

# Children as Public Goods: at what cost?<sup>1</sup>

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## I

The creation of children is, among other things, the creation of costly entitlements. These costly entitlements include each new child's entitlement to a fair share of resources over her life, which are called the *costs of added members*, thought by some to be an equal share, and each new child's entitlement to a minimally good upbringing, which are called the *costs of care*. I will call the costs of entitlements arising from the creation of children *the costs of children*. That children have these entitlements is widely endorsed by theorists of justice and rightly so. It would be deeply implausible to claim that there was nothing unjust about a failure to provide children with an adequate upbringing or their fair share of resources.

The entitlements of justice created by the creation of children generate duties to meet their costs and so questions about the distribution of the costs of children should be of interest and importance for all theorists of justice. Indeed, any complete and sound theory of justice must have, what I will call, an account of *justice in the costs of children*.<sup>2</sup> Such an account will explain *who* has duties

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<sup>1</sup> I am grateful to audiences at Universitat Pompeu Fabra, Barcelona, 'Family Justice seminar series', the workshop on Economic Justice at Dartmouth College, USA, and Nuffield Political Theory Workshop, University of Oxford. I am particularly grateful to Louis-Philippe Hodgson for providing a very helpful response to my paper at Dartmouth and to Hillel Steiner for comments on a previous draft of this paper.

<sup>2</sup> What I have called *Justice in the Costs of Children* differs in some ways from what Serena Olsaretti and Paul Bou-Habib have called the question of *Parental Justice*. For Olsaretti and Bou-Habib, parental justice is concerned with "whether parents, in virtue of having and rearing children, should or may internalize some or all of the costs and/or benefits of children." See Bou-Habib, Paul, and Serena Olsaretti. "Equality, autonomy, and the price of parenting." *Journal of Social Philosophy* 44.4. (2013): 420-438: 421. For other definitions of parental justice see Olsaretti 2013: 227 Olsaretti 2017: 153. My focus on the costs of children is much broader. The reason I focus more broadly is that I think that the other questions are as important, and neglected, as their question, they are also as central to the Standard View and current practice. But importantly, my objective is to assess the potential of the public goods approach to justice is the costs of children and it has implications, which can be assessed as plausible or not for each of these three questions. Olsaretti and Bou-Habib can agree with all of this, I think.

to pay these costs, *how much* of the costs they can be required to pay, and *to whom* the revenue from contributions should be allocated. As such, the correct account of justice in the costs of children will have a profound influence on the distribution of benefits and burdens in a just society and will determine the character of a just welfare state.<sup>3</sup>

In spite of the importance of these questions, as Serena Olsaretti notes, with few exceptions,<sup>4</sup> political philosophers have had relatively little to say about them. What has been written on this topic has focussed primarily on the question of *Who?* and specifically on whether non-parents can be required to share the costs of children, at least in the first instance. Whether non-parents have obligations to share the costs when, for example, the child's parents cannot afford to or have died, is a separate question. The debate about whether non-parents have a duty to share these costs has framed the issue as about whether children are public goods, the idea being that it is only if children are public goods then non-parents can be required to share their costs.<sup>5</sup>

This narrow focus on *Who?* is regrettable because one of the things that is at stake in this debate is whether we should have more or less generous public support for parenting, with advocates of sharing presumably favouring fairly generous support. But a convincing argument for the pro-sharing position does not settle this matter. Whether public support should be more or less generous turns on *how much* non-parents can be required to pay, whether equally or otherwise. Indeed, with

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<sup>3</sup> One cannot simply appeal to one's favourite account of distributive justice to answer this question because when distributive justice is achieved, individuals will exercise their right to procreate in ways that generate further entitlements, for whose existence they are responsible, in furtherance of their own conception of the good and without the consent of their co-citizens, who would be made worse off by re-application of principles of distributive justice, giving them less than what was their fair share.

<sup>4</sup> See Eric Rakowski, *Equal Justice*, Clarendon Press, (1993); Casal, Paula, and Andrew Williams. "Rights, equality and procreation." *Analyse & Kritik* 17.1 (1995): 93-116; Steiner, H. and Vallentyne, P. "Libertarian Theories of Intergenerational Justice" in Gossaries, A. and L. Meyer ed.s *Intergenerational Justice*, Oxford University Press (2009).

<sup>5</sup> Olsaretti, Serena. "Children as public goods?" *Philosophy & Public Affairs* 41.3 (2013): 226-258; George, Rolf. "Who should bear the cost of children?" *Public Affairs Quarterly* 1.1 (1987): 1-42; Folbre, Nancy. "Children as public goods." *The American Economic Review* 84.2 (1994): 86-90; Tomlin, Patrick. "Should kids pay their own way?" *Political Studies* 63.3 (2015): 663-678.

respect to the generosity of public support there is very little difference between those positions that advocate no sharing and those positions that advocate very little sharing.

In this paper, I will ask, if some version of public goods approach is sound, then how it will lead us to answer the important and neglected question of *How Much?* I note that contemporary practice and what Olsaretti calls the Standard View, assumed by most political philosophers, hold that parents and non-parents should share the costs equally.<sup>6</sup> But I argue that if the public goods approach to the costs of children is sound non-parents are only required to make very modest contributions. This is because basic claims implicit within the public goods approach place significant limits on non-parents duties to share. It follows from this conclusion that transfers from non-parents to parents will be much more limited than contemporary practice and the proponents of the public goods approach to the costs of children have assumed. In light of this, proponents of the public goods approach must find another argument to support further cost-sharing, or else significantly pare back their ambitions for the welfare state and cost sharing among parents and non-parents.

The structure of the paper is as follows. In Section Two, I argue that the public goods approach cannot simply appeal to an independent account of fairness in order to answer the question of *How Much?* and I explain why I take the Standard View, that the costs of children should be shared equally, to be assumed by most political philosophers and to underpin much practice. In Section Three, I set out the central commitments of the public goods approach that are relevant for answering the question of *How Much?* In particular, I identify what I call the Costs Claim as being the most important such claim and note two ambiguities in it. The first concerns which entitlements count towards the total costs that can be shared by non-parents. The second concerns the type of public good that can be created and its costs be shared. In Section Four, I resolve the first ambiguity, arguing that only the costs of entitlements the creation of which it is necessary to produce the public good can

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<sup>6</sup> Olsaretti, Serena. "Children as negative externalities?." *Politics, Philosophy & Economics* 16.2 (2017): 152-173.

contribute to the total costs to be shared by non-parents. In Section Five, I resolve the second ambiguity, arguing that only the costs of entitlements necessary to produce the cheapest substantial public good can be shared by non-parents. This is in stark contrast to the Standard View and much contemporary practice. In Section Six, I conclude that to defend more generous cost sharing between parents and non-parents, philosophers need to look elsewhere, since the public goods approach cannot support either the Standard View or generous public support.

## II

The public goods approach to the costs of children is by far the most common one. The approach utilises benefit theory and fair play obligations.<sup>7</sup> According to this approach, when some individual or group intentionally incurs costs in order to produce a non-excludable and non-rivalrous benefit that is enjoyed by non-producers, non-producers incur an obligation to contribute a fair share to the morally required costs incurred by the producer(s) in the productive act(s). In the case of the public goods of children, everyone is alleged to benefit from future participation in the labour market and their tax contributions which pay pensions. There are also huge benefits to not being the last generation, to having other people around and to having a pension.<sup>8</sup> As non-parents benefit from these things, they can be said to have an obligation to share the costs of children with those who intentionally created them: the parents.

There are at least three reasons why the public goods approach may appear to be an attractive approach to justice in the distribution of the costs of children. These reasons explain why it is the

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<sup>7</sup> For the original statement of the fair play argument see Hart, H. L. A. (1984) 'Are There Any Natural Rights?', in J. Waldron (ed.), *Theories of Rights*. Oxford: Oxford University Press, pp. 77–90.

<sup>8</sup> Gheaus, Anca. "Could there ever be a duty to have children?." *Permissible Progeny?: The Morality of Procreation and Parenting* (2015). The particular benefits provided may render the public goods of children to be "essential public goods", required by justice, or "discretionary public goods", permitted but not required by justice. This distinction, and alleged implications, are discussed in Miller, D. and Taylor, I. "Public Goods", in Olsaretti, S. ed. *The Oxford Handbook of Distributive Justice*, Oxford University Press, 2018: 556 – 575.

dominant approach to this problem and why it is important to examine its entailments for the question of *How Much?* The first is that the argument promises to establish an enforceable rather than unenforceable obligation. This is necessary to ground the sorts of tax and transfer policies entailed by public subsidy or provision of education and child care as part of a welfare state. The second reason is that the public goods approach does not rely on any perfectionist premises about the contribution that parenting makes to the flourishing of parents. Arguments for cost sharing based on the contribution parenting makes to the flourishing of some individuals could be reasonably rejected by those who deny that parenting makes such a contribution. It would be better, therefore, to have an argument that did not rely on such controversial claims and could be the basis for political agreement among reasonable people. The third reason is that the public goods approach offers us a normative argument rather than a prudential one. This is important because, although non-parents, as beneficiaries, may have very strong prudential reasons to contribute to the costs of children to incentivize their production, prudential arguments can rarely justify enforceable obligations and, moreover, while it may be in the interests of non-parents to have that good produced it may not be rational for any individual to pay the costs of its production, depending on the actions of others. This problem has been much discussed in economics and other disciplines in terms of a prisoner's dilemma and collective action problem, and these discussions show that we cannot rely on its being rational or prudent for individuals to contribute.<sup>9</sup> While the public goods approach is *contingent* on the production and receipt of a benefit, the claim that children do produce benefits that non-parents enjoy is relatively uncontroversial.<sup>10</sup> These reasons provide a strong case for taking seriously the public goods approach

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<sup>9</sup> Hampton, J. "Free-rider problems in the production of collective goods" *Economics and Philosophy* 3, 1987, 245-273.

<sup>10</sup> McDermott states that "The great strength of the fair-play theory is that it rests on an uncontroversial empirical claim: people in many existing societies really do benefit from the provision of goods by their political communities" in McDermott, "Fair play obligations", *Political Studies*, 52: 216–232: 217.

as possibly the best hope for grounding the pro-sharing position which underpins the Standard View and current practices.<sup>11</sup>

But at this point, proponents of this argument should be led to answer a further question, which is also of great significance for the character of a just welfare state and the generosity of public support for parenting. This is because, even if non-parents can be required to share the costs of children, if the answer to the question of how much non-parents can be required to contribute is: ‘very little’ this will present a significant challenge to received wisdom and current practices. As such, much of what motivates us to investigate justice in the costs of children turns on this further question of how much sharing is required.

Before I go on to examine how the public goods approach would lead us to answer the question of *How Much?*, I must note two possible reasons for the particular neglect of this question. The first is that proponents of the public goods approach may have assumed that the answer to the question of *How Much?* depends on an independent account of fairness, one that is not “given” by the approach itself. This account of fairness may be egalitarian, prioritarian or sufficientarian. The account of fairness may hold that duty-bearers pay in proportion to their benefit or ability to pay. As such, it may appear that the public goods approach itself will have little to say about this question.

This is too quick. While an advocate of the public goods approach might rely on an independent account of a fair share, the approach cannot rely on an independent account of the total costs that duty-bearers pay a fair share of.<sup>12</sup> Since an individual’s fair share of a much higher total is likely to be higher than, or at least different from, a fair share of a much lower total, this question is of huge significance for the (tax) liability of non-parents and therefore the extent of public support

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<sup>11</sup> See Olsaretti, Serena. "Children as public goods?." *Philosophy & Public Affairs* 41.3 (2013): 226-258; Olsaretti, Serena. "Children as negative externalities?." *Politics, Philosophy & Economics* 16.2 (2017): 152-173.

<sup>12</sup> For the idea that the argument from fair play or public goods has a distinctive account of fair shares see Duus-Otterström, Göran. "Fair-play obligations and distributive injustice." *European Journal of Political Theory* (2018): 1474885118778621; Miller, D. and Taylor, I. "Public Goods", in Olsaretti, S. ed. *The Oxford Handbook of Distributive Justice*, Oxford University Press, 2018: 556 – 575.

for parenting. The further question of *How Much?*, then, really is a further question that must be answered.

A second reason is given by Serena Olsaretti when explaining the relative neglect of the *Who?* Question. Olsaretti says that theories of justice have typically assumed the truth of what she calls the Standard View, that parents and non-parents should share equally the costs of the entitlements of children that are created. She explains,

“We can conclude that this standard view is typically assumed, because typically theories of justice hold that people’s tax liabilities do not increase in line with whether they have children. Moreover, many egalitarian theories of justice seem to defend a version of the standard view which favours the socialization of some of the costs of care, too, namely, those costs of care that must be incurred to met the children’s claims of justice.”<sup>13</sup>

This Standard View also states an answer to the question of *How Much?* because it states that the costs should be shared equally between parents and non-parents, and so the explanation for the neglect of this question seem to be the same as the explanation of the relative neglect of the question of *Who?* Furthermore, the Standard View seems to underpin current practices. Tax revenue from parents and non-parents alike goes to support meeting these entitlements and tax liability does not vary according to whether a tax-payer has children and public support for parenting is significant. For example, UK government spending on Childcare support alone was £5bn per year by 2015, with planned increases taking it to £6bn by 2019-20<sup>14</sup> and in 2015-16 the cost of education for under 16s

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<sup>13</sup> Olsaretti, Serena. "Children as negative externalities?." *Politics, Philosophy & Economics* 16.2 (2017): 152-173: p. 155

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/482517/Childcare\\_Bill\\_Policy\\_Statement\\_12.03.2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482517/Childcare_Bill_Policy_Statement_12.03.2015.pdf)

was £4,900 per pupil in Primary School and £6,300 per pupil in Secondary School.<sup>15</sup> In the US the total spent on elementary and high school per pupil 2015-16 in the US was \$12,509.<sup>16</sup>

Although the Standard View seems to underpin current practice and most political philosophy, it cannot simply be assumed. It must be argued for. Since the public goods approach is promising for the three reasons given above and has been taken to vindicate part of the Standard View, we should see if it can vindicate that other part, which answers to the question of *How Much?* Our answer to this question will be of great consequence for the character of the just welfare state and for the correctness of theories of justice that currently assume it.

### III

To work out how the public goods approach leads us to answer the question of *How Much?* we must identify the key commitments of such an approach. The specific form that the public goods argument should take is a highly contested matter. There has been debate over the intentions of those producing the goods and the kinds of costs they incur are relevant to whether what they produce, even if non-rivalrous and non-excludable, should be shared. Some argue that to generate a fair play obligation, the producers (parents) must produce the good *for the reason* that it would benefit others,<sup>17</sup> while others argue that such a reason could merely feature in their overall set of motivating reasons for producing what they produce.<sup>18</sup> Some argue that producers must incur at least some costs in the production of the good, though not net costs.<sup>19</sup> Others argue that producers must view the production of the good,

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<sup>15</sup> <https://www.ifs.org.uk/publications/8937>

<sup>16</sup> <https://nces.ed.gov/fastfacts/display.asp?id=66>

<sup>17</sup> Casal, Paula, and Andrew Williams. "Rights, equality and procreation." *Analyse & Kritik* 17.1 (1995): 93-116

<sup>18</sup> Olsaretti, "Children as Public Goods?"

<sup>19</sup> Olsaretti, "Children as Public Goods?"



prior to any cost sharing, as a net cost to them.<sup>20</sup> There is a further debate over the non-rivalrous and non-excludable nature of public goods.<sup>21</sup>

But these issues will not detain me further because they concern only the definition of a public good. It is possible to say a great deal about how the public goods approach will answer the key questions, without settling these disagreements about the definition of public goods. In particular, the following claim, derived from its grounding in benefit theory, is accepted by all public goods approaches and that is most relevant to our question.

*The Costs Claim:* The beneficiaries of the production of a public good can be required to pay a fair share of the good value morally required costs of the production of the public good they enjoy to the producers.<sup>22</sup>

According to the public goods approach, the costs to be shared by beneficiaries are limited to the *good value morally required costs* of producing the public good. This tells us at least something about how the costs may be limited. This constrains answers to the question of *How Much?* There are two terms used in this claim that are especially important to discuss. These are: “good value” and “morally required.”

With respect to “morally required costs”, we can say that anything more than the morally required costs of producing the benefit would be morally optional (or morally impermissible). For example, some parents purchase for their children very expensive holidays, toys and clothes, but since children do not have a justice-based entitlement to such things and since the purchase of these things

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<sup>20</sup> Casal and Williams “Rights, equality and procreation”

<sup>21</sup> I also don’t discuss the issue of whether the benefits have to be accepted or merely received. See Simmons, A. John, 1979. *Moral Principles and Political Obligations*, Princeton, NJ: Princeton University Press: 31-35

<sup>22</sup> This includes those who offer distinctive versions of the public goods argument for the costs of children e.g. Olsaretti, “Children as Public Goods?” and Tomlin “Should the kids pay their own way?”

is not necessary for the production of a public good, they are not necessary costs resulting from the production of the public good. These are optional or discretionary costs and while parents may be permitted to incur them, discretionary costs cannot be foisted on others by appeal to the public goods argument.<sup>23</sup> Any non-parent could rightly complain that these costs were not necessary for their enjoyment of the good, and since they are liable *qua* beneficiary this seems like a sound objection. Furthermore, if some optional costs can be foisted, then there does not appear to be any principled limit to the obligation to share costs. These are the reasons for limiting the obligation to morally required costs.

The same sort of argument establishes that only good value costs can be shared. Children do have entitlements to minimally good care, which would involve nutritious food, medical care, adequate shelter and clothing and toys, but the costs to be shared cannot go beyond what would be a good price for those things. For example, the additional cost of more rather than less expensive, but sufficiently nutritious, food cannot be shared. At this point one might object that the fact that parents purchase organic cotton clothes and expensive toys and gourmet food for their children suggests that the costs cannot be brought down without violating the rights of parents, for example, by forcing parents to buy cheaper alternatives. But we can say that the parent who would refuse to clothe their child in anything other than organic cotton can be subject to a reasonable and forceful complaint if she attempts to externalise those costs.<sup>24</sup> If they are willing to parent the child, they should be willing to clothe the child appropriately at reasonable expense or else internalize excess costs, otherwise non-parents would be hostage to the expensive tastes of parents. However, we should note that since non-

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<sup>23</sup> Parents may not be permitted to purchase these things for their children if it is not a legitimate use of their parent partiality, assuming they have one. On parental partiality see Brighouse, Harry, and Adam Swift. "Legitimate parental partiality." *Philosophy & Public Affairs* 37.1 (2009): 43-80.

<sup>24</sup> This differs from Garrett Cullity's definition of excludability in Cullity, Garrett. "Moral free riding." *Philosophy & public affairs* 24.1 (1995): 3-34: 3. The definition offered by Cullity is "if anyone is enjoying it, no one else (in the group for which it is public) can be prevented from doing so without excessive cost to the would-be excluders."

minimal costs of X are not morally required, we can simply speak of the “morally required costs” without reference to the “good value requirement”.

Although practically speaking, welfare states may pay more or less than what is in fact “good value”, the general ambition of getting “good value” for the goods children are entitled to seems to be a very good limit to what costs can be shared. We are talking here of benefits that others have created, that we enjoy, but did not consent to pay for them beforehand. The least that should be required is that non-parents get good value for it.<sup>25</sup>

There remain two further ambiguities within The Costs Claim regarding “morally required costs” that must be resolved before we can see how the Public Goods Approach to the Costs of Children will answer the question of *How Much?* The first concerns the kinds of entitlements, the costs of which, are to be included in the total costs to be shared. Which entitlements that arise from the production of children as public goods are included in “morally required costs”? Is all entitlements, including perhaps, incidental ones, or only those intrinsic to the production of the public good? The second concerns the size or value of the public good that is created. Public goods can come in different sizes and we should ask, can non-parents be required to share the costs of any public good that is created, even when a smaller or cheaper but still adequate public good could be created instead? Are non-parents required to share the costs that were necessary to produce a public good of any size or only up to some particular size? In resolving this ambiguity, we will need to consider whether, and if so which, counter-factual baseline determines the costs that can be reasonably shared. In the next two sections I will take these ambiguities in turn and show how they should be resolved.

#### IV

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<sup>25</sup> Purchases through Eminent Domain in the US or Canada or compulsory purchase in the UK and Ireland are carried out on the basis that the previous owner will receive the market value of the property prior to the diminution caused by the existence of a compulsory purchase order. Such cases are analogous in some ways because consent is asymmetrical.

To dispel the ambiguity about which moral entitlements non-parents should share the costs of, I will consider several ways of understanding them and assess their plausibility and congruence with the public goods approach. Consider the following possible answer:

*All Moral Entitlements:* non-parents can be required to share any entitlements that arise from the production of a public good.

But the costs must not only be morally required in the sense that they are entitlements of justice emerging from the productive act, but they must also be *required by or necessary for the existence of the public good to be produced morally innocently* since what grounds the obligation is the benefit and the obligation corresponds to the costs incurred in producing that benefit. We can see this by considering one specific way of producing children.

*Foreplay Contracts:* a couple sign contracts and business deals with others and so incur obligations in the act of procreation or a crucial part of its build-up.<sup>26</sup>

In Foreplay Contracts, the couple create duties and entitlements of justice. But I take it that these contractual costs should not add to the total cost to be shared, though both types of entitlement of justice are created in the act of procreation and by people acting within their rights. The reason for this is that these extra entitlements of justice are not *necessary* to produce the public good and therefore, the public good could have been produced more cheaply without violating anyone's rights. The closeness of the connection between the costs and procreation, then, might help us to decide between

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<sup>26</sup> One might be tempted here to say that these obligations, though they are of justice, are voluntarily incurred. But the obligation generated by procreative acts are also voluntary, generally speaking.

the candidate answers to our question. To count towards the total costs that can be shared, the morally required costs must also be *necessary costs of production*. In other words, the costs to be shared must be restricted to *the morally required costs that necessarily arise from the act of production of a public good*.<sup>27</sup> This helps us get closer to the answer to the question of *How Much?*

But first, let's consider an alternative explanation of "foreplay contracts". One could argue that the additional entitlements in foreplay contract should not contribute to the costs to be shared because they are avoidable, not because they are unnecessary to produce the good. They might urge us to consider the following case.

*IVF*: a couple who cannot otherwise procreate make use of IVF. In procreating the couple create an entitlement of justice to pay the IVF bill, in addition to the entitlements of the child.

I think the IVF treatment bills cannot justifiably be shared by appeal to the public goods argument because the costs are not strictly necessary to produce a public good without violating anyone's rights. The public good attributable to the child could have been produced without using IVF, by other parents, for example. But consider another example, similar to Foreplay Contracts, where our intuitions will be clearer.

*Big Money Contract Fetish*: Rudy is unable to procreate unless they sign some big money contracts immediately prior to the act of procreation, thus creating a just entitlement on the part of the contracting parties, in addition to the child's entitlements.

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<sup>27</sup> The term "necessary" is somewhat ambiguous here since what is necessary to produce a particular public good by one group of people at a certain time and in a certain place will be different for other groups, at different times and different places. The costs of building the golden gate bridge in 1937, for example, would be very different now. I am inclined to take contextual factors, such as time and place, into account in calculating the total cost, but my conclusion is consistent with other accounts of what is "necessary".

Can Rudy, who due to this unfortunate condition, can exercise their right to procreate only by creating additional and expensive just entitlements, ask non-parents to share the costs of any business deals they enter into just because the act of procreation is necessary for producing a public good? I think not, at least if not everyone who can procreate has this condition. If everyone did have this condition then the costs of IVF would arguably be *morally required costs that necessarily arise from the act of production of a public good*. But in our world the connection is not close enough and until it is those costs cannot be shared on this approach.

One could object that the fact that the public good associated with children was not produced more cheaply suggests that the public good could not have been produced more cheaply without violating people's rights.<sup>28</sup> This can be explained by the plausible claim that forcing the unwilling to procreate and parent a child is a violation of their rights. So, we should conclude that only children that actually exist could have been created without violating people's rights. In light of this, we should take the morally required costs to be those costs that must have been incurred in creating the specific generation that was actually brought into existence, and not only limited to the two entitlements that make up the "costs of children".

However, whether the public good associated with children could have been produced more cheaply is relevant. First, there are non-rights violating ways of getting different people to procreate and non-rights violating ways of getting parents to rear their children differently. For example, we could use incentives or persuasion to encourage people to procreate who would create children and therefore the public good more cheaply. The cost of these incentives would then have to be included within the total costs required to produce the public good, but the savings of getting different people to procreate may compensate for the additional costs of the incentives. Second, individuals may still

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<sup>28</sup> I am grateful to Hillel Steiner for pressing me on this point.

have procreated voluntarily even if they could not do so in their most favourite or most expensive, way. All such counter-factuals are relevant since they do not involve rights violations. With this clarification made, I think the above examples suggest the following interpretation of Morally Required Costs.

**Necessary Moral Entitlements:** Non-parents are only liable to pay a fair share of i) the minimum costs of meeting moral entitlements that are ii) created necessarily to produce the public good without violating anyone's rights.<sup>29</sup>

This specifies the relevant moral entitlements the cost of which determines the total costs to be shared. But a further question now remains for us to have a determinate answer to the question of how much individuals can be required to pay. To do so we need to raise a further set of questions: what size or value of public good can be produced and still determine the total costs to be shared? The public goods approach does not yet furnish us with an unambiguous and determinate answer to this question. But one is sorely needed because the public good can vary in both its size and its value and since differently large and valuable public goods might have differently expensive morally required production costs it effects the total costs to be shared, a fair share of which non-parents will be required to pay.<sup>30</sup>

## V

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<sup>29</sup> I can see how someone might make the argument that all necessary costs of producing the public good could be part of the total to be shared. Imagine I dig into my own savings to create a public good. I do not create a just entitlement by doing this, at least not in the same way as if I borrow it from someone else, but it would seem relevant to the costs to be shared.

<sup>30</sup> See, for example, Jean Hampton's discussion of step goods, incremental goods and mixed incremental goods in "Free-rider problems in the production of collective goods."

Extra investment, and therefore costs, could be strictly necessary to produce a public good of one size but not strictly necessary to produce a public good of another size. It is clear in the case of large public infrastructure, such as highways and public transportation systems, that bigger, more efficient, and more extensive systems will require more resources. In the case of children, if parents spend more money on their child's nutrition and education this may increase the life-time tax take from the worker their child becomes. It may also make him or her a better more efficient carer or service provider. If so, then gourmet meals and additional private tutoring could be necessary to produce a public good, such as a pension pot, of a certain size, though not necessary to produce a public good of any substantial positive value.<sup>31</sup> The morally required costs of producing something of greater value are likely to be higher than the required costs of producing something of lesser value. To give just one example, the number of children created will likely effect the size and value of the public good created.

We now need to ask how large or valuable the public good can be and still generate a duty to share the morally required costs of producing such a good. Are beneficiaries required to pay the minimum necessary costs of just any public good that happens to be created, however large? Or are they only required to pay for the costs of a public good of a certain size, perhaps a sufficiently large or productive generation, where additional children can be surplus to requirements and not increase the share of any non-parent? To resolve the ambiguity over the size of the public good that can be created I will consider five available answers.

First, consider the Pragmatic Answer, which I think is the one associated with the Standard View and is perhaps the most obvious answer to the question.

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<sup>31</sup> Entitlements on the part of the seller are created when the parent purchases education and food. They are not entitlements of the child, but they are nevertheless, entitlements that are necessary of the production of the public good, like the IVF bill would be in a world where that is the only possible method for procreation.



*Pragmatic Answer:* The total costs to be shared by non-parents are the morally required costs of all children that are created so long as they collectively amount to a public good.

According to this answer beneficiaries are required to share the morally required and necessary costs of all the children that collectively produce at least a substantial public good, whether that is a pension pot or future generation or something else. So, the total cost would be the morally required and necessary costs of any benefit that meets the conditions of being a public good, however large or small. This view, I think, is one that underpins the Standard View and much current practice, as many tax and transfer policies aimed at parents are universal or universal but means tested, although these policies also support children who may not contribute to the public good or may contribute in excess of a smaller public good. Furthermore, Olsaretti's explanation seems to support this as the favoured position of the Standard View because "typically theories of justice hold that people's tax liabilities do not increase in line with whether they have children."<sup>32</sup> The Pragmatic Answer suggests that, insofar as the public goods approach could ground cost sharing, the cost of any size of public good that is in fact enjoyed should be shared.

But note that, as currently stated, this may require non-parents to pay for children who do not contribute to a public good. These children, and their justice-based entitlements, cannot be said to have been created necessarily in the production of the public good since if they were not produced the public good would remain the same value. The good value requirement must mean that beneficiaries are liable only for what was necessary to produce a public good. This is a consequence of relying on the producer-and-beneficiary logic of the public goods approach.

Now a revised version of the Pragmatic Answer can be given according to which, non-parents are required to share the costs of each child that positively contributes to the value of a public good.

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<sup>32</sup> Olsaretti, Serena. "Children as negative externalities?." *Politics, Philosophy & Economics* 16.2 (2017): 152-173: 155.

*Revised Pragmatic Answer:* The total costs to be shared by non-parents are the morally required costs of all children that collectively produce a public good where each contributes to the value of the public good, either individually or collectively.

Since each child contributes to the production of a public good their justice-based entitlements were necessarily created by the act of production, so it is not the case that they are not covered by this argument. This Refined Pragmatic Answer certainly sets one limit to the costs that can reasonably be shared. It is not consistent with the public goods approach to hold that non-producer beneficiaries are liable for costs that were not incurred in the production of the benefit that they in fact enjoy, for instance, if they enjoy a less than substantial public good. They are only obligated to pay at all insofar as they receive or benefit from the public good, and therefore only obligated to pay for the costs that were necessary to produce the components that make a positive contribution to it. But can they be liable for any morally required costs necessary for the production of a public good of any size, so long as they do benefit from it? Now consider another answer.

*Cheapest Answer:* The total costs to be shared by non-parents are the morally required costs of least expensive public good, without violating anyone's rights.

The Cheapest Answer is the one that must be justified if the public goods argument works at all since it is the least objectionable liability that non-parents could have. Since I am assuming the truth of the public goods argument this position becomes our default and our question then becomes whether any deviations from this are justifiable.

One possible answer is the largest good answer, according to which the costs to be shared are those associated with the largest public good that was created. The larger the good, the larger the benefit and so the larger the costs that can be incurred, one might speculate.

*Largest Good Answer:* The total costs to be shared by non-parents are the good value morally required costs of the set of children that would produce the largest public good.

Even once there are enough children to create a substantial public good, if adding more would create at least some increase in the value of the public good then we can ask whether non-parents should be required to share the costs necessary to produce the larger public good.

The main problem with moving from the cheapest answer to the largest good answer is that it may be seriously irrational to continue producing children that increase the value of the public good, because public goods are not the only type of good. For example, adding an extra person may well increase the tax base and increase money going into the collective pension pot, but it might represent a poor return on investment relative to the cheapest answer because for each extra unit of value that the public good increases it may cost the same or more to pay for their morally required costs. It may be that after a certain point there are diminishing marginal returns on the additional children and so, as rational investors, they would have better things to spend their money on.

Following this line of thought, it makes sense for non-parents to favour the public good that represents the best return on investment, so perhaps departures from the cheapest answer represent a good return on investment could be justified. On this view non-parents would be required to share only the costs of the children who, collectively, produce the greatest value public good for the cheapest costs.

*Best Return on Investment Answer:* The total costs to be shared by non-parents are the good value morally required costs of the set of children that would produce the largest public good per unit cost.

Now, consider the status of this preference to rationally prefer the best return on investment answer. Is it generally permissible to impose larger costs on someone to realise their rational preferences? I think it remains reasonable to object to this and to choose a less good value option. If the good value requirement is a constraint on what non-producer beneficiaries can be required to pay, then the best value answer is not available. Just think about how it holds those non-producer beneficiaries hostage to producers' actions. Imagine producers rather than creating the cheapest dam that will be functional they produce a highly efficient super dam (assume also that they couldn't have asked for consent). People can have preferences about this themselves that diverge from the rational investor model, which narrowly focus on the most rationale use of funds for this single project, and insofar as they differ from the producers or even the objectively correct view of what the best value for money dam is, this is not justified. The best return on investment model is likely to prove irrational for many, with diverse projects all of which it is reasonable for them to pursue and prefer to the benefits of a public good. We can say likewise about the size of pensions or the size of the next generation. It might be the case that individuals could voluntarily or democratically agree to share the costs of additional children for a public good, but this could not be enforced on everyone without asking or without a democratic process. If there was universal agreement it could be imposed, but that agreement could simply be undone, without any injustice, if the agreement ceased to hold, through some democratic procedure. As such, no duty to share these costs exists prior to the agreement. There is no duty to pay for the public good that is the best return on investment unless it is consented to, at least where the best return on investment is not the cheapest answer.

Finally, I will explain in more detail what I mean by the cheapest public good to help clarify the limitations of the public goods approach to the costs of children. According to my analysis of the public goods approach to the costs of children, the beneficiaries have a duty to pay for the costs of the cheapest way of producing a substantial public good, whether that is pensions or avoiding being the final generation or both without violating anyone's rights. This would require that pensions were sufficient to meet the needs of pensioners and that the next generation of children would have to be large enough and skilled enough to diminish the very bad things about being the last generation and to provide a range of important and valued services. To clarify this, consider a paradigmatic instance of a public good: national defence. If military spending could be increased to increase the degree to which the good of national defence can be provided, on a version of this view tax-payers have no obligation of fairness to contribute to that, even if it offers the best return on investment or the largest value public good. If some people care so much about military spending, then they may be permitted to spend extra and to try to persuade others to do the same, but the public goods argument does not create an obligation to pursue military proliferation even when real gains in defence are made and even when those gains offer the best available return on investment for such gains.

Further clarification is also required for the notion of "cheapest". What I mean is the cheapest costs of meeting the just entitlements of a set of children that will produce a substantial public good, though the costs may include additional costs that are practically required to produce a substantial public good. For example, if, in the future, human fertility diminishes significantly such that any procreation, and therefore any creation of the public goods of children, requires fertility support in the form of 3 cycles of IVF treatment, those costs would also be justifiable.

Note that we can reduce the total costs by reducing the number of children included, when it is possible to produce a substantial public good, such as a sufficiently large and skilled generation, with fewer rather than more children. But also, if the costs of meeting entitlements varies according to the

child, we can focus on only those children who contribute to the public good whose entitlements are cheapest to satisfy. But we can also ask what prices are relevant to the cheapest costs? For example, in different places and at different times meeting a child's entitlements were more and less expensive. My focus is on the costs of meeting the entitlements at the time they should be met and this means that the cost of different generations will vary perhaps dramatically based on the costs of meeting a child's basic needs as well as producing them. To try to illustrate this with an example, if some adults procreate Jamie, and meeting their entitlements and ensuring they count as a public good in their territory and at that time costs \$100,000 but other adults procreate Ashley at costs of \$90,000 then Ashley's costs would go towards the total but Jamie's would not, assuming they are substitutable without jeopardising the production of a substantial public good.

This is a significant departure from the (Revised) Pragmatic Answer, which I associate with the Standard View, and would offer much extensive cost sharing and therefore less generous public support of parenting. The implication of this finding is that the public goods approach cannot hope to support the Standard View that costs should be shared equally and the total revenue to be generated by this argument will be far less than the Standard View and proponents of it would have us believe. This leaves proponents of the public goods approach with a choice. Either they must supplement the public goods approach with another argument, though the reasons outlined above for thinking that approach is attractive seem almost unique to it, or they must accept that the extent of cost sharing that the Standard View adopts is unjustified. I don't yet have arguments that can take us further than this point.

## VI

In this paper I have argued that justice in the costs of children is a very important topic that requires us to answer three questions: *Who? How Much?* and *To Whom?* I argued that the most common, and

attractive, approach to the question of *Who?* does not yet provide us with an answer to the question of *How Much?* I noted that this is regrettable since a lot of what we care about, such as the levels of public support for parenting, turn on this question. I argued that the public goods approach can help us to answer this question, but that two ambiguities remain about the size of the costs that non-parents can be required to share. First, there is an ambiguity about the moral entitlements that can be included. Second, there is an ambiguity about the size of the public good that can be created and its full costs still be shared. I argued that the bests understanding of these ambiguities was that the public goods approach holds that non-parents can be required to pay the morally required costs that were necessary to produce the cheapest substantive public good. This will often mean that non-parents fair shares are limited to less than an equal share of the total costs, since it is plausible to think that some children that are created, and have entitlement, are not included within the cheapest set of children who produce a public good. This is because some children are net public bads and because others contributions to the public good are surplus. Now, this does not mean that parents of children who are in one of these two categories should receive no support since we have no yet answered the question of *To Whom?* One might speculate that the fairest thing to do with the revenue from non-parents would be to share it equally between all parents, though given producer-beneficiary logic of the public goods approach it would seem to be a surprising conclusion for all parents to have equal rights to the contributions of non-parents when they are not equal producers of benefits.

This conclusion a serious challenge to those who wish to defend the Standard View, current practices or generous public support for parenting. If these verdicts are counter-intuitive, this argument also casts some doubt on the public goods approach to the costs of children. There may be other arguments for “pro-sharing”, which can justify the generous support to parents that we might expect a liberal egalitarian to favour. But note that there are three reasons for favouring the public goods argument. First, the public goods argument can yield enforceable obligations, which would be

required to support taxation. Second, the public goods argument is anti-perfectionist. Other arguments for “pro-sharing” might be perfectionist or might not yield enforceable obligations and therefore face further obstacles. Third, the public goods approach offers us a normative, rather than pragmatic argument.

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