution of Permitted Other-Favouring I[21]

[20] For clarification: I assume that the pairs of 'close intimate' and 'distant adversary' and 'very close intimate' and 'very distant adversary' are each pairs of negative mirror images in moral space.

[21] The illustrations in this section are intended as rough visualizations of what is said in words. They do not purport to offer precise mathematical quantifications of moral space or degrees of favouring/sacrificing.



In a nutshell: the closer your intimates are to you, the more you can favour them.

Some might be drawn towards a more nuanced view. Suppose that in

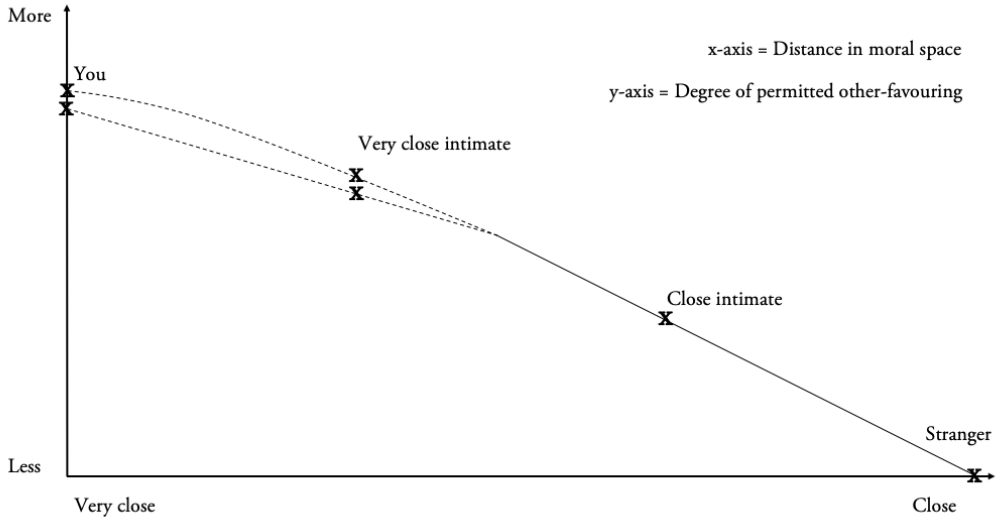
Stranger vs. Very Close Intimate*, you can either

1. Benefit a stranger by 9 units or
2. Benefit your very close intimate by 1.

We might think that even though the closer your friends are to you, the more you can favour them, you cannot favour a very close intimate twice as much as a close intimate.

Accordingly, the evolution of your permitted other-favouring might look more like one of the two dotted lines shown in this graph:

Illustration 4. Evolution of Permitted Other-Favouring II



As your dinner party acquaintance turns into a good friend of yours, you become increasingly permitted—but also required—to favour their interests.

Let's consider other-sacrificing. Suppose that in

> **Stranger vs. Distant Adversary,** you can either
>
> 1. Benefit a stranger by 1 unit or
> 2. Benefit your distant adversary by 5.

If you have a choice between giving a small benefit to a stranger or a slightly greater benefit to your distant adversary, we might think that you are permitted to benefit the stranger. If you think this view is correct, then you believe that you can favour your intimates as much as you can discount your adversaries.

Though theoretically neat, this view may seem counterintuitive to some. Consider two personal relationships that are exact negative counterparts of each other: a morally positive personal relationship with a new friend, whom you recently met at a dinner party, and a morally negative personal relationship with someone who recently bullied you, whom you met at another recent dinner party and who has been nasty to you.

Intuitively, there is some pull to say that though it is permissible to favour your intimate's interests, it is impermissible to discount those of your adversary. You are permitted to bring your new friend medicine to alleviate their mild headache instead of giving your new neighbour medicine to cure their severe cold; however, you are not permitted to alleviate your new neighbour's mild headache instead of providing the bully with medicine to cure their severe cold.[22]

If you think these considerations have some persuasive force, then you think you are not permitted to discount your adversaries' interests as much as you are to favour your intimates'. Accordingly, we might think that although you can favour your intimates' interests over a stranger's by a ratio of 1:5, you are not permitted to discount an adversary's interests to the same degree. You are only permitted to discount them in relation to a stranger's by less—let's suppose by a ratio of 1:4.

Suppose now that in

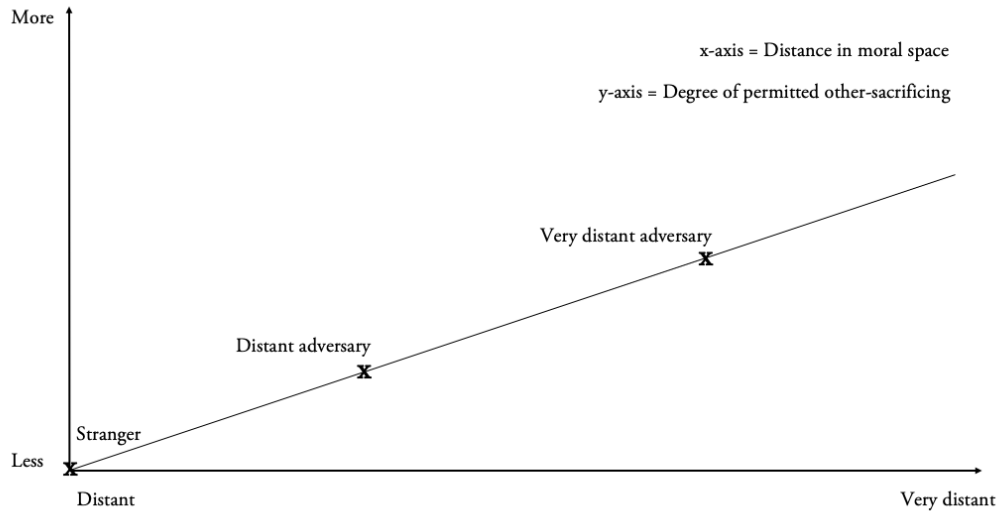
> **Stranger vs. Very Distant Adversary,** you can either
>
> 1. Benefit a stranger by 1 unit or
> 2. Benefit your very distant adversary by 8.

If the ratio whereby you can discount all your adversaries' interests in relation to strangers' is 1:4, then you may permissibly give a small benefit to the stranger as opposed to a moderately greater benefit to your very distant adversary. This is because the moral distance between you and your adversary has increased and the distance

[22] What explains the intuitive pull of the view that when all things are equal—in terms of levels of partiality—you are permitted more favouring of your intimates' interests than discounting of your adversaries' is a very difficult question. I attempt to explore it in more detail in Lange (manuscript-b).

between you and the stranger has remained unchanged. We can once again illustrate the above considerations about your permitted other-favouring with a graph.

Illustration 5. Evolution of Permitted Other-Sacrificing I



The slope of this function of the evolution of your permitted other-sacrificing is less steep than that of the evolution of your permitted other-favouring (Illustration 3).

As with the evolution of your permitted other-favouring, there exists a more nuanced view that we can hold. Imagine that in

> **Stranger vs. Very Distant Adversary*,** you can either
>
> 1. Benefit a stranger by 1 unit or
> 2. Benefit your very distant adversary by 7.

We might think that even though you can discount your adversaries' interests more the more adversarial they are to you, the degree to which you can discount them *de-creases* as they move farther away from you in moral space.

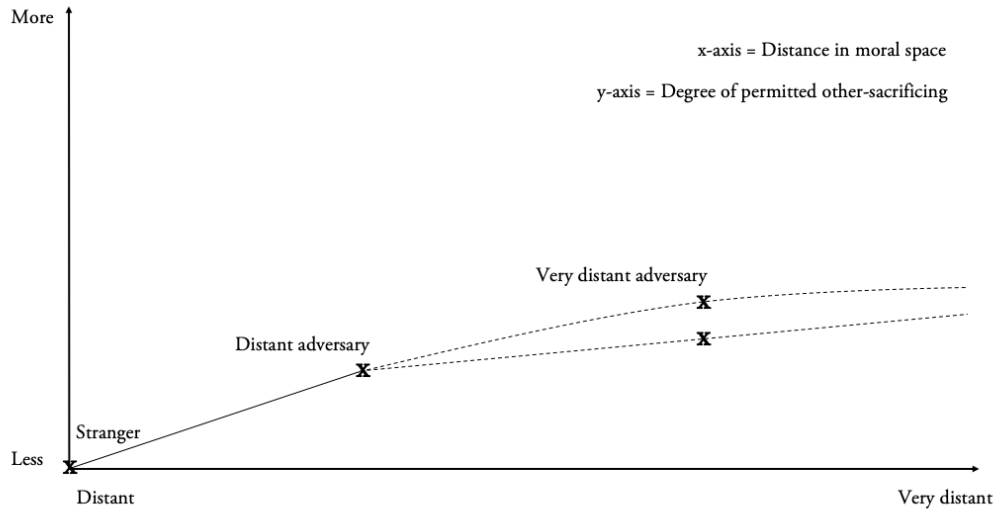
We can now ask: Does the decrease in your permitted other-sacrificing mirror the decrease in your permitted other-favouring? Intuitively, the answer is No. Consider

Stranger vs. Very Distant Adversary.** You can either

1. Benefit a stranger by 1 unit or
2. Benefit your very distant adversary by 6.

We might think not only that the degree to which you may discount your adversaries decreases the more adversarial they are to you but also that this decrease in degree is greater than the corresponding decrease in degree of your other-favouring permissions. This is the most nuanced view and allows for the least other-sacrificing.

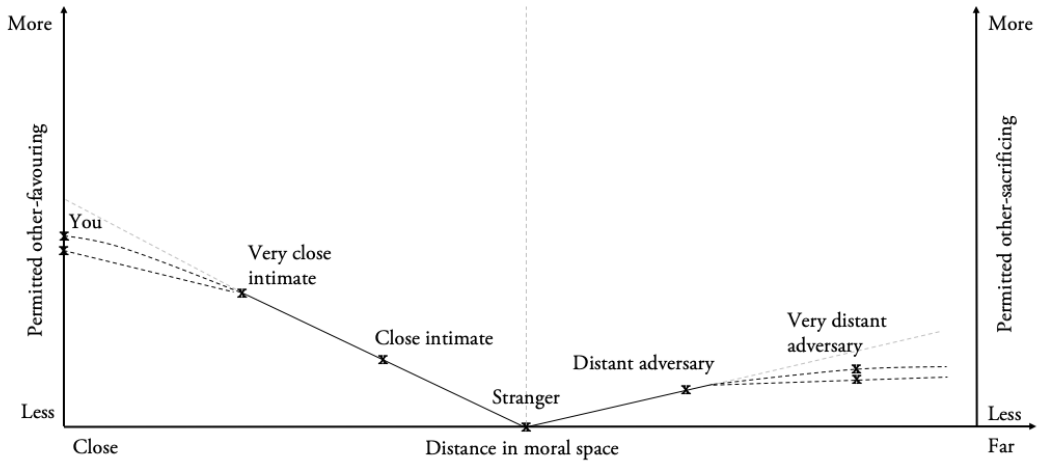
Illustration 6. Evolution of Permitted Other-Sacrificing II



Accordingly, the slope that models the evolution of your permitted other-sacrificing could be either *more concave* or *less steep* than the slope of the other-favouring counterpart.

The foregoing considerations about the relation between the respective evolutions in degree of other-favouring and other-sacrificing options can be summarised more concisely as follows:

Illustration 7. Other-Favouring/Sacrificing Asymmetry



Other-Favouring/Sacrificing Asymmetry: The greater the moral distance between you and your intimates, the *less* you are permitted to favour them. The smaller the distance between you and your adversaries, the *less* you are permitted to discount them. As the moral distance between you and your intimates decreases and the distance between you and your adversaries increases, your other-favouring options *increase to a greater degree* than your other-sacrificing options.

This phenomenon is the analogue of an evolution through decreasing moral space from your permitted self-favouring to your permitted self-sacrificing.[23]

[23] Specifically, symmetry suggests that the greater the distance in moral space between you and your intimates, the *more* you are permitted to sacrifice yourself and the *more* you are permitted to favour yourself. As the moral distance between you and your intimates decreases, your self-sacrificing options *decrease to a lesser degree* than your self-favouring options.

Insofar as this self-favouring/self-sacrificing asymmetry is plausible, it provides credibility for what we have observed in this section about the relation between other-favouring and other-sacrificing options.

We have explored a view according to which you are not permitted to discount your adversaries as much as you are to favour your intimates. But what if the distance between you and your adversary becomes very large indeed?

In moral space, you are the ultimate intimate, but there is no ultimate adversary and therefore no limit to the distance that can exist between you and your adversaries. Suppose that in

Stranger vs. Arch-Enemy,[24] you can either

1. Benefit a stranger by 1 unit or
2. Burden your arch-enemy by 5.

If you have a choice between providing a small benefit to a stranger and countenancing a moderate burden to a very distant adversary—and the distance between you and the adversary is sufficiently large—it might seem that it can become permissible to burden your adversary instead of benefiting the stranger. For you could be permitted to discount the adversary's interests so much that the manifestation of a burden in their life will, from your agent-relative perspective, be a benefit to them.

This conclusion seems repugnant. Even from the perspective of negative partiality, it is never permissible for you to let your adversaries suffer instead of helping others

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However, some will find this asymmetry more plausible than others. Hurka and Shubert (2012) maintain that you are permitted more self-sacrificing with your intimates than with strangers, whereas Bader (2020) maintains that you are permitted more self-sacrificing with strangers than with intimates. Since this asymmetry states that your permitted self-sacrifice decreases as strangers become intimates, Hurka and Shubert's account is likely to yield insufficiently extensive permissions to sacrifice your own interests.

[24] The benefit/burden terminology is intended to be neutral between causing and allowing. As I use the terms, when a course of action results in a burden for person X, this does not imply that X is being actively interfered with or harmed.

prosper. I can see two ways to avoid it. Firstly, we might think that, with increasing moral distance, the degree of your permitted other-sacrificing approaches zero. On this view, you would not be permitted any sacrificing at all of sufficiently distant adversaries' interests. Secondly, we might stipulate that it is never allowed to countenance certain kinds of burdens to your adversaries. If we favour this strategy, then we have found a new reason why a compelling defence of options must include an account of constraints.[25]

5. Accommodating Other-Sacrificing

There are two approaches to justifying options in the literature. Only one has the resources to accommodate other-sacrificing options and their relation to other-favouring.

According to

> ***Underivative Approaches*,** agent-centred options are grounded in independent, underivative permissions (as opposed to normative reasons).[26]

A version of this approach that I consider here says that you have a *prima facie* duty of beneficence to promote the interests of everyone impartially, but in addition to this duty, you have permissions to either pursue or not pursue your *own* interest. In some cases, your permissions outweigh your duty of beneficence, and this grants you options not to bring about the impartially optimal outcome. Call this the *Underivative View*.[27]

The Underivative View can accommodate other-sacrificing options by stipulating an underivative permission not to pursue your adversaries' interests. This permission can

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[25] See Kagan (1989), pp. 19–24 and Chs. 3 and 4.

[26] Examples of these views include Raz (1975), Gert (2004), and Hurka and Shubert (2012).

[27] This is the proposed view of Hurka and Shubert (2012), pp. 5–10.

then be weighed against your duty to promote the interests of everyone impartially and can, in some cases, outweigh it, thereby rendering other-sacrificing permissible.

However, the Underivative View cannot fully account for the weight of other-sacrificing options and fails to capture the *Other-Favouring/-Sacrificing Asymmetry*.

First, the Underivative View cannot account for the asymmetry between other-favouring and other-sacrificing at the level of partiality. It can account for this asymmetry only extensionally at the level of overall assessment by appealing to the interaction between your underivative permissions and your special duties.

However, even if it opts for this strategy, it cannot account for the fact that your other-sacrificing permissions become weaker as the distance between you and your adversaries increases. It can tell the following story to explain why the extent of your other-favouring options decrease as you move closer to your intimates. As someone becomes closer to you in moral space, your special duty to promote their interests increases in weight. You are required to favour your good friend more than your close acquaintance. As your special duty increases in weight, it tells against your permission to favour them more.[28]

No analogous story can be told about the greater decrease in the extent of your other-sacrificing options. Three options present themselves. All of them fail.

The first is to suggest that the weight of your duty of beneficence limits the extent of your permitted other-sacrificing. However, this duty does not increase in weight as your adversary becomes more of an adversary for you. It remains constant, so it cannot explain the more concave evolution of the extent of your permitted other-sacrificing.

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[28] But not so much that there is overall no net increase in the extent of your other-favouring permission (see previous section).

Perhaps the Underivative View can stipulate the existence of a weakened duty of beneficence that discounts the interests of your enemies while its increasing weight tells against your permissions to other-sacrifice. But this implies that it can be wrong for you to give a greater benefit to your enemy instead of a smaller one to a stranger, which seems implausible.

Lastly, the Underivative View might try to say that your special duty of reparations increases as the moral distance between you and your adversaries increases. As your opponent becomes an enemy, perhaps even an arch-enemy, you will have increasingly engaged in negative interactions that require you to compensate them. This means that the weight of your special duty to compensate your adversary will increase and weigh against your permission to other-sacrifice them. However, this argument presupposes that there can be no negative personal relationships with long-term adversaries that are one-directional. That seems intuitively false.

Let's consider a second approach to justifying options. According to

> ***Reasons-Based Approaches*****,** permissions are grounded in the conflict between agent-relative and agent-neutral reasons.[29]

There are many different variants of reason-based views. I here consider one of the most promising frameworks.

On this Agent-Relative Reason View, you have agent-neutral reason to do what is best from the impartial perspective and agent-relative reason to do what is best from the agent-relative perspective.[30] You have a permission to act impartially suboptimally in

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[29] Scheffler (1982), Raz (1999), and Parfit (2011) develop the most widely known approaches.

[30] See Bader (2020) for a defence of a decision-theoretic form of dual-ranking act-consequentialism based on this framework of normative reasons. Another form of dual-ranking act-

some situation just in case your agent-neutral and agent-relative reasons favour conflicting courses of action. If this is the case, then you are permitted to take on either perspective and do either what is agent-neutrally optimal or what is agent-relatively optimal.

The Agent-Relative Reason View can accommodate other-sacrificing options as follows. It says that agent-relative reasons are modified agent-neutral reasons.[31] The weight of your agent-relative reasons is a function of the distance in moral space between two agents. The distance between you and others in moral space is a function of your personal relationships with them. This means that you have stronger (intensified) agent-relative reason to promote the interests of your intimates, who stand closer to you by virtue of your positive personal relationships with them.

By the same token, you have weaker (attenuated) agent-relative reasons to promote the interests of your adversaries, who are more distant from you than strangers by virtue of your negative personal relationships with them. Other-sacrificing options are hence a result of the conflict between your agent-neutral reason to promote the interests of everyone impartially and your weakened agent-relative reason to promote the interests of your adversaries.

The Agent-Relative Reason View has the capacity to account successfully for the *Other-Favouring/-Sacrificing Asymmetry*, but it is not clear that it can do so in a way that is not *ad hoc*.

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consequentialism is developed by Portmore (2008). However, Portmore's view cannot justify other-sacrificing options at all, given its overcommitment to the moral significance of the *Self/Other Asymmetry*.

[31] See Bader (2016) for a detailed development of this modifier framework.

It can claim that the function that intensifies the weight of your agent-neutral reasons is *different* from the function that attenuates them. The intensifying modification function might be more concave than the attenuating modification function. To defend this solution plausibly, it would suit the Agent-Relative Reason View well to offer an explanation of why the modification function should take this asymmetrical form. I cannot think of one.

6. Conclusion

There exist other-sacrificing options. These options are in important respects asymmetrical to other-favouring options. Of the two views that I considered, I found that only one has the resources to accommodate both other-sacrificing options and the structural differences between them and other-favouring options in moral space.

What are some upshots of this discussion? One is that any successful defence of options faces a more extensive task than many have acknowledged—perhaps we have even found new grounds to be sceptical about the project of defending options altogether. Another is that the domain of negative partiality deserves much more attention in ethical theorising than it has received so far.

References

Bader, R. 2020. Agent-Relative Prerogatives and Suboptimal Beneficence. In M. Timmons (ed.), *Oxford Studies in Normative Ethics: Volume 9*. Oxford: Oxford University Press.

Bader, R. 2016. Conditions, Modifiers and Holism. In E. Lord and B. Maguire (eds.), *Weighing Reasons*. Oxford: Oxford University Press.

Broad, C. D. 1942. Certain Features in Moore's Ethical Doctrines. In P. Schilpp (ed.), *The Philosophy of G. E. Moore*. Evanston, IL: Northwestern University Press.

Davis, N. 1980. Utilitarianism and Responsibility. *Ratio* 22: 15–35.

Gert, J. 2004. *Brute Rationality: Normativity and Human Action*. Cambridge: Cambridge University Press.

Hurka T, Shubert E. 2012. Permissions To Do Less Than the Best: A Moving Band. In M. Timmons (ed.), *Oxford Studies in Normative Ethics: Volume 2*. Oxford: Oxford University Press.

Kagan, S. 1991. *The Limits of Morality*. Oxford: Oxford University Press.

Kamm, F. M. 1992. Non-Consequentialism, the Person as an End-in-Itself, and the Significance of Status. *Philosophy & Public Affairs* 21(4): 354–389.

Kolodny, N. 2010. Which Relationships Justify Partiality? General Considerations and Problem Cases. In B. Feltham and J. Cottingham (eds.), *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*. Oxford: Oxford University Press.

Lange, B. (manuscript-a). The Right to Parent as a Project.

Lange, B. (manuscript-b). Permissible Partiality: Structure.

Nozick, R. 1974. *Anarchy, State, and Utopia* (2013 edition). New York: Basic Books.

Parfit, D. 1977. Innumerate Ethics. *Philosophy & Public Affairs* 7: 285–301.

Portmore, D. 2003. Position-Relative Consequentialism, Agent-Centered Options, and Supererogation. *Ethics* 113(2): 303–332.

Portmore, D. 2008. Dual-Ranking Act-Consequentialism. *Philosophical Studies* 138: 409–427.

Raz, J. 1999. *Engaging Reason: On the Theory of Value and Action*. Oxford: Oxford University Press.

Scheffler, S. 1982. *The Rejection of Consequentialism*. Oxford: Clarendon Press.

Sider, T. 1993. Asymmetry and Self-Sacrifice. *Philosophical Studies* 70:117–132.

Slote, M. 1984. Morality and Self-Other Asymmetry. *Journal of Philosophy* 81(4): 179–192.

Slote, M. 1985. *Common-Sense Morality and Consequentialism*. London: Routledge & Kegan Paul.

Stocker, M. 1976. Agent and Other: Against Ethical Universalism. *Australasian Journal of Philosophy* 54(3): 206–222.

Partiality and Meaning

Abstract: Why do relationships of friendship and love support partiality, but not relationships of hatred or commitments of racism? Where does partiality end and why? I take the intuitive starting point that important cases of partiality are meaningful. I develop a view whereby meaning is understood in terms of transcending self-limitations in order to connect with things of external value. I then show how this view can be used to distinguish central cases of legitimate partiality from cases of illegitimate partiality and how it puts pressure on the traditional way of thinking about partiality.

Keywords: Partiality, Permissible Partiality, Options, Meaning, Projects, Personal Relationships

1. Introduction

A common way to think about partiality is to see it as *permitting*, as opposed to *requiring*, us to show a special concern to ourselves and others.

In such cases, we commonly have so-called

> ***Agent-Centred Moral Options (henceforth just 'options'):*** Permissions to bring about outcomes that are impartially suboptimal because they promote our own or our intimates' interests.[1]

Many people believe that options exist, and much debate has consequently focused on how, if at all, various moral theories can *justify* them.[2]

My focus here is different: I want to know what makes the central pursuits that support partiality different from ones that do not. That is, even though we have countless personal projects and personal relationships, only some of them give rise to options for us.

Why is this? Why do relationships of friendship generate options, but not relationships of hatred or commitments of racism?[3] Where does partiality end and why? In the

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[1] See Kagan (1989), pp. 6-10.

[2] The *locus classicus* for a defence of an agent-centred moral option is Scheffler (1982).

[3] See Kolodny (2010), p. 170, as well as Keller (2009), Heath Wellman (2000), and Cottingham (1986). Compare also Zangwill (2000), who writes on p. 280:

> A lot of ethical theorists are happy to notice the friends, family and community cases, but they do not see the problem of where it might end [...] How about my colleague, my tribesman, my countryman, my gender, my patient, my co-religionist or my species? These are all controversial and disputed. We need to ask the question: which loyalties are okay and which are not? When do indexical considerations contribute to

absence of a principled account that demarcates pursuits that can give rise to legitimate instances of partiality from those that cannot, we face a creeping scepticism about partiality.

The intuitive answer that I pursue in this paper is that legitimate partiality is explained by the fact that it can give meaning to an agent's life. Pursuits that cannot be meaningful cannot support partiality.

Of course, I'm not the first to assert a connection between partiality and meaning.[4] My contribution here will be to take this connection more seriously than others have to date, both by developing a more fine-grained account of meaning and by examining in more detail what forms of permissible partiality it can explain.

Indeed, developing this intuitive *Meaning View* has more revisionist implications than one might at first have thought. For example, while the literature traditionally sees options as giving us 'breathing space'—that is, permission to do less whenever morality asks *too much* of us—the Meaning View entails that we have breathing space *only* if what we do instead is grounded in a pursuit that is meaningful. This means that most paradigmatic thought experiments commonly invoked to support the existence of options are indecisive without additional specification and that some options, like those to turn down *trivial* requests, are either ruled out altogether or much weaker than commonly supposed.

I begin in the next section to clarify my explanatory strategy. I then develop the Meaning View at an intuitive and then a more fine-grained level in Sections 3 and 4 respectively. My account relies on the idea, inspired by Nozick (1981), of meaning as *transcendence* of the self's limits in order to connect with things of value. I consider how

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determining a moral property? This is a fundamental moral question—perhaps even the fundamental moral question.

[4] Scheffler (1997) and Wolf (1997) are examples.

this account may explain the kinds of options that are typically countenanced in the literature. Section 5 concludes the paper.

2. The General Case

I now first make the intuitive case for the attractiveness of a fundamentally meaning-based account of partiality and then sketch a more technical proposal based on the intuitive case.

It seems to me that identifying paradigmatic instances of partiality with activities that have meaning has the right resonance. All our partial endeavours are unified by the fact that they are in some way or other centrally important to our life. Put differently, we might say that engaging in legitimate forms of partiality gives our life a sense of purpose and direction and that this is often captured by saying that these pursuits infuse our life with meaning.

Paradigmatically meaningful activities correspond to activities that centre forms of partiality. Consider the lives of Mandela, Mother Teresa, Einstein, Darwin, and Picasso, which embody admirable kinds of achievement, intellectual reflection, and aesthetic creation.[5] These lives have in common an immersion in some form of self-transcendence that prioritises certain actions, whether in the course of helping a specific group of people more than others, engaging in intellectual inquiry, or producing valuable forms of art. Of course, meaningfulness goes beyond the lives of some of the most admired characters in human history; everyday pursuits such as being a good parent, forming and engaging in loving relationships or friendships, or even reading a book to learn about a new subject matter are meaningful and represent the kind of pursuit that defenders of partiality aim to defend as legitimate.

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[5] See Metz (2013), Ch. 1, for this taxonomy of 'the good, the true, and the beautiful' as paradigm examples of meaningfulness.

Moreover, meaningfulness intuitively has the right *normative pull*. Approaches in the literature typically ground options either in a conflict between agent-neutral and agent-relative reasons, together with some claims about their incommensurability, or by stipulating the existence of underivative entities that exist in addition to, for example, a duty to promote the overall good impartially.[6] Whatever the correct framework to account for options, what underlies the existence of agent-relative reasons or underivative permissions must be robust enough to hold up against the value of doing what is impartially optimal. It seems that the notion of meaning, understood as a distinct category of value, is in principle a promising candidate for the job.

That said, even though there appears to be a strong *prima facie* intuitive case for explaining partiality by the meaningfulness of the pursuits that motivate it, the mere identification of central cases of partiality that are somehow related to the value of meaning does not tell us very much.

At best, it moves the request for explanation a layer further back, prompting us to offer a closer analysis of what conditions determine whether a given pursuit qualifies as *meaningful*. That is, a partiality principle of the following form must provide a more detailed analysis of what it is for some *X* to *be* meaningful.

Meaning View

> **(MV)** Instances of an option to act from [or in accord with] partiality motivated by [or derived from] doing *X* are instances where doing *X* makes an agent's life meaningful.

As mentioned in the introduction, some maintain that the special relationships that provide reasons for partiality are just those that we have reason to value non-

[6] See Hurka and Shubert (2012), sections 1 and 2.

instrumentally.[7] But the equation of central instances of justified partiality with those of positive value, again, remains unhelpful without an account of what makes any pursuit positively valuable.[8]

I want to fill this gap by developing an account of what makes a pursuit meaningful. To this end, let's take two data points as a springboard for showing how a substantive analysis of meaning can explain partiality.

The first is an observation about what paradigmatic instances of legitimate partiality have in common. Call this data point

> ***Partiality:*** Being justifiably partial to an object of concern *X* necessarily involves
>
> ***i)*** an attitude of special concern in terms of your actions and feelings toward *X;* and
>
> ***ii)*** *X*'s being worthy of that attitude.

I take this first observation about the phenomenology of being partial to be uncontroversial, but let me say a few words in support of its plausibility.

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[7] See Scheffler (1997). Kolodny's (2010) resonance principle is, of course, another attempt to explain what he calls the List, though, as we shall see, his *structural* approach differs from the *substantive* one favoured here.

[8] See also Kolodny's (2010), n. 9, remarks on the same point:

> 'This connection to well-being or meaning is plausible, and it may even be useful in identifying, or justifying belief in, the principles on the List. But it does not help to explain why those and only those principles are on the List. On the most plausible views, when activities and experiences contribute to well-being and meaning, they do so because they are independently valuable. So, the challenge recurs: why are these relationships, and no others, independently valuable?'

Being justifiably partial involves acting and caring *disproportionately* about something that is worth caring about. In my own case, I might care especially about advancing my own career, my intimates' happiness, or the performance of my favourite football club. I will care about these things more than I would care about other careers open to me, strangers, or a different football club. Whatever the fine-grained phenomenology of the caring might look like—i.e., whether it is best described as intentional, a form of valuing, a certain motivational impetus, and so on—at the very least it will entail my acting and feeling in certain distinctive ways (here understood generally as encompassing wide-ranging responses) with regard to the object of my concern.[9] This will result in such things as my benefiting my relatives in preference to strangers and watching my favourite football club rather than some random one. I will feel joy and pleasure when my children succeed in their projects, grief and sadness when they fail.

So much for the first data point.

What would an account of meaning have to look like to be congruent with *Partiality*? I suggest it would probably look something like this:

> ***Meaning:***[10] Some pursuit *P* is meaningful for an agent *A* when and because
>
> ***i)*** *A*'s actions and feelings display a special attitude of concern toward *P,* and
>
> ***ii)*** *P* is worthy of that attitude.

I anticipate that some readers will be sceptical of this particular account of meaning. That is fine. My aim here is not to convince the reader of the truth of this conception

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[9] Some of these responses may entail valuing (Scheffler, 2010), love (Kolodny, 2003; Wolf, 2010), or caring (Frankfurt, 1982).

[10] See Wolf (1997a), p. 211; see also Hepburn (1965); Kekes (1986; 2000); Wiggins (1988); Wolf (1997b; 2002; 2010); Dworkin (2000), Ch. 6; Raz (2001), Ch. 1; Schmidtz (2001); Starkey (2006); and Mintoff (2008).

of meaning. I merely want to illustrate a previously unrecognised and, I think, quite appealing conceptual link between the two data points. The explanatory merits of this link may then themselves reinforce the plausibility of this analysis of meaning.

According to so-called *objective naturalism*, we can achieve meaning in life, which is a distinct category of value that differs from moral value and happiness. On this account, achieving meaning requires both that an agent display a special attitude of engagement in a pursuit and that this pursuit be worthy of that attitude. This latter objective condition contrasts with *subjective naturalism*, according to which the achievement of meaning is independent of an object of concern and entirely dependent on an agent's attitude toward a pursuit.[11] It also contrasts with forms of non-naturalism, according to which the question of meaning in life is understood as a question about the point of the existence of humankind.[12]

With the *Partiality* and *Meaning* data points in hand, we can now make explicit the following link: Insofar as being justifiably permissibly partial involves a special subjective attitude characterised by a range of responses toward an object of concern, and insofar as achieving meaning through engagement in some pursuits involves a special attitude of engagement toward an object of objective worth—an attitude characterised by a range of the responses similar to that characteristic of paradigmatic partial behaviour—we are in a position to map the second onto the first.

[11] See Frankfurt (1982; 2002; 2004) for influential statements of this view.

[12] See Metz (2013), Chs. 5–8, for an overview.

3. The Specific Case

3.1 Meaning as Transcendence

To show that *Meaning* can in fact be mapped onto *Partiality*, we need to get some more machinery on the table and spell out their convergence at a finer level of granularity.

The objective naturalist account I want to explore here is inspired by Nozick (1981). For Nozick, meaning is about transcendence, which in turn is understood as overcoming our agential self-limitations to connect with external value in various ways:

> The particular things or causes people find make their life feel meaningful all take them beyond their own narrow limits and connect them up with something else. Children, relationships with other persons, helping others, advancing justice, continuing and transmitting a tradition, pursuing truth, beauty, world betterment—these and the rest link you to something wider than yourself... [M]eaning is a transcending of the limits of your own value, a transcending of your own limited value. Meaning is a connection with an external value.[13]

The view that Nozick outlines can be put more precisely put as follows:

Transcendence

> Some pursuit *P* is meaningful for an agent *A* when and because
>
> **a.** *P* is objectively valuable (*external element*), and
>
> **b.** *A* displays a special mode of engagement toward *P* (*internal element*).

The starting point of this approach is the idea that meaning is fundamentally about the integration of how an agent structures her life with how she relates to objects of

[13] See Nozick (1981), pp. 595, 610–611.

external value, which are understood as objects that bring complexity and structure into a single whole.[14] To determine whether an agent's life has meaning is to reflect on how her agency connects to other things of value and to carefully examine the nature of these connections: 'Your connection with the value, then, is itself valuable, and meaning is gotten through such a valuable connection with value.'[15] The nature of the connection is the *mode* of linking to value.

Transcendence therefore has an *internal* as well as an *external* element. Firstly, the object of the connection matters. An agent gains less meaning through connecting with things that unify little complexity and structure than through connecting with things that unify greater complexity. Secondly, the connection also depends on the *mode* of linking to value, which refers to a special agential attitude of engagement. There are various modes, and often several are at play when linking to value: these can include attitudes such as loving, caring, cooperating, thinking of, imagining, creating, and enjoying.

To illuminate this approach, it is helpful to contrast it with an alternative account. Niko Kolodny (2010) offers a structural principle that he considers as a candidate to explain partiality:

> ***Resonance:*** One has reason to respond to X in a way that is similar to the way that one has reason to respond to its counterpart in another dimension of importance, but that reflects the distinctive importance of the dimension to which X belongs.[16]

This principle maintains that we have reason to respond to certain partial pursuits based on our history of engagement with them in a way that mimics whatever reason

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[14] Nozick (1981), pp. 417, 445, 460–469, 517–522.

[15] Nozick (1989), p. 168.

[16] Kolodny (2010), p. 181.

we have to respond to them in general without such a history, but where the reason to be partial is not just a sum of the individual instances of engagement that form part of that history and where that sum reflects the distinctive importance of that history. In this way, the individual response to something of agent-neutral importance *resonates* with the response to something of agent-relative importance.

So, while a history of encounters among friends might consist, among other things, of specific interactions of mutual beneficence, the overall explanation of why friendship is a legitimate form of partiality is not merely a derivative one that appeals to the sum of the beneficial acts of which it is composed. The history of encounters that characterises legitimate partiality amounts to more than just the sum of its individual discrete interacting parts.

In contrast to this interesting structural approach, the Meaning View follows an identificatory strategy. It makes a claim about the kinds of pursuits associated with the value of meaning and then says that those pursuits give rise to important cases of legitimate partiality. So, according to the Meaning View, friendship is a legitimate form of partiality because in the pursuit of friendship, friends connect with each other's value and thereby transcend their individual self-limitations.

3.2 Breathing Space

At the outset of this discussion, I mentioned a creeping scepticism that we face about partiality in the absence of a principled account that demarcates pursuits that can give rise to legitimate instances of partiality from those that cannot. According to the view that I have outlined, a principled answer is to be found in meaning. Demarcating central cases of legitimate partiality from illegitimate partiality is a matter of identifying what kinds of pursuits could amount to transcendent connections with external value.

But this explanatory virtue also has a revisionist character. The Meaning View puts pressure on the ordinary way of thinking about options. Traditionally, options are considered to give us what we might call *breathing space* to evade the stringent demands of impartial morality. Since impartial morality can sometimes demand a lot and impose unreasonable costs on us and our interests, we are, so the line of thinking runs, in such cases permitted to favour our interests and do what would be impartially suboptimal.

The Meaning View can buy into this idea, but it adds a qualification: the cost that the demand of impartial morality imposes on us must concern a potential loss of meaning in our life for us to be permitted to evade it. In other words: we have breathing space *only if* the demand of impartial morality concerns a meaningful commitment. Whether we have options in a given situation therefore depends on the contextual details. This, in turn, means that some of the paradigmatic cases often invoked to justify options are indecisive without further specification or even ruled out entirely as instances of legitimate partiality.

One reason for this is that the Meaning View naturally aligns with defences of options that construe the salient interests that they protect as *ground projects*, commonly understood as central life commitments that entail a certain amount and continuity of goal-oriented agency.[17] Further, it is tempting to characterise the overcoming of agential self-limitations for the purpose of connecting with value as engaging in ground projects of this sort. If this is true, then the Meaning View maintains that options exist in cases where an agent is engaged in a valuable ground project.

But we might think that not all options concern the loss of or interference with ground projects. For example, consider options to refrain from doing small favours or other

[17] See Williams (1981) and Lange (manuscript).

trivial beneficial acts.[18] When a stranger asks us what time it is, it does not seem that we are required to answer the request, even though doing so could plausibly bring about an impartially optimal outcome. But how could this option be grounded in a potential project? The act of telling a stranger the time seems so minimal that it seems unnatural to characterise it as the loss of, or even interference with, a central life commitment. And if this option is not grounded in a project, it seems that it is not a form of meaningful transcendence and hence represents an illegitimate form of partiality.

A first mistake in the above line of thinking is the assumption that transcendence necessarily requires the engagement in ground projects. Even though there is some overlap between the two, we can connect with external value on the spur of the moment, and it does not seem true that all forms of meaning-giving transcendence require the kind of temporal continuity that the engagement in a ground project requires. For example, the act of briefly but positively interacting with a stranger at a dinner party who subsequently becomes an acquaintance might not yet amount to a ground project, nor may the early phases of beginning a new hobby, but these acts are nonetheless meaningful for the agent.

So, sometimes refraining from doing a small favour would indeed allow us to continue a pursuit that is not a ground project but is nonetheless a form of meaningful transcendence. Accordingly, if the stranger interrupts us on the street while we are intensely studying a new book on chess or talking to a new acquaintance just made by picking up their dropped glasses, we might still be permitted to refrain from helping. So, the Meaning View does not categorically rule out the existence of trivial options.

However, as noted before, this breathing space must be meaningful. Insofar as some believe that mere preferences, desires, or wants can ground options—according to the motto, 'I just don't feel like it'—the Meaning View disagrees and maintains that these

[18] Kagan (1989), p. 243.

kinds of things cannot ground instances of legitimate partiality. And for those people, the Meaning View requires a significant revision of their moral outlook and will rule out some *trivial* options.

Of course, one way to interpret these implications is simply to conclude that the Meaning View is implausible. Another is to recognise that if we take the intuitive connection between meaning and partiality seriously, options do not come cheap. And that might be a good thing.

So, whether you have an option to remain outside the burning house and not save a stranger indeed depends on the details of what the alternative is for you.

3.3 Option Strength

Another implication worth examining involves the Meaning View's implications for the strength of our options concerned with our *own* interests vis-à-vis the strength of our options concerned with our *intimates'* interests. Some think that options concerned with our own interests are *significantly* stronger than options concerned with our intimates' interests. Accordingly, we can favour our own lesser interests significantly over the much greater interests of a stranger, but we cannot favour our intimates' interests over a stranger's by as much as we are permitted to favour our own over a stranger's.

However, it appears that it is the other way around for the Meaning View: the strongest form of meaning lies in the engagement with the external value of other individuals—since meaning lies in *externally* directed pursuits. Assuming that the strength of justified partiality correlates with the degree of a given endeavour's meaning, this would suggest that we have more breathing space when concerned with others, but less breathing space when we are concerned with our own interests. And this might seem an implausible misconstrual of the nature of options. The Meaning View

therefore appears to require a second revision to our moral outlook: the strongest forms of legitimate partiality concern the priority we can give to our intimates, not to ourselves.

This objection presents an opportunity to clarify the Meaning View a little further. Even though meaning lies in the connection with *external* value, this does not mean that all endeavours that are concerned with oneself are therefore *internal* and therefore less meaningful or not meaningful at all. Engaging in a non-social activity such as the pursuit of knowledge or truth can, as Nozick points out, be a radical form of connecting with the wider world and concern unifications of form, content, and technique in a single object.[19] So, meaningful connections involving personal relationships with others need not mitigate the meaningfulness of self-regarding pursuits. Pursuing a valuable project can also be a tremendous source of meaning for an individual.

The upshot of this is that even the breathing space concerned with our self-regarding interests can have considerable strength—though, as mentioned above, this breathing space will likely be *less* far-reaching than some will have traditionally thought since it does not encompass desires, wants, and the like. However, a further revisionist feature appears to be reflected in the Meaning View's *leaving open the possibility* that options concerned with others are stronger than options concerned with oneself, depending on the substantive question which of these carry more meaning.

3.4 Lives of partiality

Let me conclude this section by offering some reflections on the implications of the Meaning View for how we ought to live our lives.

The notion of meaning is plausibly normatively loaded. It is not just that meaning is important; there is a sense that we *ought* to strive for meaning in our life. An influential

[19] Nozick (1989), pp. 168–170.

argument that we ought to live meaningful lives appeals to the importance of harmonising our subjective experience with the seeming insignificance of our existence from the point of the universe.[20] To live in a way that is significantly focused on, engaged with, and concerned to promote or realise value whose source comes from outside of oneself does seem to harmonise with this, whereas living a purely egocentric life without trying in any way to overcome the limits of one's self does not.

Suppose that an argument such as the above can be made and that we have reason to live a life filled with meaning. It seems to follow that insofar as we have reasons to seek lives that overcome our self-limitations and connect with things of external value, we have reason to live lives of partiality. The Meaning View therefore says that we have reason to act on our options when faced with a choice of doing the impartially optimal thing instead.

Now, this does not mean that dedicating our lives to doing what is impartially optimal is ruled out or misguided, since it is plausible that we might be *partial* to helping others or advancing a just cause. And insofar as these forms of transcendence converge with doing the impartially optimal thing, they could still be a source of meaning for an individual.

However, there is a more interesting case to consider. Consider the life of someone who, *whenever* faced with a choice between doing the impartially optimal thing and acting on their option, decides to do the impartially optimal thing—they never act on their options, even though they could. The Meaning View implies that this person's life may be less meaningful than the life of someone who at least sometimes acts on their options. The most meaningful life, according to the Meaning View, is therefore not the life that always does what is impartially optimal when the choice of acting on one's options is available.

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[20] See Wolf (2011), pp. 100–109.

The Meaning View thereby puts pressure on the traditional picture of options that often subsumes them under the category of moral value. (For example, on some accounts, acting on our options still does what would be agent-relatively morally optimal from our perspective.) By contrast, the alternative picture that the Meaning View suggests is that the two can come apart: there is the category of the meaningful and the category of the moral.

4. Transcendence and Options: Convergence

4.1 Positive Partiality

Consider the most straightforward case: positive partiality which includes partiality to oneself as well as partiality to intimates. Partiality to oneself is often conceptualised in terms of

> ***Self-Favouring Options:*** Permissions to bring about an impartially suboptimal by making choices that favour your interests.

What kind of pursuits fall under self-favouring options? Self-favouring options paradigmatically, though as we have seen not always, concern engagement in ground projects that are central and important goals and pursuits in a life.[21] One of the most important distinguishing features of these activities is that they are non-social in that they do not necessarily require a form of reciprocal social interaction.[22]

Accordingly, I think the Meaning View identifies the pursuits that can give rise to self-favouring options with connecting with things of external value that do not concern other individuals. Theorising about fundamental laws of nature, pursuing a book project about a piece of fiction, or even less 'grandiose' pursuits such as going for a hike

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[21] On this see Williams (1984) as well as Scheffler (1982).

[22] Though this, of course, is not to deny that ground projects can be shared or *social* in their nature. See also Stroud (2010).

to admire nature concern engagement with valuable objects in the universe such as galaxies, solar systems, or ecosystems or concern the unification of form, content, and technique in a single object.[23]

The modes of connecting with value associated with pursuits that give rise to self-favouring options are attitudes of engagement that are unlike the modes of connecting with the value of individuals. Without giving an exhaustive list, they may range from 'thinking of' or 'enjoying' to 'creating' and others, and they characteristically involve a special subjective attitude of non-social agential engagement.

Consider next partiality to intimates. This form of partiality is typically conceptualised with the following two kinds of options:

> ***Self-Sacrificing Options:*** Permissions to bring about impartially suboptimal outcomes by making choices that discount your interests.
>
> ***Other-Favouring Options:*** Permissions to act impartially suboptimally by making choices that favour your intimates' interests.[24]

Pursuits that fall under other-favouring and self-sacrificing options are social in character. They concern your positive personal relationships with your family, friends, and other acquaintances with whom you enjoy a positive personal relationship. For example, they might include putting your child to bed instead of attending a concert in the evening for which you have been waiting for a long time, or helping your friend

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[23] See Nozick (1989), p. 169.

[24] Other-favouring options are distinct from of self-sacrificing options, since self-sacrificing may involve the deliberate disregarding of one's own greater gain in well-being for the sake of a lesser gain on the part of an intimate. By contrast, other-favouring may, for example, involve the favouring of a lesser gain in well-being for relatives over a greater gain for strangers.

refurbish their home instead of volunteering at a homeless shelter to foreseeably save a homeless person from suffering severe hunger.

The Meaning View associates the interactions that fall under self-sacrificing and other-favouring options with positive personal relationships that engage the complexity of other individuals. Connections with individuals in the form of personal relationships are meaningful because individuals unify within themselves a wide array of experiences, beliefs, desires, emotions, and other mental states. This can explain why pursuits such as raising children, maintaining loving and intimate personal relationships, helping others, and treating others well can justify partiality. For example, many believe that loving relationships with other individuals or in the context of a family give rise to the most paradigmatic instances of justified partiality. According to the account that we are exploring here, many also think that, intuitively, these pursuits are among the most meaningful endeavours.

The modes of engagement that pertain to positive personal relationships with family and friends might be attitudes such as 'caring' and 'loving' or 'valuing' in the case of intimate personal relationships and interactions such as 'cooperating', 'aiding', and 'showing gratitude' in less intimate cases. This need not mean that intimate relationships are not also constituted by these other interactions.

4.2 Neutral Partiality

Though this is rarely discussed, it is possible to have a relationship with someone that is extensionally equivalent with the relationship one has with a stranger. In such a case, the considerations for positive partiality toward intimates detailed in the previous subsection apply: the partiality is justified by one's engagement with the value of that individual.

4.3 No Partiality

4.3.1 Trivial Projects and Relationships

The Meaning View explains why some trivial projects cannot give rise to options. However enthusiastically someone may be counting blades of grass on their lawn, the value of this sort of pursuit is questionable. Accordingly, the Meaning View maintains that this kind of pursuit does not give rise to permissible partiality.

Is this a shocking implication? We might have thought that even trivial pursuits, like counting blades of grass or just binging on a badly produced TV show, are normally covered by options. In reality, I don't think these pursuits are entirely worthless, which leaves open the possibility that the Meaning View could account for them as option-grounding pursuits, of course.

The Meaning view also captures why trivial personal relationships with strangers are not relationships that give rise to strong forms of justifiable partiality. The reason is that insofar as an agent does not connect with a stranger's value, no meaning in the agent's life arises from the relationship. The absence of a meaningful connection with the stranger explains why that relationship is not one that can justify positive partiality beyond the general call of duty.

4.3.2 Hateful Pursuits

Some endeavours do not relate to things of positive value.

Consider the pursuit of harmful projects. Imagine a sadist whose project it is to hurt other people culpably just for the sake of it. Or consider a fascist group that is 'partial' to the common aim of discriminating against other people. Neither the object of their engagement nor their mode of connecting with it is valuable as both involve hostility, hatred, and ill-will and cause significant harm to other people.

In the same way, some personal relationships cause severe suffering to other people, and as such do not fulfil the minimal conditions under which parties involved could have reason to be partial. An agent who abuses and assaults their partner in a toxic relationship does not connect in a relevant way with the external value in that person. A relationship of this sort could therefore never give rise to justifiable partiality on the part of the perpetrator. (Though, of course, a relationship of this sort can give rise to reasons to dissolve or otherwise end the relationship for both participants or for the perpetrator to make amends and seek forgiveness.)

4.4 Associative Duties?

The Meaning View provides a demarcation of central pursuits that can give rise to permissible partiality, not *required* partiality. Required partiality typically refers to *associative duties*, which are special duties owed to our intimates in virtue of the special personal relationships we have with them.

I do not want to rule out that the Meaning View might also be able to account for duties of these sorts. For example, we might think that certain kinds of personal relationships can give rise to the *dissolution* of self-limitations, which might result in special forms of connections associated with associative duties that feature in that relationship. But, I think, the issue is not so clear.

Partiality is often explored in the language of 'reasons of partiality', which does not clearly indicate whether permissions or duties—or both—are meant. But since the two have very different normative structures, it may not be feasible to explain them both by appeal to meaning in the same way.

5. Conclusion

I have developed an account that demarcates justifiable from unjustifiable partiality. This account relies on the intuitive notion of *meaning*. I have explored how this

account may distinguish important cases of permissible partiality from illegitimate ones. As we saw, taking this intuitive idea seriously has some revisionist implications.

References

Cottingham, J. 1986. Partiality, Favouritism, and Morality. *Philosophical Quarterly* 36: 357–373.

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

Frankfurt, H. 1982. The Importance of What We Care About. *Synthese* 53: 257–272.

Frankfurt, H. 2002. Reply to Susan Wolf. In S. Buss and L. Overton (eds.), *The Contours of Agency: Essays on Themes from Harry Frankfurt*. Cambridge, MA: The MIT Press.

Frankfurt, H. 2004. *The Reasons of Love*. Princeton: Princeton University Press.

Heath Wellman, C. 2000. Relational Facts in Liberal Political Theory: Is There Magic in the Pronoun 'My'? *Ethics* 110: 537–562.

Hepburn, R. 1965. Questions About the Meaning of Life. Repr. in E. D. Klemke (ed.), *The Meaning of Life*, 2nd ed. (2000). New York: Oxford University Press.

Hurka, T. 2016. *Love and Reasons: The Many Relationships*. Routledge.

Kekes, J. 1986. The Informed Will and the Meaning of Life. *Philosophy and Phenomenological Research* 47: 75–90.

Kekes, J. 2000. The Meaning of Life. In P. French and H. Wettstein (eds.), *Midwest Studies in Philosophy: Volume 2, Life and Death: Metaphysics and Ethics*. Malden, MA: Blackwell Publishers.

Keller, S. 2009. Making Nonsense of Loyalty to Country. In B. de Bruin and C. S. Zurn (eds.), *New Waves in Political Philosophy*. Basingstoke: Palgrave Macmillan.

Kolodny, N. 2010. Which Relationships Justify Partiality? General Considerations and Problem Cases. In B. Feltham and J. Cottingham (eds.), *Partiality and*

Impartiality: Morality, Special Relationships, and the Wider World. Oxford: Oxford University Press.

Lange, B. Manuscript. The Right to Parent as a Project.

Metz, T. 2012. The Meaningful and the Worthwhile: Clarifying the Relationships. *The Philosophical Forum* 43: 435–448.

Metz, T. 2013. *Meaning in Life: An Analytic Study*. Oxford: Oxford University Press.

Mintoff, J. 2008. Transcending Absurdity. *Ratio* 21: 64–84.

Nozick, R. 1974. *Anarchy, State and Utopia*. New York: Basic Books.

Nozick, R. 1981. *Philosophical Explanations*. Cambridge, MA: Harvard University Press.

Nozick, R. 1989. *The Examined Life.* New York: Simon & Schuster.

Parfit, D. 1984. *Reasons and Persons.* Oxford: Oxford University Press.

Railton, P. 1984. Alienation, Consequentialism, and the Demands of Morality. *Philosophy & Public Affairs* 13: 134–171.

Raz, J. 2001. *Value, Respect, and Attachment*. Cambridge: Cambridge University Press.

Scheffler, S. 1982. *The Rejection of Consequentialism*. Oxford: Clarendon Press.

Scheffler, S. 1997. Relationships and Responsibilities. *Philosophy and Public Affairs* 26(3): 189–209.

Schmidtz, D. 2001. The Meanings of Life. In L. Rouner (ed.), *Boston University Studies in Philosophy and Religion: Volume 22, If I Should Die: Life, Death, and Immortality*, pp. 170–188. Notre Dame: University of Notre Dame Press.

Sinnott-Armstrong, W. 2019. Consequentialism. In E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy*. https://plato.stanford.edu/archives/sum2019/entries/consequentialism/

Starkey, C. 2006. Meaning and Affect. *The Pluralist* 1: 88–103.

Wiggins, D. 1988. Truth, Invention, and the Meaning of Life (Rev. ed.). In G. Sayre-McCord (ed.), *Essays on Moral Realism*. Ithaca: Cornell University Press.

Williams, B. 1981. *Moral Luck*. Cambridge University Press.

Wolf, S. 1997a. Happiness and Meaning: Two Aspects of the Good Life. *Social Philosophy and Policy* 14: 207–225.

Wolf, S. 1997b. Meaningful Lives in a Meaningless World. *Quaestiones Infinitae* 19: 1–22.

Wolf, S. 2002. The True, the Good, and the Lovable: Frankfurt's Avoidance of Objectivity. In S. Buss and L. Overton (eds.), *The Contours of Agency: Essays on Themes from Harry Frankfurt*. Cambridge, MA: The MIT Press.

Wolf, S. 2010. *Meaning in Life and Why It Matters*. Princeton: Princeton University Press.

Wollheim, R. 1984. *The Thread of Life.* Cambridge, MA: Harvard University Press.

Zangwill, N. 2000. Against Analytic Moral Functionalism. *Ratio* 13: 275–286.

Adversarial Relationships and Associative Duties

Abstract: Commonsense morality holds that people who stand in special personal relationships or are members of significant social groups have associative duties to each other. I here explore the revisionist thesis that a range of associative duties has so far been unduly ignored. Based on the commonsense idea that we sometimes have to stand up for ourselves, these are duties that require us to give lower moral priority to people with whom we stand in special adversarial personal relationships. I show that the existence of these associative duties, like that of the associative duties connected to positive relationships, is subject to the Voluntarist and Distributive objections. I then show how some of the most influential accounts of associative duties can be modified to account for adversarial associative duties.

Keywords: Associative Duties, Personal Relationships, Self-Respect

1. Introduction

Commonsense morality holds that there are special duties that members of significant social groups and people who participate in special personal relationships have to each other.[1] These so-called 'associative duties'[2] are a class of *special duties* that go above and beyond our *general* duties to others.

Associative duties are commonly recognised in various contexts. Most notably, we have associative duties to family members, friends, neighbours, and more distant relatives; but our associative duties might also extend to members of our community, to classmates, compatriots, colleagues or, more controversially, even to members of our religious, racial, or ethnic group.

I here explore the revisionist thesis that a class of associative duties has so far been unduly ignored. Based on the commonsense idea that we sometimes have to stand up for ourselves, these are duties that require us to give diminished moral consideration to people with whom we stand in special adversarial personal relationships.

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[1] The importance of favouring people with whom we stand in some special relationship is a pervasive theme in ancient and modern moral philosophy. For some selective evidence of this claim, see Aristotle's (1984) *NE,* Bks VIII and IX; Hume (1777), p. 146; Sidgwick (1874), p. 242; Ross (1930), p. 21; Nagel (1970), pp. 129–130, (1980), pp. 119–126, and (1995); Williams (1973), p. 110 and (1981), Ch. 2; Walzer (1970), Ch. 1; Wassertrom (1975), p. 4; Mackie (1977), pp. 157–158; and Parfit (1983), pp. 35–36, and (1984), pp. 95, 485. For more comprehensive surveys, see Goodin (1985), especially Ch. 1; Feltham (2010); and Keller (2013), Ch. 1.

[2] The term 'associative duties' is commonly adapted from Dworkin (1986), p. 196, who uses the term 'associative obligations' to refer to 'the special responsibilities social practice attaches to membership in some biological or social group, like the responsibilities of family or friends or neighbours.'

The twist is that these duties differ in their directionality from the duties that we have to our intimates: they are not owed to our adversaries—we do not wrong them if we fail to de-prioritise them; rather, we owe these duties to ourselves.

Though they are less frequent than prototypical associations with our family, friends, and other intimates, adversarial relationships are pervasive and rooted in common sense. They range from sports rivalries to acts of bullying or offensiveness by colleagues or classmates to abusive romantic relationships. Adversaries range from disillusioned ex-spouses and estranged friends to passive-aggressive and inconsiderate neighbours and condescending pub acquaintances.

In the next section, I begin with a characterisation of the kinds of adversarial relationships that can give rise to these associative duties. I argue that adversarial relationships that are characterised by a sufficient history of adversarial interaction and in which certain relevant contextual features apply can ground requirements to act in certain ways toward our adversaries by virtue of the special adversarial relationships in which we stand to them. I then examine the structure and content of these associative duties in contradistinction to the more traditionally accepted associative duties that we owe to family and friends. In Section 3, I consider the extent to which associative duties to adversaries are subject to the influential Voluntarist and Distributive objections. I find that both objections apply, albeit in different ways, depending on the kind of adversarial associative duties at stake. In Section 4, I discuss how these duties may be justified. I show how some of the most influential accounts of associative duties can accommodate them. I conclude in Section 5.

2. What We Owe to Our Adversaries

2.1 Making the Case

Unlike friendships or special personal relationships with certain members of our family, which, in most cases, paradigmatically contribute to our well-being, the goodness of our lives, or human flourishing, the arena of morality that concerns adversarial encounters may seem much less intuitively appealing—perhaps even more so the suggestion that some of these adversities could ever give rise to duties.[3] To address this, I want to begin by bringing these relationships into sharper focus and discussing which of them might ground duties with regard to our adversaries.

Adversarial relationships come in many shapes and sizes. Adversity can include hindering and distrust, conflict and opposition, passionate hatred, and, in the most extreme cases, straightforward aggression, oppression, and harm. Some extreme cases of adversity are exclusively one-directional: these are relationships in which a perpetrator seriously wrongs an innocent victim. The relationship between master and slave is a paradigmatically wrongful relationship, slavery being considered a prime example of an immoral relationship practice.[4] Other extreme cases concern unprovoked acts of aggression and harm that may justify acts of self-defence on behalf of the victim or a third party.[5] More common but equally serious examples of adversarial relationships

[3] A common justification of associative duties draws a connection between their existence and having a good life. See Section 4.

[4] See Friedman (1991), who emphasizes the importance of considering adversarial relationships within a full account of partiality. See also Brandt (2020) and Lange (2020) on permissions to act in certain ways with respect to one's adversaries.

[5] For an overview of the literature on self-defence, see Frowe and Parry (2021).

are personal relationships that create toxic codependencies in which one party assaults, abuses, or exploits the other.

I am here interested in forms of adversity that do not necessarily involve forms of *wrongdoing*, at least in the typical sense of violating someone's rights. A relationship with a co-worker who continually disparages one's work over the course of months for no apparent reason, a marriage that has turned sour and led to a drawn-out alimony dispute, the relationship of two childhood best friends now estranged through envy and competition—all these can be examples of adversarial relationships that, despite an absence of *wrongdoing* between the partners, give rise to duties to stand up for one-self and act in certain ways with respect to one's adversary.

Consider the following vignette to lend some more colour to this claim:

> ***Hellish Neighbour:*** New job, new city. You have just moved into a new apartment far away from home to start a new job. Quickly, you realise that your next-door neighbour has it in for you, for no apparent reason—after all, you've just moved in. Not a week goes by without constant partying and loud music that keeps you up at night. Your respectful requests to keep down the noise at night are ignored and met with mocking or snide comments. Weeks turn into months with no resolution in sight, and neither is it an option for you to find a new place. As luck would have it, one day your neighbour needs help with their latest market research project. Recalling that you are a seasoned expert in the field, they ask you for help. You could easily provide some guidance, but you could also just ignore the request. What do you do?

Intuitively, it seems to me that you are in fact *required* to decline your neighbour's request. I think that cases like the above, which are characterised by a sufficient history of one-sided adversarial interaction with no retaliation from the victimised participant, can ground requirements for a victim to downgrade the moral priority of their

adversary. *Hellish Neighbour* requires you to *ignore* the request of your bullying neighbour and de-prioritise their needs.

After having tried to reconcile the situation and enduring their bullying over months, it would be a moral failure to fail to stand up for yourself in this manner. It would be a moral failure because behaving favourably to your neighbour after having been subject to their continual harassment for months would be an instance of failing to possess a certain self-respect. In the same way in which we are sometimes required to protect others in light of adversity, we owe it to ourselves at times to do the same when we are the victim.[6]

Of course, matters will also depend on contextual details, such as the severity of the adversarial relationship, whether you are complicit in its adversarial nature, and what is at stake; plausibly, in *Hellish Neighbour*, you would not be required to ignore your neighbour if they were in serious danger and needed rescue. However, it seems that at least in some instances and when certain things are equal, adversarial relationships can ground presumptively decisive reasons to act in distinctive ways toward one's adversary.

But even though the idea that we need to stand up for ourselves in certain types of adversarial relationships resonates with commonsense morality, some might nonetheless want to resist the idea that these relationships can ground requirements. After all, how could it ever be *wrong* to turn the other cheek? If anything, it might seem wrong to lower oneself to the level of one's adversary and retaliate. Others might suggest that adversarial relationships provide their participants only with reasons to dissolve their

[6] This idea appears to resonate with the notion of 'deficiency' in Aristotle's (1984) account of justice, where the vice consists in 'taking too little'.

relationship or bring it to an end as opposed to grounding certain types of responses that may continue the relationship.[7]

My aim is not to refute these alternative views decisively but merely to highlight what I take to be another plausible alternative. As I mentioned, it is only a subset of adversarial relationships that I take to ground these duties; others perhaps ground weaker responses or no response at all. And the claim that I am defending is not that a perpetrator in an adversarial relationship has reason to continue to bully or treat their victim badly; they might indeed have decisive reason to make amends and resolve the relationship.

An underlying worry about the idea that we can be required to act in certain ways toward our adversaries might be that it gives rise to a vicious cycle of adversity that continually worsens the relationship. This, in turn, may seem an undesirable consequence. But this worry is based on a misunderstanding of the responses that adversarial relationships can ground. Giving *lesser moral priority* to your adversary by way of ignoring them does not necessarily harm them or constitute an interaction that, from a moral perspective, needs to worsen the relationship. Rather, it leaves the relationship as it is.

2.2 Content and Structure

I now want to examine the structure of our duties to give lower moral priority to our moral adversaries in contrast to the structure of our associative duties to our intimates.

First, these duties are in some ways similar to commonly recognised associative duties to our intimates. Both arise in the context of special personal relationships, either with positive valence, as in the case of relationships with our intimates, or with negative

[7] Kolodny (2010), for example, suggests that this is the main response called for by adversarial relationships.

valence, as in the case of relationships with our adversaries. Both duties are also distinctively agent-relative in that they are reasons that only a relationship participant possesses.[8]

However, while prototypical duties to our intimates are often characterised in terms of duties to give special moral priority to the welfare of our intimates that go beyond what we owe to strangers, duties to our adversaries require us to go 'beneath and below' what we owe to strangers. The possibilities regarding what this may require vary with the nature of the adversarial relationship. To give lower moral priority to an adversary may mean that our positive duties of assistance or our negative duties to refrain from harming them become weaker in comparison to the general duties that we have to strangers. In more serious instances of adversity, it may even be the case that our associative duties require us to give not less but *no* weight to the needs of our adversaries. Our positive duties will then be weakened to a point where we are required in certain cases to *ignore* the needs of our adversaries completely. A third conceptual possibility, which I note but do not aim to defend here, concerns *inverted* duties with regard to our adversaries. These would be requirements to *harm* our adversaries as opposed to merely providing lesser benefits to them. Inverted duties are not implied by accepting that there can be weakened associative duties to our adversaries.

Duties concerning our adversaries also have different directionality from the positive counterparts that we *owe to* our intimates. It seems puzzling that we could owe it to our adversary to de-prioritise them. This idea is borne out by reflecting on the fact that failing to discharge a directed duty to someone gives rise to complaints on behalf of the person to whom the duty was directed. If you fail to rescue your sister, she can complain that you have wronged her. But it doesn't seem right that an adversary would *complain* that you have wronged them by failing to de-prioritise them. Instead, we *owe*

[8] On agent-neutrality and agent-relativity, see Nagel (1986), Ch. 9.

it to ourselves to discharge these duties and stand up for ourselves.[9] Associative duties with regard to our adversaries are therefore a class of duties that are owed to ourselves.

There are additional features of our associative duties with regard to adversaries that are worth elucidating. Associative duties are typically not only considered to be more extensive than positive duties to other people but also to have much greater strength.[10] The strength of associative duties can be understood in terms of three features.

First, associative duties are not as easily overridden as positive duties to others by considerations of cost to oneself. For example, although I may be expected to bear some cost to provide assistance to a stranger, I may be expected to bear greater costs in order to provide comparable assistance to my brother or my child. So, I might have to risk my life to save my child from drowning in a river, but I might not be required to incur the same risk to my life if the person at risk is just a stranger. Associative duties that arise in adversarial relationships have the opposite feature: these duties are more *easily* overridden by considerations of cost to oneself. For example, though I might be expected to bear some cost to provide assistance to a stranger, I might be expected to bear only a *lesser* cost to provide assistance to a bully or a serious enemy. I might have a general duty to help a confused stranger find their way home at night even though I will lose a lot of valuable sleep, but if I encounter my nemesis, I might not be required to bear the same cost. As we have seen previously, the degree of the adversity may then further diminish the cost I am required to take on, up the point of my not having to

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[9] The literature on duties to oneself is growing quickly. A locus classicus is probably Kant's (1994) *Lectures on Ethics*. On duties of self-respect, see Hill (1971) and Allen (2013).

[10] See Scheffler (2002) 'Families, Nations, and Strangers', pp. 51–54. On the strength of associative duties, see also Lazar (2013), pp. 14–15, and (2016), p. 33. Kamm (1996), p. 313 and 321, calls them the 'efforts' and 'precedence' standards of duties.

bear *any* cost to assist an adversary, or, in the most extreme cases, of my having to *take on* cost to harm them.

A second feature of associative duties is that they often take precedence over general duties in cases where the two conflict. If both a sister and stranger need assistance but I can help only one of them, I might be required to help my sister even if I would have been required to help the stranger had they been the only person in need of assistance. This holds even if the sister's need is less urgent than that of the stranger. By contrast, associative duties toward adversaries take *lower* priority. They make it the case that positive duties toward strangers take precedence over duties toward the adversary. If I have the choice of providing assistance to a stranger or to a person who has bullied me, I am required to help the stranger. And I might be required to do so even if the stranger's need is (much) less urgent than that of the adversary.

Third, associative duties have a different threshold at which they can override other duties. For example, the threshold at which a positive duty can override a negative duty is sometimes lower if the positive duty is to an intimate than it would be if the positive duty were to a stranger. For example, I might be sometimes required or permitted to harm some person in order to provide a badly needed benefit for my sister or child, though this might be wrong for me to do in order to provide a comparable benefit to a stranger. Conversely, the threshold at which a positive duty can override a negative one is sometimes higher if the negative duty is to a family member than it would be to a stranger. It may be that it is sometimes permissible to inflict a lesser harm on one stranger in order to prevent a much greater harm to another stranger, though this would be wrong if the person on whom to inflict the lesser harm were one's sister or child.

In the case of duties to adversaries, the situation is, again, inverted. The threshold at which a positive duty toward a stranger can override a negative duty to an adversary might sometimes be lower. If I can provide a positive benefit to a stranger, then I

might be permitted to harm an adversary in order to provide the stranger with the benefit. Along similar lines, it might be impermissible for me to inflict a small harm on a stranger in order to prevent a greater harm to an adversary.

3. The Voluntarist and Distributive Objections

The voluntarist and distributive objections are the two most influential objections to the existence of associative duties. I show here that both objections also apply to our associative duties to adversaries, though in different ways. Because of this, defences of associative duties against these objections have hitherto been incomplete.

3.1 The Voluntarist Objection

The voluntarist objection is directed against the associative duties that are supposed to arise out of non-consensual actions.[11] It is, in effect, an objection on behalf of the individual who is supposed to be bound by associative duties. As my parents' child, I might be required to impose much greater cost on myself to help my parents than the cost that I would have to impose on myself to help a stranger; yet I did not choose to become their child. Associative duties, if they can apply to agents absent any relevant consensual act, would, according to the voluntarist, therefore constitute an unreasonable constraint on the individual in question.

At first glance, it does not seem that associative duties to our adversaries could even in principle be subject to the voluntarists' concern. Whereas familial ties such as being someone's child or sibling are not voluntarily entered into by the people who are bound by the relevant duties, we cannot be born into adversarial relationships. However, as we saw, it is not true that adversarial relationships are always voluntarily

[11] Scheffler's 'Families, Nations, and Strangers' first developed this objection. See Scheffler (2002), pp. 54–57. See also Jeske (2019) for an overview.

entered into by both participants. A victim in a serious adversarial encounter does not consent to being bullied or harassed, nor do ex-spouses or estranged friends whose shared commitments may bind them in a form of relationship.

Whether being bound by associative duties to adversaries could ever constitute an unreasonable constraint on us depends on the kind of adversarial relationship at stake. Duties to de-prioritise our adversaries may mean that our positive duties of assistance or our negative duties to refrain from harming them become slightly weaker compared to the duties that we have to strangers, that our duties come to be eliminated and require us to ignore our adversaries' needs, or, in the most extreme case, that they become inverted and require us to harm our adversaries. The first two cases, in which we are required to give lower priority to the needs of our adversaries, evade the force of the voluntarist objection. This is because they give rise to more situations in which we are *not* required to benefit our adversaries and the duty does not 'kick in' since the cost we are required to impose on ourselves is lower. Moreover, cases where we are faced with a duty to benefit either an adversary or a stranger require us to discharge our general associative duties to the stranger, which will not go above and beyond what others are owed in the way that the voluntarist objection finds problematic.

However, as noted in the previous section, it is conceptually possible that there are adversarial relationships that are so extreme that they invert our duties in such a way that discharging them could require us to impose unreasonable cost on ourselves. For example, it is conceivable that I have an arch-nemesis with whom I have such a hostile relationship that I am required to take on comparatively greater cost to harm them than the cost I should take on to benefit a stranger. It might even be that I have been innocently forced into this relationship. And having to discharge my associative duties in these instances surely would be objectionable on voluntarist grounds. Indeed, the pull of the voluntarist objection seems even stronger in this case, precisely because the

unreasonable effort required of me concerns the provision, not of benefits, but of harms.

In addition to considering the additional cost of discharging associative duties that concern adversaries, there is another way in which the voluntarist's concern does seem to apply more generally to adversarial personal relationships. This is to conceive of the cost imposed on us in adversarial relationships that we entered into involuntarily in terms of limitations on our *moral freedom*. We might think that, through their conduct, others can make it the case that we ought not to help them or act towards them in certain ways—even if we wanted to. This idea can be borne out by imagining cases where I might be part of a very small community, commune, or tribe in which the other members conspire against me, so that almost all of them become my adversaries. This would significantly constrain my own conduct in much the same way that being born into a big family would. The domain of adversarial personal relationships is therefore not necessarily immune to the concerns of the voluntarist.

3.2 The Distributive Objection

The distributive objection is a second influential objection to associative duties. It focuses not on the unreasonable burdens that being bound by associative duties seem to impose on an individual but instead on the objectionable feature of supplying participants in special relationships with benefits that appear to be unreasonable.[12]

By way of illustrating the distributive objection, imagine a three-person society that consists of A, B, and C. Imagine that all three owe *general* duties to each other. Suppose now that A and B start to form a special personal relationship. This relationship brings them a number of benefits. For one thing, participation in the relationship itself may

[12] See Scheffler (2002), pp. 57. For some responses, see Kolodny (2002) and Lazar (2009) on the distributive objection.

be inherently rewarding and contribute to the participants' flourishing. The relationship also changes the structure of their duties, providing A and B with associative duties to one another. Once A and B enter into a special relationship, C is disadvantaged in at least in three ways: (1) where A and B might previously have benefited C supererogatorily, their focus is now on each other; (2) when it is impossible for them to perform their general duties both to each other and to C, it is now C who *always* loses out; and (3) sometimes the associative duties that A and B owe one another *override* their general duties to C.

The distributive objection thus sees associative duties as providing additional advantages to people who are already benefiting from participation in rewarding groups and relationships, and it views this as unjustifiable when the provision of these additional advantages is to the disadvantage of those who are needier either because they are not themselves participants in rewarding groups or relationships or because they have significantly fewer resources of other kinds to begin with.

A few factors change when we consider an adversarial relationship that forms in the three-person society. There are two possibilities here: either A becomes B's adversary while B remains innocent, or A and B engage in a reciprocally adversarial relationship. Let's focus on the case in which a reciprocally adversarial relationship forms between A and B, giving each one associative duties to give lesser weight to the other's needs.

The first way in which the case of an adversarial relationship between A and B differs from the case of a positive relationship between them concerns the purported disadvantaging of C by virtue of not participating in the relationship. Participation in adversarial relationships is not inherently rewarding for participants. The simple reason is that adversarial relationships do not contribute to well-being, human flourishing, or the goodness of participants' lives. Unlike friendships, enmities are not intrinsically valuable pursuits, and being bullied, mocked, or otherwise wronged by an adversary does not enhance one's life in any way. Participation in adversarial relationships

therefore does not inherently seem to be a good that non-participants in such relationships can miss out on. This means that, in one respect, the existence of these relationships is less objectionable from the point of view of the distributive objection.

With regard to the distribution of benefits, the disadvantages that would accrue to C from non-participation in a positive relationship are replaced by benefits when the relationship is adversarial. While in personal relationships of friendship, benefits are re-allocated towards the relationship participants, an adversarial relationship between A and B weakens their respective duties to each other, so that C is benefited in more situations. The reason is that in all cases where performing a general duty to C is an option for A or B, this general duty wins out. In cases where it is impossible for A and B to perform their general duties to each other and to C, they are always required to benefit C because their duties to each other are weaker. Moreover, there are more instances in which A's and B's general duties to C override the associative duties they have to each other. In other words: when two people in a three-person society are fighting, the third benefits.

It might seem counterintuitive that extra benefits may accrue to one for being a non-participant in a relationship. But this concern can be dissolved once we reflect on the fact that C's 'additional' benefits are in fact simply the benefits that C was owed in general. What is unreasonable about receiving what one is owed in general? However, what does seem problematic, from the point of view of the distributive objection, is that participants who are forced or slip into adversarial relationships that they cannot escape or terminate end up being unfairly disadvantaged. Whereas in the original three-person society, C misses out on certain benefits by virtue of not participating in a special relationship, in this case A or B may miss out on certain benefits by being caught in an adversarial relationship that takes distributive benefits from them.

This disadvantage may then be further compounded by the fact that participation in adversarial relationships is itself not contributing to the participants' well-being and

the fact that people caught in adversarial relationships may also have significantly fewer resources of other kinds to begin with.

4. Justifying Associative Duties to Adversaries

In this section, I show how some of the most well-known accounts of associative duties can account for associative duties to adversaries.

Two rival camps on associative duties are on offer. According to what is known as *non-reductionism,* there exist *sui generis* associative duties. This camp says that some of our associative duties are fundamental duties that are irreducible to other, more basic moral duties. This non-reductionist approach can be split into two additional camps, which I discuss in the next two sections: Teleological Welfarist Accounts and Appropriate Response Accounts.

According to *reductionism,* all our associative duties are reducible to more basic special duties. This camp says that even our strongest associative duties are reducible to special duties that morality typically countenances and that are grounded in more basic moral principles that have to do with the moral significance of *i)* promises and contracts, *ii)* compensating benefactors through expressing gratitude, or *iii)* providing aid to those we have made particularly vulnerable to our actions. I am going to refer to these views as Basic Moral Principle Accounts.

4.1 Teleological Welfarist Accounts

The Teleological Welfarist account says that associative duties are justified because they are necessary to realise states of affairs in which valuable relationships obtain. Many believe that relationships can ground duties because they improve our well-

being and have benefits for the duty-bearer.[13] One relationship might be more valuable than another either because it improves a person's life by a larger amount or because it improves many people's lives by a smaller amount each but a larger amount in total.

To illustrate, some accounts ground filial duties in the fact that a flourishing parent–child relationship adds value to the lives of both parent and child.[14] Others emphasise that friendships make an intrinsically valuable contribution to well-being or human flourishing or that they just make peoples' lives go better.[15] In other cases, it is argued that associative duties are constitutive of valuable relationships. For example, it might be impossible for me to be recognised as a friend without acknowledging certain duties to my friends. Since friendships are intrinsically valuable pursuits, the duties of friendship are justified because without them these personal relationships would not be possible.[16] Other variants of the Teleological Welfarist Account maintain that associative duties are justified by the relationship's value to the beneficiary of the duty. According to this version, a parent's associative duties to their child are grounded in the child's interests in the special relationship between them and in the specific interest protected by the duty.

The appeal to a connection between associative duties and the realisation of a valuable state of affairs is obviously attractive. However, at first glance, it seems unpromising as a strategy for justifying associative duties toward adversaries. The simple reason appears to be that it is implausible that adversarial relationships contribute to well-being,

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[13] For other expressions of the same view, see Cottingham (1983), pp. 89–90; Friedman, (1991), p. 820; Hardimon (1994), p. 353; McMahan (1997), pp. 118–124; and Horton (2006), pp. 437–438.

[14] Keller (2006), p. 265.

[15] See Raz (1989), pp. 14–15, Miller (2005), p. 65, and Mason (2000), p. 99. Other writers who emphasize 'human flourishing' are Seglow (2013), 4; Scheffler (2001), p. 107.

[16] Raz (1989), p. 20.

human flourishing, or the goodness of our lives. Unlike friendships, enmities are not intrinsically valuable pursuits: being bullied, mocked, or otherwise treated in a demeaning fashion by an adversary does not make my life go better in any way.[17] Neither does it seem plausible that the adversary affected by my adversarial associative duties has an interest in my discharging of these duties. Since discharging my associative duties with regard to an adversary requires that I de-prioritise their interests over those of strangers, ignore them, or even burden them, my adversary never has an interest in the performance of my duties with regard to them.

But this line of reasoning locates the relevant justificatory personal relationship in the wrong place. Since duties to act in certain ways vis-à-vis our adversaries are duties owed to oneself, it seems that the relevant relationship to examine is not the relationship between us and our adversary, but rather the reflexive relationship that we have with ourselves. Once this claim is granted, it does become more plausible that Teleological Welfarist Accounts can justify these adversarial duties. For example, these accounts could say that being required to stand up to an adversary is necessary in order to maintain a healthy and self-respecting relationship with oneself, which improves one's own well-being, individual flourishing, or overall quality of life.

4.2 Appropriate Response Accounts

The starting premise of this type of account is an appropriate-response view of ethical reasoning.[18] According to the Appropriate Response Account, to say that *x* is valuable is to say that it has a number of properties to which a given response, recognisable as

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[17] Though there might be some dissenting evidence in ancient Greek thought; cf. Blundell (1989).

[18] Anderson (1991) and Scanlon (1998) are commonly associated with defending this view. Beyond this, Brentano (1969) and Ewing (1959; 1974) are some of the forebears of this approach.

a form of valuing, is appropriate. A response counts as appropriate when the properties of *x* are good reasons for that response.[19] We recognise many different responses as forms of valuing. Traditionally, the principal appropriate responses have been attitudinal: for *x* to be valuable is for its properties to provide good reasons for admiring *x*, loving *x*, wishing *x* could be realised in one's own life, respecting *x*, etc. And indeed, a good way of showing that some *x* is valuable is to show that its properties are proper objects of, say, admiration.

However, attitudes are not the only form of appropriate response to something that is valuable. The Appropriate Response Account posits that, when *x* is valuable, the properties of *x* provide good reasons not only for certain attitudes but also for specific types of action.[20] There are several Appropriate Response Accounts that defend associative duties. For example, some maintain that non-instrumentally valuable or finally valuable personal relationships ground associative duties.[21] Others have argued that these associative duties are responses to love.[22]

At first glance, the Appropriate Response View seems better equipped to account for our associative duties in relation to adversaries. On the Appropriate Response Account, to determine whether a personal relationship can ground duties, we need to know more about the nature of its properties. We also need to show that the recognition of associative duties counts as an appropriate response to those properties. Accordingly, the Appropriate Response View can claim that in the same fashion in which personal relationships with our family and friends may require certain attitudinal and action-

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[19] Anderson (1993), pp. 1–2, and Scanlon (1998), pp. 95–96.

[20] See Anderson (1993), p. 11, and Scanlon (1998), p. 95.

[21] Versions of appropriate response accounts are developed by Scheffler (2001), Ch. 6; Kolodny (2003); and Lazar (2018).

[22] Wallace (2012) and Wolf (2016).

based responses in the form of associative duties to prioritise their interests, adversarial relationships may mandate responses that amount to requirements to de-prioritise our adversaries' interests. Associative duties could therefore have two valences depending on the nature of the special personal relationships.

While this strategy might seem more unified than the Teleological Welfare Account's, I think it, too, ignores the structural directional asymmetry between associative duties to intimates and duties with regard to adversaries. Since adversarial duties are duties owed to oneself, it seems more accurate to justify these duties by appeal to the appropriate response of self-respect to the reflexive relationship in which one stands to oneself in certain cases where one stands in personal relationships of adversity to others. Even though these duties come into existence only once a certain adversarial personal relationship exists, the source of the duty itself is the relationship not with one's adversary but with oneself. So, we still have an appropriate response to a relationship—but to a different one than we might at first have thought.

4.3 Basic Moral Principle Accounts

Basic Moral Principle Accounts of associative duties maintain that associative duties are reducible to duties grounded in more basic moral principles to do with the moral significance of *i)* promises and contracts, *ii)* compensating benefactors through expressing gratitude, or *iii)* providing aid to those whom we have made particularly vulnerable to our actions.[23] In other cases, Basic Moral Principle Accounts may endorse a list of basic *prima facie* duties owed to others, including duties of fidelity (promise-keeping), duties of reparation (making up for prior wrongful acts), duties of gratitude

[23] See Goodin (1985), Sommers (1986), Simmons (1996), and Wellman (2001) for different reductionist accounts of special duties. For an overview of the literature, see Seglow (2013). Early modern theorists such as Ross (1930), Carritt (1947), and Prichard (2002) could also be understood as endorsing Basic Moral Principle Accounts.

(being grateful for others' acts of kindness), duties of justice (being fair), duties of beneficence (benefiting or helping others), or duties of non-maleficence (not harming others).[24]

Different moral principles can be at play in different forms of personal relationships. What children owe their parents *qua* their children may not have the same reductionist ground as what spouses owe each other *qua* intimates, though the grounds of the associative duties in all these relationships are based on general moral principles. Neither are the associative duties linked to a single personal relationship reducible to a single basic moral principle. The associative duties of a loving personal relationship need not be reducible to moral principles to do with meeting expectations; they can also be based on duties of gratitude or protecting those especially vulnerable to us. The same considerations apply to friendships or parent–child relationships. The number of basic duties at play depends on the context and nature of each individual relationship.

Basic Moral Principle Accounts of associative duties are often criticised for failing to account for the intuitive strength of our associative duties or for failing to capture the phenomenology of discharging them.[25] I do not settle this issue here but instead focus on the fact that these accounts also have a story to tell about the justification of associative duties with respect to our adversaries.

The story is that duties to de-prioritise the needs of our adversaries can be justified by stipulating the existence of a basic *prima facie* duty of self-respect, owed to ourselves, that requires us to stand up for ourselves. In some cases, this duty is stronger than other, competing duties, such as the duty of beneficence (or potentially even the duty

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[24] Hurka and Shubert (2012) defend this view, which is in turn inspired by Ross (1930), pp. 19–20.

[25] See Bazargan-Forward (2018), Ch. 2, on the strength debate; and see Keller (2013), p. 27, as well as Stocker (1976), pp. 453–455, and (1998), p. 173, on the phenomenology debate.

of non-maleficence), so that the all-things-considered course of action is, for example, to ignore the needs of an adversary.[26] Similar to Teleological Welfare and Appropriate Response Accounts, Basic Moral Principle Accounts therefore also have the resources to accommodate associative duties in relation to our adversaries.

5 Conclusion

This paper has defended the claim that some adversarial personal relationships can give rise to associative duties to ignore the needs of our adversaries.

This claim has a number of implications.

Associative duties have been famously criticised as constituting unreasonable constraints on the individuals bound by the duties or as disadvantaging those who do not participate in special relationships even though they are needier. In so far as associative duties exist, understood as relating both to our intimates and to our adversaries, discussions that have aimed thus far at defusing the voluntarist and distributive objections have been incomplete. Moreover, this discussion implies that some of the predominant justifications for associative duties to intimates need to be modified so that they also apply to the justification for associative duties to adversaries. This in turn may reignite the longstanding debate between reductionist and non-reductionist approaches to associative duties, prompting the question of whether, and if so, how, a uniform and plausible defence of associative duties can be provided.

[26] What is the strength of a prima facie duty? Plausibly, it's a duty's tendency 'to make some act your all-things-considered duty, when competing with other duties'; see Hurka and Shubert (2012), pp. 6–7.

References

Allen, A. L. 2013. An Ethical Duty to Protect One's Own Information Privacy? *Alabama Law Review* 64(4): 845–866.

Anderson, E. 1993. *Value in Ethics and Economics*. London: Harvard University Press.

Aristotle. 1894. *Ethica Nicomachea* (ed. I. Bywater). Oxford: Clarendon Press.

Bazargan-Forward, S. 2019. The Identity-Enactment Account of Associative Duties. *Philosophical Studies* 197: 2351–2370.

Bennett, J. 1981. Morality and Consequences. In S. M. McMurrin (ed.), *The Tanner Lectures on Human Values: Volume 2*, pages 45–116. Cambridge: Cambridge University Press.

Blundell, M. 1989. *Helping Friends and Harming Enemies: A Study in Sophocles and Greek Ethics.* New York: Cambridge University Press.

Brandt, J. 2020. Negative Partiality. *Journal of Moral Philosophy* 17(1): 33–55.

Brentano, F. 1969. *The Origin of Our Knowledge of Right and Wrong.* London: Routledge.

Broad, C. D. 1942. Certain Features in Moore's Ethical Doctrines. In P. Schilpp (ed.), *The Philosophy of G. E. Moore,* pp. 41–68. Evanston Ill: Northwestern University Press.

Carritt, E. F. 1947. *Ethical and Political Thinking*. Oxford: Clarendon Press.

Cottingham, J. 1983. Ethics and Impartiality. *Philosophical Studies* 43(1): 83–99.

Dworkin, R. 1986. *Law's Empire*. Cambridge, MA: Harvard University Press.

Ewing, A. C. 1947. *The Definition of Good*. London: Routledge.

Ewing, A. C. 1959. *Second Thoughts in Moral Philosophy*. London: Routledge.

Feinberg, J. 1980. *Rights, Justice, and the Bounds of Liberty.* Princeton, NJ: Princeton University Press.

Friedman, M. 1991. The Practice of Partiality. *Ethics* 101(4): 818–835.

Frowe, H., and Parry, J. 2021 (forthcoming). Self-Defense. In E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy*. https://plato.stanford.edu/archives/fall2021/entries/self-defense/

Goodin, R. E. 1985. *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities.* Chicago: The University of Chicago Press.

Hardimon, M. O. 1994. Role Obligations. *The Journal of Philosophy* 91(7): 333–363.

Hill, Jr., T. E. 1991. Servility and Self-Respect. In *Autonomy and Self-Respect*, pp. 4–18. Cambridge: Cambridge University Press.

Horton, J. 2006. In Defense of Associative Political Obligations: Part One. *Political Studies* 54(3): 427–443.

Hume, D. 1977. *An Enquiry Concerning the Principles of Morals.* London: Cadell.

Hurka, T., and Shubert, E. 2012. Permissions To Do Less Than the Best: A Moving Band. In M. Timmons (ed.), *Oxford Studies in Normative Ethics: Volume 2*. Oxford: Oxford University Press.

Jeske, D. 2019. Special Obligations. In E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy (Fall 2019 Edition)*. https://plato.stanford.edu/archives/fall2019/entries/special-obligations/

Kant, I. 1997. *Lectures on Ethics* (Peter Heath and J. B. Schneewind, eds.). Cambridge: Cambridge University Press.

Keller, S. 2013. *Partiality*. Princeton: Princeton University Press.

Kolodny, N. 2002. Do Associative Duties Matter? *Journal of Political Philosophy* 10(3): 250–266.

Kolodny, N. 2003. Love as Valuing a Relationship. *The Philosophical Review* 112(2): 135–189.

Kolodny, N. 2010. Which Relationships Justify Partiality? General Considerations and Problem Cases. In B. Feltham and J. Cottingham (eds.), *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*. Oxford: Oxford University Press.

Lange, B. 2020. Other-Sacrificing Options. *Philosophy and Phenomenological Research* 3: 612–629.

Lazar, S. 2013. Associative Duties and the Ethics of Killing in War. *Journal of Practical Ethics* 1(1): 3–48.

Lazar, S. 2016. The Justification of Associative Duties. *Journal of Moral Philosophy* 13: 28–55.

Mackie, J. L. 1977. *Ethics: Inventing Right and Wrong.* Harmondsworth: Penguin.

Mason, A. 2000. *Community, Solidarity and Belonging: Levels of Community and Their Normative Significance*. Cambridge: Cambridge University Press, 2000.

McMahan, J. 1997. The Limits of National Partiality. In R. McKim and J. McMahan (eds.), *The Morality of Nationalism*, pp. 107–138. Oxford: Oxford University Press.

Miller, D. 2005. Reasonable Partiality Towards Compatriots. *Ethical Theory and Moral Practice* 8(1): 63–81.

Nagel, T. 1970. *The Possibility of Altruism.* Oxford: Clarendon.

Nagel, T. 1970. *The Limits of Objectivity.* In S. M. McMurrin (ed.), *The Tanner Lectures on Human Values: Volume 1*, pp. 75–139. Cambridge: Cambridge University Press.

Nagel, T. 1989. *The View from Nowhere*. Oxford: Oxford University Press.

Nagel, T. 1995. *Equality and Partiality*. Oxford: Clarendon.

Nozick, R. 1974. *Anarchy, State, and Utopia* (2013 edition). New York: Basic Books.

Parfit, D. 1983. Energy Policy and the Further Future: The Identity Problem. In D. MacLean and P. G. Brown (eds.), *Energy and the Future*, pp. 166–179. New Jersey: Rowman and Littlefield. Reprinted in Parfit 1984, pp. 480–86.

Parfit D. 1984. *Reasons and Persons*. Oxford: Clarendon.

Plato. 1964. *The Dialogues of Plato*, 4th ed., translated by Benjamin Jowett. Oxford University Press.

Prichard, H.A. 2002. *Moral Writings* (J. MacAdam, ed.). Oxford: Clarendon Press.

Raz, J. 1989. Liberating Duties. *Law and Philosophy* 8(1): 3–21.

Ross, W. D. 1930. *The Right and the Good*. Oxford: Clarendon.

Scanlon, T. 1998. *What We Owe to Each Other*. London: Belknap Press.

Scheffler, S. 1982. *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions.* Oxford: Clarendon Press.

Scheffler, S. 2001. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. Oxford: Oxford University Press.

Seglow, J. 2010. Associative Duties and Global Distributive Justice. *Journal of Moral Philosophy* 7: 54–73.

Shiffrin, S. 1999. Wrongful Life, Procreative Responsibility, and the Significance of Harm. *Legal Theory* 5: 117–148.

Shiffrin, S. 2012. Harm and Its Moral Significance. *Legal Theory* 18: 357–398.

Stocker, M. 1976. The Schizophrenia of Modern Ethical Theories. *Journal of Philosophy* 73(14): 453–466.

Stocker, M. 1998. How Emotions Reveal Value and Help Cure the Schizophrenia of Modern Ethical Theories. In R. Crisp (ed.), *How Should One Live?*, pp. 173–190. Oxford: Clarendon Press.

Stroud, S. 2010. Permissible Partiality, Projects, and Plural Agency. In B. Feltham and J. Cottingham (eds.), *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*. Oxford University Press.

Thomson, J. 2011. More on the Metaphysics of Harm. *Philosophy and Phenomenological Research* 82: 436–58.

Walzer, M. 1970. *Obligations*. Cambridge: Harvard University Press.

Wasserstrom, R. 1975. Lawyers as Professionals: Some Moral Issues. *Human Rights* 5: 1–24.

Wallace, R. 2012. Duties of Love. *Proceedings of the Aristotelian Society, Supplementary Volumes* 86: 175–198.

Williams, B. 1973. A Critique of Utilitarianism. In J.J.C. Smart and B. Williams, *Utilitarianism: For and Against*, pp. 75–150.

Williams, B. 1981. *Moral Luck*. Cambridge University Press.

Partiality, Asymmetries, and Morality's Harmonious Propensity[1]

Abstract: We argue for asymmetries between positive and negative partiality. Specifically, we defend four claims: *i)* there are forms of negative partiality that do not have positive counterparts; *ii)* the directionality of personal relationships has distinct effects on positive and negative partiality; *iii)* the extent of the interactions within a relationship affects positive and negative partiality differently; and *iv)* positive and negative partiality have different scope restrictions. We argue that these asymmetries point to a more fundamental moral principle, which we call *Morality's Harmonious Propensity*. According to this principle, morality has a propensity toward *preserving* positive relationships and *dissolving* negative ones.

Keywords: Negative Partiality, Positive Partiality, Permissible Partiality, Required Partiality, Asymmetries, Personal Relationships, Structure of Personal Relationships, Friendship, Enmity

[1] This paper has been co-authored with Joshua Brandt, University of Toronto. Both authors contributed equally to this work.

1. Introduction

Partiality is a central part of morality.[2] The realm of positive partiality includes moral options and associative duties to prioritise the interests of intimates (or oneself), which *permit* and/or *require* one to deviate from what one owes to others *qua* moral agent—e.g. to depart from a consequentialist duty to maximize the good impartially or to go beyond one's *general* duties to others.[3,4]

The realm of negative partiality, by contrast, has hitherto gone virtually unnoticed.[5] To recognise its existence, suppose that you conceive of yourself and your personal

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[2] The importance of favouring people with whom we stand in some special relationship is a pervasive theme in much of modern moral philosophy. Evidence for this claim can be found in Hume (1777), p. 146; Ross (1930), p. 21; Nagel (1970), pp. 129–130, (1980), pp. 119–126, and (1995); Williams (1973), p. 110, and (1981), Ch. 2; Walzer (1970), Ch. 1; Wassertrom (1975), p. 4; Mackie (1977), pp. 157–158; and Parfit (1983), pp. 35–36, and (1984), pp. 95, 485.

[3] For defences of permissible partiality (though this list is by no means exhaustive), see Scheffler (1982), Portmore (2003), Stroud (2010), and Bader (2020). For required partiality see, for example, Goodin (1985) and Scheffler (2001). An example of a defence of permissible *and* required partiality is Shubert and Hurka (2012). For a comprehensive overview of the ethics of partiality, see Keller (2013). For an extensive critique of options and, *a fortiori*, associative duties, see Kagan (1989).

[4] We follow Kagan (1989), pp. 6–10, in understanding 'interests' here broadly as opposed to narrowly in terms of pure self-concern. Fletcher (2016) gives a helpful overview of different accounts of well-being.

[5] See Brandt (2020) and Lange (2020) for a preliminary analysis and defence of negative partiality.

relationships as existing in a kind of moral space.[6] You are closest to yourself.[7] The moral distance between you and someone else is a function of your personal relationship, which in turn is constituted by histories of various forms of morally significant positive encounters: intimates are closer to you than (and hence you can prioritise their interests more than you can those of) loosely associated colleagues, who are in turn closer to you than strangers.[8] Strangers represent how you may act independent of any special personal relationship. We can think of the stranger relation as setting a baseline characterisation of morality (or moral midpoint), relative to which you may be more or less partial depending on your positive or negative personal relationships. If intimates are closer to you in moral space and strangers represent a moral midpoint, then

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[6] Broad (1942), p. 55, and Feinberg (1980), p. 202, have alluded to closeness facts in the context of associative duties, and Nozick (1974), p. 57, has written about moral space in the context of moral rights. Bader (2020) provides an account of moral space in the context of defending moral options.

[7] There are some questions surrounding moral space that we do not engage in here: For example, characterising the moral distance to oneself is complicated by the fact that we might think there are options to promote and to discount one's own interests (as well as the possibility of special duties of self-respect). Moreover, it is not clear that the 'distance' between one and oneself is a function of relationship facts. Some independent support for this premise, however, can be found in Aristotle (1894), Bks III.5 and IX.4; see also Bennett (1981), p. 78, who talks about *identity* as being the 'most special relation'. Beyond this, there is a question as to whether moral space is best understood one-dimensionally or in a multi-dimensional fashion that allows for relationships of mixed friendship and enmity.

[8] We here bracket the parent–child relationship from the discussion as it is a structurally distinctive relationship. Instead, we focus on 'thick' personal relationships involving friends, acquaintances, strangers, competitors, perpetrators and victims, and enemies. These relationships share the feature of involving agents who have sufficiently developed capacities for full moral responsibility (and in this respect can engage with each other on equal terms).

there may also be people who are more distant than strangers. These people are your *adversaries* by virtue of a negative personal relationship with them, a relationship that is constituted by normatively significant interactions, such as hindering, violating trust, being ungrateful, or failing to cooperate.

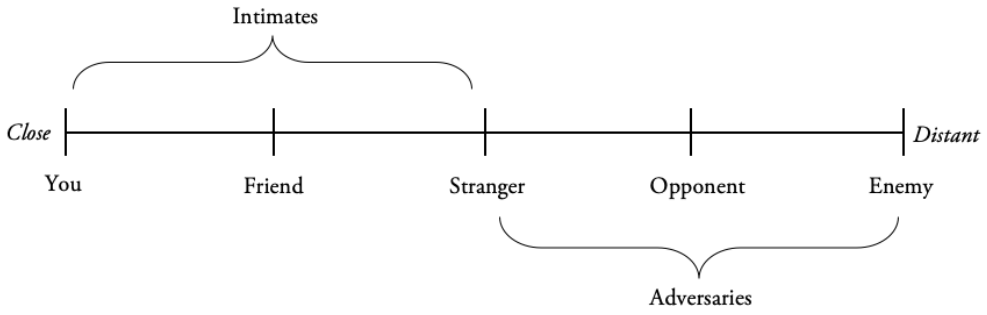


Illustration 1. Distance in moral space

What is the relationship between positive and negative partiality? A natural answer might be that the two mirror each other: friends confer benefits on each other, and enemies confer harms. If it is required to favour a good friend's interests by *X* over a stranger's, it seems natural that an established enemy's interests should be discounted by *X* over a stranger's.

We think that this symmetrical picture is incorrect. In what follows we argue for asymmetries between positive and negative partiality. We advance four main claims:

(1) ***Normative Asymmetry:*** There are forms of negative partiality that do not have positive counterparts.

(2) ***Directional Asymmetry:*** The directionality of personal relationships has different effects on positive and negative partiality.

(3) ***Additivity Asymmetry:*** The constitutive interactions of positive and negative personal relationships aggregate differently and consequently affect positive and negative partiality differently.

(4) ***Scope Asymmetry:*** Positive and negative partiality have different scopes.

We explore and defend these asymmetries in the next section. We then argue in Section 3 that these asymmetries support a further thesis that we term the *harmonious propensity* of morality: a fundamental feature of morality that encourages the existence of positive personal relationships and limits negative ones. Section 4 concludes.

2. Four Asymmetries

Is negative partiality the mirror image of positive partiality to your intimates?

2.1 Asymmetry 1: Forms of Positive and Negative Partiality

The domains of positive and negative partiality can include both options and requirements. But is there conceptual symmetry between them? We think that some forms of negative partiality have no positive conceptual counterparts.

In what follows we reflect on intuitions about stylised cases, so a few clarificatory remarks are in order. We focus on outcomes and make simplifying assumptions about the means by which one might help or burden people. We assume that prospective benefits and burdens are not unowned, and we set aside issues pertaining to details of the causal structure of the provision of the benefits and burdens in question. Finally, we assume that the benefits in question concern happiness.

Imagine that in

> **Stranger vs. Intimate,** you can either
>
> 1. Benefit a stranger by 5 units or
> 2. Benefit your intimate by 1.

Given the choice between giving a moderate benefit to a stranger or a small benefit to an intimate, you may be permitted or indeed required to give the benefit to your intimate—depending on the closeness of your personal relationship with your intimate.

You might have an

Other-Favouring Option: A permission to bring about an impartially suboptimal outcome because it favours your intimates' interests.

or an

Other-Favouring Duty: A requirement to bring about an impartially suboptimal outcome because it favours your intimates' interests.

The difference between the two is that it is discretionary to act on other-favouring options, whereas you are required to act on other-favouring duties.

Both other-favouring options and other-favouring duties have negative counterparts. Suppose that in

Stranger vs. Adversary, you can either

1. Benefit a stranger by 1 unit or
2. Benefit your adversary by 5.

If you have a choice between giving a small benefit to a stranger or a slightly greater benefit to your adversary, you may—or might even be required to—benefit the stranger instead by virtue of the morally negative personal relationship that you have with your adversary.

The above suggests that you might have an

Other-Sacrificing Option: A permission to bring about an impartially suboptimal outcome by making a choice that discounts your adversaries' interests.

or an

Other-Sacrificing Duty: A requirement to bring about an impartially suboptimal outcome by making a choice that discounts your adversaries' interests.

At this stage, positive and negative partiality can be represented as symmetrical phenomena. However, there might be forms of negative partiality that have *no* positive

counterparts. These are *inversions* of positive forms.[9] Consider the following pair of cases.

Suppose that in

> **Ignoring an Arch-Enemy,** you can either
>
> 1. Do nothing; or
> 2. Benefit your arch-enemy by 5 units.

If you have a choice between doing nothing and providing a moderate benefit to a very distant adversary—and the moral distance between you and the adversary is sufficiently large—you might be permitted or required to do *nothing*.

To support this point, consider

> ***Spouse's Rival:*** Ann is a disrespectful colleague who has publicly (and unfittingly) disparaged the work of your spouse. Ann is now in need of assistance in procuring a marketing expert for her latest project. You could easily provide a connection but decide to refrain from doing so.

Ann's position with respect to your spouse may mandate this extreme normative change. Her having publicly disparaged your spouse's work may allow you not to help Ann at all and may even render it impermissible for you to do so.

An inverted case of positive partiality can also take the form of countenancing the manifestation of burdens in your adversary's life. Consider

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[9] Note that it does not follow that any framework that aims to model these options and/or requirements of negative partiality must include both the negative response of discounting and that of inversion. Inversions do not follow from discounting.

Burdening an Arch-Enemy.[10] You can either

1. Benefit a stranger by 1 unit or
2. Burden your arch-enemy by 5.

If you have a choice between providing a small benefit to a stranger and countenancing a moderate burden to a very distant adversary, it seems that it can become permissible or required to *burden* your adversary instead of benefiting the stranger. For the adversary's interests are *transvalued* so that the manifestation of a burden in their life is, from your agent-relative perspective, beneficial.

Consider the following modified case:

> ***Spouse's Rival, Modified:*** This time your choices are to advance the minor good of a stranger in a way that is neutral with respect to your spouse's rival or to avoid providing the benefit and act so as to thwart the rival's interests. Suppose, for example, that you can devote space and time on your influential blog to promoting the work of a random scholar (with whom you have no relation) or similar time and space to promoting critics of your spouse's rival. You decide to devote space to the latter.

As before, the fact that the rival has been disrespectful may mandate a more extreme normative change and indeed allow you to choose to make it the case that a burden manifests in their life instead of bringing about a benefit to a random stranger.

Insofar as the above considerations are correct, it therefore seems that negative partiality may encompass an

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[10] The 'benefit' and 'burden' terminology is intended to be neutral between making and allowing. When a course of action results in a burden for person X, this does not imply that X is being actively interfered with or harmed.

> ***Inverted Other-Favouring Option:*** A permission to bring about an impartially suboptimal outcome because it inverts the favouring of your adversaries' interests.

Negative partiality may even encompass what we might refer to as an

> ***Inverted Other-Favouring Duty:*** A requirement to bring about an impartially suboptimal outcome because it inverts the favouring of your adversaries' interests.

Inverted forms of negative partiality are more controversial than other-sacrificing options or requirements since they allow or require something intrinsically bad to happen to your adversary.

The above hence suggests a

> ***Normative Asymmetry:*** Positive partiality encompasses other-favouring options and duties, which have negative counterparts in the form of other-sacrificing options and other-sacrificing duties. However, there may also exist inverted other-favouring options and duties, which have no positive counterpart.

Why do some forms of negative partiality lack positive counterparts? We submit that the reason is that inverted options or duties must be understood by reference to some existing duty such as a duty to maximize the overall good. Such duties can invert only because they give morality a *baseline structure*. By contrast, if we imagined a moral system without a requirement to maximize the good, there would be symmetry between positive and negative partiality. Partiality could manifest in the duty of beneficence being acquired among members of special relationships, while negative partiality could manifest in the acquisition of a duty to avoid benefiting another.

To illustrate the above idea, imagine a moral system where our baseline duties involved duties that were contrary to the interests of an individual. This would be a system with a baseline duty to *harm* others. In such a system, positive partiality would be capable

of 'inverting' our baseline duties (the inverted duty to harm would be a duty to benefit), while negative partiality would be unable to do so.

2.1.1 The Normative Asymmetry and Supererogation

The *Normative Asymmetry* has implications for debates about the imposition of harms and about issues pertaining to supererogation. This subsection illustrates these implications.

Suppose that in

> **Helping an Intimate,** you can either
>
> 1. Benefit your intimate by 1 unit or
> 2. Benefit the same intimate by 5.

It seems uncontroversial that you should always give a greater benefit to the same intimate if offered a choice to do so.

Should you make an analogous choice for your adversary? Suppose that in

> **Helping an Adversary,** you can either
>
> 1. Benefit your adversary by 1 unit or
> 2. Benefit the same adversary by 5.

If you have a choice between giving the same adversary a greater or a lesser benefit, it is less clear that you are not *at least* permitted to provide the smaller benefit.

To lend some more credibility to this judgment, consider

> ***Flu Medicine Advice***. Valerie's bully of a neighbour is ill and needs advice about medication. Valerie can recommend the most cost-effective or a somewhat less cost-effective medicine to her neighbour.

There is some intuitive pull to say that it is permissible for Valerie to give her bullying neighbour the lesser benefit. We might think that this is not a response arising from

spite but rather an attenuation of benevolence that is proportional to the morally negative personal relationship that Valerie has with the neighbour.

If true, this would show that it can be permissible to disfavour your adversaries, which would amount to a permission to inflict a harm on your adversary on *some* accounts of harm.[11]

Matters are complicated by the account of harm that we endorse. For example, according to the

> ***Comparative View,*** you harm an agent if you make them worse off in some respect than they otherwise would have been.[12]

Since the permission defended here includes the choice of benefiting the same person either more or less, it therefore follows that the provision of a lesser benefit makes your adversary worse off in some respect—worse off insofar as they receive a lesser benefit than they would otherwise have received.

According to the

> ***Non-comparative View,*** you harm an agent if you make it the case that they are in a bad state in absolute terms with respect to their overall well-being.[13]

Since you improve your adversary's position in absolute terms, it does not follow on this account that you have harmed them.

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[11] We can understand 'harm' broadly as events that set back an agent's interests. The fact that there can be a permission to harm an individual is no reason for concern and has long been accepted in debates on the ethics of defensive harm. Even in less extreme cases, there need not be a special prohibition against the permission defended here since such a prohibition does not apply to any kind of harm.

[12] Thomson (2011) defends one variant of this view, a counterfactual account of harm.

[13] A prominent version is defended by Shiffrin (1999; 2012).

The possibility of other-disfavouring negative responses has further implications for the domain of beneficence. Suppose that in

Helping an Intimate at Cost to Yourself, you can either

1. Do nothing or
2. Benefit an intimate by 5 units at cost C to yourself.

Given a sufficiently large cost to yourself, you are not required to benefit your intimate. Benefiting your friend is good but not required and is therefore supererogatory.

Suppose next that in

Supererogation for an Intimate, you can either

1. Do nothing;
2. Benefit your intimate by 1 unit at cost C to yourself; or
3. Benefit the same intimate by 5 units at the same cost C to yourself.

Many think that, although it is permissible to do nothing so as to avoid incurring a cost to yourself, if you do decide to benefit your intimate, it is impermissible to give the lesser benefit.[14] You must give them the greatest benefit that is possible *all else equal*.

Suppose now that in

Supererogation for an Adversary, you can either

1. Do nothing;
2. Benefit your adversary by 1 unit at cost C to yourself; or
3. Benefit the same adversary by 4 units at the same cost C to yourself.

[14] For an influential defence of this claim, see Pummer (2016). For a dissenting view, see McMahan (2017).

This case is similar to the previous one, except that you now have the prospect of providing a lesser or a greater benefit to your adversary with no change to the cost. Intuitively, we might think that it is now permissible to provide your adversary with the lesser as opposed to the greater benefit if you decide to help.

We can illustrate the permissibility of suboptimal beneficence to your adversaries by appeal to a justification that is absent in the previous case. In *Supererogation for an Intimate*, your positive personal relationship with your friend gives you reason to bring about a greater benefit for her rather than a lesser one. We might imagine the friend complaining if you were to provide the lesser benefit: 'I understand that you didn't have to help me, but if the cost to you is the same, why would you help me, your friend, less as opposed to more?'

By contrast, in *Supererogation for an Adversary*, your negative personal relationship with your adversary gives you reason to bring about a lesser benefit for her rather than a greater one. Here we can provide the following justification to an adversary who complains along lines similar to the above: 'Though the cost of helping you to a greater or lesser extent is the same, I choose to help you only a little bit because you have always behaved like such a jerk to me!'

In short: If the cost to you remains the same and you decide to help, you should help your friend as much as possible but not your enemy.

2.2 Asymmetry 2: Directionality of Personal Relationship

Partiality arises from personal relationships, which can have two forms of *directionality*: *one-directional* or *reciprocal*.[15] For example, a benefactor–beneficiary relationship is

[15] This distinction is an imperfect proxy insofar as personal relationships are rarely exclusively one-directional. By drawing this distinction, we aim to emphasise tendencies of personal relationships.

one-directional insofar as it involves a benefactor who confers a benefit on a beneficiary who does not reciprocate. By contrast, a friendship is reciprocal insofar as it involves two individuals who mutually cooperate, confide in, and benefit each other.[16]

Imagine that in

> **Stranger vs. Intimate,** you can either
>
> 1. Benefit a stranger by 5 units or
> 2. Benefit your intimate by 1.

Faced with the choice of giving a moderate benefit to a stranger or a small benefit to an intimate, you may be permitted or indeed required to give the benefit to your intimate—depending on the closeness of your personal relationship with your intimate.

Insofar as the prospective benefit to the stranger remains constant, it seems that whether you are permitted to benefit your intimate depends on the directionality of your personal relationship with her, *all else equal*. We might think that your option to prefer her interests is *weaker* if you share a *one-directional* personal relationship with her than if your relationship is *reciprocal*. In other words, the option

> **(2a)** Benefit your intimate by 1 unit **(*One-directional positive personal relationship*)**

may be impermissible. For benefiting your intimate by 1 unit to be permissible, the prospective benefit to the stranger would have to be less than 5. By contrast, the option to

> **(2b)** Benefit your intimate by 1 unit **(*Reciprocal positive personal relationship*)**

may be permissible (all else being equal between the cases).

---

[16] This is not to deny that relationships, in reality, consist of a plurality of different kinds of interactions of various degrees.

If this assessment is correct, then reciprocal positive personal relationships allow for stronger positive partiality than one-directional positive personal relationships. What explains this difference in the justification for a positive response? We submit that reciprocal positive relationships are *more* morally significant than one-directional relationships. While the former may include *thick* personal relationships such as genuine friendships or spousal relationships, the latter are restricted to *thinner* relationships such as those between a benefactor and a beneficiary.

To reinforce the plausibility of this explanation, consider the following two vignettes:

> ***Music Tutor:*** Chloe has volunteered as a music tutor for Daisy for the past ten years, teaching her to play the drums.
>
> ***Band-Mates:*** Emma and Fran have been members of a collaborative ensemble for the past 10 years. Throughout this time, they have relied on each other for help in working through their respective creative musical challenges.

While we can imagine in *Music Tutor* that a personal relationship develops over time between Chloe and Daisy that gives Chloe, as the benefactor, for example, a strengthened duty of beneficence toward Daisy, this duty seems to be clearly weaker than the duties that Emma and Fran have toward each other. Insofar as Emma and Fran's mutual relationship is reciprocal, it therefore gives rise to stronger positive responses for them than Chloe and Daisy's one-directional personal relationship.[17]

Let's now consider negative partiality. Does it mirror its positive counterpart? Imagine that in

> **Stranger vs. Adversary,** you can either

[17] It seems that reasons of friendship do not arise in the context of a duty of gratitude and that there is a limit to what is owed on the basis of simply receiving benefits. This is plausibly because a 'one-sided' relationship is self-limiting in some sense.

1. Benefit a stranger by 1 unit or
2. Benefit your adversary by 5.

Given the choice to give a small benefit to a stranger or a moderately greater benefit to an adversary, we might think that you are permitted or indeed required to benefit the stranger.

This view, however, is also too simplistic. As in the case of positive partiality, whether your negative personal relationships are one-directional or reciprocal affects permitted and required negative partiality. Reciprocal negative relationships involve mutual morally negative interactions, whereas one-directional relationships do not. This affects your justified negative responses.

For example, if an adversary bullies an *innocent* victim, that victim is permitted or may even be required to discount the bully's interests.[18] That is, though the option not to

(2a) Benefit your adversary by 5 units **(*One-directional negative relationship*)**

is permissible given that you are innocent, the option not to

(2b) Benefit your adversary by 5 units **(*Reciprocal negative relationship*)**

may be impermissible. Accordingly, one-directional negative personal relationships increase the extent of permitted other-sacrificing relative to reciprocal negative relationships.

To illustrate these considerations, consider the following two cases.

> ***School Bully:*** James, a college freshman, is ridiculed for his appearance without justification by Justin on the first day of class.

[18] What does it mean to be 'innocent' in the relevant respect here? It means that the individual in question has not engaged in negative interactions with the perpetrator or, on some stricter accounts, has not done anything wrong.

> ***Toxic Colleagues:*** Ina and Jane are each starting their new job on the same day. They get off on the wrong foot, and matters culminate in a passive-aggressive verbal exchange.

Intuitively, James is permitted to discount the interests of Justin comparatively further because he has not reciprocated any wrongdoing. Insofar as Ina and Jane's incipient negative personal relationship is reciprocal, it justifies weaker negative responses.

If these remarks are correct, then this gives us

> ***Directional Asymmetry (Preliminary, partial version):*** Reciprocal positive personal relationships *increase* justifiable positive partiality toward intimates relative to one-directional positive personal relationships, whereas reciprocal negative personal relationships *decrease* justifiable negative partiality toward adversaries relative to one-directional negative personal relationships. One-directional positive personal relationships *decrease* justifiable positive partiality in the benefactor toward intimates relative to reciprocal positive relationships, whereas one-directional negative personal relationships *increase* justifiable negative partiality in the victim relative to reciprocal negative personal relationships.

A natural question now arises: do reciprocal personal relationships (whether positive or negative) affect positive and negative partiality by the same amount as one-directional personal relationships?

Intuitively, it seems that this is not the case. Reciprocal personal relationships are constituted by interactions that are in and of themselves more morally significant than the interactions that constitute one-directional personal relationships. Reciprocal personal relationships therefore have a greater impact on positive and negative partiality.

This suggests that

Reciprocal Personal Relationship increases justified positive partiality toward intimates and decreases justified negative partiality toward adversaries relative to negative one-directional personal relationships by factor α, whereas

One-Directional Personal Relationship increase justified positive partiality toward intimates and negative partiality toward adversaries by factor β (where $\alpha > \beta$, and $\alpha,\beta > 0$).

Accordingly, you might be permitted in *Stranger vs. Intimate* to benefit your intimate by 1 instead of a stranger by 5 if the positive personal relationship between you and your intimate is reciprocal. By contrast, if the relationship between you and your intimate is one-directional, then you might be permitted to give them benefits of the same size only if the prospective benefit to the stranger is capped at, say, 4. To illustrate this, suppose that the one-directional relationship involves someone who has volunteered to provide one-to-one tutoring at a writing centre. They have a history of providing this service to a student, and now they must decide whether to confer some additional benefit (e.g. a spot in a special writing seminar) on their student or on a much needier student with whom they have no relationship. Intuitively, they may be required here to provide the spot to the needier student.

By the same token, you might be permitted in *Stranger vs. Adversary* to benefit the stranger by 1 instead of your adversary by 5 if the personal relationship between you and your adversary is one-directional (and your adversary is the aggressor). However, if your relationship with your adversary is reciprocal, then you may give the stranger a benefit of 1 only if the prospective benefit to your adversary is capped at 4.

We can say more. In addition to the general idea that positive and negative partiality are directionally asymmetrical, we may consider whether negative one-directional personal relationships justify negative responses that are analogous to the responses justified by reciprocal positive personal relationships.

This would split the above pair into the following quadruplet:

> ***Positive Reciprocal Personal Relationship:*** Increases justified positive partiality toward intimates by factor α.
>
> ***Positive One-Directional Personal Relationship:*** Increases justified positive partiality toward intimates by factor β (where $\alpha > \beta$, and $\alpha,\beta > 0$).
>
> ***Negative Reciprocal Personal Relationship:*** Increases justified negative partiality toward adversaries by factor γ.
>
> ***Negative One-Directional Personal Relationship:*** Increases justified negative partiality toward adversaries by factor δ (where $\delta > \gamma$, and $\gamma, \delta > 0$, and $\gamma < \alpha$ and $\delta < \beta$).

This allows for the most nuanced view. For example, this view makes possible the idea that negative reciprocal personal relationships decrease permitted negative partiality (relative to the case of one-directional negative relationships) to a point at which it becomes negligibly small. Some may find this very plausible (i.e. where two individuals have wronged each other over a period of time, each virtually loses the prerogative to discount the well-being of the other).

The above is quite densely presented, so let us illustrate it with the cases that we have considered so far. Recall the following four cases:

> ***Music Tutor:*** Chloe volunteers as a music tutor for Daisy, whom she has been teaching to play the drums for the past ten years.
>
> ***Band-Mates:*** Emma and Fran have been members of a collaborative ensemble for the past 10 years. Throughout this time, they have relied on each other for help in working through their respective creative musical challenges.
>
> ***School Bully:*** James, a college freshman, is ridiculed for his appearance without justification by Justin on the first day of class.

Toxic Colleagues: Ina and Jane are each starting their new job on the same day. They get off on the wrong foot, and matters culminate in a passive-aggressive verbal exchange.

According to the above, whatever justifiable positive partiality Chloe shows Daisy in *Music Tutor* would be relatively greater than whatever justifiable negative partiality James might show Justin in *School Bully*. Likewise, whatever justifiable positive partiality Emma and Fran might display toward each other in *Best Friends* would be comparatively greater than whatever justifiable negative partiality Ina and Jane might display toward each other in *Toxic Colleagues*.[19]

The above considerations about how the nature and polarity of your personal relationships influence your justifiable positive and negative partiality can be summarised as the

Directional Asymmetry: Reciprocal positive personal relationships *increase* justifiable positive partiality toward intimates relative to one-directional positive personal relationships, whereas reciprocal negative personal relationships *decrease* justifiable negative partiality toward adversaries relative to one-directional negative personal relationships. One-directional positive personal relationships *decrease* justifiable positive partiality in the benefactor toward intimates relative to reciprocal positive relationships, whereas one-directional negative personal relationships *increase* justifiable negative partiality in the victim relative to reciprocal negative personal relationships. Positive reciprocal and one-directional personal relationships increase justifiable positive partiality toward intimates to a relatively greater degree than negative reciprocal and one-

[19] In this context, 'greater' is to be understood with reference to the impartial weighting that would typically be given to a person's interests.

directional personal relationships increase justifiable negative partiality toward adversaries.

2.3 Asymmetry 3: Additivity of Relationship Interactions

Partiality arises from histories of morally significant relationship interactions. But do the interactions that justify positive partiality aggregate in the same way that interactions that justify negative partiality do?

Let's begin with a single interaction. Recall that in

> **Stranger vs. Intimate,** you can either
>
> 1. Benefit a stranger by 5 units or
> 2. Benefit your intimate by 1.

We think that a *single* positive interaction is insufficient to generate any justification for positive partiality at all. That is, the option

> **(2a)** Benefit your intimate by 1 **(*A single interaction of moral significance X*)**

is unlikely to be permissible, whereas the option

> **(2b)** Benefit your intimate by 1 **(*More than one interaction of moral significance X*)**

can (in the right context) be permitted.

While an intimate might be marginally closer to you in moral space than a stranger, a single interaction is insufficient to ground any noticeable response that could justify providing the smaller benefit to her instead of the greater benefit to the stranger.

To see this, consider

> ***Lost Glasses:*** On her way home from the train station, Karen helps another commuter, Leyla, whom she has never met previously, to find her glasses after they fall on the ground.

While Leyla may owe Karen gratitude for finding her glasses, it seems implausible that the relationship between the two now warrants any justified response of partiality. The interaction between the two may even be 'resolved' entirely through an appropriate expression of gratitude by Leyla. A single positive interaction therefore does not create a personal relationship warranting noticeable positive responses.

Now consider negative partiality.

Recall that in

> **Stranger vs. Adversary,** you can either
>
> 1. Benefit a stranger by 1 unit or
> 2. Benefit your adversary by 5.

Here it seems that justified negative partiality is *easier* to generate and that a single sufficiently negative interaction could ground a relationship of justified negative partiality that involves an ongoing basis for discounting the new adversary's interests. That is, the option

> **(2a)** Benefit your adversary by 5 **(*A single interaction of moral significance X*)**

may be permissible, given a sufficiently significant negative interaction, as well as option

> **(2b)** Benefit your adversary by 5 **(*More than one interaction of moral significance X*)**,

which might even warrant a greater discounting response toward your adversary.

Consider the following case:

> ***A Bad First Impression:*** While socialising at a function, Mara tells Nora that all the people who work in advertising are social parasites: they do not contribute to the production of valuable goods and are simply part of a mechanistic force that contributes to 'late capitalism'. Nora absorbs this haranguing for

some time before she finally interrupts to say that *she* is in marketing. Though somewhat embarrassed by this revelation, Mara goes on to insist all the more strongly on the worthlessness of this enterprise.

Suppose that Mara and Nora's happenstance interaction is the foundation of their personal relationship and is never rectified in their subsequent encounters. How may Nora now relate to Mara? Although this initial sequence of events represents a single interaction rather than an ongoing relationship, she does now seem to *be* in a kind of ongoing relationship. A bad impression can leave a justified sense of dislike. This 'one-off' encounter produces an ongoing structure despite being only a single encounter.

Why does the negative counterpart of positive one-off encounters function differently? The asymmetry cannot be resolved by appeal to the directional asymmetry developed in the previous section. For example, we might initially think that a *one-off* encounter involving wrongdoing is in itself more morally significant than a *one-off* encounter involving a benefit because they are both one-directional and, as noted above, one-directional positive personal relationships *decrease* justifiable positive partiality toward intimates relative to reciprocal positive relationships, whereas one-directional negative personal relationships *increase* justifiable negative partiality relative to negative reciprocal personal relationships.

We can see that this explanation fails by considering one-off *reciprocal* positive personal relationships. In a one-off case of reciprocal positive personal relationship involving mutual beneficence, two individuals reciprocally confer benefits on each other. But in such a case, the reciprocation may also result in the cessation of the relationship. Consider

> ***Sharing Philosophy Exam Notes:*** Suppose Ofra and Petra reciprocate note-sharing for a philosophy exam at college.

The interaction is not without significance, but it hardly seems that their exchange gives rise to any new permissions or duties of positive partiality on their part.

However, even the one-off interaction in *A Bad First Impression* may colour subsequent interactions between the two individuals: it can provide reasons for one participant to exclude the other from future social interactions or otherwise distance herself from the other.

Moreover, recall

> ***Toxic Colleagues:*** Ina and Jane are each starting their new job on the same day. They get off on the wrong foot, and matters culminate in a passive-aggressive verbal exchange.

Insofar as Ina and Jane interaction is a single encounter, both may also have justified negative responses. Similarly, we might even think that in a modified version of *A Bad First Impression,* in which Nora verbally retaliates against Mara's doubling down on the worthlessness of Nora's profession, Nora would still have reason to respond negatively in a future encounter.

This gives us:

> ***Additivity Asymmetry (Preliminary, partial version):*** One-off positive personal interactions do not ground positive partiality responses, whereas one-off negative personal relationship interactions can ground negative partiality.

We can now ask: as a person interacts more with an intimate and more with an adversary, do the permitted and required positive and negative responses of partiality behave in the same way?

Intuitively, it seems that they do not. Suppose that in

> **Stranger vs. Close Intimate,** you can either
>
> 1. Benefit a stranger by 7 units or
> 2. Benefit your intimate by 1.

Given the choice between conferring a significant benefit on a stranger and conferring a small benefit on a very close intimate, you may be permitted or indeed required to give the benefit to your very close intimate insofar as the personal relationship consists of a series or pattern of positive personal interactions. It seems hardly worth saying that the option to prefer the interests of an intimate is *weaker* when the personal relationship has included fewer interactions than when it has included more.

This suggests

> ***Increasing Positive Response:*** A series or pattern of positive interactions grounds increasingly stronger responses of positive partiality.

But what about negative partiality? Suppose that in

> **Stranger vs. Distant Adversary,** you can either
>
> 1. Benefit a stranger by 7 units or
> 2. Benefit your adversary by 1.

Given the choice between giving a significant benefit to a stranger and giving a small benefit to a distant adversary, you may be permitted or perhaps required to give the benefit to the stranger insofar as the personal relationship consists of a series or pattern of negative personal interactions.

This similarly suggests the following principle:

> ***Increasing Negative Response:*** A series or pattern of negative interactions grounds increasingly stronger responses of negative partiality.

However, there is a more complex view. We might think that *Increasing Positive Response* and *Increasing Negative Response* do not develop symmetrically as positive and negative interactions with an intimate and an adversary respectively increase. Instead, we might think that all else being equal, the increase to the permitted or required

response of negative partiality is smaller than the increase to the permitted or required response of positive partiality toward an intimate.

Consider the following two cases:

> ***Best Friends*:** Sarah and Tamara have been friends for ten years, spending most of their time together in shared activities.
>
> ***Mutual Nemeses:*** Ursula and Valery have been enemies for ten years, spending most of their time trying to hinder each other from succeeding in life.

In so far as we imagine that the two cases feature an equal number of interactions, we might still think that Ursula and Valery's justifiable negative responses to each other are weaker than Sarah and Tamara's justifiable positive responses to each other.

We might even go further and think that as you interact more and more with your adversary, your justifiable responses of negative partiality begin to stagnate or decrease. That is, in *Stranger vs. Distant Adversary*, option

> **(2a)** Benefit your adversary by 1 unit **(*A moderate number of historical interactions of moral significance X*)**

may be permissible, whereas option

> **(2b)** Benefit your adversary by 1 unit **(*A great number of historical interactions of moral significance X*)**

may become impermissible. Consider

> ***Lifelong Friends*:** Wendy and Xenia have been friends for their entire lives, spending most of their time together in shared activities.
>
> ***Mutual Arch-Nemeses:*** Yasmin and Zoe have been enemies for their entire lives, spending most of their time trying to hinder each other from succeeding in life.

While it does not seem implausible to suppose that Wendy and Xenia have extremely strong reasons for positive partiality toward each other, Yasmin and Zoe's justified negative responses might not be stronger than those of Ursula and Valery in *Mutual Nemeses.*

What explains the stagnation of justifiable negative partiality responses in extreme adversarial relationships? One candidate explanation is the following: In two-way cases of negative partiality, each individual has a duty of reparations toward their adversary. In two-way cases of positive partiality, there is no corresponding duty to undermine the relationship.

In sum, we end up with an

> ***Additivity Asymmetry:*** One-off positive personal relationships cannot ground positive partiality, whereas one-off negative personal interactions can ground negative partiality. As you interact more with your intimate, permitted and required positive partiality toward your intimate become stronger. However, while more interactions with adversaries lead to stronger permitted and required negative responses to some degree, at some point, permitted and required responses of negative partiality stagnate and eventually decrease.

We suggest that this asymmetry is best explained by the more fundamental difference between exceeding a moral standard and 'falling below' a moral standard: positive partiality is grounded in the former and negative partiality in the latter. It is common for people to meet and, in many circumstances, exceed the moral minimum—small favours or acts of kindness are examples of former, and they may generate little to no ongoing obligation (gratitude being a minor obligation in the grand moral scheme). While such actions are perhaps the hallmark of virtue, they are much less morally important than actions that 'fall below' the moral threshold, even if the actions that fall below the threshold do so in a *minor* respect.

To illustrate this, consider a morally trivial *slight* in the form of refusing to greet someone when they greet you, skipping someone in line, or spitting on the ground when someone approaches. Such failures to meet the moral minimum are of great moral significance because they fail to show respect for persons. In this sense, the realm of positive partiality is grounded in less important actions than those that ground negative partiality: positive partiality concerns the realm of actions that tend to have gone above and beyond the minimum. But giving or 'exceeding' respect is not on par with falling below the threshold for respect. For this reason, even saving someone's life heroically does not tend to generate a duty of friendship. Indeed, in many cases, saving a life is *required* by the minimum standards of respect for persons.

2.4. Asymmetry 4: Differences in Scope

The final claim of asymmetry we defend is that the scope of negative partiality is narrower than the scope of positive partiality. We define scope as follows:

> ***Scope:*** The dimensions of an agent's well-being that are subjected to partial treatment.

To illustrate, consider a view according to which membership in a union generates a prerogative to pursue collective action, but the union does not especially allow for members to benefit each other in other contexts. Relationships similar to that between union members plausibly exist between colleagues and between mentors and students. These relationships are *scope-restricted* insofar as they are naturally subject to limitations on how preferential treatment is to be expressed.

By contrast, friendships are unrestricted in this regard. Friends should typically care in an unqualified way about each other's well-being. Friendships ground positive responses to promote another's interests when significant well-being is at stake. Rescue scenarios illustrate this phenomenon. Imagine that in

> **Drowning Friend,** you can either

1. Save the life of a stranger or
2. Save the life of your friend.

Given the choice of saving the life of a stranger or that of an intimate, such as your longtime friend, it seems that you should save your intimate rather than a stranger (even if the stranger stands to benefit more). Indeed, it has been argued that it would be impermissible even to deliberate about such a decision.[20]

However, now suppose that in

Drowning Adversary, you can either

1. Save the life of a stranger or
2. Save the life of your adversary.

Given the choice of saving the life of a stranger or that of an adversary, even a longtime adversary, it may not be clear that on this basis you are required or even permitted to save the stranger. The negative mirror image of friendship does not therefore seem to justify a comparable negative response.

To reinforce this claim, consider:

> ***Office Enemy:*** Amber is an office jerk who fails to work collaboratively and steals credit for her co-worker's assignment.

Is it plausible to suppose that this past relationship may be used as the basis for choosing to save the stranger in a rescue scenario? Such a moral inference seems implausible. This is not to say that no personal relationship could serve as the basis for preferring to save one person over another, but rather that the paradigm case of a negative mirror image does not. In other words: positive partiality in rescue scenarios does not require

[20] See, for example, Williams's (1981) '*one thought too many'* objection.

the most elevated forms of friendship, but negative partiality in a rescue scenario does seem to require a relationship that is significantly baser.

Could this asymmetry be debunked by the *Directional Asymmetry* and *Additivity Asymmetry* that we have examined previously? We don't think so. Consider

> ***Rivalry*:** Two colleagues have wronged each other by engaging in a rivalry that is inconsistent with accepted professional norms: Barbara provides a mean-spirited and scathing review of Cecilia's work, and Cecilia disparages Barbara's professional pedigree in front of faculty and students.

First, consider the *Directional Asymmetry.* We might believe that any scope restrictions on the negative partiality between Barbara and Cecilia are explained by the fact that their relationship is one of mutual wrongdoing. However, directionality does not seem to do all the explanatory work here: if we suppose that Cecilia (alone) has a long history of disparaging Barbara's professional pedigree, should we then conclude that Barbara may now favour the interests of a stranger over Cecilia in a rescue scenario? Such a conclusion still seems unintuitive.

Regarding the *Additivity Asymmetry,* we can contrast cases of positive and negative partiality with similar degrees of additivity to show that the scope restriction remains: even if Cecilia has disparaged colleague Barbara's professional pedigree as an ongoing joke to the student body for the past decade, it still seems implausible to say that Barbara may now favour a stranger's interests over Cecelia's in a rescue scenario. While this moderate relationship justifies negative partiality, it is simply insufficiently extreme to justify discounting in such a scenario.

This gives us a

> ***Scope Asymmetry:*** Some positive personal relationships tend to generate unrestricted positive partiality, but their negative counterparts in the form of

negative relationships involving mutual wrongdoing do not necessarily generate unrestricted negative partiality.

While friends may typically prefer each other's interests in a rescue scenario, enemies may not typically discount each other's interests in rescue scenarios. Unrestricted negative partiality emerges only in the most extreme instances of negative relationships.

What explains why positive partiality can, on the basis of interactions of moderate significance, provide reasons to prefer our intimate's interests over those of a stranger, yet being wronged does not likewise generate a reason to discount our adversary's interests?

It seems that scope restrictions are, in fact, peculiar to positive partiality. The reason that a union or orchestra member may not prefer the interests of another member in a rescue scenario is that the scope of partiality justified by the relationship is restricted to a particular domain (e.g. the domain of the activity that connects the two). By contrast, the reason that two bitter enemies may not prefer the interests of a stranger in a rescue scenario is not that the domain of 'rescue' is of any particular significance with respect to their relationship. Rather, it seems clear that the restriction in this case is based on the stakes of the decision—enmity does not ground reason to prefer interests in a rescue scenario because of the degree of welfare at stake.

Enmity and friendship might be contrasted as follows: while friendship strengthens the general duty of beneficence or provides further reason to promote the interests of one's friend in general, the reasons enmity provides to discount another's interests are partly dependent on the nature of the impact on the other's welfare.

An explanation of this phenomenon is still required. Perhaps an answer is to be found in the distinction between choosing to save someone and choosing to avoid saving someone. While the decision to save one person rather than another has the same effect on the second person as the decision to avoid saving that person, the rationales for the two decisions differ, and it is possible that this distinction has moral significance.

Imagine, for example, rescue scenarios where morally trivial reasons determine the rescuers' choices. In one example, the rescuer comes across several people in peril and chooses to save the one whose ashen hair makes an impression. In another, the rescuer chooses not to save someone because of the odd shape of their eyebrows. Even if these decision procedures are both flawed in some respect, it seems worse to avoid saving someone for a morally trivial reason than to choose to save someone for a morally trivial reason. However, this phenomenon does not in fact seem limited to cases where a high degree of welfare is at stake. We can imagine, for example, that a graduate supervisor is choosing from among several students. Suppose a love of surfing sways the supervisor to select one candidate over another. Here, the wrong of avoiding a student on this basis seems more serious than that of selecting for a student on this basis.

We have given an account of the scope asymmetry in terms of the distinction between choosing to assist and choosing to avoid assisting. This explanation might seem inadequate to solve the problem as initially set up since the asymmetry identified is between the scope restrictions that apply in the context of enmity and those that apply in the context of friendship. However, the thought here is that the permissions *to avoid* saving someone require more justification than the permissions *to save* someone. These are *prima facie* considerations that can, of course, be overridden by adequate justification. We should expect there to be an asymmetry in the sense of its taking a much more serious wrongdoing to override the principle that a person's welfare should not be intentionally discounted. While there is such a justification in the case of moderate discounting for moderate wrongdoing, we should not necessarily expect moderate wrongdoing to justify discounting in more serious cases.

3. Morality's Harmonious Propensity

Let us take stock. We have argued that there are four asymmetries between positive and negative partiality. We have further argued throughout that these asymmetries are *fundamental*. They cannot be reduced further to each other or to more basic asymmetries.

According to the *Normative Asymmetry*, some forms of justified negative partiality do not have positive counterparts. According to the *Directional Asymmetry*, reciprocal positive relationships *increase* justifiable positive partiality while one-way relationships *decrease* justifiable positive partiality in the benefactor. By contrast, reciprocal negative relationships tend to *decrease* justifiable negative partiality while one-way negative relationships *increase* justifiable negative partiality in the victim. According to the *Additivity Asymmetry*, negative partiality is justified in cases that involve little to no additivity (e.g. a single wrongdoing of moderate significance) while positive partiality typically becomes justified only through relationships that develop over a longer period. And according to the *Scope Asymmetry*, some positive personal relationships tend to generate unrestricted justified positive partiality, but their negative counterparts in the form of negative relationships involving mutual wrongdoing do not necessarily generate unrestricted justified negative partiality.

All these asymmetries have in common that justified negative partiality responses are weaker than justified positive ones. If we were to illustrate this, it would look something like this:

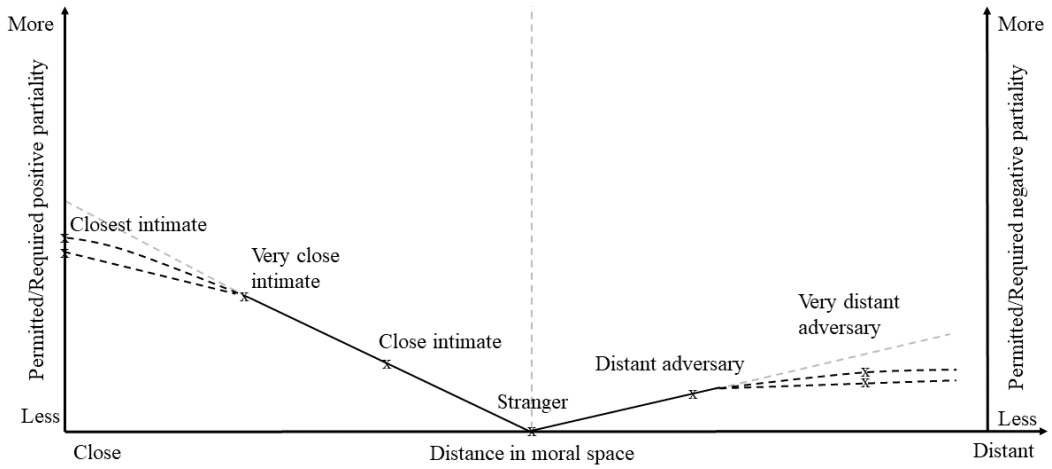


Illustration 2. Asymmetries between positive and negative partiality

In attempting to understand the asymmetries between negative and positive partiality, we are pushed to examine the structure of morality itself. As I suggested previously, the fact that *falling below* a moral threshold is of greater moral significance than *meeting* or exceeding the standards of morality captures the idea that negative partiality is *easier* to justify than positive partiality: being disrespectful engenders responses in ways that being respectful does not.

But I think that a deeper principle is at play here. One explanation might be that morality displays a greater concern with actions that depart from moral ideals in ways that tend to undermine welfare. Consider, for example, a judge who *lowers* a fine for a morally arbitrary reason. Sometimes we call this *mercy*—the judge is entitled to give out a greater punishment but refrains from doing so. All else being equal, does a departure from justice that results in a *less* severe punishment involve a less severe wrongdoing than a departure from justice that involves a *more* severe punishment? Plausibly, the answer is yes.

At the same time, a *shift* in morality occurs when we acquire reasons of positive partiality. This shift is inherently *pro-social* and extends further into what we are obliged or permitted to do in the *promotion* of another person's interests. As paradoxical as this

may seem, it is reflected in impartial phenomena. To see this, consider that giving out *prize* money has no obvious limit—for example, the Nobel prize is worth close to a million dollars, and nobody would object to its being worth more, other things equal—but punishment *does* admit of strict limits, which are carefully debated and analysed. While rewards are seldom limited or scrutinised morally, they are also generally harder to generate (meeting the minimum standard will not do, nor will exceeding it in many contexts).

We can call this tendency of morality its

> ***Harmonious Propensity:*** Morality has a propensity toward the preservation of positive personal relationships.

Another reflection of morality's having a structure that tends to preserve positive relationships can be observed from norms that surround positive and negative relationships.

Wrongdoing may be acknowledged and addressed through apologies, reparations, reconciliation, and forgiveness. But how are friendships to be terminated? This is an awkward arena of morality: the norms surrounding the termination of friendship are much weaker. People can 'drift' apart, but there is little else that can sever a relationship in a clearly permissible fashion. The idea here, again, is that the structure of norms surrounding wrongdoing has built-in mechanisms for rectification and normalisation, whereas positive relations need no analogous norms for termination. In the impartial sphere, *serving* time is meant to allow a person to re-enter society on roughly equal terms with others, but there is no structure that attempts to *normalise* excellence (in the sense of neutralising a person's positive moral contributions to society). Within this explanation, we can again see why the case of 'bitter enemies' does not parallel that of 'best friendships'. While bitter enemies have reasons for reparations and reconciliation that tend to undermine the reasons for negative partiality, friendships have

no such limiting structure (i.e. there are no inherent reasons for a justified friendship to dissolve).

Morality's harmonious propensity is further reflected and perhaps confirmed as an important part of the explanation of the moral assessment of negative partiality if we examine the *Normative Asymmetry*. It has long been affirmed that the justification of positive partiality and the *motivations* behind partial actions may come apart: while the value of a relationship may provide the *reasons* for partiality, the motive for a partial act of beneficence may permissibly simply be some unrelated subjective attitude (e.g. simply loving or liking a person). However, even if we are justified in being negatively partial, the permissibility of discounting a person's well-being for reasons of dislike does not mirror that of favouring someone for subjective reasons. Although it might indeed be permissible to discount a person's well-being because we dislike them (so long as we are disposed to treat the people we dislike worse only when there is independent justification for doing so), it does seem worse to act from this motive than from the motive that we have been wronged. The pro-social bias seems again at play here: while both attitudes depart from justice, it is only the attitude that seems liable to victimise another that is considered problematic.

4. Conclusion

In sum, we have argued for various forms of asymmetry between positive and negative partiality and suggested that these asymmetries are explained by the harmonious propensity of morality, according to which morality encompasses a *pro-social* bias towards encouraging positive personal relationships and limiting negative ones.

The results of this investigation have at least three implications. First, justificatory frameworks that aim to provide a first-order account of positive and negative partiality should be sensitive to these asymmetries. This means that, for example, some theories of our associative duties and options towards our intimates need to be expanded and

may indeed imply the existence of associative duties to harm our adversaries. Others may not.

Second, my work prompts a need for more research into what distinguishes legitimate negative partiality from negative personal relationships that do not ground *legitimate* negative partiality responses. Specifically, it prompts a need to explore more carefully the features of those personal relationships (positive or negative) that give rise to the asymmetries that we have sought to articulate here.

Third, analysing the relationship between positive and negative personal relationships provides a fruitful avenue for future research into dynamic human relations and their corresponding normative implications. For example, it may help us to better understand the transition of positive personal relationships to negative ones or *vice versa*, as in the case of failed romantic relationships or friendships that arise from previous rivalries.

References

Aristotle. 1894. *Ethica Nicomachea* (I. Bywater, ed.). Oxford: Clarendon Press.

Bader, R. 2020. Agent-relative Prerogatives and Suboptimal Beneficence. In M. Timmons (ed.), *Oxford Studies in Normative Ethics: Volume 9*. Oxford: Oxford University Press.

Bennett, J. 1981. Morality and Consequences. In S. M. McMurrin (ed.), *The Tanner Lectures on Human Values: Volume 2*. Cambridge: Cambridge University Press.

Blundell, M. 1989. *Helping Friends and Harming Enemies: A Study in Sophocles and Greek Ethics.* New York: Cambridge University Press.

Brandt, J. 2020. Negative Partiality. *Journal of Moral Philosophy* 17 (1): 33–55.

Broad, C. D. 1942. Certain Features in Moore's Ethical Doctrines. In P. Schilpp (ed.), *The Philosophy of G. E. Moore*, pp. 41–68. Evanston, IL: Northwestern University Press.

Feinberg, J. 1980. *Rights, Justice, and the Bounds of Liberty.* Princeton, NJ: Princeton University Press.

Fletcher, G. (ed.) 2016. *The Routledge Handbook of Philosophy of Well-Being.* Routledge.

Frowe, H., and Parry, J. 2021. Self-Defense. In E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy.* https://plato.stanford.edu/archives/fall2021/entries/self-defense

Goodin, R. E. 1985. *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities.* Chicago: The University of Chicago Press.

Hume, D. 1977. *An Enquiry Concerning the Principles of Morals.* London: Cadell.

Hurka, T., and Shubert, E. 2012. Permissions To Do Less Than the Best: A Moving Band. In M. Timmons (ed.): *Oxford Studies in Normative Ethics: Volume 2*. Oxford: Oxford University Press.

Keller, S. 2013. *Partiality*. Princeton University Press.

Mackie, J. L. 1977. *Ethics: Inventing Right and Wrong.* Harmondsworth: Penguin.

McMahan, J. Doing Good and Doing the Best. 2017. In P. Woodruff (ed.), *Philanthropy and Philosophy: Putting Theory Into Practice*. Oxford University Press.

Nagel, T. 1970. *The Possibility of Altruism.* Oxford: Clarendon.

Nagel, T. 1970. *The Limits of Objectivity.* In S. M. McMurrin (ed.), *The Tanner Lectures on Human Values: Volume 1*, pp. 75–139. Cambridge: Cambridge University Press.

Nagel, T. 1995. *Equality and Partiality*. Oxford Clarendon.

Nozick, R. 1974. *Anarchy, State, and Utopia* (2013 edition). New York: Basic Books.

Lange, B. 2020. Other-Sacrificing Options. *Philosophy and Phenomenological Research (3):* 612–629.

Parfit, D. 1983. Energy Policy and the Further Future: The Identity Problem. In D. MacLean and P. G. Brown (eds.), *Energy and the Future*, pp. 166–179. New Jersey: Rowman and Littlefield. Reprinted in Parfit 1984, pp. 480–86.

Parfit, D. 1984. *Reasons and Persons*. Oxford: Clarendon.

Plato. 1964. *The Dialogues of Plato*, 4th ed., translated by Benjamin Jowett. Oxford University Press.

Portmore, D. Position-Relative Consequentialism, Agent-Centered Options, and Supererogation. *Ethics* 113(2): 303–332.

Pummer, T. 2016. Whether and Where to Give. *Philosophy & Public Affairs* 44(1): 77–95.

Ross, W. D. 1930. *The Right and the Good*. Oxford: Clarendon.

Scheffler, S. 1982. *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*. Oxford: Clarendon Press.

Scheffler, S. 2001. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought.* Oxford: Oxford University Press.

Shiffrin, S. 1999. Wrongful Life, Procreative Responsibility, and the Significance of Harm. *Legal Theory* 5: 117–148.

Shiffrin, S. 2012. Harm and Its Moral Significance. *Legal Theory* 18: 357–398.

Stroud, S. 2010. Permissible Partiality, Projects, and Plural Agency. In B. Feltham and J. Cottingham (eds.), *Partiality and Impartiality: Morality, Special Relationships, and the Wider World.* Oxford University Press.

Thomson, J. 2011. More on the Metaphysics of Harm. *Philosophy and Phenomenological Research* 82: 436–458.

Walzer, M. 1970. *Obligations*. Cambridge: Harvard University Press.

Wasserstrom, R. 1975. Lawyers as Professionals: Some Moral Issues. *Human Rights* 5: 1–24.

Williams, B. 1973. A Critique of Utilitarianism. In J.J.C. Smart and B. Williams, *Utilitarianism: For and Against*. Cambridge University Press.

Williams, B. 1981. *Moral Luck*. Cambridge University Press.

Wolf, S. 2015. *The Variety of Values: Essays on Morality, Meaning, and Love*. Oxford University Press.

Afterword: The Way Forward

All right, that was a lot to unload on you. I am not just going to recap the main arguments. I think it's more interesting what comes out of them. So here goes.

On parental partiality: in order to provide a full theory of moral parenthood, the Project View needs to show how the *content* of parental rights can be derived from the engagement in a parental project. In addition, examination is needed of how this substantial account of parental rights compares to the powers we intuitively take parents to hold over their children.

More work needs to be done to supplement my explanatory account of permissible partiality. In particular, a fully-fledged account of meaning is required, and it might be fruitful to consider to what extent the domains of permissible partiality and of meaning are connected—not merely explanatorily but perhaps even justificatorily. It is also an open issue whether the domain of required partiality merits explanation in the way that I have sought to articulate an explanation for the domain of the permissible.

The most encompassing avenue for research concerns negative partiality. I have considered points of intersection with familiar debates throughout this thesis, but there are more, including epistemic and national partiality. More generally, a major avenue for future work lies in a systematic and exhaustive investigation into the phenomenon of negative partiality in the context of the typical debates concerning the ethics of partiality. I hope to take this on next in the form of a monograph project.