

- **Hardcover:** 224 pages
- **Publisher:** University of Chicago Press (November 1, 2012)
- **Language:** English
- **ISBN-10:** 0226029867
- **ISBN-13:** 978-0226029863

Against Fairness: In Favor of Favoritism

Chapter One: *Even Jesus had a Favorite*

“I would strangle everyone in this room if it somehow prolonged my son’s life.”

That’s what I blurted into a microphone during a panel discussion on ethics. I was laughing when I said it, but the priest sitting next to me turned sharply in horror and the communist sitting next to him raised her hand to her throat and stared daggers at me.

Why was I on a panel with a priest and a revolutionary communist? Long story –not very interesting: we were debating the future of ethics with special attention to the role of religion. The interesting part, however, is that at some point, after we all shook hands like adults and I was on my walk home, I realized that I meant it –I would choke them all.

Well, of course, one can’t be entirely sure that one’s *actions* will follow one’s intentions. The best laid plans of mice and men, and all that. But, given some weird *Twilight Zone* scenario wherein all their deaths somehow saved my son’s life, I was at least hypothetically committed. The caveman intentions were definitely there.

If some science-fiction sorcerer came to me with a button and said that I could save my son’s life by pressing it, but then (cue the dissonant music) ten strangers would

die somewhere... I'd have my finger down on it before he finished his cryptic challenge. If he raised it to one hundred strangers, a million, or the whole population, it would still take the same microsecond for me to push the button.

The utilitarian demand –that I should always maximize the greatest good for the greatest number –seemed reasonable to me in my 20s, but made me laugh after my son was born. My draconian bias is not just the testosterone-fueled excesses of the male psyche. Mothers can be aggressive lionesses when it comes to their offspring. Mothers are frequently held up as the icons of selfless nurturing love, but that's because we offspring –the ones holding them up as icons --are the lucky recipients of that biased love. From *that* point of view, a mother's behavior is infinitely charitable. But if you're outside the clan, then tread carefully. Try getting between a mammal mother and her kid, and you will see favoritism at its brutal finest.

So, as I learned, becoming a parent brings some new emotional “organs” with it, some organs I never would have thought possible to grow in me just five years earlier. These “organs” process the intense protective biases--the “chemicals”--of family solidarity. How do we square these preferential emotions with the conflicting sense of equality for all?

Some theorists explain this inner conflict as a fight between our raw animal emotions and our rational (principled) system of the good (impartial justice). But that makes things easy –too easy. The tension between preference and fairness is not just between the individual heart and the collective head. Rather it is a tension between two competing notions of the good.

Charles Darwin argued that the moral life itself is actually built upon the tribal devotions of our ancestors. The foundation of morality lies “in the social instincts, including under this term the family ties. These instincts are highly complex, and in the case of the lower animals give special tendencies toward certain definite actions; but the more important elements are love, and the distinct emotion of sympathy. Animals endowed with the social instincts take pleasure in one another’s company, warn one another of danger, defend and aid one another in many ways. These instincts do not extend to all the individuals of the species, but only those of the same community.”¹ And it is perhaps this last line, about the provincialism of our instinctual devotions, which will most concern us in this book about favoritism. Is it really primitive, as the egalitarians claim, to privilege some over others?

Saints and Favorites

It’s hard to imagine someone more fair-minded and even self-sacrificing than Jesus. The list of his ethical peers is short; maybe Buddha, Gandhi, Mother Theresa, Martin Luther King, some miscellaneous saints and martyrs. Fill in the blanks. Jesus was such an equal-opportunity humanitarian that he regularly went to eat and spend time with the outcasts, the prostitutes, the tax collectors, and the pariahs. He liked just about everybody, and encouraged us to do the same. He took his good will one step further, of course, and recommended that we should even love our enemies. This indiscriminate love is arguably the central teaching of Christianity.

¹ See the Conclusion section of Darwin’s Descent of Man (Penguin Classics, 2004)

And yet, even Jesus, the paragon of equal treatment, had a *favorite* disciple. We don't know for sure which disciple it was –most think it was John –but we're told in the gospels that he had a favorite one, and that he even had a three-man inner circle. He had a posse *inside* his posse.

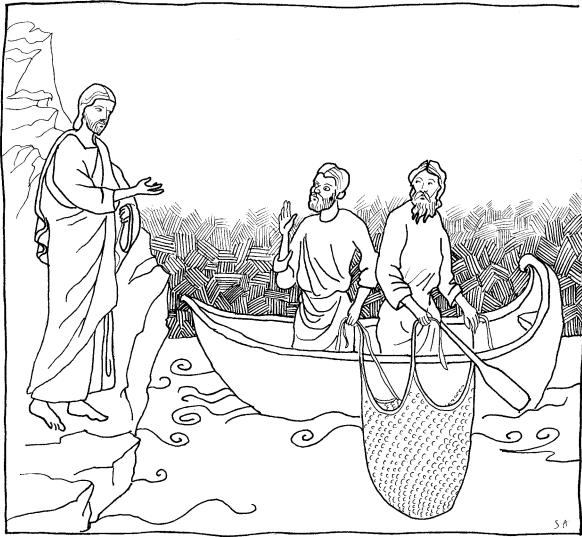


fig.1

Another holy man that earns our respect for his selfless charity and his leveling egalitarian approach is Siddhattha Gotama, the Buddha. He pushed the bounds of fairness through all the caste system boundaries of Indian society, and arrived at a totally impartial social and even metaphysical philosophy. Not only could women and untouchables attain enlightenment –a scandalous idea at the time –but every animal species was put on equal status too. And yet, despite all this philosophical impartiality, the Buddha had a best friend. His friend Ananda had no equal among the Buddha's associates. The Enlightened One had a right-hand man.

Is it *fair* for me to pit the universal egalitarianism of many religions against the favoritism of family and friends? Surely, one need not preclude the other.² But one of the great saints of the twentieth century, Gandhi, also recognized their incompatibility.

In his autobiography, Gandhi suggested that saintliness required forfeiture of the usual bonds of family and friendship. The seeker of goodness, Gandhi recommended, must have no close friendships or exclusive loves because these will introduce loyalty, partiality, bias, and favoritism. In order to love *everyone*, we must not preferentially love any individual or group.

² In some passages of the New Testament, the tension is not between filial love and universal love, but between filial love and Jesus devotion. “For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter in law against her mother in law. And a man's foes shall be they of his own household. He that loveth father or mother more than me is not worthy of me: and he that loveth son or daughter more than me is not worthy of me.” (Matthew x, 35-37) This suggests a contest of allegiance, pitting one set of favorites for a new one. Bertrand Russell was not a fan. “All this means the breakup of the biological family tie for the sake of creed –an attitude which had a great deal to do with the intolerance that came into the world with the spread of Christianity.” (“Has Religion Made Useful Contributions to Civilization?” in Why I Am Not a Christian, Simon and Schuster, 1957).

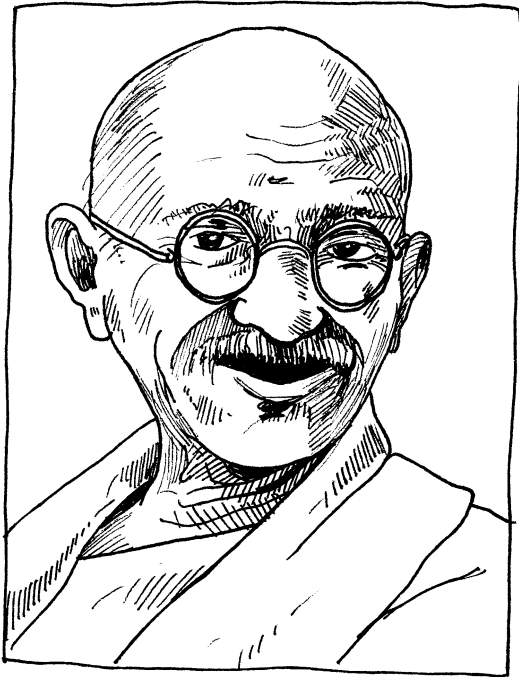


fig. 2

When George Orwell read Gandhi's autobiography in 1948, he was deeply troubled by the Indian saint's "anti-humanism." It's hard for us to envision Gandhi --lover of all mankind --as anti-humanist. But Orwell viewed any attempt to subjugate human values to the demands of some transcendent, ideological value system as anti-human. While Orwell remained impressed by Gandhi's political achievements, he was stunned by Gandhi's views on friendship and family. Saintry egalitarianism seemed repugnant to Orwell, who believed that "love means nothing if it does not mean loving some people more than others."

I want to side definitively with Orwell here, and cannot follow the Indian saint to his lofty conclusion. I must agree with Orwell's claim that "the essence of being human is that one does not seek perfection, that one is sometimes willing to commit sins for the sake of loyalty...and that one is prepared in the end to be defeated and broken up by life, which is the inevitable price of fastening one's love upon other human individuals."

Ghandhi's saintly ideal of *non-attachment* may not be compatible with the humanistic ideal, which maintains that this flawed world (with all its liabilities of attachment) is the only one we have. But in a way, the ideal of non-attachment is also secretly at work in some of our more dogmatic liberal traditions of universal equality for all.

Gandhi is perhaps an outlier, an extremist against favoritism. But his radical position helps us grasp the philosophical tensions between fairness and favoritism. Buddha, with his BFF Ananda, was not as extreme in his detachment. And one suspects that Gandhi, despite his own advice, wasn't either.

I'm not a particularly religious person. I'm not overly impressed by Buddhas, Mahatmas, or Messiahs. I'm actually a skeptical agnostic most days, but I start with these religious "exemplars of equality" for dramatic effect. Why do even these major saints of universal love and impartiality still have favorites? Why do they discriminate at all, if everybody is equally valuable? The answer, I will argue in this book, is that they can't do otherwise. It is human to prefer. Love is discriminatory. And if the world's scriptures can be believed, even the gods have preferences. The monotheistic God is no better on this account than the polytheistic traditions. The Abrahamic God often gets jealous, has chosen people, and generally plays favorites.

None of this is breaking news, of course. So what's new in my approach to the favoritism/fairness divide? While everyone has a general sense that favoritism feels natural and that fairness vies against it, philosophers and leaders have almost always sided *with* fairness and *against* favoritism. Religious leaders have agreed that we *tend* toward preference and bias, but we should generally resist this pull and fight our own

inner discriminatory tendencies. Biologists and social theorists, since Darwin, have joined the ranks of anti-bias, by arguing that our animal nature might be selfish, but our uniquely human capacities allow us to fight against our animal natures.³ Implicit in this idea, that our better angels can subdue our baser instincts, is the assumption that these instincts are selfish –are focused on *self* preservation.⁴ But this assumption has skewed the conversation into a false dichotomy: either you're for yourself, or you're for fairness. A recent example of this false dichotomy can be found in Peter Corning's otherwise insightful book The Fair Society, where he assumes that opposition to fairness is tantamount to Ayn Rand style individual selfishness.⁵ I share Corning's and other sane people's aversion to the Ayn Rand cult of self interest (an ethic endorsed by Alan Greenspan). But I don't agree that the solution or forced alternative is egalitarian fairness.

I want to argue that a huge part of our values has been left out of this usual dichotomy, namely our *tribal* biases. Our values landscape is not a hill of fairness and a valley of selfishness. The bonds of our affections (our biases) are not reducible to either selfishness or selflessness, but require their own autonomous territory. Family ties, for example, don't fit neatly into the usual dichotomy of selfish/selfless values. Bias,

³ A more infamous tradition, Social Darwinism, followed Darwin's revolution and argued that societies should struggle for existence and engage in a survival of the fittest contest. Some economists, imperialists, and members of the leisured classes argued that humans should indulge their natural selfishness. This lamentable tradition has a terrible track record and one can be thankful that it is now moribund. But those who were closest to Charles Darwin, like Thomas Huxley, argued that human morality should never be modeled on the natural selection mechanism. See Huxley's 1893 essay "Evolution and Ethics." Darwin himself argued that affection was part of the instinctual equipment possessed by all social animals, so selfish individualism was *not* the inevitable default position of going native.

⁴ The assumption was very strong during the heyday of Social Darwinism, but of course it goes back to the philosopher Thomas Hobbes (1588-1679) and even appears (very articulately) as far back as Glaucon's arguments in Plato's Republic.

⁵ Peter Corning's The Fair Society (University of Chicago, 2011) contains many great insights and nuanced discussions about fairness. I see many shared interests between our respective projects. But he, like most egalitarians, also fails to appreciate or even notice the positive aspects of an ethics of favoritism.

nepotism, and tribal ethics have taken it on the chin for too long. Against an army of pious guides and gurus, I will try to make the case for favoritism.

When I explained to my friends that I was writing a book called *Against Fairness*, they looked at me like I had made some final descent into madness. I might as well write a book *Against Mothers*, or *Against Oxygen*. On the face of it, the project looks insane. But I don't mind an uphill battle. Let me begin, then, by offering some provisional definitions of terms like "tribal," "fairness," and "nepotism."

Fairness, Tribes and Nephews

"Tribal" may be a confusing term. For many readers the term will have inescapable connotations of Africa, or an indigenous ethnic clan from some exotic region. There's nothing wrong with this. Tribal can indeed describe the Zulus of Southern Africa, or the Apache of the American Southwest. But I wish to use the broader meaning of tribal, such that it also describes an extended family, a nuclear family, and possibly even your bowling team. A tribe, in this informal sense, is a social group of members who have greater loyalty to each other than to those *outside* the group. A tribe is an *us* in a milieu of *thems*. And the defining properties of each tribe might differ significantly –it could be blood that ties a tribe together, it could be class, language, race, or mutual devotion to *Doctor Who*.

Twentieth century anthropology searched for a *logic* of tribes. Many researchers believed that some common formal essence or structural grid underlay the various tribes. They searched for a common recipe of ingredients in every cultural case. Every time they settled on some precise definition, they'd come upon tribes that didn't fit the bill. In

response to this, more recent researchers have given up the search for a structural *essence* and accepted the amoeba-like malleability of tribes. Tribes are highly flexible and they adapt to local challenges.⁶

It is also insufficient to think of tribes in purely evolutionary terms. We often find analysts, especially in the “clash of civilizations” debate, talking about tribes as a step or stage –one that’s on its way to becoming a state. There might be some other argument for claiming that tribes are primitive, but there seems to be little evidence that tribes are always supplanted or replaced by later kinds of political organization. Even when many different groups coalesce, by choice or force, tribal affiliations can continue within larger organizations of power and authority. Clans and cliques don’t always go extinct when states evolve into existence.

Most important, perhaps, is this. The fact that there have been some very nasty and hostile tribes throughout history does not nullify the tribe as a valid form of social organization. I cannot underscore this point enough. Just because there are some bad motorcycle gangs, or bankers, or skateboarders, for example, does not mean that these groups are *intrinsically* deviant or corrupt. And yet a similarly sloppy logic has animated many objections to tribes, clans, cliques, and factions. We will need to begin our inquiry, at least, without assuming a contemptuous view of tribes.

What do we mean by “fairness”? Etymologically, the term “fair” seems to have originated as an aesthetic term, describing someone beautiful or pleasant. Only gradually did the term migrate to the ethical domain where it tended to mean a person or action that

⁶ See Chapter Three, “What is a Tribe, and Why does it Matter?” in Lawrence Rosen’s *The Culture of Islam: Changing Aspects of Contemporary Muslim Life* (University of Chicago, 2002).

was unblemished by moral stain. When something is fair, it is generally considered free from bias and prejudice. If it's used as an adjective for social interaction or for distribution of goods, then it generally implies an *equal* measure for concerned parties. Philosopher John Rawls took fairness to be the key ingredient in justice, stating that “fundamental to justice, is the concept of fairness which relates to right dealing between persons who are cooperating with or competing against each other, as when one speaks of fair games, fair competition, and fair bargains.”⁷ And somewhere in the background of our usual thinking about fairness is the assumption of the equality of all mankind – egalitarianism.⁸

The idea of universal respect is endorsed in both the modern secular and the ancient sacred traditions of the West. Our Biblical traditions, sometimes, assert that human equality can be found in the idea that we were all made in God's image, and our government documents affirm equality on the grounds of inalienable rights that were endowed by our Creator.⁹ Philosophers generally agree that modern Western society is premised on egalitarian ideology. Philosopher Martha Nussbaum says, “Our nation is built on the idea that all citizens as citizens are of equal worth and dignity.”¹⁰ And philosopher Charles Taylor reminds us that, “the average person needs to do very little

⁷ "Justice as Fairness." *Philosophical Review* (April 1958), 67 (2): 164-194.

⁸ In his *Inequality Reexamined* (Harvard, 1992), philosopher and economist Amartya Sen points out that there is much confusion in political theorizing about “equality” and “fairness.” If we shift the “space” or “domain” of inquiry (the locus) of human activity, we get very different maps of inequality. An equality of income between two parties may not match equality in other important domains; happiness, liberty, rights, opportunities, and so on. Nonetheless, while acknowledging Sen's caveat about diversity of domains, a common concern animates most liberal theorizing about egalitarianism. John Rawls, Ronald Dworkin, Thomas Nagel, and Sen himself are largely concerned with two things, equality of liberty/freedom and equality of primary goods.

⁹ Of course, egalitarianism is not as prevalent in the Bible as many assume. Right from the beginning, God favors Abel over Cain, for example, then comes Noah's lucky break, and the entire Old Testament can be read as Yahweh taking care of his oppressed chosen people.

¹⁰ See Chapter Two in Martha Nussbaum's *From Disgust to Humanity* (Oxford University Press, 2010).

thinking about the bases of universal respect...because just about everyone accepts this as an axiom today.” Moreover, Taylor suggests that tribal thinking is uncivilized because it draws its circles of respect narrowly, while “higher civilizations” include the whole human species in their circle of respect.¹¹

Generally speaking, our ideologies run in favor of fairness and equal treatment. Some of us might even assume that we are always upholding this principle. Ironically, some Westerners even assume that it is their commitment to equality and fairness, which makes them *superior* to other individuals and cultures. It is our notion of equality that makes us the “higher” tribe.

In this ironic formulation we can smell a burning friction between two concepts. The concept that everybody gets an *equal share* of the good, scrapes up against another concept of fairness: winner takes all, or at least takes more. When merit or skill trump the competitor, we generally think it is fair to apportion more reward. May the best man win, as we say. Merit deserves more. But this merit-based fairness vies against “equal shares” or “equal outcomes” fairness.

Jesus trades on these competing concepts in his paradoxical parable of the workers in the vineyard (Matthew 20: 1-16). A householder farmer goes out in the morning and hires some workers to labor in his vineyard, promising them one silver denarius for a full day’s work. At midday the farmer hires another crew to join the vineyard work, and in the final hour of the workday he hires yet another team. When all the laborers finish at nightfall, they return and the farmer pays them all the exact same

¹¹ See the chapter “Inescapable Frameworks” in Part I of Charles Taylor’s Sources of the Self (Harvard University Press, 1990)

wage –one silver denarius each. Adding insult to injury, the farmer rebukes the all-day workers who complain about the inequity.

I remember hearing this parable in church when I was a kid, and feeling bad for the suckers who had sweat all day for the same wage as the eleventh-hour laborers. I was soothed by priests, who explained that God saves by grace, not by merit. I was told that deeds –no matter how rigorous or pious –cannot really earn God’s rewards. Just *ask* and you can receive the kingdom of heaven. No one actually *deserves* salvation, and God will bestow it on sinners and saints equally *if* their hearts are sufficiently contrite. This may indeed be the true lesson of the parable, but for our purposes the story also illustrates the tension between fairness as equal outcomes and fairness as merit system.

When my 6-year-old son came home from first grade with a fancy winner’s ribbon, I was filled with pride to discover that he had won a foot race. While I was heaping praise on him, he interrupted to correct me. “No, it wasn’t just me,” he explained. “We *all* won the race!” He impatiently educated me. He wasn’t first or second or third –he couldn’t even remember what place he took. Everyone who ran the race was told that they had *won* and they were all given the same ribbon. “Well, you can’t *all* win a race,” I explained to him, ever-supportive father that I am. That doesn’t even make sense. He simply held up his purple ribbon and raised his eyebrows at me, as if to say “you are thus refuted.”

Shortly after this comedy, he informed me of another curious School District policy –one that’s been around the U.S. for a few decades. It’s trivial perhaps, but telling. If my son wanted to bring some Valentine’s Day cards for his classmates, we were told

that he would have to bring one for *every* member of his class. No favoritism was to be tolerated. No one's fragile self-esteem would be put to that awful test. The school legislated that all valentine outcomes will be equal.

In a similar case, school drama and music teachers complain these days that it is extremely difficult to put on plays, because they must try to find productions and scripts that contain equal numbers of lines for each student. Students and parents will count the number of lines for each part, and raise hell if they're upstaged by another student.¹²

More troubling than the institutional enforcement of this strange fairness is the fact that such protective "lessons" ill-equip kids for the realities of later life. As our children grow up they will have to negotiate a world of partiality. Does it really help children when our schools legislate reality into a "fairer" but utterly fictional form? The focus on equality of *outcome* may produce a generation that is burdened with an indignant sense of entitlement.

But our cultural appetite for excellence in sports and arts shows that merit based concepts of fairness are also very strong. When people feel self-conscious about the "socialist" implications of their belief in equal shares, they will often try to purify their convictions about fairness by switching to the meritocracy version. Okay, they say, it's actually more fair to give people what they really deserve (by excellence of skill or talent).

The beloved children's folktale *The Little Red Hen* embodies some of this merit-based fairness. Recall that the red hen works very hard planting and tending wheat, then harvesting it, grinding it, and baking it. All the while, she is pleading with her friends to

¹² Psychologist Wendy Mogel tells this story to journalist Lori Gottlieb at The Atlantic.com, as a video companion to Gottlieb's story "How to Land Your Kid in Therapy" ([The Atlantic](#), July/August 2011)

help her, but they are too lazy and refuse. Finally, when the wheat is baked into delicious bread, the friends want to help her eat the bread, but she serves them a cold plate of fairness by eating all the bread herself.

At first, readers may think that I'm making an all too familiar refinement or purification of fairness –Oh, you might think, he's just playing a conservative card of entrepreneurial gumption against lazy social welfare handouts. But actually I will be arguing something much more controversial: The rewards of favoritism do not need to follow the accomplishments of merit or even excellence. Favoritism flies in the face of *both* concepts of fairness, both meritocracy and equal share distribution.

Another term, nepotism, will be important throughout this book. What is nepotism? Favoritism is not just a belief or set of feelings. I might have stronger feelings for members of my tribe, but the ethical issues that really interest us are matters of *action*. How do I *act* on my favoritism? What are the *behaviors* that stem from favoritism?

I will use the term “nepotism” to describe the values and actions of favoritism. Nepotism has become a dirty word –most people use it synonymously with “corruption.” But the word is a Latin term, *nepos*, that really means “nephew” or “grandchild” or “descendent.” Nepotism is behavior that privileges your family.¹³ I will use it in its expanded sense --behavior that privileges your tribe.

It is common for Westerners to sanction nepotism in private life, but denounce it in public life. Never mind the hopeless task of drawing a clear line between private and

¹³ See Adam Bellow's study *In Praise of Nepotism* (Doubleday, 2003). Bellow's book is a sprawling *history* of nepotism, and while it makes some compelling points, it is largely concerned with nepotism among the aristocracy. My own interest in favoritism is more *philosophical* than historical, and I will emphasize how favoritism cuts across all social classes –indeed, I will contend that it thrives more in non-aristocratic classes. See my discussion of positive nepotism in low-income immigrant groups in chapter six.

public, let's simply recognize that I can help my brother get a job at the factory where I work, but If I'm a congressman then I might be charged with malfeasance for a similar act of nepotism. We have an official culture that formally rejects personal ties and preferential treatment.

Things are quite different in the East. Having lived for a while in China and Cambodia, I can confirm some of the stereotypes of Asian nepotism –but of course unlike most commentators I'm a fan of this stuff, not a foe. Asia and the Middle East are “face cultures” in the sense that social or public regard is absolutely crucial for success. And *who* you know is paramount. This is not just recognized privately (as we recognize it in the West), but also officially.

In Chinese culture (which is more communal than American individualism), you need to build elaborate connections with friends, co-workers, and neighbors. “Guanxi” is the Chinese word for “good connections,” and without “guanxi” you're nowhere fast. Being useful to people is perhaps the best way to build up guanxi, but also “giving face” or respect (in Chinese: “gei mian zi”) to elders, or superiors, or friends, can build up strong ties for when you eventually need help yourself.

Getting our son into a good preschool in China, for example, was an elaborate ritual in which we had to find friends of friends and relatives of relatives who could “connect” in some remote way (by blood or acquaintance) to a staff member in the school's administration office. Then we had to have a sit-down with everyone present – no emails or phone calls for serious business in a “face culture.” You must sit down and drink tea, face to face. You don't fill out an application for things and trust that bureaucracy will give you your opening. You grease wheels. You curry favor.

Nepotism is not just *tolerated* in many other cultures, it is in fact the coin of the realm. What people object to is not nepotism per se, but the *abuse* of nepotism. This is hard to understand if you were raised in an official culture where every case of nepotism is seen as an abuse. In many face cultures, however, nepotism is a matter of *degree*, and it only becomes corruption when it scales up to obnoxious excess. Middle-East scholar Lawrence Rosen relates a funny story of conversation with Berber friends in a Moroccan home. As they were eating their main meal after prayers on a Friday afternoon, Rosen's friend Hussein asked him if there was corruption in the United States. At first Rosen suggested Watergate as an example, but Hussein and the others dismissed this as just *siyasa*, politics. When Rosen offered an example of nepotism, his Moroccan friends replied, "No, no, no...that is just '*a'ila*, family solidarity."¹⁴ When Rosen, slightly exasperated, pressed his friends to define corruption, they described it as a failure to share with one's companions and allies. "Corruption is, in the Arabic idiom, 'to eat' the good things that should be shared with others."¹⁵

It is not only the Eastern examples that give us some perspective on our Western ways. Our own history gives us insight into how far the contemporary view has changed. When the seventeenth century Pope Urban VIII lay on his deathbed, he summoned a group of Church canonists to examine his nepotism track record.¹⁶ He wanted to enter the pearly gates with a clear conscience, so he submitted a list of all the gifts that he had bestowed on his *nepotes*, nephews. Had he exceeded the bounds of family generosity? Of

¹⁴ See Chapter One in Lawrence Rosen's [The Culture of Islam: Changing Aspects of Contemporary Muslim Life](#) (University of Chicago, 2002).

¹⁵ Rosen continues: "In this sense corruption can be seen as interfering with 'the game,' as getting in the way of the formation of negotiated ties of interdependency by which society is held together and by which individuals form the associations in terms of which they are themselves known." (pg. 13).

¹⁶ See John Belden Scott's [Images of Nepotism: The Painted Ceilings of Palazzo Barberini](#) (Princeton University Press, 1991).

course, the private commission exonerated him and assured him of easy passage to the great beyond. But what's interesting about this case is not whether they were right – subsequent biographers found Urban VIII overly lavish in his gift giving. What is interesting is that no one viewed nepotism itself as corruption. It was assumed by all that wealth (especially sudden good fortune, as was the case for Urban) should be preferentially dispensed to family first. Those outside your tribe should also reap some surplus benefits, of course. The goods, whatever they may be, should radiate out in concentric circles from the fortunate benefactor. Favoritism was not a sin –quite the contrary, sensible nepotism was actually considered virtuous. Immoderate or intemperate indulgence of one's favorites was the problem.¹⁷

Two Classic Cases of Favoritism

In order to make my case for favoritism I have to leave the arid realm of abstract generalizations and focus on specific cases. The details really matter, because our unique bonds of affection tie to distinct personalities. So I want to introduce two important cases –from Confucius and Socrates --that will also serve as helpful touchstones throughout later sections of the book.

A Chinese politician from an outlying province attempted to impress Kongzi (Confucius) with an anecdote of local virtue. The politician explained that the people of his region were so morally upright that if a father steals a sheep, the son will give evidence against him. While the politician was basking in the righteousness of his story,

¹⁷ People frequently confuse favoritism per se, with kleptocracy and corruption, but I will endeavor to disentangle them later in the book.

Kongzi replied, “Our people’s uprightness is not like that. The father shields his son, the son shields his father. There is uprightness in this.”¹⁸

No more is said about this exchange in Kongzi’s famous Analects, and no unified interpretation can be found in two millennia of Confucian philosophy. But, of course, most of us know exactly what Kongzi meant. We know it in our bones, even if we can’t articulate it in language.

It is difficult to express an idea of moral privilege when almost all of our ethical education has been against it. From children’s stories, to religious parables, to technical philosophies, we are encouraged to eliminate our personal connections from considerations of justice. The idea of fairness that many of us are raised on requires us to assign all parties equal weight. Lady Justice herself is often represented as blind-folded when she balances her scales. She cannot factor in people’s money, status, power, and she cannot play favorites. But I would side with Kongzi’s ethic, rather than the impartial politician’s.



fig. 3

¹⁸ Kongzi’s Analects (XIII. 18)

When philosopher Bertrand Russell read this Confucian passage, he took it as both refreshingly honest and indicative of a large-scale difference in Eastern and Western ethics. Russell generally thought that Christian virtue was too extreme –demanding charity for everyone, including one’s enemies. Confucian ethics on the other hand is more moderate and therefore more attainable. Instead of loving one’s enemies and treating everyone as equals, the Chinese person, according to Russell, is expected “to be respectful to his parents, kind to his children, generous to his poor relations, and courteous to all. These are not very difficult duties,” Russell observes, “but most men actually fulfill them, and the result is perhaps better than that of our higher standard, from which most people fall short.”¹⁹ The Confucian ethic, which embraces favoritism, is less susceptible to the familiar Western hypocrisy –the pretense of believing we can be saints, but all the while acting like mere mortals.

Kongzi did not promote his biased ethic (in favor of one’s family) because he was unfamiliar with more universal notions of love. His Daoist contemporaries regularly promoted the idea that one should return good for evil. But when asked about this pious policy, Kongzi replied, “What then is to be the return for good?”

For Confucian thinkers, integrity is not synonymous with fairness or equality. Rather, familial love and devotion trump all other duties and obligations. There is a natural hierarchy of values, with one’s kin on top, and Confucian culture enshrines, rather than denies, that hierarchy.

¹⁹ See Bertrand Russell’s essay “Eastern and Western Ideals of Happiness” in Sceptical Essays (Routledge, 1977).

Many of us have been raised to think that favoritism is inconsistent with morality and justice. Enlightenment philosophers like Immanuel Kant and Jeremy Bentham argued that ethical judgments should be more like mathematical operations –universal maxims and formulae in which human variables (equally valued) are processed and calculated. The utilitarians argued, for example, that we should always behave such that we maximize the greatest happiness for the greatest number of people. We today are still heavily influenced by this mathematical model of egalitarian ethics. But Aristotle had a more nuanced view of justice –one that could admit favoritism. We don't have to put our tribal biases in deep storage in order to enter into moral commerce with others. This introduces more ambiguity into our pursuit of justice, because it admits deep asymmetries in our values.²⁰ The claims of justice are different, Aristotle said, depending on *who* is involved in the case. “It is a more terrible thing to defraud a friend than a fellow citizen, more terrible not to help a brother than a stranger, and more terrible to wound a father than anyone else.”²¹

People often associate *bias* with bigotry and prejudice, but this is only the worst application of a normal instinct. And the political interpretation usually prevents a more reasoned consideration of favoritism. One of the positive aspects of praising favoritism is that it will afford us an opportunity to examine some virtues that have fallen out of favor in the official cultural conversation –virtues like loyalty, devotion, allegiance, and even attachment. No one wants to be “victim” of someone else's biases, but almost everyone is comforted by the idea that one's brother, or mother, or uncle is heavily biased in their

²⁰ “Yet we must not on that account shrink from the task,” Aristotle says, “but decide the question as best we can.” See Bk IX, Ch. 2 of Nicomachean Ethics (trans. W. D. Ross).

²¹ See Bk VIII, Ch. 9 of Aristotle's Nicomachean Ethics (trans. W. D. Ross).

favor. Freud reminds us that “my love is valued by all my own people as a sign of my preferring them, and it is an injustice to them if I put a stranger on a par with them.”²²

If Kongzi’s example of a sheep-stealing father is the relatively painless or easy ethical case, let’s consider the harder case of Euthyphro’s father. In the dialogue Euthyphro, Plato records (or stages) a meeting between Socrates and the very earnest and pious Euthyphro. They run into each other outside the courts. Socrates is on his way to the hearings about his own “impiety” –charges that eventually led to his famous execution. Euthyphro, Socrates discovers, is vigorously pursuing a legal case against his own father.

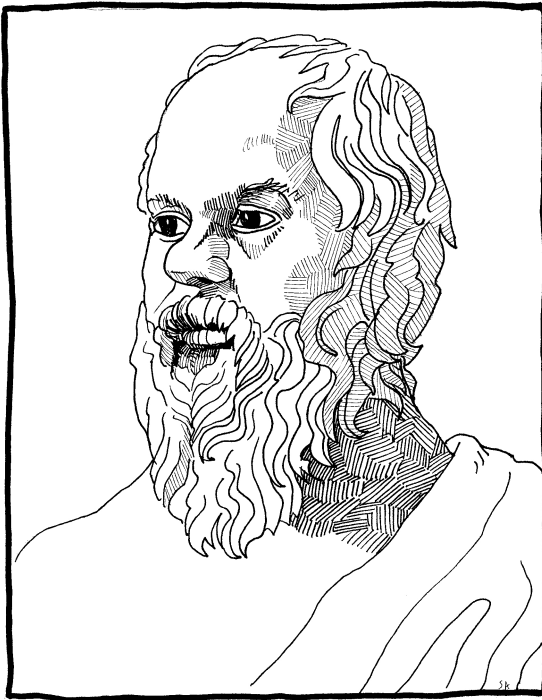


fig. 4

Socrates is astonished to find the young Euthyphro prosecuting his father. Even when he learns that the charge is *murder*, he ironically cries, “By the powers, Euthyphro!

²² See Chapter V of Sigmund Freud’s Civilization and Its Discontents (W.W. Norton & Co., 1961)

How little does the common herd know of the nature of right and truth. A man must be an extraordinary man, and have made great strides in wisdom, before he could have seen his way to bring such an action.” To which Euthyphro arrogantly replies, “Indeed, Socrates, he must.” As he struggles to process this indictment, Socrates hits on a speculation that would make some sense of it. “I suppose that the man whom your father murdered was one of your relatives –clearly he was; for if he had been a stranger you would never have thought of prosecuting him.” In a contest of bafflement, Euthyphro is now taken aback. “I am amused, Socrates, at your making a distinction between one who is a relation and one who is not a relation; for surely, the pollution is the same in either case.”

Euthyphro is bringing a charge of manslaughter because his father left one of his workers, bound and gagged, in a ditch. The worker was bound and gagged because he had, in a drunken fit, killed a servant. Euthyphro’s father bound the worker and sent word for religious counsel, but during the wait the man died from “the effect of cold and hunger and chains upon him.” Now Euthyphro, over the protests and pleas of his whole family, is prosecuting his father for the crime. Euthyphro’s family insists that a son who prosecutes his own father is an impious disgrace. “Which shows,” Euthyphro confidently assures Socrates, “how little they know what the gods think about piety and impiety.” Euthyphro lays out a notion of justice that respects no persons –an absolute, objective, transcendent tribunal. Socrates shrugs at Euthyphro’s naivete throughout the dialogue. And while no real refutation is stated, the mocking sardonic characterization of Euthyphro, and the storm of skeptical queries, prevail as a strangely powerful critique. As usual, especially in the early dialogues, Plato’s lesson seems to be: don’t be so cocksure of yourself. But he’s also bequeathed us an ethical challenge.

Would you prosecute your father for manslaughter? How about murder? How far will you take your favoritism? Does the love you have for your father trump the legal obligation? Do your filial connections override principles of justice? Do those more abstract principles *preexist* (in God’s mind or in the social contract) and thereby supersede your family bonds? Or, as in the case of Confucian ethics, do all the principles of justice (including the political) evolve out of filial piety?

These two paterfamilias cases, Kongzi’s and Plato’s, do not admit straightforward resolution. They both draw out intuitions about favoritism and ethics, and we will return to them throughout this book. But as you might have guessed by now, I’m no fan of Euthyphro’s righteous piety. If *my* Dad killed somebody, I don’t think I could prosecute him. Of course, if my Dad was the bound and gagged worker, who *your* Dad killed, well...I’d be absolutely eloquent about principled justice and the law (and failing that, I’d be assembling my vigilante options). Where you stand on these cases has less to do with your principles of fairness, and more to do with how and to whom you are tied.²³

My goals in this book are varied. First, I wish to more accurately *describe* favoritism and partiality in our daily lives –revealing how it is a source of virtue and

²³ I regularly ask my college students if they would protect their fathers in the *Euthyphro* scenario. Their responses are interesting. Oftentimes students’ first responses cannot be trusted, because they’re at pains to appear virtuous and want to tell teachers what they think teachers wants to hear. The problem of obtaining veracity is complicated by the fact that if I press them for more “honest” answers and they change their responses (which is often the case), I may well be inadvertently “leading” them again (like a lawyer leading a jury). All that aside, they usually say that they’d protect their father if the worker’s death was *accidental*, but not if it was *murder*. When I ask them why they wouldn’t protect the case of murder, they usually hem and haw and then say; “well, if it was murder, then he could do it again to someone else –even murder me!” When I ask the *why* question to the few students who claim they’d shelter the father even in the case of murder, they usually reply simply; “because he’s my Dad.” They don’t see the need, nor even the possibility, of further justification. I’m not sure whether the students’ lack of further articulation is a scarcity of cleverness, or simply the result of running into a wall of devotion so fundamental that one tolerates no further chatterings of reason and rhetoric. I suspect it’s the latter.

value (even when it's subtle melody is usually out-screached by the one-note song of fairness). Secondly I wish to *recommend* favoritism, showing why we ought to embrace many of our current preferential tendencies and how we might further educate and refine these tendencies. Cicero said, "society and human fellowship will be best served if we confer the most kindness on those with whom we are most closely associated."²⁴ Lastly, I will ask how we balance, even if precariously, the impulses of fairness and favoritism in an increasingly cosmopolitan world?

²⁴ See Cicero's De Officiis, 1.50