

WHAT MAKES NEPOTISM WRONG?

Pascal L. Mowla

WHY IS IT WRONG to distribute goods nepotistically, and is it always wrong to do so? Ordinary morality typically frowns upon nepotism, yet nepotistic activity is rarely the target of coercive policy and state intervention. Moreover, widespread disdain for nepotistic hierarchies is seldom mirrored by disapproval of special relationships or the exchange of personal favors to which we are all indebted. We dismiss those who profit from personal ties as the beneficiaries of corruption or good fortune, yet recognition of the significance of these relationships is nearly universal. In the United Kingdom, Conservative governments have faced criticism for awarding lucrative contracts to individuals and companies with links to party officials,¹ whereas public discourse online targets so-called nepo babies: the children of well-connected parents who happen to find success within the entertainment industry.² Indeed, it perhaps goes without saying that the prevalence of nepotism within the world we inhabit is not easily overstated. On the contrary, one's social position and network typically afford one access to various goods and competitive advantages.³ It is thought, for instance, that roughly half of all jobs within the United States are acquired through one's social network of family, friends, and other acquaintances.⁴ Despite these findings, few entertain the impermissibility of nepotism *tout court*, and many individuals appear to value opportunities for collaboration with their nearest and dearest. How then should we reconcile these conflicting intuitions?

- 1 Conn et al., "Chumocracy"; and Jenkins, "Of Course Michelle Mone Should Be Thrown Out of the Lords, but Others Enabled Her."
- 2 Gorman, "Nepo Babies"; and Jones, "How a Nepo Baby Is Born."
- 3 See Bourdieu, "The Forms of Capital"; Goodin, *Perpetuating Advantage*, 54–68; Lin and Dumin, "Access to Occupations Through Social Ties"; Pérez-González, "Inherited Control and Firm Performance"; Gilani, "Creating Connections."
- 4 See Loury, "Some Contacts Are More Equal Than Others," 299; and Corak, "Income Inequality, Equality of Opportunity, and Intergenerational Mobility," 93. See also Granovetter, "The Strength of Weak Ties" and *Getting a Job*; and Montgomery, "Social Networks and Labor-Market Outcomes."

Much of the existing literature on partiality directs its focus towards the ethical dimensions of special relationships and the duties or prerogatives they generate.⁵ Less well treated, however, is the distinctly institutional phenomenon of nepotism. Despite the pervasive influence of nepotism and the challenges that such activity presents for conceptions of social or distributive justice, one may struggle to unearth a sustained normative interrogation of the concept itself.⁶ While some assume that favoring friends or relatives for jobs is permissible or even obligatory within smaller businesses, others deem it objectionable to favor friends or relatives for advantageous positions even if they are suitably qualified.⁷ This essay aims to quell the confusion that these vagaries produce by considering what makes nepotism wrong *when* it is wrong.

Far from identifying a distinct wrong involved in nepotism, familiar objections either are concerned with its substantive effects on some conception of distributive justice or designate nepotistic practices as ones that may constitute a kind of wrongful discrimination.⁸ Though these accounts identify genuine concerns, I suggest that they fail to provide a satisfactory explanandum of what makes nepotism wrong across a diverse range of cases. As a corollary, they do not draw a plausible distinction between permissible and impermissible activity in a way that might guide institutional action. Given that many share the intuition that nepotism is at least sometimes impermissible, we might wonder how this intuition is best explained and just how far this explanation extends to proscribe nepotism as a matter of justice. In service of this end, a comprehensive account of the wrong of nepotism should (1) faithfully capture and make sense of our intuitions regarding nepotism's wrong-making features and (2)

- 5 See Oldenquist, "Loyalties"; Cottingham, "Ethics and Impartiality"; Baron, "Impartiality and Friendship"; Friedman, "The Practice of Partiality"; Keller, "Four Theories of Filial Duty" and *Partiality*; Feltham and Cottingham, *Partiality and Impartiality*; and Kolodny, "Which Relationships Justify Partiality?"
- 6 A PhilPapers search in January 2025 for 'nepotism' generated eighty-six results. Of these results, only one constituted a philosophical attempt to engage with the question that titles this essay and is discussed below. The vast majority of results discuss the practice of nepotism in relation to evolutionary biology and kinship altruism or within a historical context. Elsewhere, nepotism is frequently mentioned in passing but is rarely examined with any detail.
- 7 With little argumentation, Michael Walzer claims that the coercive implementation of meritocratic norms should be limited to positions of public office and that within the "petty-bourgeois economy," nepotism "appears to be morally required." See Walzer, *Spheres of Justice*, 161. Cf. T. M. Scanlon, who claims that it would be objectionable if "among many equally qualified candidates for a position, all of those who are selected are friends of people in power" (*Why Does Inequality Matter?* 50).
- 8 See Miller, *Institutional Corruption*, 106–15; Scanlon, *Why Does Inequality Matter?* 40–52; and Moreau, *Faces of Inequality*, 115.

give rise to a convincing distinction between permissible and impermissible nepotism. Though a satisfactory response to these questions may initially seem simple or even obvious to some, further investigation reveals the problem to be deceptively complex. As we shall see below, existing accounts of the wrong of nepotism not only fall short of the first desideratum by limiting their focus to advancing a particular conception of justice but also struggle to convincingly delineate permissible from impermissible nepotism using the standards internal to these conceptions.

This paper is structured as follows. In section 1, I offer a working definition of nepotism that is neutral with respect to its wrong-making features and congruent with ordinary use. Section 2 then outlines three accounts of the wrong of nepotism and argues that each struggles to provide a comprehensive explanandum of what makes nepotism wrong. As there are a conceivably vast number of objections to nepotism, I limit my focus here to those that provide the most coverage in terms of applying to a diverse range of cases and regularly feature in the condemnation of nepotistic activity. Contrary to received wisdom, appeals to efficiency, equal opportunity, or wrongful discrimination induce ambiguity and provide inadequate normative coverage when used to discern nepotism's permissibility. The primary takeaway from this analysis is the realization that our intuitions about nepotism's permissibility are often incongruent with existing accounts of its wrong-making features. Section 3 concludes by laying the groundwork for a more holistic account and highlights the need for an approach that balances the morally significant interests that different cases present.

1. A WORKING DEFINITION OF NEPOTISM

In order to orient the following discussion, it is necessary to provide a working definition of nepotism. Since allegations of nepotism typically conjure pejorative thoughts of corrupt or unethical activity, it is important that our working definition faithfully captures ordinary judgments about what nepotism consists in while remaining neutral between different explananda of its impermissibility. Given this pejorative perception, one might be puzzled by both the title of this essay and the aforementioned need for a working definition of nepotism that is neutral with respect to its wrong-making features. This confusion is likely to be a product of the thought that nepotism is wrong *by definition* and so providing an adequate definition of nepotism is analogous to explaining what makes it wrong. On this view, there is no meaningful sense in which we can delineate between impermissible and permissible nepotism, since if it were permissible, it would not be "nepotism" but something else entirely.

Though this thought might be held by some, it should be patent that endorsing it without qualification would unavoidably beg the question in favor of its impermissibility *tout court* or a particular account of its wrong-making features. In anticipation of this problem, I offer a working definition of nepotism that is neutral with regard to competing accounts of its impermissibility and leaves room for the possibility of permissible nepotistic activity. This is not to suggest, however, that the term ‘nepotism’ is devoid of any normative content in common parlance. Instead, it is to recognize the need for an adequate description of nepotism that suspends further evaluative considerations about its normative status within various contexts if we are to come to a considered view regarding its permissibility.⁹ It is with this in mind that I provide a working definition of nepotism that successfully identifies a class of acts that captures what we typically perceive nepotism to consist in and is suitably broad so as to avoid biasing a particular account of its impermissibility.

Nepotism: An agent engages in nepotistic activity whenever they utilize their influence within an institution to favor distributing goods to a member of their social network and where such membership positively influences (directly or indirectly) the decision to distribute the goods in question.

We can now posit several salient features of our working definition that establish both its neutrality and its fidelity to ordinary use.

First, the working definition identifies two dimensions that differentiate nepotism from other kinds of favoritism. The first dimension specifies the relational aspect inherent to nepotism and delimits this relational scope to members of an agent’s social network. While an agent may express partiality in any number of ways (e.g., towards someone who shares their ethnicity or gender), an ordinary ascription of nepotistic activity typically refers to the practice of

9 To draw an illustrative analogy, one can provide a description of favoritism that denotes the expression of preferential treatment for a person or group at the expense of others without committing to claims about its permissibility in different scenarios. Like nepotism, favoritism may prompt pejorative thoughts of *unfair* preferential treatment, but this does not preclude us from using the term in a normatively neutral way in order to evaluate the permissibility of particular expressions of favoritism. Consider, for example, the favoritism that a mother may express towards her own children and an expression of favoritism *among* her own children. Ordinary moral judgments may deem the former act to be an instance of permissible or even obligatory partiality, while the latter is usually thought to be objectionable. See Baron, “Impartiality and Friendship,” 837–38. Despite this, there is a clear and uncontroversial sense in which both acts can be described as expressions of favoritism, and this can be done without obfuscating what the term is perceived to refer to in ordinary language.

favoring one's friends and relatives for some good. In place of 'friends and relatives', I use the more inclusive term 'social network', which I believe to be congruent with the thought that nepotism can involve favoring friends as well as friends of relatives, relatives of friends, friends of colleagues, and so on.

The second dimension specifies the site or location of nepotistic activity and constrains the site of nepotism to institutions. Here, I adopt Rom Harré's definition of an institution as "an interlocking double-structure of persons-as-role-holders or office-bearers ... and of social practices involving both expressive and practical aims and outcomes."¹⁰ Construed as such, the kind of institutions under consideration admit of a wide variety, including schools, businesses, police forces, hospitals, and political institutions, as well as many others.¹¹ Delimiting the scope of nepotism in this respect is important because a working definition that specifies the aforementioned relational aspect without constraining the site of nepotism would be inadequately broad.¹²

The working definition does not equate nepotistic practices with acts that are inherently unfair or objectionable. Characterizing nepotism in this way avoids the preliminary concern elucidated above and also creates space for the possibility of permissible nepotistic activity.

It leaves open the possibility that nepotism can involve favoring a member of one's social network for a particular good from a position that is *internal* to the institution where the good will be realized, as well as using one's power or influence from a position that is *external* to the target institution. In either case, one utilizes one's social position and network to influence a distribution within the relational scope specified. I may, for example, have no special ties to a particular institution in which my friend hopes to work but, upon reflection, recall that a relative does and request that they do our bidding. If my membership of this extended social network then influences the decision to award

10 Harré, *Social Being*, 98. This definition is also congruent with other definitions of institutions in contemporary sociology. See Giddens, *The Constitution of Society*, 31; and Turner, *The Institutional Order*, 6.

11 One may question why the family is not listed as a relevant institution. Though the family can be understood as a kind of social institution, no one considers families to be subject to open competition for the roles within them, and they also lack the formal, interlocking double structure alluded to. Aside from the fact that it would be odd to describe gift giving within families as nepotism, it is also reductive to think of families as having particular and well-defined productive or expressive aims.

12 We may, for instance, have good reasons to scrutinize the partiality that parents express towards their own children whenever they lavish them with financial resources and exacerbate inequality as a result. But in spite of some structurally analogous features, such activity could not faithfully be described as nepotism.

my friend a high-paying job, I will have used my social network to influence decision-making in a way that constitutes nepotism.¹³

The working definition does not attempt to fix, as a constant, the set of reasons that may serve to explain why an agent favors a member of their social network for some good or why one utilizes their influence or power to obtain advantages in the ways discussed.¹⁴ Instead, the latter clause of the working definition acknowledges that one's membership of the relevant network must positively influence the distribution of some good without attributing particular agential reasons—that is, reasons upon which agents purportedly act—as part of an explanatory narrative.¹⁵ Membership of the relevant network must contribute (directly or indirectly) to generating a decisive reason in favor of the distribution, but the working definition is noncommittal as to *why* membership of a particular social network generates reasons for action. While it may be quite natural to think that nepotism entails agents acting upon agent-relative reasons to favor a particular person, group, or relationship, I encourage readers to set this assumption aside. For those unconvinced by this approach, contemplate the following rebuttal.

First, consider how institutions are largely defined by their *raison d'être*. This encompasses the purpose (productive or otherwise) that an institution exists to fulfill and defines an institution's role in society.¹⁶ A particular *raison d'être* (or institutional purpose) therefore determines the particular processes or roles that are necessary to achieve the relevant ends. If an institution is to operate in a way that optimizes its pursuit of a particular end, then people with abilities, traits, or qualifications of the relevant kind are required to fulfill particular roles, and weighting of the relevant considerations is determined with reference to

- 13 Although the involvement of multiple agents within a social network raises questions about who is acting nepotistically or bears ultimate liability, I remain silent on questions of culpability here. In this paper, I assume that multiple agents can act nepotistically together in ways set out by the working definition even when only one individual has the authority to make a nepotistic decision.
- 14 It is for this reason that I refer to nepotistic activity rather than nepotistic partiality so as to leave open the possibility that nepotism may be motivated or explained by something other than a reason of partiality. For more on motivating, explanatory, and normative reasons, see Alvarez, "How Many Kinds of Reasons?"; and Hieronymi, "Reasons for Action."
- 15 Following Constantine Sandis, agential reasons are understood here as considerations that constitute "purported facts about the world: things *that* we believe" and may be faulty or motivated by dispositions that the agent is unaware of. See Sandis, "Verbal Reports and 'Real' Reasons," 267.
- 16 Or, in the words of Emanuela Ceva and Maria Paola Ferretti, "the *raison d'être* of an institution comprises the normative ideals that motivate its establishment and, consequently, its internal structure and functioning" (*Political Corruption*, 23).

the institution's purpose. In this respect, the considerations that support hiring one sous chef over another for work within a Michelin-starred kitchen are likely to differ significantly from the selective criteria deployed within an international fast-food outlet.

As we shall see, however, an institution's purpose is sometimes constituted by a productive, associative, occupational, or expressive aim that falls within the relational scope specified. In cases where an institution is created with the purpose of furthering the interests of a particular association or where the presence and visibility of a particular social network is crucial to realizing an institution's productive purpose, considerations like "X is a family member" might prove relevant, though defeasible, to selection. In cases of the latter kind, agent-relative reasons may or may not be present or coextensive with agent-neutral considerations of a meritocratic nature. Though this complicates things, I believe that we can reasonably regard such practices as nepotistic because these institutions, in one way or another, exemplify the practice of "keeping it in the family." In other words, they are organizations that are closely intertwined with the special relationships that populate them, with a *modus operandi* that excludes or disadvantages outsiders. Nepotism can therefore be "baked" into the structure of an institution such that nepotistic practices promote the institution's stated purpose and no longer appear arbitrary.¹⁷

Second, suppose that our working definition constrained the sphere of nepotistic activity to cases in which a distributor's agential reason for favoring a relative for some good (e.g., the decision to hire them) is an agent-relative consideration (e.g., love for a daughter) such that they distribute nepotistically whenever they act upon reasons of partiality. Though this definition captures what we might call a "classic" case, it risks excluding others that ordinary judgments would deem nepotistic due to a difference between the underlying cognitive states that explain the decision and the agent's purported reasons for action. People can be mistaken about what reasons they *actually* have to perform various actions, as is the case when an agent's love for their daughter obfuscates an impartial assessment of the daughter's ability to adequately perform a particular role. In such cases, the employer's agential reason may be the agent-neutral consideration that their daughter merits the position, but unbeknownst to the employer, their special relationship has clouded their judgment.¹⁸ Again, I believe that we can reasonably regard such cases as examples of

17 This is not to suggest, however, that such decisions are not necessarily morally arbitrary, as we may still struggle to justify them all things considered.

18 Here, one could argue that explanatory agent-relative reasons to favor a social network member provide the relevant standard instead of agential reasons. There are, however, problems with this approach. Firstly, a definition that appeals to particular explanans

nepotism even though there seems to be an element of misfortune concerning the agent's underlying cognitive states and purported reasons for action.¹⁹

Where membership directly influences the decision to favor distributing some good, I refer to cases in which the decision to distribute is not mediated by a third party who may or may not possess any social ties to the agents involved. It is therefore possible for a distributor to engage in nepotistic activity even when the decision to distribute is outsourced to or mediated by a third party. This illuminates another structural feature of nepotism. A restaurateur, for example, might use their position to institute a familial ethos and market their restaurant as an authentic, family-run business. Where the realization of an institution's stated purpose hinges upon the presence or visibility of the family in question, a third-party recruiter may recommend the employment of the restaurateur's relatives. Here, membership of the relevant network indirectly influences the decision to distribute nepotistically through meritocratic criteria determined by the institution's purpose.

Within the working definition, the term 'goods' is used to refer to an expansive group of comparative advantages that include but are not limited to jobs or educational places, material or immaterial rewards and benefits, the devotion of time or effort, and awards that denote some sense of merit or achievement. For brevity, I limit my focus here to the paradigmatic practice of nepotistic hiring and selection for advantageous positions. This includes paid or unpaid employment, as well as educational places and other positions that are typically thought to be subject to open competition.²⁰

Before proceeding any further, I anticipate and address some potential confusion regarding this essay's objective. By considering what makes nepotism

must contend with the insurmountable task of capturing every possible factive explanation of why a given agent acted nepotistically. Secondly, a comprehensive explanation of an agent's reasons for a nepotistic distribution might reveal both agent-relative and agent-neutral reasons. Finally, it seems plausible to say that we have higher-order, *de dicto* agent-neutral reasons to act partially whenever this would promote whatever is impartially best. What should be clear is that encumbering our working definition with a specific explanatory narrative is liable to create more problems than it solves and risks instantiating an underinclusive definition of nepotism.

- 19 One might object that the working definition should instead be constrained to include all underlying mental states that motivate agent-relative reasons, irrespective of an agent's cognizance of them or the reasons they purport to act upon. Though such a definition offers a theoretical improvement on the constrained definition given above, it is still problematic in cases where agent-relative reasons may not be present or coextensive with agent-neutral considerations and is less apt for use within the real world due to the inaccessibility of mental states that play a motivational role.
- 20 Though I hope that some of the forthcoming discussion will also help to contribute to a better understanding of what justice might require in these other contexts as well.

wrong, I intend to draw attention to a distinction between permissible and impermissible nepotistic activity, designating the impermissible as activity that *could* be the appropriate target of coercive policies or noncoercive norms. In other words, it is a requirement of justice that we do not engage in impermissible nepotistic activity. This is not to suggest, however, that acts of permissible nepotistic activity may occur without any concern whatsoever or that they are necessarily morally admirable.²¹ On the contrary, we might think that the world would be a better place if fewer people engaged in permissible nepotistic activity even if a move to proscribe such activity would struggle to find adequate justificatory support. The idea, then, is to evaluate existing objections to nepotism and consider the extent to which we should accommodate the relevant practices.

Finally, as I stated above, I shall be evaluating existing objections to nepotism that are internal to distinct conceptions of distributive or social justice, with a view to assessing the extent to which they meet the aforementioned desiderata. But as I also alluded to, nepotism is rarely subject to any thoroughgoing normative investigation, and I take this to be one reason among many for further inquiry in this area. Consequently, one might worry whether the ensuing critical analysis is liable to misconstrue the purpose of the various theories interrogated by measuring their success against external criteria that they were not developed to satisfy. In response to this worry, I want to clarify that I shall approach each of the following objections charitably, with awareness of the fact that they exist as part of distinct imperatives or conceptions of justice rather than comprehensive accounts of the wrong of nepotism. As such, it is worth prefacing the following discussion with an acknowledgement of the fact that the authors discussed here might entertain alternative ways of understanding nepotism's permissibility in an all-things-considered sense, even if their treatment of the issue is potentially misleading. That being said, the fact that so few theories exist that directly deal with the problem of nepotism in a more substantive sense should only strengthen the case for developing a distinct and more comprehensive account.

2. ACCOUNTS OF THE WRONG OF NEPOTISM

2.1. *Collective Goods, Corruption, and Efficiency*

People often object that nepotism is both inefficient and corruptive of institutions. If nepotism involves favoring a member of one's social network for some

21 Nor is it to suggest that a requirement of justice necessarily entails state action, for it might be incumbent on institutions and the individuals within them to adopt just practices in cases where state intervention is undesirable or infeasible.

good within an institutional setting, then this will curtail efficiency whenever the selection of unqualified candidates undermines production of the relevant ends. There are many ways in which this concern with efficiency might be moralized through the lens of institutional corruption.²² Seumas Miller offers one such account, which suggests that a collective moral responsibility exists to produce the goods that individuals have a right to.²³

Miller refers to these goods as collective goods, and they are best understood as the ends that institutions directly or indirectly contribute to the provision of by means of joint activity. Miller considers these goods to be distinct insofar as they are objectively desirable, either because they contribute to the fulfillment (or means to fulfillment) of needs-based rights (e.g., a right to sustenance) or because they secure other moral rights (e.g., a right to life).²⁴ On this account, collective goods provide the underlying normative telos for all institutions and a universal standard against which their efficiency is assessed.²⁵ Institutional corruption is therefore understood as “an instance of a kind of act that has a tendency” to have the effect of undermining the provision of some collective good; and nepotism has such a tendency because it “flies in the face of principles of merit.”²⁶ Impermissible nepotistic activity is characterized as a form of corruption that *tends* to undermine the production of goods to which individuals have a right.²⁷ The thought underpinning this account is that many

22 For an illuminating critical overview of competing theories, see Ceva and Ferretti, *Political Corruption*, 45–71, 82–94. I focus on Miller’s account here, given his extended treatment of nepotism and the predominance of consequentialist views of corruption. Though Ceva and Ferretti’s intriguing public duty–centered account of corruption provides a nuanced alternative (81–124), it applies only to public institutions and so cannot make sense of impermissible nepotism in the private sector. I also worry whether it is too formal and dialogical in its scope for it to be able to determine impermissible nepotism independently of the dialogical engagement it calls for between role-occupants.

23 Miller, *Institutional Corruption*, 23–46.

24 Miller, *Institutional Corruption*, 34–35.

25 This is coupled with a rejection of the shareholder theory of value, which equates efficiency with profit maximization. By Miller’s lights, the pursuit of profit may constitute a proximate goal for an institution or sector but should ultimately be a means to the end of providing an “adequate and substantial quantum of some good.” Miller, *Institutional Corruption*, 234. I share Miller’s skepticism to the extent that excessive profiteering is often profoundly corruptive of the aims that we think various institutions ought to realize or be assessed by. The sale of toxic financial products leading to the 2008 global financial crash or the conduct of privately owned utility companies in the UK provides empirical support for this skepticism and casts doubt on the view that businesses operating within free markets will self-regulate in order to optimize the achievement of these aims.

26 Miller, *Institutional Corruption*, 82, 110, 112.

27 Miller, *Institutional Corruption*, 112.

institutions are involved in the renewal of goods that contribute to fulfilling various pre-institutional and institutional moral rights. Nepotism, *qua* corruption, is therefore objectionable whenever the inefficiencies associated with it curtail a sufficient distribution of the goods necessary to fulfill these rights.²⁸

To take a straightforward but illustrative example, many converge on the thought that the state and its institutions have the fulfillment of basic needs and other moral rights as their primary purpose. A pre-institutional right to life, for example, might be thought to ground an institutional moral right to health care provision. The right to health care is instituted in various countries, and on Miller's view, this provides the relevant institutions with an institution-dependent standard of merit. If hospitals are to operate efficiently, then various roles within them must be filled by individuals with the kinds of abilities that promote the relevant ends. Frontline medical staff must have the relevant training and temperament, and contracts awarded to third parties should contribute to the sufficient provision of health care at reasonable cost to taxpayers. When government officials and internal stakeholders exploit a lack of scrutiny to award lucrative contracts to friends or relatives who are not suitably qualified, the resultant inefficiencies undermine the institution's capacity to satisfy the correlative rights. In such cases, those who occupy positions of authority subvert procedures designed to secure the relevant ends and wittingly act in ways that undermine the provision of collective goods.²⁹

Whatever schedule of rights one endorses, Miller's teleological account of institutional corruption provides us with an account of the wrong of nepotism that is relatively intuitive. Where nepotistic selection involves a deviation from the relevant meritocratic considerations, institutional inefficiencies are liable to follow, and it seems prudent to condemn these inefficiencies on the grounds that they curtail the provision of goods to which individuals have a right. Given the relationship between institutions and the production of collective goods, Miller's account also provides flexibility, since one needs only to connect the insufficient fulfillment of some right with nepotistic activity in order to acknowledge the threat that it poses. Despite this, we might wonder whether it

28 It is worth noting that Miller appears to endorse a sufficientarian view of distributive justice, given his appeal to basic needs in various places. See Miller, *Institutional Corruption*, 34–36, 38, 43, 44.

29 The fact that institutional actors wittingly engage in such activity is important for Miller's characterization of corruption, and he deems such activity to impugn the moral standing of those who participate in it. For corruption to occur, it is not sufficient that some institution experiences degradation of one kind or another. Indeed, the curtailment of collective goods that is wholly the product of a lack of funding or mere incompetence is instead understood as institutional corrosion because it does not involve the corruption of persons *qua* role-occupants. See Miller, *Institutional Corruption*, 66.

risks unduly narrowing the scope of impermissible nepotistic activity. Indeed, I contend that such an account struggles to elucidate a convincing explanandum in cases where nepotism does not undermine the provision of collective goods but is nevertheless concerning. To illustrate this, consider the following case in which there are no *prima facie* rights to the ends that an institution aims to produce vis-à-vis a particular institutional role.

Research: It is an open secret that a university hiring committee considers only individuals with favorable personal connections for a prestigious and privately funded research fellowship in philosophy. Successful candidates either have favorable personal relationships with committee members or are able to obtain references from academics who do. Candidates who are members of the “right” social networks and who meet the role’s basic requirements are considered, whereas the applications of otherwise qualified but less well-connected candidates are overlooked. Membership of the right social network is indicative of nothing more than one’s social capital and does not signify any aptitude for philosophical research. Holders of the fellowship are prohibited from teaching and instead focus their efforts on the pursuit of a research agenda.

Unless one thinks that individuals possess a right to philosophical research of a particular quality that the nepotism in *Research* undermines, such a case presents us with an example in which the provision of collective goods is not curtailed by nepotistic activity. As a corollary, there appears to be no corresponding obligation to select the best qualified, and the committee may enjoy a prerogative to hire nepotistically. If, like me, you suspect that the nepotism in *Research* is impermissible, then Miller’s account fails to explain this suspicion and risks delineating the permissibility of nepotism in an unconvincing way.

This, however, may move too quickly. Recalling Miller’s appeal to tendency, we might first consider whether potential instances of corruption are subject to a probabilistic assessment of their tendency to undermine the provision of collective goods. Aside from the practical difficulties of delivering assessments of this kind, this interpretation of the appeal to tendency says nothing of cases like *Research* where suboptimal role performance *never* directly results in the curtailment of collective goods. Instead, we might consider whether the reiteration of nepotistic practices across the university would curtail the provision of collective goods at a certain frequency. The thought here might be that Miller’s appeal to tendency constitutes a kind of universalizability claim. On this interpretation, nepotism is impermissible if it would have impermissible effects when universalized as a practice within an institution. If the hiring practice in *Research* were institutionalized, nepotism would indeed threaten to

undermine the provision of plausible collective “academic” goods that the university makes available. Nepotistic activity that is insufficient to produce these effects is therefore impermissible, and this interpretation of Miller’s appeal to tendency appears to explain why.

Though this interpretation supports the judgment that the nepotism in Research is impermissible, it lacks explanatory force because it fails to identify any wrong that does not supervene on the hypothetical consequences that would result from universalization.³⁰ If we think that the nepotism in Research is suspect even when considered in isolation, then we might hope for an account that not only accommodates this concern but adequately explains it. In any case, Miller’s comments on the permissibility of nepotism in certain circumstances casts doubt on this interpretation of his appeal to tendency, since this leaves open the possibility that nepotism may be permissible even if it would have impermissible effects when universalized.³¹ Ultimately, Miller tells us why it might be a good idea to design a regulatory framework that prohibits nepotistic practices as a rule of thumb but fails to inform us as to why a particular instance of nepotistic activity is wrong in isolation from reiterated patterns of the requisite frequency.³² If we deem the nepotism in Research impermissible but do not want to bite Miller’s bullet on tendency, then this gives us reason to reconsider the account as an explanandum of what makes nepotism wrong.

Moreover, we might think that any account that relies solely on the appeal to collective goods will either unduly limit the impermissibility of nepotism or risk positing an implausibly large schedule of rights that institutions ought to fulfill. It is reasonable to follow Miller in saying that universities have as their

30 The universalizability interpretation of the appeal to tendency also fails in cases where we think a particular instance of nepotism is permissible but would have impermissible effects when institutionalized as a practice.

31 I am unsure of what Miller means more precisely when he appeals to an act’s tendency to corrupt. At one point, he states that corruptive acts are ones that “tend to undermine institutional processes, purposes, or persons . . . or, at least, tend to do so, if they are performed frequently, by many institutional role occupants or by those in the upper echelons of institutions” (68). Though this seems to give credence to the interpretation above, it is in tension with the view he endorses elsewhere that favoring friends or relatives for positions may be permissible in specific circumstances. See Miller, *Institutional Corruption*, 110, 112, 115.

32 Miller proceeds to state that “in some cases of independently performed corrupt actions, the action type in question might not even constitute corruption if only one person performed one token of it since in that case its institutional effect would be negligible. . . . An infringement of a specific law or institutional rule does not in and of itself constitute an act of institutional corruption. In order to do so, any such infringement needs to have an institutional effect, e.g., to defeat the institutional purpose of the rule” (*Institutional Corruption*, 69, 70).

purpose “the acquisition, transmission, and dissemination of knowledge, both for its own sake as well as for the multifarious benefits that such knowledge brings to the wider community.”³³ Reasonable also is the claim that individuals have a right to some of the goods that universities make available. Less convincing, however, is the suggestion that individuals have a right to a particular quality of philosophical research, which the nepotism in Research undermines.

More generally, it can be said that accounts that appeal to some notion of efficiency struggle to provide a comprehensive explanandum for this reason. Considered in isolation, the concern with efficiency, though pertinent, overlooks other concerns of normative significance that regularly feature in our condemnation of objectionable nepotistic activity. Though inefficiency is often a by-product of nepotistic hierarchies and corruption, the practices that perpetuate them are often considered to be distinctly unfair and are sometimes thought to constitute a kind of wrongful discrimination. Miller’s approach consequently struggles to delineate the permissibility of nepotism in cases where such activity has a negligible institutional effect or appears to promote an institution’s productive purpose. As we shall see below, businesses operating within competitive markets sometimes posit ends within the relational scope specified by the working definition. In such cases, nepotism will help rather than hinder productivity, simply by virtue of the institutional purposes that render nepotistic considerations relevant to selection.

A satisfactory response to Research may therefore avoid any appeal to collective goods, and Miller hints at such an objection when he states that nepotism risks breaching institutional duties “as they ought to be.”³⁴ This implies, I think, the existence of an argument for selecting the best qualified that is not wholly dependent on a moralized concern with efficiency and the renewal of collective goods. Since many institutions and occupations do not have the provision of these goods as a primary purpose and “nor should they,” there may be some independent justification for selecting the best qualified that avoids the worries discussed.³⁵

2.2. Fairness, Merit, and Equal Opportunity

Perhaps then, a more compelling account of the wrong of nepotism appeals not to inefficiency but to unfairness. Though benefits to productivity provide a rationale to eschew efficiency-curtailling nepotism in favor of meritocratic selection, the notion that we ought to equalize opportunities for advantageous

33 Miller, *The Moral Foundations of Social Institutions*, 225.

34 Miller, *Institutional Corruption*, 112.

35 Miller, *Institutional Corruption*, 36.

social positions provides another that receives considerable support. Following Rawls, contemporary conceptions of equal opportunity are typically comprised of two guiding principles.³⁶ The principle of merit dictates that opportunities for positions should be subject to open competition and selective procedures designed such that they identify the best-qualified candidates, who compete under the same rules.³⁷ The principle of substantive opportunity requires that we “level the playing field” and aims to neutralize or mitigate the effects that one’s starting place may have on one’s access to advantageous positions.

One thought guiding these principles is the idea that it is unfair for some to be worse-off due to factors outside of their control.³⁸ Another is that an unequal distribution of positions requires special justification if it is to persist without concern. For this justification to be met, the competitive process should be procedurally fair, and everyone should have sufficiently good access to the means necessary to do well in such competitions. As T. M. Scanlon puts it, a “requirement of justifiability is not met if desirable positions in society are not ‘open’ to all members, regardless of the family into which they are born.”³⁹ A justificatory rationale of this sort underwrites contemporary conceptions of equal opportunity and requires positions to be meaningfully open to all who wish to compete for them.⁴⁰ But if one is unable to access these positions because access is contingent upon membership in favorable social networks, then this distribution falls foul of the commitment to open positions that advocates of equal opportunity take so seriously. The objection to nepotism from fairness therefore captures an important but familiar concern regarding the distribution of advantageous positions.⁴¹

Though nepotism presents a qualitatively distinct problem to expressions of bigotry like racism or sexism, proponents of equal opportunity may view

36 Rawls, *A Theory of Justice*, secs. 11, 12, 14.

37 Mason, *Levelling the Playing Field*, 15–16; and Scanlon, *Why Does Inequality Matter?* 40–52.

38 Though the distinction between choice and circumstance is a contentious one, it appears to be a central concern on many views. See Rawls, *A Theory of Justice*, 63; Temkin, *Inequality*, 13; Scheffler, “What Is Egalitarianism?” 5; and Mason, *Levelling the Playing Field*, 89–111. It is worth noting that Rawls rejects the more thoroughgoing interpretation of this idea familiar to theories of luck egalitarianism in *A Theory of Justice*, 86–87.

39 Scanlon, *Why Does Inequality Matter?* 56.

40 For a similar iteration of this idea, see “Rules for a Fair Game” in Buchanan, *Liberty, Market and State*.

41 Advantageous positions need not be objectively desirable or attached to a relatively high level of remuneration in order for them to be advantageous on my view. Since both unemployment and underemployment exist in all societies, a position may be advantageous insofar as it grants material or immaterial rewards that are otherwise unavailable to the unemployed or those unsuccessful within the relevant competitions.

each as permitting distributive shares to be improperly influenced by “factors so arbitrary from a moral point of view.”⁴² Instead, an unequal distribution of positions should be justified by reasons that are relevant to the particular positions in question. Appeals to one’s race, sex, or social network are considered objectionable insofar as they are irrelevant considerations that do not support the resulting distributions.⁴³ Scanlon offers an argument of this kind when he claims that inequality-generating institutions should select for positions “on grounds that are ‘rationally related’ to the justification for these positions . . . to the ways in which these positions promote the purposes of the institutions of which they are a part.”⁴⁴ This requires positions to be filled in a procedurally fair manner by individuals with abilities, traits, and characteristics (hereafter qualifications) of the relevant sort and constitutes the formal requirement of the principle of merit.

We may now provide a principled objection to the nepotism in Research that better captures our intuitive unease while avoiding the issues that Miller’s account presents. Contemporary accounts of equal opportunity provide compelling reasons to reject nepotistic selection practices and the hierarchies they generate on the grounds that individuals ought to have equal opportunities to compete for the goods that a different social position would afford. One may therefore object to the nepotistic hiring in Research on the grounds that such a practice violates a procedurally fair implementation of the principle of merit. When the hiring committee overlooks candidates placed in unfavorable social networks, they not only fail to operate impartially but select for reasons that are not rationally related to the justification for the position.⁴⁵ Nepotistic distributions may also violate the principle of substantive opportunity in cases where access to the qualifications necessary to attain positions is influenced by one’s membership in a particular social network.⁴⁶ In this respect, nepotism

42 Rawls, *A Theory of Justice*, 63.

43 Scanlon, *Why Does Inequality Matter?* 43; and Jacobs, *Pursuing Equal Opportunities*, 10.

44 Scanlon, *Why Does Inequality Matter?* 42.

45 I use Scanlon’s phrase ‘justification for the position’ and ‘institutional or occupational purpose’ interchangeably as both constrain the qualifications relevant to performing a particular role effectively. Admittedly, like Rawls, Scanlon also has in mind the array of benefits that would result from the institutionalization of meritocratic practices. Nevertheless, this suggests that every institution has some productive (or other) purpose and that this purpose should constrain the reasons that can be given in favor of a candidate’s selection.

46 Substantive opportunity is understood here as having access to a “sufficiently good education for developing one’s talents and sufficiently good conditions for choosing what talents to develop” (Scanlon, *Why Does Inequality Matter?* 65). On some views, this principle is interpreted as ensuring roughly equal prospects of success given similar talents and a

not only risks falling foul of the formal requirement that institutions distribute positions impartially with respect to some institution-dependent criteria but undermines the substantive requirement when the playing field is tilted towards those privileged with membership in advantageous social networks.

So far, I imagine that this account of the wrong of nepotism will strike many as relatively intuitive and perhaps even decisive. However, this approach runs into problems of its own once we begin to interrogate the concept of a qualification and its relationship to an institutional or occupational purpose. Though meritocratic conceptions of equality of opportunity need not appeal to any notion of collective goods in order to elucidate the wrong in cases like Research, they must still appeal to some institutional or occupational purpose that constrains the reasons that can be given in favor of selection. The thought here is that we ought to give weight to only those qualifications that positively contribute to some purpose, since it is only these qualifications that can justify the resulting selection when everyone has sufficient access to the means necessary to compete for the relevant positions. It is this feature of contemporary conceptions of equal opportunity that induces an obstacle to delineating the permissibility of nepotism in cases where nepotistic hiring appears to satisfy the formal requirement discussed. To illustrate this, consider the following case in which an institution's purpose appears to legitimate the selection of family members in a manner consistent with the principle of merit.

Café: Maria is the owner and manager of a modest but successful café that has been within her family for three generations. The café prides itself on being a family business and has been intimately tied to its local community for a century. In an oversaturated market, the café's familial ethos provides a competitive edge as customers enjoy family recipes and react positively to family members performing various roles. Maria is nearing retirement and must choose someone to succeed her as manager. Maria selects her daughter Roberta over candidates with greater technical expertise because the café's success is predicated on its familial legacy and because she trusts Roberta as a custodian of the business.

In Café, membership of a social network positively influences the distribution of a position, and this presents theories of equality of opportunity with a

willingness to use them (Rawls, *A Theory of Justice*, 63), though many advocates of equal opportunity now propose a less demanding interpretation of this principle that seeks to mitigate rather than neutralize the effects of one's starting place. See Mason, *Levelling the Playing Field*, 134–57; and Scanlon, *Why Does Inequality Matter?* 65–67.

complex puzzle.⁴⁷ Such cases prompt us to view considerations like “being a relative” as meritocratic reasons for selection in scenarios where the presence and visibility of these special relationships “promote the purposes of the institutions of which they are a part,” to return to Scanlon’s phrasing.⁴⁸ Cases like Café raise the puzzle of *reaction qualifications* identified by Alan Wertheimer, whereby employer, employee, or client (hereafter recipient) reactions to personal characteristics appear to contribute to a meritocratic justification for selection.⁴⁹ Though ordinary meritocratic judgments typically appeal to what one might regard as “technical” qualifications, further examination of the attributes relevant to the distribution of positions reveals a much broader range of considerations.

Not everyone, for instance, is able to cultivate the kind of charisma that might make one a successful salesperson, and yet a recipient’s reaction to this characteristic seems both permissible and appropriate. Acknowledgment of reaction qualifications is perhaps necessary, then, if we are to decide which candidate will best promote an institution’s purpose. Candidates have good reaction qualifications as a result of possessing those “abilities or characteristics which contribute to job effectiveness by causing or serving as the basis of the appropriate reaction” and bad reaction qualifications whenever these traits

47 This presupposes that the relevant principles of equality of opportunity may apply to both the public and the private sectors, or at the very least, this leaves the scope of these principles open to further debate. I take it for granted here that advocates of contemporary conceptions of equal opportunity subscribe to the view that formal equality should apply in both sectors, as narrowing the scope of this requirement to the public sector will trivialize the commitment to equal opportunity and permit egregious forms of discrimination in the private sector that are typically thought to be impermissible. Moreover, if one takes the commitment to substantive opportunity seriously, then one has reason to be concerned about a society in which nepotistic hiring is prevalent, since the relevant practices effectively bar outsiders from gaining the qualifications or experience necessary to climb the socioeconomic ladder.

48 One might think that a more obvious explanation of the permissibility of nepotism here can be provided by appealing to the fact that Maria owns the business and therefore enjoys the power to transfer ownership, hire whomever she likes, and so on. I deal with a resolution of this kind to the problem of reaction qualifications towards the end of this section, but for now, it is worth noting that this merely begs the question in favor of the status quo arrangement of property rights and that an appeal to these rights is not usually considered to justify racist or sexist violations of equal opportunity in selection. It strikes me that most egalitarians would reject the view that owning a business entitles one to distribute positions in discriminatory ways, and I think that these practices are in part deemed to be objectionable because they contravene equality of opportunity. Insofar as nepotism poses a similar but qualitatively different threat from the perspective of equal opportunity, the relevant practices ought to generate concerns of a similar nature.

49 Wertheimer, “Jobs, Qualifications, and Preferences.”

undermine job effectiveness.⁵⁰ Although our assessments of reaction qualifications appear benign at first, we may wonder whether it is always permissible to count nepotistic reactions as part of a meritocratic assessment given the way their appraisal risks excluding others.

Enlarging the scope of what might legitimately count as a qualification to include such considerations seems to be at odds with the commitment to open positions that contemporary conceptions of equal opportunity presuppose. From the perspective of substantive opportunity, it matters not only that individuals are able to enter a procedurally fair competition for a position but that they have access to the means “required to develop the abilities required for that career.”⁵¹ Once, however, we recognize considerations like being a relative as potentially meritorious features, then some positions will cease to be meaningfully open when there is no feasible way of equalizing access to the means necessary to acquire these traits.⁵² Given that access to the relevant networks is not only arbitrary but exclusive by definition, the nepotism in Café illuminates a tension between meritocratic selection and the commitment to open positions that the spirit of equal opportunity encapsulates.

At this juncture, one might be tempted to accept nepotistic reactions that are rationally related to an institutional or occupational purpose, just as one accepts the relevant technical qualifications. One could, for instance, permit the nepotism in Café and cases like it on the grounds that we have reasons to accept the relevant inequalities whenever they are necessary to achieve productive advantages.⁵³ Scanlon posits a rationale of this kind when he states that a distribution of unequal positions is ultimately “justified by the beneficial consequences that will result if they are filled by individuals with certain abilities.”⁵⁴ As such, equal opportunity “does not require that everyone, talented or not, should be able to attain these positions,” and so rejecting the untalented, as defined by an institution’s purpose, is “not unfair, or a form of discrimination.”⁵⁵

50 Wertheimer, “Jobs, Qualifications, and Preferences,” 100.

51 Wertheimer, “Jobs, Qualifications, and Preferences,” 65.

52 Some suggest that social capital can be redistributed in order to attend to issues concerning integration and distributive injustice. Irrespective of whether one endorses the equalization of opportunities for social capital, integrationist policies, or the redistribution of relationships themselves, these solutions strike me as unlikely to redress problematic nepotism. Even if we are able to move towards a more egalitarian distribution of social capital, this would do nothing to ameliorate nepotistic tendencies, and we will still be left with social networks that are more or less advantageous. Cf. Anderson, *The Imperative of Integration*; and Cordelli, “Justice as Fairness and Relational Resources.”

53 Scanlon, *Why Does Inequality Matter?* 151.

54 Scanlon, *Why Does Inequality Matter?* 42.

55 Scanlon, *Why Does Inequality Matter?*

Perhaps, then, the acknowledgment of nepotistic reactions poses no greater worry for equality of opportunity than the kind of meritocratic discrimination that its guiding principles ordinarily presuppose, and we should hire whomever would promote an institution's purpose on the grounds of the resultant productive advantages. If rejecting the untalented is consistent with equality of opportunity, then counting nepotistic reactions as qualifications may be somewhat exclusionary but of no principled difference to selection on the basis of unearned native endowments. Just as some people will be unable to qualify for some family businesses in this way, others will be unable to acquire the technical qualifications that might make one a proficient neurosurgeon or concert pianist. On this view, there is no objection from equal opportunity to the unfortunate fact that some are born without the native endowments that might qualify them for advantageous positions, and so, similarly, there should be little discomfort regarding the acceptance of nepotistic reactions.⁵⁶

This rebuttal fails to convince, however. Firstly, it is difficult to motivate the unconditional acceptance of *any* reaction, and an unconstrained appeal to efficiency attempts just that. Surely, sexist reactions cannot legitimately count against hiring women simply because the relevant dispositions might render sexist hiring productive. This untempered approach is equally problematic when applied to nepotism, as it would legitimate all positive reactions to members of one's social network irrespective of the context in which they arise.⁵⁷ This has led all those who have engaged with this puzzle to converge on

56 Though importantly, on Scanlon's view, "if an institution is organised in a way that requires those occupying a role to have a certain ability, but could serve its purposes just as well if it were organised in a different way ... then equality requires that it makes this change, because giving preference to candidates who have this ability is unjustified" (*Why Does Inequality Matter?* 46). Here, Scanlon has in mind a job that currently requires the use of physical strength that most women lack but that could easily be completed with the use of mechanical aids. Unfortunately, Scanlon fails to elucidate his view any further, so it is unclear whether he would deem a shift from "family café" to "café" a change in purposes. I assume here that he would, as such a move would curtail the freedom of institutions to pursue particular ends of a particular quality and an agent's occupational choice. Both premier league and nonleague football teams, for example, have the purpose of playing competitive football for entertainment, but it would be odd to think that equal opportunity prohibits the former from giving preference to players who are more athletic, skilled, experienced, and so on.

57 It might be thought here that one could simply distinguish between these reactions on the grounds of offensive and inoffensive preferences. Though this goes some way towards a more viable response, it still provides no means of distinguishing the permissibility of nepotistic reactions and purposes in different contexts.

Wertheimer's view that "the correct solution is to count some, but only some reaction qualifications."⁵⁸

Secondly, though the nepotistic hiring in Café is relatively benign and perhaps permissible, benefits to productivity may fail to fully explain why, even when they are present. To elucidate this, consider that benefits of this kind may be present in much larger economic or social institutions whenever the relevant recipients are disposed to react positively to individuals within the relational scope specified. Surely, however, there are limits to the ends that institutions can adopt that render these considerations relevant and to the reactions that might legitimate nepotistic hiring. Granting prerogatives to hire nepotistically whenever doing so offers marginal returns on productivity is liable to result in the kind of closed labor market that advocates of equal opportunity are so keen to avoid. Moreover, in some of these cases, the resultant productive advantages are merely contingent upon people adopting nepotistic preferences or ends that coincide with an unwillingness to work as efficiently with strangers. This is objectionable not only because it may culminate in fewer meaningfully open positions but also because it is partly sustained by a kind of inegalitarian ethos.⁵⁹

More, then, needs to be said about how we might balance the freedom of institutions to count nepotistic reactions or pursue nepotistic purposes against the commitment to open positions that embodies the spirit of equal opportunity. Dismissing nepotistic reactions entirely risks instituting a less plausible interpretation of the principle of merit and seems somewhat incongruent with our acceptance of qualifications that result from native endowments. At the same time, the unconditional acceptance of efficiency-conducive nepotistic reactions risks trivializing the commitment to openness that advocates of equality of opportunity take so seriously. Pursue the former approach, and small family businesses may struggle to be commercially viable or valuable to the individuals involved. Pursue the latter approach, and one's access to social capital is likely to have an outsized influence on one's ability to attain advantageous positions. The objection to nepotism from equal opportunity is therefore too restrictive if we discount nepotistic reactions entirely, but too permissive if we accept them simpliciter.⁶⁰ What is required, then, is a principled way of

58 Wertheimer, "Jobs, Qualifications, and Preferences," 102. See the chapter "The Desert of the Best-Qualified" in Mason, *Levelling the Playing Field*; the chapter "Reaction Qualifications" in Lippert-Rasmussen, *Born Free and Equal?*; and the chapter "Appearance as a Reaction Qualification" in Mason, *What's Wrong with Lookism?*

59 G. A. Cohen formulates a well-known objection of this kind to Rawlsian incentive inequality in *Rescuing Justice and Equality*, 27–87.

60 The worry here is that accepting nepotistic reactions without constraint trivializes the commitment to equality of opportunity and renders the conception impotent. In developing

constraining the kinds of nepotistic reactions and institutional purposes that appear to render nepotistic reactions relevant to selection.

One thought here is that there might be some salient feature present in cases like Café that ought to make a normative difference in our assessment of nepotistic reactions or institutional purposes. We might, for example, differentiate between selectors who act as representatives of a larger collective, as is the case with a university, and those who act on their own behalf.⁶¹ When selectors act on their own behalf, such as when a business owner is deciding who to employ, we might think it is permissible for them to defer to the idiosyncratic preferences of recipients when determining the best qualified, since they are free to determine the ends that the institution pursues and the best way of realizing them. By contrast, agents acting on behalf of a larger collective should disregard idiosyncratic preferences and instead base their decisions on the aims identified by the relevant body. If one has the power to act independently when selecting for positions in practice, then such a response suggests that one ought to enjoy the correlative normative authority discussed.⁶² We might suppose this to be the case for the following reasons.

Firstly, when acting on behalf of a larger collective, selectors may not possess the authority to make decisions based on various stakeholders' idiosyncratic preferences, and role-based duties are often designed in ways so as to ensure impartiality and mitigate personal discretion. A university employee typically has limited influence over the overarching goals pursued by the institution as a whole and cannot substitute their own idiosyncratic preferences or aims for those that the larger collective deems to contribute to its institutional purpose. In contrast, the small business owner in Café has the authority to determine the institution's purpose and may decide how this purpose is best realized.

theories of equality of opportunity, philosophers have sought to move away from societies that are stratified by caste, race, sex, familism, and so on. But if it turns out that selectors can satisfy the requirements of such a conception by positing institutional aims that count nepotistic reactions as qualifications, then any form of nepotism, no matter how egregious, arbitrary, or unfair, would be hypothetically consistent with the principle of merit. Allowing nepotism to operate unchecked under the guise of meritocratic norms familiar to conceptions of equality of opportunity therefore risks perpetuating the very structures that these philosophers find so concerning. Somewhat ironically then, a rationale of this kind could be used to justify nepotistic hierarchies in which social capital is the primary currency of exchange.

61 Kasper Lippert-Rasmussen tentatively suggests a distinction of this kind when discussing the permissibility of nepotistic reaction qualifications and idiosyncratic preferences in *Born Free and Equal?* 248.

62 I use the term 'power' here to refer to the legal powers one enjoys as part of a Hohfeldian framework of rights. See Hohfeld, "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning."

We might suppose this to be the case insofar as rights of ownership grant powers to set in place an institutional purpose that legitimates nepotistic reactions. The owner is free to characterize the business as a “family café” and institute a familial ethos by employing relatives, serving authentic family recipes, and so on. Where small business owners have such authority, they also have the power to transfer ownership or reorganize institutional practices and purposes such that considerations like being a relative are no longer relevant. On such a view, then, the authority to define the ends that an institution pursues generates a prerogative to hire nepotistically whenever the idiosyncratic preferences that render nepotistic reactions relevant are rationally related to the institution’s stated purpose. In such cases, a selector may therefore count the fact that a recipient has a preference for a certain candidate or their individual characteristics as a qualification.⁶³

One upshot of this response to the puzzle raised by nepotistic reactions is that it seems to yield the intuitive judgment that the nepotism in Café is permissible but impermissible in Research. Another is that it *loosely* tracks a more general distinction between the public and private sector and so rightfully excludes more egregious attempts to justify nepotism in the public sector via the principle of merit.⁶⁴ In this sector, selectors are often subject to various layers of governance, and institutional purposes are defined collectively in ways that ought to align with some objective that is in the public interest. In my view, it is rightly taken for granted that selectors operating within these institutions cannot redefine their purposes ad hoc such that nepotism could be justified meritocratically. Doing so would be likely to ride roughshod over other layers of governance, role-based duties, and the institution’s purpose as defined by some objective that is in the public interest.

Importantly, this response imposes constraints on institutional purposes and nepotistic reactions while providing some freedom in the definition of these purposes in order to accommodate cases like Café. It does so by grounding the normative authority to count nepotistic reactions in the power one enjoys within some organizational structure. Though granting such authority may be crucial if various businesses are to operate in ways that ensure their commercial success or realize values important to their participants, such an approach encounters the following difficulties.

63 Lippert-Rasmussen, *Born Free and Equal*, 248.

64 I consider this to be more egregious because of the significant interest that the public has in the operation of these institutions and because efficiency-curtailling nepotism in the public sector may be liable to undermine the provision of various entitlements or involve the misappropriation of public funds.

Firstly, a nontrivial commitment to open positions surely requires more than this response would realize, even if the degree of “openness” required is subject to debate. Supposing that this account loosely tracks a more general distinction between the public and private sectors, it strikes me that it would be too permissive of nepotism in the latter. Though most modern economies are mixed, many desirable positions within the private sector are distributed by selectors who act on their own behalf, and so granting the correlative normative authority discussed may result in a society dominated by nepotistic hierarchies. Even when reactions appear irrelevant in a more objective sense, agents acting on their own behalf will be able to rationalize them as relevant meritocratic considerations by positing a set of aims that count nepotistic reactions as qualifications. If the purpose of equality of opportunity is to equalize access to economic advantage and mitigate the influence that one’s social network has on the relevant opportunities, then such an approach to the puzzle raised by nepotistic reactions falls worryingly short.

Secondly, a laissez-faire approach to nepotistic reactions in some businesses may also be objectionable from the perspective of efficiency. Elsewhere, Miller’s comments on economic interdependence illuminate just how significant businesses operating within competitive markets are to achieving various public goods.⁶⁵ The idea here is relatively straightforward: we rely on various sectors not only to produce the goods necessary to fulfill various entitlements but to provide the means to fulfillment through paid work, taxable revenue, and economic exchange. As such, there might some expectation that these businesses not only act in ways that are congruent with a meaningful commitment to open positions but operate efficiently to ensure some contribution to the renewal of other goods.⁶⁶ If granting the aforementioned normative authority results in significant inefficiencies, then this is liable to produce negative externalities that undermine economic interdependence and the provision of entitlements.

Ultimately, though such an approach provides a proverbial step in the right direction, the conclusion that we should grant prerogatives to select

65 Miller, *Institutional Corruption*, 44.

66 This is just to say that there are moral reasons to promote efficiency within these institutions, but I stop short of adopting the stronger view that private institutions are necessarily under an obligation to do so. One might, however, consider whether markets will self-regulate in order to optimize outcomes and if businesses might avoid practicing nepotism as a consequence. I am unable to treat this issue in detail here, but I should say that I am skeptical of this idea given the prevalence of inefficiency-curtailing nepotism. For example, Francisco Pérez-González’s study of three hundred chief executive officer successions found that in over a third of the cases, the incoming officer had familial ties to the person being replaced, and these successions were associated with a decline in institutional performance. See Pérez-González, “Inherited Control and Firm Performance.”

nepotistically whenever some agent enjoys the authority to define what aims the institution pursues risks begging the question. Merely referring to the authority that some agents currently enjoy as a result of some combination of legal powers hardly seems to justify the institutionalization of nepotistic practices amid complaints of unfairness or inefficiency. If anything, the fact that many agents currently exercise such authority and practice nepotism with impunity only sharpens the need for a more compelling distinction in the face of potential injustice.

Here, one might be tempted to caveat this normative power with deference to the idea of fairness or collective goods, such that it is permissible to count nepotistic reactions only when they do not undermine the former or the latter. But the appeal to collective goods struggles to clearly delineate the permissibility of nepotism for reasons already discussed, and there do not appear to be any resources internal to conceptions of equal opportunity that might aid the creation of a more satisfactory distinction. Since what is up for discussion is the permissibility of nepotism and nepotistic reactions or purposes in the face of equality of opportunity, referring back to the idea of unfair advantage to constrain nepotistic reactions only raises the puzzle once more. Set the bar too high, and any prerogative to engage in nepotistic activity becomes inaccessible. Set the bar too low, and we risk trivializing our commitment to open positions. Though the objection from fairness raises an important concern that a comprehensive explanandum should acknowledge, the appeal to equality of opportunity alone offers a lot less clarity than might be expected.

2.3. *Wrongful Discrimination and a Respect for Autonomy*

The preceding accounts of the wrong of nepotism are predicated on particular kinds of distributive complaints—namely, that nepotism is objectionable whenever it interferes with a just distribution of collective goods or opportunities for advantageous positions. Though these accounts raise genuine concerns, the preceding discussion illustrates that they struggle to draw a clear distinction between permissible and impermissible activity. The objection to nepotism from wrongful discrimination constitutes an alternative to the aforementioned distributive approaches and draws our attention to the ways in which certain decisions account for features of a person and their exercise of autonomy.

One approach of this kind, forwarded by Benjamin Eidelson, identifies a failure to treat people as individuals as an important component of wrongful discrimination.⁶⁷ Though Eidelson's account does not target nepotism specifically, it motivates an objection to nepotism whenever decision-making involves

67 Eidelson, "Treating People as Individuals."

a failure to (1) acknowledge the ways in which people have exercised agency when forming judgments about them or (2) respect an individual's capacity for agency when making predictions about their choices.⁶⁸ Given its relevance to nepotism in the distribution of positions, I focus here on 1. To contextualize this claim, recall the case of Research and consider how the decision to favor those with special ties to the committee is liable to overlook the ways in which other candidates have exercised agency to attain the relevant qualifications. As such, the committee fails to give "reasonable weight to evidence" of the ways in which these applicants have exercised agency to shape their lives even though "this evidence is reasonably available and relevant to the determination at hand."⁶⁹ As Eidelson makes clear, treating people as individuals "is not a matter of fairness" but should move us to treat each individual in a way "that befits someone with that feature—whatever it is."⁷⁰ The hiring committee therefore fails to equally acknowledge each individual's exercise of agency when forming judgments about who to hire.

Conversely, Sophia Moreau explicitly designates nepotism as a "form of discrimination" that may infringe an individual's right to deliberative freedom.⁷¹ Moreau characterizes people who lack deliberate freedom as individuals who lack "the space to become the people whom they want to be."⁷² This freedom matters in the context of selection for advantageous positions, since differential treatment in this domain is likely to generate certain opportunity costs or burdensome constraints that curtail the "opportunity to shape our lives in our own way, through our own deliberations and decisions."⁷³ Regarding the nepotism in Research, Moreau may argue that such practices impinge an individual's deliberative freedom whenever their social network (or lack thereof) imposes deliberative costs or constraints that meaningfully affect the "opportunity to *do* the thing that [they] may decide to do."⁷⁴

This is not to suggest, however, that discrimination on the basis of technical qualifications presents a similar obstacle for deliberative freedom when everyone has sufficient access to the means necessary to attain them. Though decisions to attain particular qualifications impose deliberative burdens, they are "burdens that each of us can legitimately be asked to bear ourselves, since

68 Eidelson, "Treating People as Individuals," 205.

69 Eidelson, "Treating People as Individuals," 216.

70 Eidelson, "Treating People as Individuals," 209, 210. Here, Eidelson alludes to Stephen Darwall's notion of recognition respect in Darwall, "Two Kinds of Respect."

71 Moreau, *Faces of Inequality*, 115.

72 Moreau, *Faces of Inequality*, 87.

73 Moreau, *Faces of Inequality*, 87–88.

74 Moreau, *Faces of Inequality*, 88.

everyone must bear them.”⁷⁵ Burdens imposed by nepotistic practices are therefore considered to be objectionable insofar as they are ones that encumber only individuals who lack social capital, just as racist practices burden only particular ethnic groups.⁷⁶ If it is an open secret that one is only able to attain certain positions when situated within favorable networks, then this will unequally distribute deliberative burdens in ways that align with membership of disadvantageous networks. Those who lack social capital will come to see their social networks as imposing costs or constraints that hamper their deliberative freedom and hence their agency. Use of the adage “it is not what you know, but *who* you know” to deter one’s pursuit of a particular career or dampen ambition illustrates the extent to which nepotism induces deliberative burdens of the kind discussed. The more prevalent nepotistic practices are in any given society, the more one’s family status and lack of social capital is put “before one’s eyes” as a trait that imposes costs and deliberative burdens.⁷⁷

Though Moreau and Eidelson’s accounts are distinct in various ways, the thread central to each of them is the idea that nepotism may sometimes constitute a failure to treat others as individuals who are equally capable of autonomy.⁷⁸ When institutions distribute goods nepotistically, they risk failing to take seriously those aspects of a person that are unique to them, and insofar as these practices exist, they may be likely to curtail the freedom to pursue certain careers without having to treat one’s network as a burden. Indeed, the acquisition of particular qualifications for a specific position is sometimes a lifelong endeavor, while one’s occupational pursuits represent a significant domain of choice in which the ideals of autonomy and self-authorship are particularly salient. In this respect, we may interpret these accounts as giving rise to two distinct objections from wrongful discrimination that are predicated on the value of autonomy. The first prompts us to consider whether decisions to distribute certain goods nepotistically are congruent with equal respect for and recognition of individual autonomy. The second evokes consideration of the

75 Moreau, *Faces of Inequality*, 91.

76 It is perhaps worth noting here that where social segregation exists between different ethnic groups and where some of these groups are already disadvantaged in other ways, nepotism is likely to amplify intersectional disadvantages. Nepotistic practices can therefore compound various forms of disadvantage, further marginalizing those who already face other kinds of injustice. In such a world, it may therefore be the case that nepotistic practices exacerbate inequality between different ethnic groups. This is an important point, though one that merits consideration beyond what I am able to provide here.

77 Moreau, *Faces of Inequality*, 84.

78 Moreau, *Faces of Inequality*, 89–98; and Eidelson, “Treating People as Individuals,” 205, 209–10.

ways in which nepotism might curtail one's deliberative freedom and the ability to shape one's life through autonomous choices.

On first look, it appears as though a wrongful discrimination account might avoid the complications raised by the preceding accounts. Unlike the appeal to collective goods, for example, nepotism on this type of account need not produce any significant institutional effects in order for it to be considered objectionable. Furthermore, such an account might raise concerns about cases that we deem to be normatively suspicious even when claims of unfairness are absent. Given the lack of any detailed discussion of nepotism by either author, I now briefly consider both objections from wrongful discrimination in more general terms and illustrate the complications they face.

In *Café*, it appears as though the overlooking of candidates with greater technical expertise, coupled with Maria's comparative distrust of outsiders, could render the nepotism impermissible on both views, if certain conditions are met. Firstly, the trust Maria places in her daughter as a reliable custodian may be objectionable if this judgment results from a generalized distrust of outsiders that constitutes a failure to treat people as individuals. Additionally, there may be some unease regarding the weighting of technical qualifications relative to nepotistic reactions given the way in which one usually exercises agency to acquire them. It is less clear, however, that counting nepotistic reactions is necessarily incongruent with a respect for individual autonomy. After all, the special relationships that we choose to cultivate or maintain are important parts of our identities as individuals, and reactions to these relationships certainly seem relevant to the determination at hand in *Café*. Here, one might question the extent to which such considerations are relevant to the distribution, but this only recapitulates the puzzle associated with the principle of merit discussed above. Another complexity this objection faces regards both inter- and intrapersonal assessments of agency: we give greater credence to our exercise of agency in certain domains, and this itself is subject to a great degree of inter-personal variation. Though a failure to treat people as individuals identifies a distinctive element of discrimination, such an account stops short of clarifying a distinction that clearly delineates nepotism's permissibility.⁷⁹

Alternatively, we might consider whether the nepotism in *Café* infringes a right to deliberative freedom when those excluded come to see their social networks as constraints that hamper future deliberations. Certainly, such a complaint might not arise in a world where such cases are few and far between, but

79 On this point, Eidelson agrees, stating that his account "does not suffice to work out the concrete demands of respect for individual autonomy in particular cases, much less ... when a given act of discrimination is or is not wrong all things considered" ("Treating People as Individuals," 227).

the veracity of this concern is strengthened in a labor market where nepotism is prevalent. Despite this, one's claim to deliberative freedom "depends both on the importance to them of this deliberative freedom; on the nature of the interference with it (that is, the fact that it stems from other people's assumptions about them); and also on the interests of the other people who are affected."⁸⁰ The strength of the objection to nepotism from deliberative freedom therefore depends upon careful consideration of the significance of the choice interfered with and the countervailing interests that might justify the infringement. This delicate balancing act is perhaps best captured by Moreau's statement that "we live our lives, not just as beings capable of autonomy, but as beings capable of autonomy *who live among other such beings*."⁸¹

Where the infringement on deliberative freedom is marginal, but the interests promoted by nepotistic practices are significant, there may therefore be room for nepotism even when it is motivated by objectionable assumptions about those who lack social capital. This presents us with a potentially nuanced approach but falls shy of detailing whether any interests that nepotism promotes are sufficient to defeat the interest in deliberative freedom. In cases like Research, where countervailing interests are insignificant or absent entirely, and one's lack of social capital is squarely "before one's eyes," the objection from deliberative freedom may justify proscribing the practice. Cases like Café, however, present a challenge for such an approach, and further argumentation is required to show the insignificance of deliberative freedom in this context against a credible set of interests that the practice promotes.

More generally, though these accounts identify important objections to nepotism that are grounded in a respect for autonomy, some broader problems remain for these approaches even if the preceding challenges are successfully addressed. As already suggested, one might wonder whether characterizing nepotism as a form of discrimination risks rendering the protectorate of discrimination implausibly large.⁸² Indeed, it strikes me as odd to regard those overlooked in either Research or Café as victims of discrimination, irrespective of what we think about each practice's permissibility.⁸³ Admittedly, this may be in part due to our familiarity with antidiscrimination laws as a means to protect

80 Moreau, *Faces of Inequality*, 95.

81 Moreau, *Faces of Inequality*, 92.

82 Cécile Laborde would be sympathetic to a critique of this sort on the grounds that the protectorate of discrimination should be delimited with reference to socially salient groups who are victims of structural injustice. See Laborde, "Structural Inequality and the Protectorate of Discrimination Law."

83 Given the way both Eidelson and Moreau set out their views, I take it to be the case that failing to treat people as individuals or curtailing deliberative freedom in ways that are

victims of racism, sexism, and other forms of bigotry as a matter of primacy. That said, designating nepotism as a form of discrimination risks collapsing a meaningful distinction between the idiosyncratic preferences that often perpetuate it and more egregious expressions of prejudice.⁸⁴

In view of this worry, Moreau stresses that she understands nepotism as a kind of discrimination “coupled with a set of other, unrelated wrongs” such as an abuse of authority or the failure to select meritocratically.⁸⁵ It is difficult, however, to see how these other wrongs might aid the delineation of a more meaningful distinction given the frequency with which they intersect with disadvantageous differential treatment stemming from either prejudice or idiosyncratic preferences. Furthermore, the appeal to both authority and merit also fails to give greater clarity to nepotism’s permissibility amidst the complications discussed above. We cannot characterize a nepotistic practice as an abuse of authority until we have a clear picture of the purpose being corrupted and the powers those selecting ought to have when determining the different purposes that might render nepotism relevant to selection. Moreover, the preceding discussion illustrates that nepotism does not necessarily conflict with a plausible, reaction-inclusive interpretation of the principle of merit. Consequently, it looks like a wrongful discrimination account of nepotism falls short of providing a convincing explanandum, and it is not clear how one might overcome the challenges elucidated here. Despite this, the appeal to autonomy that grounds the objections discussed here certainly raises an important concern, which I shall reconsider in a different light below.

3. A WAY FORWARD?

Let us briefly take stock. Miller provides us with a plausible starting point for thinking about the impermissibility of nepotism. Justice requires the fulfillment of various rights, and institutions are crucial organizations that contribute to the fulfillment of our basic needs and protect or satisfy other rights. Given that nepotism typically involves deviating from relevant meritocratic considerations, nepotistic practices tend to curtail institutional efficiency and undermine the production of goods to which individuals have rights. This prompts the intuitive thoughts that there are moral reasons to promote institutional efficiency and that nepotism, qua corruption, is wrong whenever it directly

unequally burdensome constitutes discrimination even if it is not wrongful discrimination all things considered.

84 Elsewhere, Lippert-Rasmussen levels a similar criticism of Moreau’s appeal to deliberative freedom. See Lippert-Rasmussen, *Born Free and Equal?* 189.

85 Moreau, *Faces of Inequality*, 115.

or indirectly undermines an arrangement sufficient to fulfill a particular set of moral rights. Whatever one might think of Miller's teleological account of institutions, this suggestion holds some force, and the account is malleable in its application. However, Miller's account falls short because it lacks adequate coverage and yields indeterminacy: it fails to identify any wrong in cases where the production of collective goods is not threatened and struggles to delineate the permissibility of nepotism in the cases discussed.

Advocates of equality of opportunity offer a potential solution while capturing a familiar objection to nepotism. Efficiency aside, meritocratic selection provides us with a procedurally fair way to distribute positions of advantage, provided that access to the relevant qualifications and competitions are sufficiently open. Nepotistic distributions therefore exacerbate inequality of opportunity whenever they conflict with the principle of merit or substantive opportunity. Though this provides us with an explanandum that extends beyond the moralized concern with efficiency, it falls prey to the puzzle of reaction qualifications.⁸⁶

An attempt has been made to solve this puzzle by differentiating between selectors who act on their own behalf and those who ought to act in accordance with the ends determined by a larger collective. This, however, fails to motivate a normative distinction between these institutions that does not beg the question in favor of existing legal powers and risks trivializing the commitment to open positions. For one thing, it is unclear why being able to act on one's own behalf should entitle one to distribute goods nepotistically on the basis of idiosyncratic preferences. Many larger enterprises, for example, appear to be led by individuals who possess this authority even if they are sometimes beholden to shareholders and other layers of governance. But the mere fact that some corporate leaders are able to act independently hardly seems to justify the correlative normative authority, and this worry extends to cases involving smaller businesses. The concern here, as suggested already, is that this prerogative leaves us with a *laissez-faire* approach to equal opportunity and hiring practices.

In contrast to the aforementioned approaches, Eidelson and Moreau's accounts motivate an objection to nepotism from wrongful discrimination that is grounded in a respect for autonomy. Eidelson's account instructs us to give reasonable weight to evidence of the ways in which an individual has exercised their autonomy to shape their life. Nepotistic distributions that fail this condition of treating people as individuals may therefore be objectionable

86 Given Miller's appeal to meritocratic selection as a means to achieve collective ends, his account is also subject to the same worry.

and potentially impermissible. For Moreau, nepotism may infringe a right to deliberative freedom whenever someone comes to see their social network as an opportunity cost or as a meaningful constraint on future deliberations. However, whether this right is upheld and the nepotism proscribed depends upon the importance of the deliberative freedom in question and the interests of those who would be affected by proscription.

As we saw, however, both objections face a number of complexities. Indeed, it is open ended as to what, exactly, a respect for autonomy demands in the context of selection and whether any interests that nepotism promotes are sufficient to defeat a *pro tanto* right to deliberative freedom. Moreover, it is unclear if the language of discrimination is truly apt when referring to those disadvantaged by nepotism, and one might question whether Moreau's characterization renders the protectorate of discrimination implausibly large. Despite this, the appeal to autonomy underlying these accounts identifies a morally significant concern and may help orient consideration of the interests that nepotism promotes. As such, I find these approaches to provide a less compelling characterization of the wrong of nepotism even though the appeal to autonomy is worth considering further.

Notwithstanding, though each of the aforementioned accounts identifies a forceful objection to nepotism, they fail to satisfy the desiderata identified at the beginning of this paper. Taken on their own terms, each account not only fails to fully capture nepotism's wrong-making features but also falls shy of delineating a convincing distinction between permissible and impermissible activity. Consequently, we are unable to determine what makes nepotism wrong when it is wrong with any confidence, and a significant range of nepotistic activity is consigned to a normative grey area. In many ways, this result might be unsurprising, as other than Miller, none of the authors discussed here address the question that concerns this essay in any detail, and this appears to be representative of a more general failure to take nepotism seriously as a normative phenomenon. It does, however, confound a thought that many readers might have originally shared—that a convincing answer to this question is easily attainable and explained by one or more of the approaches discussed. To this extent, I hope that I have been successful in illustrating the difficulty of the task at hand as well as the internal limitations that each of the preceding accounts face.

It is worth, however, briefly considering whether a more holistic approach might succeed where other accounts have failed. So far, I have evaluated different accounts of the wrong of nepotism that intersect with particular requirements of distributive or social justice and argued that they struggle to provide a plausible explanandum of what makes nepotism wrong when it is wrong. It

is my contention that this shortcoming partly results from the fact that these approaches overlook other concerns of normative significance in lieu of articulating a particular theoretical framework. Indeed, the preceding discussion illustrates the need for an account that is able to accommodate the anatomy of objections to nepotism presented while balancing competing claims or interests relevant to the decision in question. The first challenge, then, is to consider the reasons for and against proscription in various cases. The second and more difficult challenge requires finding a principled way of balancing these competing interests if we are to come to an all-things-considered account of nepotism's permissibility. To conclude, I tentatively explore how these challenges might be addressed and lay the groundwork for an interest-balancing account that goes some way to addressing the problems identified.

Regarding the first challenge, it should be clear that we have forceful objections to nepotism whenever it interferes with an institution's ability to fulfill some basic right or undermines equality of opportunity. Though both objections fall short of painting a fuller picture of nepotism's wrong-making features, they may provide a more comprehensive explanandum when taken together. At the same time, a satisfactory explanandum must also articulate a set of constraints on the ends that institutions can legitimately promote. Moreau aside, each of the aforementioned accounts endorses an institution-dependent standard that regulates decision-making in the distribution of positions.⁸⁷ Here, the relevant grounds for selection are determined by aims internal to the institution in question, and this gives shape to a justification for the distribution that aligns with the institution's *raison d'être*. However, as the discussion of nepotistic reactions most clearly evinces, there are reasons to be wary of an account that fails to pay special attention to the ways in which a justificatory mechanism of this kind might legitimate problematic nepotism. Certainly, institutions and the agents within them must be granted a considerable degree of freedom if they are to operate efficiently or in ways that are valuable to the individuals involved, and a more productive arrangement is also in the public interest whenever everyone shares in the resultant benefits.

With this in mind, it is reasonable to suggest that there ought to be limits to the ends that institutions are able to pursue and to the potentially exclusionary reactions that legitimate selectors' decisions. Just as the institutional adoption of racist or sexist ends is not considered to legitimate prejudicial decision-making, there ought to be constraints on the kinds of ends or reactions that appear to render nepotistic considerations relevant to selection. Indeed, a nontrivial

87 Or more precisely in the case of Eidelson, a requirement to attend to the considerations that are relevant to the determination at hand.

commitment to equality of opportunity requires ensuring that positions are meaningfully open to all who wish to compete for them. Though there sometimes appears to be a meritocratic justification for nepotism given the presence of certain reactions and institutional ends, this ought to be tempered by a substantive commitment to open positions if the spirit of equal opportunity is to be acknowledged. Indeed, in a world where institutions are largely free to pursue exclusionary ends or count reactions of any kind, this commitment rings hollow. In such a world, people may still be able to apply and compete for positions through some impartial procedure, but this opportunity is rendered meaningless in scenarios where favorable social relations constitute qualifications of the relevant sort.

On the other hand, it strikes me that the absolute proscription of nepotism would be not only infeasible but objectionable for a number of reasons. In cases like Café, it seems plausible to suggest that the institution enjoys a prerogative to select nepotistically not only because this promotes the relevant ends but because proscription of the relevant practices is likely to curtail weighty interests in the freedom of association and occupational choice. These interests are perhaps best thought of as being grounded by a respect for autonomy and evoke consideration of the fact that individuals value not only opportunities for advantage in the abstract but specific opportunities to engage in certain kinds of work and within institutions that are characterized by distinct associative or occupational goals.⁸⁸ In this respect, treating people as individuals who are equally capable of autonomy requires a broader consideration of the liberty interests at stake and the ways in which our exercise of agency might intersect with the world of work. The idea familiar to liberal theory that these basic liberties sometimes take precedence reflects the intuition that some aspects of our lives are more intimately tied to our individual identities and hence to the projects, beliefs, or associations that embody the ways in which we choose to author our lives.⁸⁹

Regulatory measures that frustrate our ability to think, associate, or express ourselves freely are thereby taken to be a greater and sometimes illegitimate constraint on the ways in which we can exercise agency, even if this exercise disrupts distributive equality. These interests in personal liberty are heightened in cases where people are working in close quarters and may be accompanied by a special interest in engaging in productive labor of a certain kind with those whom we have special relationships with. Whenever these interests are present

88 Regarding the importance of meaningful and purposeful work, Andrea Veltman and Russell Muirhead both allude to the fact that most of us spend a significant proportion of our lives working. See Veltman, *Meaningful Work*, 5; and Muirhead, *Just Work*, 1.

89 Cohen, *Rescuing Justice and Equality*, 200; and Rawls, *A Theory of Justice*, sec. 11.

and particularly significant, we feel the pull towards granting the prerogative in question even if this is at odds with the spirit of equal opportunity or an egalitarian interest in efficiency. Whenever they are weak or absent entirely, we might be skeptical of the idea that we should legitimate exclusionary ends or count nepotistic reactions, especially when doing so would curtail distributive equality.

Regarding the second challenge, I suggest that a resolution can be sought by considering how we might balance interests in equal opportunity and efficiency against the aforementioned associational and occupational interests in personal liberty. There seems, for instance, to be something reasonable about the familiar claim that nepotism may be less objectionable within the context of some small businesses and enterprises where a particular quality or form of collaboration is sought. This intuition may largely be explained by the morally significant interests that would be curtailed in the event of proscription and the lesser aggregative strain imposed by nepotism on either the distribution of opportunities or sufficient provision of goods to which we have rights.⁹⁰ To take something of a parallel, many believe that religious institutions should enjoy a partial exemption from antidiscrimination laws and liberal norms of equality.⁹¹ In the context of selection, I contend that these exemptions are justified by a contextual balance of the morally significant interests that would be undermined when the aforementioned policies are enforced and the potential strain granting the prerogative would impose on the labor market. In cases where nepotism risks inefficiencies or bias of the kind that would directly threaten some fundamental right, such as a right to health care provision or a fair trial, the lack of any credible liberty interests and presence of weighty countervailing interests justify coercive proscription.

Returning to Café, one may wonder whether there is a similar puzzle at work when the institution is distinctively characterized as a “family café” so that being a family member is now a relevant qualification for the position. We could posit further that the café aims to realize this end by preserving its familial legacy, reproducing family recipes, and maintaining the family’s long-standing association with the local community. Such a characterization renders nepotism consistent with meritocratic selection, provided that positive nepotistic reactions are sufficient to override considerations of technical expertise or experience. However, in these cases, there is a clear tension between the claim that positions should be substantively open to people, on the one hand, and the

90 I thank Stuart White for the helpful suggestion of the term ‘aggregative strain’.

91 See Laborde, *Liberalism’s Religion*, 197–242; Rawls, *The Basic Liberties and Their Priority*, vol. 3; Gaus, *Justificatory Liberalism*, 175; Koppelman, “A Rawlsian Defence of Special Treatment for Religion”; Patten, *Equal Recognition*, 136; and White, “Freedom of Association and the Right to Exclude.”

unique aims or ends posited by an institution that effectively bar large swathes of the population from competing for a position, on the other hand. Clearly, a balance needs to be struck between keeping positions effectively open to as many candidates as possible and the freedom of institutions (and agents within them) to pursue the particular ends that constitute their *raison d'être*.

Such an approach could give rise to a convincing distinction between the permissible and impermissible without trivializing the egalitarian interest in open positions or efficiency. In cases where any negative impact on the latter commitments is marginal or proscription redundant, one may justifiably engage in nepotism, provided that the institution can be demonstrably shown to promote the aforementioned interests. This makes space for the kind of close collaboration that many might hold dear while avoiding overly burdensome constraints on the ways in which people might choose to engage in productive labor with others. An evaluation of this kind would require an objective assessment of the institution in question, and this, of course, brings forth complexities of its own. Nevertheless, it provides plausible grounds on which we might adjudicate the permissibility of nepotism given a reasonable balance of the interests at stake while maintaining a burden of proof that would illegitimate much of the nepotism that currently pervades the labor market.

Oriel College, University of Oxford
 pascal.mowla@politics.ox.ac.uk

REFERENCES

- Alvarez, Maria. "How Many Kinds of Reasons?" *Philosophical Explorations* 12, no. 2 (2009): 181–93.
- Anderson, Elizabeth. *The Imperative of Integration*. Princeton University Press, 2010.
- Baron, Marcia. "Impartiality and Friendship." *Ethics* 101, no. 4 (1991): 836–57.
- Bourdieu, Pierre. "The Forms of Capital." In *The Sociology of Economic Life*, 2nd ed., edited by Richard Swedberg and Mark S. Granovetter. Westview Press, 2001.
- Buchanan, James. *Liberty, Market and State: Political Economy in the 1980s*. Wheatsheaf, 1985.
- Ceva, Emanuela, and Maria Paola Ferretti. *Political Corruption: The Internal Enemy of Public Institutions*. Oxford University Press, 2021.
- Cohen, G. A. *Rescuing Justice and Equality*. Harvard University Press, 2008.
- Conn, David, David Pegg, Rob Evans, Juliette Garside, and Felicity Lawrence.

- “Chumocracy: How Covid Revealed the New Shape of the Tory Establishment.” *Guardian*, November 15, 2020. <https://www.theguardian.com/world/2020/nov/15/chumocracy-covid-revealed-shape-tory-establishment>.
- Corak, Miles. “Income Inequality, Equality of Opportunity, and Intergenerational Mobility.” *Journal of Economic Perspectives* 27, no. 3 (2013): 79–102.
- Cordelli, Chiara. “Justice as Fairness and Relational Resources.” *Journal of Political Philosophy* 23, no. 1 (2015): 86–110.
- Cottingham, John. “Ethics and Impartiality.” *Philosophical Studies* 43, no. 1 (1983): 83–99.
- Darwall, Stephen. “Two Kinds of Respect.” *Ethics* 88, no. 1 (1977): 36–49.
- Eidelson, Benjamin. “Treating People as Individuals.” In *Philosophical Foundations of Discrimination Law*, edited by Deborah Hellman and Sophia Moreau. Oxford University Press, 2013.
- Feltham, Brian, and John Cottingham. *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*. Oxford University Press, 2010.
- Friedman, Marilyn. “The Practice of Partiality.” *Ethics* 101, no. 4 (1991): 818–35.
- Gaus, Gerald F. *Justificatory Liberalism: An Essay on Epistemology and Political Theory*. Oxford: Oxford University Press, 1996.
- Giddens, Anthony. *The Constitution of Society: Outline of the Theory of Structuration*. Polity Press, 1984.
- Gilani, David. “Creating Connections: The Role of Universities in Enhancing Graduates’ Social Capital and Challenging Nepotism.” *Perspectives: Policy and Practice in Higher Education* 24, no. 1 (2020): 14–18.
- Goodin, Robert. *Perpetuating Advantage: Mechanisms of Structural Injustice*. Oxford University Press, 2023.
- Gorman, Alyx. “Nepo Babies: What Are They and Why Is Gen Z Only Just Discovering Them?” *Guardian*, December 22, 2022. <https://www.theguardian.com/culture/2022/dec/22/nepo-babies-what-are-they-and-why-is-gen-z-only-just-discovering-them>.
- Granovetter, Mark. *Getting a Job: A Study of Contacts and Careers*. Harvard University Press, 1974.
- . “The Strength of Weak Ties.” *American Journal of Sociology* 78, no. 6 (1973): 1360–80.
- Harré, Rom. *Social Being*. Blackwell, 1979.
- Hieronymi, Pamela. “Reasons for Action.” *Proceedings of the Aristotelian Society* 111, no. 3 (2011): 407–27.
- Hohfeld, Wesley Newcomb. “Some Fundamental Legal Conceptions as Applied in Judicial Reasoning.” *Yale Law Journal* 23, no. 1 (1913): 16–59.
- Jacobs, Lesley A. *Pursuing Equal Opportunities: The Theory and Practice of*

- Egalitarian Justice*. Cambridge University Press, 2012.
- Jenkins, Simon. "Of Course Michelle Mone Should Be Thrown Out of the Lords, but Others Enabled Her: Turf Them Out Too." *Guardian*, December 18, 2023. <https://www.theguardian.com/commentisfree/2023/dec/18/michelle-mone-lords-cronyism-pandemic>.
- Jones, Nate. "How a Nepo Baby Is Born." *Vulture*, December 19, 2022. <https://www.vulture.com/article/what-is-a-nepotism-baby.html>.
- Keller, Simon. "Four Theories of Filial Duty." *Philosophical Quarterly* 56, no. 223 (2006): 254–74.
- . *Partiality*. Princeton University Press, 2013.
- Kolodny, Niko. "Which Relationships Justify Partiality? The Case of Parents and Children." *Philosophy and Public Affairs* 38, no. 1 (2010): 37–75.
- Koppelman, Andrew. "A Rawlsian Defence of Special Treatment for Religion." In *Religion in Liberal Political Philosophy*, edited by Cécile Laborde and Aurélie Bardon. Oxford University Press, 2017.
- Laborde, Cécile. *Liberalism's Religion*. Harvard University Press, 2018.
- . "Structural Inequality and the Protectorate of Discrimination Law." *Politics, Philosophy and Economics* (forthcoming). Published online ahead of print, October 22, 2024. <https://doi.org/10.1177/1470594X241283034>.
- Lin, Nan, and Mary Dumin. "Access to Occupations Through Social Ties." *Social Networks* 8, no. 4 (1986): 365–85.
- Lippert-Rasmussen, Kasper. *Born Free and Equal? A Philosophical Inquiry into the Nature of Discrimination*. Oxford University Press, 2013.
- Loury, Datcher. "Some Contacts Are More Equal Than Others: Informal Networks, Job Tenure, and Wages." *Journal of Labor Economics* 24, no. 2 (2006): 299–318.
- Mason, Andrew. *Levelling the Playing Field: The Idea of Equal Opportunity and Its Place in Egalitarian Thought*. Oxford University Press, 2006.
- . *What's Wrong with Lookism? Personal Appearance, Discrimination, and Disadvantage*. Oxford University Press, 2023.
- Miller, Seumas. *Institutional Corruption: A Study in Applied Philosophy*. Cambridge University Press, 2017.
- . *The Moral Foundations of Social Institutions: A Philosophical Study*. Cambridge University Press, 2009.
- Montgomery, J. D. "Social Networks and Labor-Market Outcomes: Toward an Economic Analysis." *American Economic Review* 81, no. 5 (1991): 1408–18.
- Moreau, Sophia Reibetanz. *Faces of Inequality: A Theory of Wrongful Discrimination*. Oxford University Press, 2020.
- Muirhead, Russell. *Just Work*. Harvard University Press, 2004.
- Oldenquist, Andrew. "Loyalties." *Journal of Philosophy* 79, no. 4 (1982): 173–93.

- Patten, Alan. *Equal Recognition: The Moral Foundations of Minority Rights*. Princeton University Press, 2016.
- Pérez-González, Francisco. "Inherited Control and Firm Performance." *American Economic Review* 96, no. 5 (2006): 1559–88.
- Rawls, John. *The Basic Liberties and Their Priority*, vol. 3. University of Utah Press, 1982.
- . *A Theory of Justice*. Rev. ed. Harvard University Press, 1999.
- Sandis, Constantine. "Verbal Reports and 'Real' Reasons: Confabulation and Conflation." *Ethical Theory and Moral Practice* 18, no. 2 (2015): 267–80.
- Scanlon, T. M. *Why Does Inequality Matter?* Oxford University Press, 2018.
- Scheffler, Samuel. "What Is Egalitarianism?" *Philosophy and Public Affairs* 31, no. 1 (2003): 5–39.
- Temkin, Larry. *Inequality*. Oxford University Press, 1993.
- Turner, Jonathan H. *The Institutional Order: Economy, Kinship, Religion, Polity, Law, and Education in Evolutionary and Comparative Perspective*. Longman, 1997.
- Veltman, Andrea. *Meaningful Work*. Oxford University Press, 2016.
- Walzer, Michael. *Spheres of Justice: A Defense of Pluralism and Equality*. Basic Books, 1983.
- Wertheimer, Alan. "Jobs, Qualifications, and Preferences." *Ethics* 94, no. 1 (1983): 99–112.
- White, Stuart. "Freedom of Association and the Right to Exclude." *Journal of Political Philosophy* 5, no. 4 (1997): 373–91.