

# ‘The kids are alright’: political liberalism, leisure time, and childhood

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**Abstract** Interest in the nature and importance of ‘childhood goods’ recently has emerged within philosophy. Childhood goods, roughly, are things (including kinds of activities) that are good for persons qua children independent of any contribution to the good of persons qua adults (although they may also be valuable in this way). According to Colin Macleod, John Rawls’s political conception of justice as fairness rests upon an adult-centered ‘agency assumption’ and thus is *incapable* of incorporating childhood goods into its content. Macleod concludes that because of this, justice as fairness cannot be regarded as a *complete* conception of distributive justice. In this paper I provide a political liberal response to Macleod’s argument by advancing three claims. First, I propose that political liberalism should treat leisure time as a distinct ‘primary good.’ Second, I suggest that leisure time should be distributed via (a) the ‘basic needs principle’ and (b) the ‘difference principle’ for all citizens over the course of their complete lives, *including* their childhoods. Third, the provision of leisure time in this way supports the realization of childhood goods for citizens.

**Keywords** Children · Justice as fairness · Leisure time · Political liberalism · Primary goods · John Rawls

## 1 Introduction

To the extent that liberal theorists have addressed the interests of children and the role of liberal institutions with respect to those interests, their discussions typically have focused on the *future* roles and interests of children as adult citizens. Joel

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Feinberg (1980), for instance, justifies the right of children to an ‘open future’ in terms of their interest qua adults in autonomously choosing what kinds of lives to live. Similarly, Alstott (2004) holds that children have a right to ‘continuity of care,’ but this right is justified by its role in enabling children eventually to become autonomous adults.<sup>1</sup> This way of thinking about children and their interests also can be found in John Rawls’s theory of ‘political liberalism’<sup>2</sup> and his conception of ‘justice as fairness’<sup>3</sup> (Rawls 2001, 2005). Rawls’s comments on children in *Political Liberalism*, for instance, focus on the role of education in preparing students for adult citizenship (e.g., Rawls 2005, pp. 199–200).<sup>4</sup>

In recent years, interest in the nature and importance of distinct ‘childhood goods’ for people’s lives has emerged within philosophy (e.g., Brennan 2014; Gheaus 2015; Macleod 2010). Very roughly, childhood goods are things that are good for persons qua children—things that are of value to people during the childhood phases of their lives—independent of any contribution of those things to the good of persons qua adults. According to this idea, for instance, a life in which one lacks creative, unstructured play during childhood is worse than a life in which one does enjoy such play—even if such play does not contribute to, say, one’s

<sup>1</sup> She writes: “Only autonomous people can participate (meaningfully) in choosing a vision of the good life; and continuity of care is at least necessary, although probably not sufficient, for the development of children’s autonomy” (Alstott 2004, p. 1951).

<sup>2</sup> According to the theory of political liberalism, liberal societies are characterized by the ‘fact of reasonable pluralism’: the fact that persons living in such societies, as a consequence of the free exercise of their reason, invariably will subscribe to a variety of different, typically incompatible, philosophical, moral, and religious ‘comprehensive doctrines’ (Rawls 2005, pp. 36–37, 440–441). In order to accommodate the fact of reasonable pluralism, Rawls holds that the main institutions of a liberal society should be governed by what he calls a ‘political conception of justice.’ A political conception of justice satisfies the ‘basic structure restriction’ and the ‘freestanding condition.’ According to the basic structure restriction, a political conception of justice applies only to the ‘basic structure of society,’ roughly, its main social institutions, taken together as an overall system of cooperation (see n. 7). A political conception of justice satisfies the freestanding condition by being formulated in terms of distinctly ‘political’ ideas (including ideals, values, principles, and so forth). Such political ideas, like that of society as a ‘fair system of social cooperation,’ do not presuppose or depend upon the truth of any particular comprehensive doctrine (for instance, Buddhism or utilitarianism). These ideas instead are construed as implicit within the public political culture of democratic society. Political conceptions of justice are compatible with the (‘reasonable’) comprehensive doctrines endorsed by that society’s citizens (Rawls 2005, pp. 11–15, 374–376, 453).

<sup>3</sup> In Rawls’s final formulation of justice as fairness (2001, pp. 42–43), the first principle specifies a set of ‘basic liberties’ that are to be secured equally for all citizens within the constitutional structure of society (these liberties include freedom of thought, liberty of conscience, freedom of association, the political liberties (including their ‘fair value’), and the like). The second principle requires, roughly, that any economic inequality in society must (a) benefit the ‘least advantaged’ citizens over time more than any other system of economic distribution [this is the ‘difference principle’ (see n. 19)], and (b) not undermine or violate the ‘fair’ equality of opportunity of all citizens to compete for positions of authority and responsibility. The first principle, moreover, enjoys ‘lexical’ priority over the second (and within the second principle, the fair equality of opportunity requirement has priority over the difference principle). As we shall see later, Rawls also mentions a ‘basic needs principle’ that has lexical priority over even the first principle of justice as fairness. [The basic needs principle must be satisfied by *all* reasonable political conceptions of justice (see n. 6).]

<sup>4</sup> For a discussion of different views concerning the educational implications of political liberalism, see Neufeld (2013).

capacity for autonomy in adulthood. Childhood goods, then, are not simply instrumentally valuable given their role vis-à-vis persons’ interests as adult citizens (though they may also be valuable in this way).

Given this understanding of childhood goods, we might ask: should such goods be part of a theory of distributive justice? And if so, is the failure of Rawls’s conception of justice to include childhood goods within its purview a correctable oversight, or does it reveal an inherent limitation of that conception? Colin Macleod (2010) contends that the latter is the case. The political liberal conception of justice as fairness, Macleod explains, rests upon an adult-centered ‘agency assumption.’ Because of this, Rawls’s theory is *incapable* of properly incorporating childhood goods into its content. Macleod concludes that justice as fairness cannot be regarded as a *complete* conception of distributive justice.

In this paper I formulate a political liberal response to Macleod’s argument. I do so by advancing three claims. First, I propose that political liberalism should treat leisure (or discretionary) time as a distinct ‘primary good.’<sup>5</sup> Second, I suggest that leisure time should be distributed, within the conception of justice as fairness, via (a) the ‘basic needs principle’ and (b) the ‘difference principle’ for all citizens over the course of their *complete* lives—including their childhoods.<sup>6</sup> Third, the provision of leisure time in this way supports, albeit indirectly, the realization of childhood goods for all citizens. Thus a society that satisfies the amended version of justice as fairness that I outline here is one in which, with respect to the realization of childhood goods, ‘the kids are alright.’

## 2 Citizens’ interests and the primary goods

The ‘currency’ of justice as fairness is what Rawls terms ‘primary goods.’ The primary goods include:

- a. “basic rights and liberties”
- b. “freedom of movement and free choice of occupation against a background of diverse opportunities”

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<sup>5</sup> In my discussion here I treat the terms ‘leisure time’ and ‘discretionary time’ as interchangeable.

<sup>6</sup> In his final writings on political liberalism, Rawls acknowledges the existence of reasonable conceptions of justice other than justice as fairness. While such “a family of reasonable political conceptions” of justice exists, “[t]he limiting feature of these forms is the criterion of reciprocity” (Rawls 2005, p. 450). This criterion requires that citizens offer terms of social cooperation that they think other citizens will find acceptable. Conceptions of justice, in order to satisfy the criterion of reciprocity, must secure a set of specially ranked ‘basic liberties’ for all citizens (including liberty of conscience, freedom of association, and the political liberties of democratic citizenship), as well as adequate resources (such as education and wealth) for all citizens to exercise effectively those liberties over the course of their lives (Rawls 2005, p. 450). Despite this moderate pluralism with respect to justice, though, the ‘basic needs principle’ applies to *all* such conceptions, even those that endorse distributive principles less egalitarian than the difference principle. While I focus on justice as fairness here, my overall view can apply to any reasonable political conception of justice (simply substitute the ‘difference principle’ for the alternative distributive principle). [I should mention, finally, that in his final writings on political liberalism, Rawls maintains that justice as fairness is the *most reasonable* conception of justice (Rawls 2005, pp. xlvii–xlvi, 450–451).]

- c. “powers and prerogatives of offices and positions of responsibility in the political and economic institutions of the basic structure”
- d. “income and wealth” and
- e. “the social bases of self-respect.” (Rawls 2005, p. 181; also pp. 308–309)

These primary goods constitute the currency that the principles of justice as fairness distribute amongst citizens over time via the institutions of the ‘basic structure’.<sup>7</sup>

Rawls justifies the use of the index of primary goods as the currency of justice by drawing upon a political conception of citizens with three higher-order interests. Two of these interests involve the ability of citizens to exercise what Rawls calls their ‘moral powers.’ The first moral power is the capacity of citizens to form and act upon their ‘sense of justice.’ The second moral power is citizens’ “capacity to have, to revise, and rationally to pursue a conception of the good” (Rawls 2001, pp. 18–19). (A ‘conception of the good,’ Rawls explains, “is an ordered family of final ends and aims which specifies a person’s conception of what is of value in human life or, alternatively, of what is regarded as a fully worthwhile life” (Rawls 2001, p. 19)<sup>8</sup>). The third higher-order interest of citizens is that of realizing or advancing effectively their determinate conceptions of the good (see Rawls 2005, pp. 310–312).

To illustrate the connection between citizens’ interests and the primary goods, consider the basic liberties. [This discussion is drawn from Rawls (2001, p. 45, 2005, pp. 310–324).] The political liberties (which include freedom of political speech, the right to vote and run for office, and so forth) and freedom of thought are necessary for citizens to exercise effectively their sense of justice (the first moral power). Liberty of conscience and freedom of association are necessary for citizens to be able to exercise effectively their capacity to form, revise, and pursue conceptions of the good (the second moral power). And liberty of conscience is necessary for citizens to realize or advance effectively their determinate conceptions of the good (including those associated with or drawn from the religious or philosophical doctrines that they endorse). The remaining basic liberties, such as “the liberty and integrity of the person” and “the rights and liberties covered by the rule of law,” are justified by their instrumental but integral role in securing those basic liberties that are justified directly by citizens’ higher-order interests (Rawls 2005, p. 335). The other primary goods within justice as fairness (such as income and wealth, and the social bases of self-respect) similarly are connected to the three higher-order interests of Rawls’s conception of citizens. And just as the conception of citizens with three higher-order interests is ‘freestanding’ and ‘political’ in

<sup>7</sup> As pointed out in n. 2, the political conception of justice as fairness applies to the basic structure of society. For Rawls’s discussion of the basic structure and why it should be understood as the subject of the principles of justice, see Rawls (2005), Lecture VII. [I provide an interpretation and defence of political liberalism’s basic structure restriction in Neufeld and Van Schoelandt (2014); for a broadly similar view, see Hodgson (2012).]

<sup>8</sup> Rawls explains the relation between ‘comprehensive doctrines’ and ‘conceptions of the good’ in the following passage: “The elements of [...] a conception [of the good] are normally set within, and interpreted by, certain comprehensive religious, philosophical, or moral doctrines in the light of which the various ends and aims are ordered and understood” (Rawls 2001, p. 19).

nature—and thereby compatible with 'reasonable' citizens'<sup>9</sup> various 'comprehensive doctrines' (religious and philosophical views)<sup>10</sup>—so too are the primary goods justified by that conception of citizens.

### 3 Childhood goods and Macleod's criticism

As noted earlier, in recent years a number of philosophers have begun to explore the nature and value of what may be referred to as 'childhood goods' [my understanding of this idea draws primarily on: Brennan (2014), Gheaus (2015) and Macleod (2010)]. These are goods that normally can be realized, at least in certain ways, fully (and perhaps in some cases only) while people are children. Such goods, Macleod explains, "engage and activate the physical, emotional, aesthetic, cognitive, and moral faculties of children by exposing them to circumstances in which they can experience and give expression to their faculties and face challenges involved in using these faculties" (Macleod 2010, p. 187). Examples of childhood goods featured in philosophical discussions of them include: engaging in creative play (including unstructured play), relationships with other children, time spent outdoors, physical activity (including sports), and opportunities to engage in or enjoy art and music.<sup>11</sup>

Many (if not all) of these goods—such as friendships, athletic activities, artistic or musical endeavours, and play—seem to be available during both childhood and adulthood. What is central to the idea of distinct childhood goods, as I understand it, is: (a) the claim that the *forms* that these goods (typically) take during a person's childhood differ from the forms that they (typically) take during a person's adulthood (compare, for instance, childhood friendships versus adult ones, or they kinds of play that children engage in versus the kinds of play that adults engage

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<sup>9</sup> 'Reasonable citizens,' roughly, acknowledge the fact of reasonable pluralism and are committed to satisfying the criterion of reciprocity when justifying fundamental political decisions (Rawls 2005, pp. xliv, 16, 49–50, 54). (While 'unreasonable persons' are 'full citizens' in terms of their legal and political status, the exercise of political authority need not be *justified* to them, according to political liberalism, given their rejection of the criterion of reciprocity and/or the fact of reasonable pluralism.).

<sup>10</sup> See n. 2.

<sup>11</sup> This list is meant only as a sketch; other childhood goods are discussed in the literature. Here is a list (not meant to be comprehensive) provided by Samantha Brennan:

- Unstructured, imaginative play
- Relationships with other children and with adults
- Opportunities to meaningfully contribute to household and community
- Time spent outdoors and in the natural world
- Physical affection
- Physical activity and sport
- Bodily pleasure
- Music and art
- Emotional well-being
- Physical well-being and health

(Brennan 2014, p. 42).

in);<sup>12</sup> and (b) the claim that it is good (typically) for the lives of persons to enjoy childhood goods, in their distinctly ‘childhood forms,’ *during* the childhood stages of their lives.

Macleod contends that Rawls’s conception of justice does not—and cannot—include childhood goods properly within its purview. This is because all of the primary goods that Rawls identifies reflect the interests that citizens have as adults. To the extent that Rawls considers questions concerning childhood—for instance, in his discussions of education and families—these questions are focused on children as *future citizens*. There is no room within Rawls’s account for the distinct, ‘intrinsic’ goods of childhood. This should be unsurprising, according to Macleod, as the normative conception of citizens that underpins Rawls’s formulation of the primary goods, the goods with which justice as fairness is concerned, is a conception of adult agents.

More precisely, Macleod contends that there is what he calls an “agency assumption” underlying Rawls’s conception of justice. This assumption has three elements:

First, in thinking about what constitutes justice-salient advantages we assume that persons have and can exercise the two moral powers. Second, in virtue of their possession of the moral powers agents must assume responsibility for their ends. Third, persons are able and expected to interact with others in ways that respect the agency of fellow participants in social cooperation. (Macleod 2010, p. 179)

Whatever the merits of the agency assumption for thinking about distributive justice with respect to adults, though, it cannot explain the value or importance of childhood goods and their place within persons’ lives. Rawls, however, emphasizes that “the index of primary goods is an index of expectations over the course of a *complete* life” (Rawls 2001, p. 172 [my italics]; cited by Macleod (2010), p. 179). And in his defence of the ‘flexibility’ of the index of primary goods, he notes that at the ‘legislative stage’ of applying the principles of justice as fairness,<sup>13</sup> due consideration can and should be given to “all phases of life from childhood to old age” (Rawls 2001, p. 174).<sup>14</sup> Despite recognizing this feature of Rawls’s view, though, Macleod holds that distinctly childhood goods cannot be accommodated adequately in Rawls’s theory for two reasons.

The first reason is that, according to Macleod, the primary goods identified by Rawls are *irrelevant* for “effecting interpersonal comparisons in matters of justice involving young children.” This is because “[f]rom the perspective of childhood primary goods have little direct value” (Macleod 2010, p. 180) For instance,

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<sup>12</sup> Anca Gheus suggests: “there is nothing about the intrinsic goods of childhood that is necessarily inimical to good adulthood” (2015, p. 43). For the purposes of my discussion here, though, I need not take a position on the question of the availability of childhood goods during adulthood (see Brennan 2014, pp. 42–43).

<sup>13</sup> On Rawls’s four-stage sequence for formulating and applying justice as fairness—of which the ‘legislative stage’ is the third—see Rawls (1999, pp. 171–176, 2001, p. 48).

<sup>14</sup> This point is made by Rawls while discussing the distribution of health and medical care.

children do not choose what careers to pursue, or whether to run for political office, and they cannot use income or wealth to form and pursue long-term plans. Furthermore, Macleod holds that certain dimensions of advantage with respect to how well children fare qua children are important for judgements concerning distributive justice, but are unrelated to the set of primary goods identified by Rawls. Macleod illustrates this claim in the following passage:

[C]onsider two children who have an equal share of Rawls's primary goods. Assume also that their basic physical and psychological needs are equally well met. One child has a secure and loving family and is exposed to a rich range of opportunities for imaginative play, adventure, and aesthetic exploration and experience. The other child leads a safe but dull childhood with little or no access to goods readily available to the first child. Suppose, moreover, that the expectations of primary goods of these children over the course of a complete life are equal. On the index of primary goods there is no justice-salient advantage enjoyed by the first child that the second child lacks. Yet this conclusion seems implausible. (Macleod 2010, p. 180.)

According to Macleod, the differences between the lives of the two children *should* be evaluable from the perspective of justice; "even though the difference cannot be cashed in primary goods terms" (Macleod 2010, p. 181) it seems intuitively unjust for one child to fare worse with respect to childhood goods than the other.

There is a potential Rawlsian response to this challenge, which Macleod acknowledges: "A natural response to the irrelevance problem is to argue that suitable refinements to the primary goods account can be made to capture goods specific to the phase of childhood by emphasizing the importance of conditions conducive to the proper development in children of the moral powers" (Macleod 2010, p. 181). This response, then, provides an *instrumental* justification for a concern with childhood goods.<sup>15</sup> Opportunities to engage in imaginative play as children, for instance, may help the development of a capacity to form and revise conceptions of the good as adults.

This strategy may blunt the force of Macleod's 'irrelevance objection' against Rawlsian political liberalism (as he concedes). But it still falls short, as it leaves out certain childhood goods that, according to Macleod, are relevant for judgements concerning distributive justice (Macleod 2010, p. 181). Hence Macleod advances a second objection—that of *incompleteness*—against political liberalism's use of primary goods as the currency of distributive justice.

The Rawlsian agency assumption, according to Macleod, at most can justify only an instrumental value for certain childhood goods. This is inadequate because

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<sup>15</sup> "We could [...] identify a list of primary goods of childhood," Macleod writes, "Child-focused primary goods would be identified as those resources (or social conditions) that are essential to securing conditions necessary for development of the moral powers" (Macleod 2010, p. 181). In this part of his discussion, Macleod refers to a 1980 article by Amy Gutmann. Ultimately, Gutmann's justification is instrumental: she defends "a liberal concern for fostering the conditions that facilitate the development of capacities for personal choice and democratic citizenship" (Gutmann 1980, p. 351)" (quoted in Macleod 2010, p. 181).

“[t]here are dimensions of the lives of children that matter from the point of view of justice but which are not integral to the successful development of the moral powers” (Macleod 2010, p. 182). Some childhood goods may have (a kind of) intrinsic value—lives that include them (or more of them) are better than lives without them (or with less of them)—*even if* those goods are not instrumentally necessary or helpful in cultivating persons’ moral powers. Consequently, people seem to suffer an injustice insofar as their childhoods lack those childhood goods, even if they nonetheless adequately develop their moral powers. “Children with very austere and dreary childhoods,” Macleod remarks, “can acquire a sense of justice and a capacity for a conception of the good” (Macleod 2010, p. 182). But the austerity and dreariness of those childhoods—attributable, say, to scarce opportunities for play—plausibly seems to be a relevant consideration in determining whether those children have suffered an injustice. If other children enjoy opportunities for play, the difference seems to be (*ceteris paribus*) distributively unjust, even if there is no difference with respect to the development of the moral powers (see Macleod 2010, pp. 182–183).<sup>16</sup>

Macleod summarizes his argument in the following passage: “Rawls’s standard list of primary goods is largely *irrelevant* to assessing the prospects of children qua children and even a modified version of Rawls’s view yields an *incomplete* derivation of justice-salient advantages for children” (Macleod 2010, p. 183 [my italics]). In the rest of this paper I will propose that (a slightly revised version of) political liberalism does not fare as poorly with respect to childhood goods as Macleod contends. Specifically, I will suggest that securing adequate leisure time for persons *throughout* their lives—including during their childhoods—can indirectly, but nonetheless effectively, facilitate the realization of many childhood goods for persons. Moreover, my suggestion is independent of the value of childhood goods vis-à-vis the capacity of persons qua adults to exercise the two moral powers. In order to make this case, though, I first of all need to explain why political liberalism should treat leisure time as a distinct primary good.

#### 4 Leisure time as a primary good

In a recent article Julie Rose defines ‘discretionary time’ as “time not devoted to meeting one’s own or one’s dependents’ basic needs with paid work, household labour, or personal care” (Rose 2014, p. 439). Should discretionary or leisure time (so understood) be recognized as a primary good?<sup>17</sup> Rawls discusses the *possibility* of treating leisure time as a primary good. He concludes, “leisure time has a reasonably objective measure and is open to view,” and “also meets the essential

<sup>16</sup> A difference in certain goods (e.g., income or leisure time) amongst *adults* might be justified, say, if they reflect different decisions made by those adults, decisions for which they can be held responsible. This possibility (whatever its merit vis-à-vis justifying certain kinds of inequalities amongst adults) is implausible with respect to children. (See Macleod 2010, p. 183.)

<sup>17</sup> As noted earlier, I treat ‘leisure time’ and ‘discretionary time’ as interchangeable in my discussion here.



condition that primary goods must not presuppose any particular comprehensive doctrine” (Rawls 2001, 179). So there is no barrier to treating leisure time as a primary good—and hence as part of the currency of distributive justice—within political liberalism.

But given that there is no problem with treating discretionary or leisure time as a primary good, how should it be distributed? Which principle(s) of justice as fairness, that is, should apply to leisure time?<sup>18</sup> Rawls considers treating leisure time as a primary good that is among those to be distributed by the difference principle. The reason why Rawls regards leisure time (if included as a primary good) as appropriately distributed by the difference principle is because he sees it as a good similar to, or interchangeable with, income and wealth, that is, as a *means* by which citizens can pursue their conceptions of the good.<sup>19</sup>

Against Rawls, I recommend that up to a certain level (threshold) leisure or discretionary time should be understood as a *basic need*, analogous to basic (non-tertiary) education.<sup>20</sup> This is because a certain amount of discretionary time is a precondition for citizens’ (a) effective exercise of their first moral power, (b) effective exercise of their second moral power, and (c) effective capacity to pursue determinate conceptions of the good. With respect to citizens’ first moral power—their capacity to have and act upon a sense of justice—time away from work and satisfying one’s basic needs (or those of one’s dependents) is (normally) required for citizens to reflect upon and deliberate about political issues, as well as to contribute to the political decision-making processes of their society. With respect to citizens’ second moral power—their capacity to form, revise, and rationally pursue a conception of the good—some amount of free time (normally) is required for them to reflect critically upon, and if necessary revise or replace, their conceptions of the good. And finally leisure time (normally) is necessary for citizens’ promotion or realization of their determinate conceptions of the good (at least those aspects of citizens’ conceptions that are not directly part of their work or care-giving duties<sup>21</sup>). Above the threshold necessary for this essential exercise, though, Rawls may be correct that it would be appropriate to treat leisure time as interchangeable with income and wealth.

So what is the ‘basic needs principle’? It is, Rawls explains, “a lexically prior principle requiring that citizens’ basic needs be met” (Rawls 2005, p. 7).<sup>22</sup> It is a principle, then, that has priority over even the first principle of justice as fairness

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<sup>18</sup> See n. 3 for a summary of the two principles of justice as fairness.

<sup>19</sup> I should note that the difference principle covers “the social and economic inequalities attached to offices and positions” (Rawls 2005, p. 6), and thus the distribution of “powers and prerogatives” (Rawls 2001, p. 58), as well as income and wealth. Rawls’s treatment of leisure time, though, focuses on its relation to income and wealth.

<sup>20</sup> I defend this claim in greater detail in Neufeld (2017).

<sup>21</sup> I assume that most (if not all) citizens’ conceptions of the good include at least *some* important dimensions of their lives away from work and/or separate from their care-giving responsibilities. (I will not defend this assumption here.) Even if this is not true for *all* citizens, though, the *availability* of leisure time does not prevent any citizens from pursuing their conceptions of the good (see n. 29).

<sup>22</sup> For “a statement of such a principle,” Rawls refers to Peffer (1990, p. 14) [at Rawls (2005, p. 7, n. 7)].

(the ‘basic liberties’ principle), and, like the first principle, should be regarded as a ‘constitutional essential’.<sup>23</sup> Rawls states: “The constitutional essential here is [...] that below a certain level of material and social well-being, and of training and education, people simply cannot take part in society as citizens” (Rawls 2005, p. 166). Without their basic needs satisfied, the primary goods distributed by the principles of justice as fairness are of no use to citizens (liberty of conscience and freedom of political speech, for instance, cannot be exercised meaningfully by people mired in ignorance or who lack food and shelter).

I propose that the basic needs principle be formulated to include (at least): rights to basic healthcare; subsistence and shelter; primary and secondary education;<sup>24</sup> and adequate leisure time. Leisure or discretionary time, then, is a primary good that should be distributed within justice as fairness in accordance with the following two principles:

- a. The basic needs principle (discretionary time should be secured roughly equally for all citizens up to the threshold necessary for them to be able to realize adequately their three higher-order interests over the course of their lives).<sup>25</sup>
- b. The difference principle (perhaps as exchangeable with income and wealth) *above* the threshold secured for all citizens via the basic needs principle (a).

I now turn to the implications of this revision for the place of childhood goods within justice as fairness.

## 5 Leisure time and childhood goods

I agree with Macleod that childhood goods can be valuable for persons qua children, and not simply because they are instrumentally helpful in cultivating the moral powers of children qua future citizens. And I grant that a conception of justice should be sensitive in some way to this fact. But contra Macleod, I think that we can retain Rawlsian primary goods as the proper metric of distributive justice. This is because I do not think that the political conception of justice as fairness fares nearly as badly as Macleod claims with respect to childhood goods. Specifically, I will propose in this section that the realization of certain childhood goods can be facilitated for all persons in society, albeit indirectly, via the primary good of leisure time. This is because leisure time, when used or enjoyed by persons during the

<sup>23</sup> See Rawls (2005, pp. 226–230).

<sup>24</sup> See Michelman (2003, pp. 406–407), Rawls (2005, p. 166, n. 29; p. 407).

<sup>25</sup> I leave aside here the difficult issue of how to specify such a right to adequate leisure time. I should mention, though, that a right to leisure time is included within the *Universal Declaration of Human Rights* (Article 24) and that most contemporary liberal democratic societies legally require that employees enjoy a minimum amount of paid vacation time every year (the United States is a notable exception), although such laws generally are not considered to be among the ‘constitutional essentials’ of these societies.

childhood stages of their lives, involves (typically) the realization of childhood goods.<sup>26</sup>

My defence of this claim draws on one of the higher-order interests that Rawls attributes to citizens. Recall that Macleod's argument focuses on citizens' two moral powers. The moral powers are expressions of the 'agency assumption' that, according to Macleod, is incapable of explaining properly the value and importance of childhood goods. But as I explained earlier (in Sect. 2), there is a *third* higher-order interest that Rawls attributes to persons qua citizens. This is the higher-order interest that citizens have in advancing or realizing determinate conceptions of the good over the course of their lives.

I think that we can understand childhood goods as occupying an important place with respect to *this* higher-order interest. This is because (almost all) conceptions of the good include childhood goods as part of their overall accounts of what makes up a good life. That is, roughly, (almost) every conception of the good judges a life to be better if it includes, during the childhood phases of persons' lives, some mix of things like engaging in creative play, enjoying childhood friendships, exploring the natural world, trying out various artistic, musical, and athletic activities, and so forth. Hence leisure time should be secured *for* children, so that they can enjoy (some combination of) these goods, as they are elements of (almost all) conceptions of the good. And this should be done, I maintain, despite the fact that the conceptions of the good that include childhood goods are adopted by persons only *after* they leave the childhood stages of their lives. My proposal, then, is paternalistic in nature.<sup>27</sup> For adult citizens, the interest in advancing a determinate conception of the good is an interest that concerns a conception that those citizens themselves have adopted and endorsed. Children do not yet have determinate conceptions of the good. But since (almost all) conceptions of the good that persons *eventually* adopt will include the childhood portions of their lives, we should secure for all persons access to childhood goods—via the primary good of leisure time—in a paternalistic manner.<sup>28</sup>

What about conceptions of the good that do *not* include any role for childhood goods? I will assume for the sake of argument that such conceptions might exist (and could be chosen by adequately rational persons within a just society). Even so, if a conception of the good does not include (some mix of) childhood goods, such

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<sup>26</sup> Some childhood goods identified by philosophers writing on this topic may not be realizable via the primary good of leisure time. One such good is a secure sense of belonging and trust in others (see, e.g., Brennan 2014, 43f). The realization of this good seems to depend, at least in significant part, on the kinds of families to which children belong. Still, the basic structure of a politically just society—one in which citizens all enjoy (inter alia) adequate education, income, and leisure time—is one that is more conducive to or supportive of loving family relations than is the basic structure of an unjust society.

<sup>27</sup> Here I draw upon Rawls's account of paternalism in *A Theory of Justice* (Rawls 1999, pp. 218–220). (My thanks to Louis-Philippe Hodgson for pressing me to clarify this point.)

<sup>28</sup> My proposal resembles in some respects that advanced by Gutmann (1980) and discussed by Macleod (2010, p. 181). The difference is that I think that childhood goods can be understood as good for persons qua children, and not simply instrumentally valuable for children qua future citizens.

goods nonetheless at least are *compatible* with that conception.<sup>29</sup> Moreover, we would want to secure childhood goods for all citizens even if they are not components of all citizens' conceptions of the good, given that citizens may rationally *change* their conceptions of the good through the exercise of their second moral power. (That is, at time *x* a citizen may hold a conception of the good in which childhood goods play no role. But at time *y*, that citizen may adopt a new conception of the good, one that does include childhood goods as an element.)

Leisure or discretionary time plays an important role with respect to citizens' interest in advancing determinate conceptions of the good. Within the childhood stages of persons' lives, leisure time will involve (at least for most persons) the realization of many childhood goods, such as creative play, athletic and artistic activities, friendships, and the like. So certain childhood goods can be realizable adequately for all citizens via the just distribution of the primary good of leisure time over citizens' complete lives.

The primary good of leisure or discretionary time, moreover, can be secured for all citizens via the institutions of the basic structure. Securing discretionary time (time away from work) for parents (in accordance with the principles outlined at the end of Sect. 4) enables them to spend time with their children; such 'family time' can involve the realization of childhood goods in the lives of children. And securing leisure time *directly* for children—as well as providing the public spaces and resources necessary for children to make effective use of that time (such as playgrounds, well-funded schools with robust extra-curricular options, sports leagues, and so forth)—also facilitates or promotes the realization of (at least to a significant extent) childhood goods in the lives of persons during their childhoods.<sup>30</sup> Thus the view that I have outlined in this paper supports, I think, the following proposal advanced by Macleod: "We can [...] use policy in ways to create a social environment that is conducive to parents spending time with their families and we can ensure that through schools and other readily accessible public institutions children are exposed to a wide range of stimulating aesthetic, athletic, and just plain fun activities" (Macleod 2010, p. 188). In securing leisure time adequately for all citizens over the course of their entire lives, then, many distinctive childhood goods *will* be enjoyed and realized by persons during the childhood phases of their lives.

<sup>29</sup> In this respect, then, leisure time (which involves the enjoyment of some mix of childhood goods during the childhood phase of persons' lives) is like the other primary goods. Not all conceptions of the good involve the exercise of all the basic liberties, say, or the use of income and wealth (beyond that required for subsistence). A stoical or ascetic conception of the good, for instance, makes little use of most of the primary goods that are secured for all citizens. Nonetheless, persons *qua* citizens rationally would want *access* to such primary goods, given their three higher-order interests. (See n. 21). (More precisely, the parties within the 'original position' would select principles of justice that secure access to such primary goods for the citizens whom they represent. This is because (inter alia) the parties within the original position are ignorant of the precise conceptions of the good endorsed by the citizens they represent. [On the nature and role of the original position, see Rawls (2001, Sect. 6, 23–40)].)

<sup>30</sup> Such direct provision of leisure time for children—say, at schools—may be necessary to *mitigate* the decisions by *some* families not to grant their children adequate leisure time (say, by insisting that their children fill their time away from school with work or study). (My thanks to Joseph Heath for discussion of this point.)

## 6 Conclusion

The *UN Convention on the Rights of the Child* (1989) identifies a “right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child, and to participate freely in cultural life and the arts.” This right can be justified within the framework of political liberalism. Moreover, it can be justified *without* relying on the role of such a right in enabling children eventually to be able to exercise effectively the two moral powers as adult citizens. In support of this position I have advanced three claims. First, I recommended that political liberalism and the conception of justice as fairness treat leisure time as a distinct primary good. Second, I proposed that within justice as fairness this primary good should be distributed via (1) the basic needs principle (up to the threshold necessary for effective citizenship) and (2) the difference principle (for differences among citizens beyond that threshold). Third, I suggested that the just distribution of leisure time according to these two principles would enable citizens to realize (at least many) childhood goods during the childhood stages of their lives.

Even if political liberalism is revised in the way that I recommend here, though, it still may not secure enough childhood goods for all citizens to satisfy Macleod (and perhaps other non-political liberals concerned with such goods). I concede this possibility. But my main aim in this paper has been to show that the philosophical resources of political liberalism do not *prevent* it from taking into account such goods as goods for persons *qua* children, and not simply instrumentally *vis-à-vis* their future lives as adults. In other words, I have tried to show that one can be a political liberal *and* also think that political justice should be sensitive to with the intrinsic quality of citizens’ childhoods.

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