AMENDING RAWLS: RECONCEPTUALIZING FAIR EQUALITY OF OPPORTUNITY AND A TAXATION SCHEME FOR ACHIEVING IT

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ABSTRACT

Rawls' theory justice as fairness has held a central role in contemporary political philosophy since its publication almost half a century ago. Both critics and admirers of the theory have dug it in extensively, and the two principles that he provided have been interpreted and reinterpreted repeatedly. Yet, contrary to the attention to the theory, few have focused on the problem of inheritance, especially in relation to fair equality of opportunity. This thesis aims to contribute to this gap in the literature. Starting with expression and reformulation of Rawls' theory, I consider some important conceptualizations of fair equality of opportunity. After presenting two prominent taxation schemes for inheritance, I present my conception of fair equality of opportunity and the scheme to achieve that. I argue that there is no appropriate or rough equality of opportunity, but there is a full extent of fair equality of opportunity or none. Based on this conception, I argue that to reach this aim, there should be a two-level social inheritance program to level-up every member of the society to be able to recognize, work on, and realize their talents in the earlier years of their lives. This should be accompanied with a quota on lifetime gifts and bequests for further equal opportunity.

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INTRODUCTION

According to the recent studies by academics, public intellectuals, and high-level technocrats, populist leaders receive greater support from the poorer and worse-off parts of the society than the richer and better-off (Choi 2005; Schraad-Tischler and Schiller 2016; Solana 2017; etc.). Some common characteristics of these people are being less educated, having fewer skills, and being harmed by globalization. They lose trust in traditional party politics and existing parties, and look for alternatives that would address their grievances (Kriesi 1999). Trump's victory over Clinton in 2016 US presidential elections might be a good example of this: in late 2015, Bourguignon (2015) argued that although global inequality was on the decline, national inequality was on the rise in many countries, including the US. This argument is supported by a report by PEW Research Center (2016), which demonstrated that the middle class in the US is shrinking. As later illustrated by Philip Bump (2017), the Trump received biggest support from comparably poorer states and neighborhoods. This case supports the above-mentioned insights about populism.

Populism in the West is widely associated with the consequences of globalism. But as the cases of Turkey under Erdoğan, Venezuela under Chavez, or Philippines under Duterte in the contemporary world, or Germany under Hitler or Italy under Mussolini show, populism is not merely associated to globalism or anti-immigrant sentiments of the people. It is a side effect of a bigger problem, namely income inequality.

In a speech, IMF Managing Director Christine Lagarde (2014) argued that we should work on making capitalism more inclusive and care about equality of outcome, as well as equality of opportunity for healthy growth. But, as she also mentions, money buys better education, which allows the rich to easily move ahead of the poor. As a consequence, vertical

mobility is limited, if not eradicated, leaving no possibility for equality of opportunity. This results in the decrease of economic growth, and, hence, creates serious problems.

For the sake of this study, I define equality of opportunity as a principle, under which humans are not limited in options, and in realizing them, due to arbitrary social and economic facts like the family that an individual is born to, her sex, her skin color, etc. The differentiation can only exist based on personal differences - talent and abilities[1] the individual has, and the labor she puts in, being the only grounds for social and economic stratification.

In my thesis, I will address the dilemma presented by Lagarde: How can we achieve more equality of opportunity in a capitalist society? Given that this issue has many dimensions and aspects, in this thesis I will focus on the subject of inheritance. Hence, the specific question in my thesis will be: How to tax and distribute inheritance, so that fair equality of opportunity can be actualized? Here it should be noted, that in the dilemma of Lagarde, the problem is not, at least only, related to the lack of equality of outcome, but rather this limitation being accompanied with the lack of equality of opportunity. Once equality of opportunity is provided, the shape and the perception of the problem changes radically.

There have been two fundamentally distinct approaches towards inequality. First implies removing economic inequality altogether. Second approach tries to justify inequality, in either decreased form or not, the way and to the extent that it can be accepted and agreed upon by the members of the society. Given that in the contemporary world, especially in the West, liberal societies and capitalist market economies exist, for the theory to have a practical value, it should

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[1] In the remainder of the thesis, I will use the term merit to incorporate talents and abilities. Although there is a difference in the meaning of the two, I believe that for the purposes of this work and in this context, there is no significant change of meaning.

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belong to the second group – since the first approach, either directly or indirectly, implies big institutional changes.

There are many scholars belonging to this second group. Ronald Dworkin is one of the important names. In Sovereign Virtue (2000), he argues that there might be equality of welfare or resources, and equality of resources is what we should aim for. Any inequalities, arising while equality of resources exists, are justifiable, as it is the outcome of individual tastes and preferences (chapters 1 & 2). Robert Nozick (2012) also argues that inequalities are justifiable as long as the holdings are acquired and transferred justly (pp. 150-153). Another scholar I should underline here is John Rawls with his theory of justice as fairness (2003), where he argues that inequalities are justifiable if a) equality of opportunity is secured, and b) if with inequalities the worst-off will be better-off.

I consider equality of opportunity a central requirement, in order to be able to justify any inequality. If a person is worse-off due to the institutional design, she has to be given the chance to be better-off. In other words, the (socio) economic conditions of a person should be based on her own merit and choices. In Dworkin's theory, individual merit does not play a central or important role, which makes it comparably weaker than Rawls. Moreover, I argue that, if the state exists, it cannot be just minimal and provide almost only security, as Nozick argues (2012, pp. 297-334). Theoretically, state is the embodiment of social cooperation and order. Its power of enforcement comes from the fact that it is the outcome of social reality, interactions, and needs. For Nozick, state is the referee in a football game, where there is only competition with (almost) no cooperation. Rawls is superior to him in this sense too, taking into account that for him state works as a means to distribute goods for the benefit of individuals, as well as for the society

overall. As a result of the above mentioned reasons, and for achieving practical, as well as theoretical and philosophical value, in my thesis I will use the Rawlsian approach to inequality.

Based on these premises, the present thesis is structured in the following way. In the first chapter, I present the theory of Rawls. According to him, there is a lexical order of principles, and if the first principle is not satisfied, we cannot proceed to the second principle (2003, pp. 37-38). For equality of opportunity to matter, certain social, ethical, and economic arrangements are necessary. If, for example, the principle of equal dignity is not agreed upon in the society, there is no possibility for equality of opportunity to exist. Besides, in this part I present his approach to the subject of inheritance. In the end of this chapter, I briefly discuss why the equality of opportunity he has in mind cannot be realized with the scheme he provides.

In the following two chapters, I will look at conceptions of equality of opportunity, the relationship between equality of opportunity and inheritance, and how inheritance is dealt with by different philosophers. I will consider only the scholars taking the stance in accord with Rawls' theory overall and recommend only taxation policies for the theory to hold. For this aim, in the first chapter I only present Rawls' theory.

First part of the second chapter is dedicated to the philosophical discussions, how equality of opportunity and inheritance are perceived and conceptualized. In the second part, taking into consideration the presented approaches, I briefly present my conception which is briefly defined above and at the end of the first chapter.

Like the second chapter, the third will be divided into two parts. It will move from the philosophical debate and deal with the practical issue of inheritance. In the first part, I present practical models of different scholars, especially those mentioned in the previous chapter. In the

second part, on the basis of the philosophical conclusions drawn previously, I discuss these models, and present my model.

The thesis aims to make a contribution to the existing literature by providing a new model for taxation of inheritance and distribution of wealth accordingly, as well as the reasoning and discussion of the relationship between inheritance and fair equality of opportunity in the second chapter.

CHAPTER 1: JUSTICE AS FAIRNESS, THE TWO PRINCIPLES, AND INHERITANCE

FOR EQUALITY OF OPPORTUNITY

In this chapter, I first present Rawls' theory, justice as fairness. I start with a comparably large summary of his work, primarily using him. In the second part of the chapter, I first present my interpretation of the theory. Following that, I briefly interpret fair equality of opportunity, and the relationship between inheritance and fair equality of opportunity.

1.1 Justice as Fairness and the Original Position

Following the social contract tradition, especially of Locke, Rousseau, and Kant, Rawls argues that principles of justice are not decided upon after the formation of a society or the formation of a government, but the grounds of a society is the object of it (2003, p. 10). Being equally free in the original position, which resembles Hobbes' state of nature with comparably more peaceful manners of individuals, he argues that the people which will form the society come together and "decide once and for all what is to count among them as just and unjust" (pp. 10-11). He underlines that this is a highly hypothetical situation (p. 11), not an actual historical state.

At this position, he argues, no one is knowledgeable about their own features like intelligence, class, or fortune. As a result, the principles of justice are not chosen by individuals' own preferences, but behind a veil of ignorance, with no prior knowledge of their possible position and conditions in the society (p. 11). This thought experiment assures that every single individual will agree upon principles which would not favor any particular individual or group, and allow a conception of justice, justice as fairness, in which everyone will be an end in themselves and will have their own ends (p. 11).

The plausibility of veil of ignorance is questionable. As Rawls later mentions, if an individual knows that she is rich, she would not favor taxes for welfare (p. 17). Freeman (2016)

argues that although Rawls considers his theory belonging to the social contract tradition, it is closer to the rational choice theory. Rawls agrees with Freeman that rational choice is central in his theory (2003, pp. 16-17), yet his theorization assumes, and needs, individuals not having any information about their initial position (p. 17). This way, fair principles of justice can be found. As Lovett noted (2013), if an individual did not know her particular role in a society (or system of cooperation), the most just basic structure would be the one that she would nevertheless choose (p. 19). For Rawls, behind the veil of ignorance, rational individuals would create such society.

According to Samuel Freeman (2016), Rawls' ideas are based on certain human rights and natural duties. Yet, in an ongoing political society, ascertaining the rights and duties of justice towards each other is not enough. For Rawls, argues Freeman, political and economic justice is "grounded in social cooperation and its reciprocity". He concludes that this is the reason why Rawls is distinct from other social contract theoreticians: for him, state of nature has no moral significance. As a result, original position is a more appropriate initial situation.

Real life experience shows that the principles of justice as fairness can be derived during the later stages of society and state formation, if at all and not at an initial stage. South Sudan, the youngest state separated from Sudan in 2011, was dragged into a civil war in just two years, which goes on as of mid-2017. Although original position might have been in place, no party followed the premises that Rawls presented. On the other hand, proximity to Rawlsian conception of justice can be seen in countries like the UK, Germany, or Sweden. This implies that for the theory to actually be authentic in real life, not only willing individuals, but also other factors, such as but at least adequate wealth, and previous existence of social cooperation should exist. As a consequence, I believe that Rawls deserves credit for practical implications of the theory,

keeping in mind that the original position is more hypothetical than Rawls presents, or it can, in the first sight, be perceived.

Here Rawls focuses on two points. First, voluntary social cooperation is at the core of the argument. This point resembles that of Locke, but takes different approach. Free and equal persons, according to him, make an agreement entailing fair initial conditions for all (2003, p. 12). There is no enforcement for either becoming a member of the society or to obey the principles, which will be the basis for future laws, regulations, and order, which are or might be against the individual due to arbitrary facts and clauses. Second, following the first point, the autonomy of individuals is assured (p. 12). Therefore, the principles of social justice form the basic structure of society and the construction of social cooperation (p. 47). State does not precede the society, but the society and the principles precede the state, and the cooperation.

1.2 Institutions

For Rawls, principles of justice for institutions differ from principles of justice for individuals (p. 47), and institutions are social practices (p. 48). Taking part in an institution, every individual knows what is expected from her and others. In addition, she is aware that the others also know the rules and expectations (p. 48). Individuals can form groups and create their own closed institutions, but because social institutions affect everyone, the two are fundamentally different. As a result, everyone that is affected by these institutions have the right, and the duty, to both know and follow the rules of the institutions (p. 48), which are created by them beforehand. In accordance with their output, institutions can be just or unjust (p. 48). This implies that for Rawls, institutions are not purely abstract objects, and their products are determinants of a just or unjust institution.

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Rawls defines institutions as "a public system of rules which defines offices and positions with their rights and duties, powers and immunities, and the like" (p. 47). This definition includes religious institutions, where rituals are not subject to consideration of fairness or justice (p. 49). His aim is to divide advantages of social cooperation to the individuals, as equally as possible. These individuals are those who are affected from the established institutions, as a result of assignation of fundamental rights and duties, and is limited to that (p. 50). In other words, in the distinction between substantive and formal justice, we should first form formal justice, and if the institutions are not just, modify them for substantive justice (p. 52).

1.3 The Two Principles of Justice

After the discussion of the original position and institutions, Rawls presents his first definition of the two principles, which represent a special case in a more general conception of justice. According to the general conception providing that the unequal distribution of social values is not for everyone's advantage, it is unjust (p. 54). The two principles, derived from this general conception, are as follows (p. 53):

First: each person should have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.

Second: social and economic inequalities should be arranged in order that both are (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.

As Rawls earlier mentions, there is a lexical order in these principles (p. 37). This means that first principle is necessary for the second principle, and 2a is necessary for 2b. They apply to two distinct parts of the social structure: first principle deals with the basic structure of the

society, and the order of assigning rights and duties. Second principle deals with how social and economic advantages should be distributed (p. 53).

For Rawls, under no circumstances the liberties can be infringed, whether for greater social and/or economic advantages (pp. 53-54), except when a less extensive liberty will "strengthen the total system of liberties shared by all" or when those with less liberty will consider less than equal liberty acceptable (p. 266). Recalling the original position, most of these liberties are just an extension, or the reformulation, of the rights that the individuals had. The ones Rawls considers important are

political liberty (the right to vote and to hold public office) and freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person, which includes freedom from psychological oppression and physical assault and dismemberment (integrity of the person); the right to hold personal property and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law (p. 53)[2].

This shows that there are three main categories that are inviolable and infrangible for him: liberty to choose and join the political community (the first three liberties), liberty to be free of arbitrary limitations of freedom (fourth and the last liberties), and liberty to property (the last two liberties). If this regrouping is correct, the first principle can be formulated the following way: there should be a liberal society in which no individual's liberty can be infringed, with all ideas and individuals having equal dignity and status. Samuel Freeman (2003) argues that the basic liberties are necessary for pursuing a good life, the way the individual conceptualizes it (p. 5).

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[2] Rawls has been criticized for his list of basic liberties. For two examples, please see Against Democracy by Jason Brennan (2016, ch. 3) and John Rawls: His Life and Theory of Justice by Thomas Pogge (2007, pp. 87-89).

Combined, it can be said that Rawls argues that a liberal society is a necessity for being able to pursue a good life.

Here, I should make another point. In the original position, everyone has equal moral value. With the first principle, Rawls aims to affirm that equal moral value of individuals is assured. According to Rawls and contrary to libertarians, "a citizen's status as a free and equal person" is in no way alienable (Freeman 2003, p. 6).

The second principle, in return, deals with distribution of income and wealth. An absolute equality is not a necessity for Rawls, as long as inequality will improve the living conditions of the economically worst-off persons. All positions should be open to all, which will be followed by eradicating social and economic inequalities (2003, p. 53). Equality of opportunity, at this point, is hidden behind the first part of the principle.

Resembling Nozick's counter-argument to Rawls, where he argues that liberty upset patterns (2012, pp. 160-164), Rawls assumes there is an initial point A in which all social primary goods, namely, rights, liberties, and opportunities, and income and wealth, are equally distributed. If at point B equality does not exist anymore, but everyone is better-off than their initial position, then they are in accord with the general conception (2003, p. 55), as well as Rawls' special case. Then the principle can be interpreted following way - if there are economic inequalities, it should be for the good of every individual. This is the only case in which inequalities can be justified.

There are four ways in which the second principle can be interpreted (p. 57):

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	"Everyone's Advantage"	
"Equally Open"	Principle of Efficiency	Difference Principle
Equality as Careers Open to Talents	System of Natural Liberty	Natural Aristocracy
Equality as Equality of Fair Opportunity	Liberal Equality	Democratic Equality

Following a lengthy discussion, Rawls argues that the two "ambiguous" (p. 53) phrases should be interpreted through democratic equality (p. 65). The principle of efficiency cannot be enough for a conception of justice (p. 63); therefore, he removes the system of natural liberty and liberal equality from the possible best conception of justice, and leaves natural aristocracy and democratic equality. In a natural aristocracy, there are no regulations on equality of fair opportunity, and those with natural endowments but belonging to the poorer sectors of the society are worse-off (p. 64).

Discussing Rawls' conception of democratic equality, Joshua Cohen argues that in an aristocratic society, there is equal respect and equal rights within social ranks, but differential respect and rights across ranks (Freeman 2003, p. 96). This contradicts with the first principle implying that each person should have equal rights with others. Considering that the definition of difference principle is following the greatest benefit of the least-advantaged members of the society (Wenar 2017), natural aristocracy, by definition, excludes the worst-off from many positions.

1.4 Difference Principle

For Rawls, difference principle expresses a conception of reciprocity, and although it can be considered as, "a principle of mutual benefit" rather than being "unfairly biased towards the least favored" (p. 88). However, as Lovett (2013) argued, the principle is not fair enough for Rawls, if it implies that an individual would not choose a scheme of cooperation without a prior

knowledge about her own skills (p. 19). Also difference principle creates fraternity. Giving the example of a family, Rawls argues that persons with more skills are willing to have advantages only if it works for the benefit of the less fortunate members of the family. In a broader sense, difference principle creates the same situation in a society. Although fraternity has not been sufficiently addressed in democratic theory compared to liberty and equality, it has a precious value (p. 90). In his interpretation, liberty, equality, and fraternity are associated with the first principle, equality of fair opportunity, and difference principle respectively (p. 91).

1.5 Fair Equality of Opportunity

Fair equality of opportunity has not been clearly defined by Rawls, and other philosophers interpreting his work, however, certain interpretations or explanations exist. In the preface, Rawls defines it as a principle that creates appropriately, or roughly, equal conditions in which citizens will have authorship of their own lives and involve in social cooperation with mutual respect (p. xv). The idea of positions being open to everyone is not a sufficient condition to have fair equality of opportunity. Instead, everyone should have a fair chance to attain these positions. This means that two people with equal merits and making equal effort to utilize their skills, should have equal prospects of success regardless of arbitrary facts, "especially their place in the social system". Furthermore, their expectations should not be either positively or negatively affected by their social class (p. 63).

Rawls warns not to confuse fair equality of opportunity with the careers being open to talents, and that it is tied with difference principle (p. 73). Fair equality of opportunity is necessary so that equally talented and hard-working people from different sections of the society can have equal number of opportunities at hand, and not being deprived of any alternative (p. 73). This argument captures the basic idea behind fair equality of opportunity.

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This principle plays a very central role for Rawls, as it insures the existence of pure procedural justice, and without it distributive justice cannot take care of itself, even in a restricted range (p. 76). Inequality of opportunity can be justified if there are more opportunities for those that otherwise would have less opportunities (p. 266).

1.6 Social Minimum, Fair Equality of Opportunity, and Inheritance

Discussing the background institutions for social justice, Rawls mentions a social minimum, which is a responsibility of the state (p. 244) and a necessity to satisfy difference principle (p. 84). The limit of social minimum is to be set at the point, where income taxes will not increase but decrease the prospects of the worst-off group, or where appropriate savings cannot be made (p. 252)[3]. For Rawls, hence, providing social minimum is an utmost duty of the state. This also can be read as a theoretical background of welfare state.

Nevertheless, social minimum alone can neither satisfy the difference principle nor principle of the fair equality of opportunity. Inheritance, the transfer of wealth across generations and individuals, is a problematic issue – especially while talking about fair equality of opportunity. One aim of Rawls is to steadily disperse wealth among the society using inheritance and bequests as a means while assuring fair equality of opportunity by giving provisions for education and training (p. xv). Any existing value is created (Nozick 2012, p. 175) and taxation is the only source of the provisions.

There are four distributive institutions in Rawls' hypothetical state (2003, p. 243), and one of them is the distributive branch. This branch aims to raise revenue for further distribution, and prevent concentration of large wealth at the hands of a small group. It imposes taxes on inheritance and gifts, and restricts the right of bequest (p. 245). Given that the aim is to satisfy

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[3] To remain within the scope of the thesis, I do not touch upon the problem of just savings across generations.

difference principle, inheritance is permissible, as long as similar chances of education and culture are assured and equal talents and hard work allow individuals to hold offices and positions. There is no clear threshold to decide where inequalities become an obstacle against the basic functioning of the society and, as a result, he does not have "something specific to say" on taxing inheritance (pp. 245-246).

Before concluding Rawls' own definitions, approach, and explanations, I would like to note that Rawls is aware of the fact that inheritance is a problematic issue, especially against fair equality of opportunity. Nevertheless, due to the fact that the state he has in mind is a "property-owning democracy" (p. 247), his approcah has practical limitations with regard to the case. In the second chapter, I look at the approaches of different scholars to the relationship between fair equality of opportunity and inheritance, and how they problematized it. Before this, I will make general remarks and conclusions about Rawls' theory, which has been, within the scope of this thesis, summarized here.

1.7 Concluding Rawls: The Theory in a Nutshell and Further Remarks

Rawls' theory Justice as Fairness can be considered as the theoretical ground for modern welfare states, as well as the best combination of the qualities of capitalism and socialism. Even though his main aim was to dwarf the dominant theory of his time, utilitarianism, his theory has proven itself superior.

In Rawls' theory, the members of the society show consent not because of coercive enforcement of the state. Every member of this society shows consent because of the social and economic institutions, as well as the structure of the society is preferable and justifiable by reason for them. Theoretically, there are high demands, such as having enough resources and all the basic needs being met (Wenar 2017), yet, in the ideal theory this is assumed to be satisfied. As he

repeatedly mentions, the aim of his theory is setting the principles which guide the policies in non-ideal conditions.

Impartial judgment is the starting point of the theory, which is expressed as veil of ignorance. As Brian Barry (1975) rightly points out, asking for an ideal observer would do an equally good, maybe even a better job (p. 12). Rawls aims to argue that rather than being given the principles, those that will be affected, both positively and negatively, to choose them themselves. I believe that this thought experiment has a valid reasoning. Besides, the same way of argument, that choice is preferable to enforcement, is followed in the latter parts of the theory, and there is consistency overall within the theory.

These individuals, who are impartial towards themselves and other members of the society, should choose principles at the original position (Mandle 2009, p. 17). Although this is highly hypothetical, after the formation of the society and the state we still can put ourselves at that position and decide on principles which will be ruling us. At this point, there is a hidden premise that the members of the society are pluralistic. Rawls does not justify this premise, but in his theory, increase in per individual's living conditions, income, and wealth in return will benefit the society. This hidden premise, exemplified with the family fraternity, is also well justifiable.

Social cooperation is necessary for individuals to lead decent lives, but it does not mean that some should carry more burdens for others to enjoy their lives more. What is central in Rawls is that benefits and burdens are to be divided among the members of the society, and it should be done in a fair way (Wenar 2017). This is possible if and only if every individual is free and considered equal to each other, with being equally dignified. This implies that no arbitrary difference can be justified and no citizen can be favored or disfavored because of her wealth, class, skin color, or such. This is the ground on which first principle rises: everyone is equally

free, dignified, and equal to each other as long as inequalities will serve for the benefit of the worst-off, and is accepted by them.

In her Siyasetin Temel Sorunları, Leslie Lipson (2005) says that "humans are divided into two: those that divide people in two groups or not" (p. 178) and lists ten ways that humans are considered unequal like superiority of men, superiority of the wealthy, superiority of the elder, etc. In a contemporary capitalist world, wealth creates inequalities. Rawls aims to solve this inequality by distributing wealth and avoiding inequalities, as long as inequalities are for everyone's advantage. Equality is the baseline, and inequalities are justifiable and preferable as long as the worst-off are better-off in such a scheme.

His second principle is formulated on this ground. He argues for fair equality of opportunity rather than formal equality of opportunity, where in the latter a natural aristocracy can come into existence, just like Lipson mentioned. And he argues for difference principle, that those without skills would carry less burdens and receive less benefits than they should. According to his analysis, fair equality of opportunity comes before the difference principle. Substantive equality is over formal equality for Rawls, and it is possible to achieve only with equality of opportunity. In the four ways to interpret his second principle he demonstrates that under formal equality, there is less to no chance of vertical mobility, and it is not what the individuals would choose at the original position. We are left at this point, according to him, with democratic equality which is the combination of fair equality of opportunity and the difference principle.

Fair equality of opportunity is a very demanding principle. The way that he considers fairness, it means that every member of the society; young or old, man or woman, rich or poor, should have equal chance to attain and hold offices and positions as long as they have equal merit

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and they are equally hard-working. Although the first principle lays the social ground for fair equality of opportunity, more than only difference principle is necessary to ensure it. The institutions should redistribute wealth the way that everyone can receive equally high level and satisfying education and training and have equal access to culture, as well as have enough vision to decide on the conception of good life. This can be made possible with limiting inheritance, gifts, and bequests.

1.8 Interpreting Fair Equality of Opportunity

In my interpretation, fair equality of opportunity implies that the worst-off have equal amount of alternatives to choose from, so that the conception of good life, and means and ways to pursue it, will not be limited. Especially in the earlier years of her life, an individual should have equal information and means to have the chance to try different alternatives and find out her interests, as well as talents. In this sense, fair equality of opportunity should be divided in two sections: opportunity to attain positions overall, and the opportunity to develop one's self to be able to attain positions.

Rawls identifies both of these two sections when he discusses fair equality of opportunity, but he does not provide clear distinction, which I believe is necessary due to the following reasons. First, wealth in the earlier years of one's life has more real value than in the later years. There are increasing returns and every former choice affects, either by limiting or delimiting, further options. Path dependency, continuing on a certain path due to the investments made on it already, works both positively and negatively[4]. For the sake of this thesis, I focus on the negative aspects of path dependency. An individual, who is talented in playing piano, yet never having the chance to find that out, is probably denied the good life that she could lead. This does not mean

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[4] For a good discussion of path dependency, please see Increasing Returns, Path Dependence, and the Study of Politics by Paul Pierson (2000).

that any other individual being denied the chance to try it out and fail, and look for alternative good lives is less affected than the talented. This means that for fair equality of opportunity, some (very) large set of options to choose from is not enough. Every option that can and does exist in the society should be had by everyone, and everyone should have the chance to find out their interests and talents.

One feature of capitalism is the competition. Any individual could fail on the market. Although in a different sense, the insurance of Dworkin is a necessity for anyone entering the market, and prior, especially if the risk of loss can be vital[5]. If the competition for offices and positions is the market based on fair equality of opportunity, and if substantive equality is necessary for fair equality of opportunity to exist, then every member of the society should have the right to fail to find the best venture[6]. One's conception of a good life is limited with the available alternatives, and the access that she can have to them.

Although Rawls' understanding, that giving provisions for education and training, is in line with my further interpretation of fair equality of opportunity, I consider this explanation important for further clarification of my stance which will be presented in the second chapter. Before moving on, a last point needs to be laid down here: the relationship between inheritance and its effects on fair equality of opportunity.

1.9 Inheritance and Fair Equality of Opportunity

The distributive justice that Rawls has in mind needs heavy taxation of wealth, so that distribution, both across sections of society and over time across generations, can reach the desired level. There are two possible sources of taxation, namely income and wealth. Although he

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[5] For Dworkin's argument, please see chapters 8 and 9 of Sovereign Virtue (2000).
[6] Difference principle and the social minimum can be considered as a means to compensate any monetary losses, but for fair equality of opportunity, being able to start the venture is no less important than these compensations, as there is no compensation for barred options.

does not express it precisely, Rawls seems to prefer taxation of income more than taxation of wealth, with the exception that taxation of the latter will help reducing inequality and is for everyone's advantage.

Rawls makes a distinction between ideal and non-ideal theory. In the former, the citizens are willing to comply with the principles and social and economic conditions are favorable, in the latter - *vice versa*. Rawls' theory, indirectly, assumes that the conditions are close to ideal, if not ideal. Yet, real life data shows that we are far from ideal conditions. According to a recent report, people with low income may not be able to cover their rents in the UK, which is considered a welfare state, compared to others (Ellen 2017). Few years ago, in Turkey, a mother hanged herself because her children were starving and freezing in the cold winter. Her home did not have windows and the holes were covered with nylon bags. Her condition was so bad that she could not even pay the rent of such a place. (Karaçalı 2012).

These two examples can be considered as difference principle not working efficiently. Yet there is the direct relationship with inheritance: these people did not inherit a place to live from their parents, and they, highly likely, could not receive adequate education and culture. In other words, they inherited less than adequate education from their parents, and their only conception of good life was "just managing". For Rawls, a society where inheritance does not pose a threat against the second principle, is acceptable. When it is a threat, it is taxed until it does not pose a threat any more. But if the above interpretation is held to be valid, then almost all inheritance, bequests, and gifts are to be subject to taxation. What would be a proper scheme for taxation, so that it will not be abolished, but also it would not pose a threat against fair equality of opportunity?

Before answering this question, in the following chapter, I will look at different approaches and perceptions of fair equality of opportunity from interpreters of Rawls.

CHAPTER 2: PHILOSOPHICAL INTERPRETATIONS OF FAIR EQUALITY OF OPPORTUNITY, AND INHERITANCE'S RELATION TO IT

In this chapter, I look at the literature on interpretations of the relationship between fair equality of opportunity and resource equality. I start with a definition of inheritance. Subsequently, I summarize interpretations provided by five authors of the relationship of fair equality of opportunity and inheritance. In the last part of the chapter I reflect on these interpretations while providing my interpretation. In summarizing interpretations, when the authors provided taxation schemes, I avoid including them in this chapter as it is the topic of the next chapter[7].

2.1 The Meaning of Inheritance

The act of inheritance is two-sided, with a transmitter and a receiver, and making a distinction between the two is necessary to eliminate a strong argument against distributive justice.

Merriam Webster dictionary defines inheritance as the "acquisition of a possession, condition, or trait from past generations" ("Definition of Inheritance" 2017). Inheriting, as a transitive verb, has three meanings. "To come into possession of or receive especially as a right or divine portion", "to receive from an ancestor as a right or title descendible by law at the ancestor's death", or "to receive as a devise or legacy" ("Definition of Inheriting" 2017).

In this paper, I use inheritance in its first definition. According to this approach, any possession, condition, or trait, excluding those which are received as payment of one's work or service, or the compensations for a caused loss, are considered as inheritance, regardless of the

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[7] There is an exception, Anne Alstott, whose philosophical discussion follows, is not followed, by a scheme.

identity of the giver. While I include individuals and groups in this definition, transfers by the state are excluded.

2.2 Vandevelde and Counter-Intrinsic Stances of Different Schools

Vandevelde shows the different approaches of the different schools of thought to inheritance, and analyzes how intuitive answers might be wrong (Erreygers and Vandevelde 1997, p. 1). Nozick, one of the libertarian philosophers, in the Examined Life (2006), argues that inequalities born out of bequests are unfair (pp. 30-33), therefore taxable. On the other hand, the socialists encountered opposition, when they proposed in the First International to abolish inheritance (Mehring 2010).

Equality of opportunity is not a communitarian concern, says Vandevelde, and while liberals favor inheritance taxation for communal as well as individual wellbeing, communitarians do not prioritize either fair equality of opportunity or inheritance taxation (1997, pp. 2-3). Besides, they are even more against estate taxation (p. 2).

Liberalism does not oppose inheritance taxation. It is even supported by many philosophers, from Mill to Dworkin, for fair equality of opportunity. But its immediate effects might not be in favor of fair equality of opportunity. Knowing that they cannot transfer their wealth to their children, rich parents can spend on their children's education, and an inheritance at the age of 45 is less important for success in life than having a good education. As a consequence, inequality of opportunity may increase. A progressive income tax can work better for fair equality of opportunity, contrary to liberal arguments (pp. 4-5).

As mentioned above, Nozick, a libertarian philosopher, is in favor of taxing inheritance. Hillel Steiner, another libertarian, is on the same page with Nozick. Bequeather is in no

obligation to bequest her wealth to a possible heir. After death, her property is not owned by anyone, even if it is to be bequeathed by an heir. Libertarians are against unjust taxation, not taxation altogether, and as the property is not justly owned by anyone, its taxation is not problematic for Steiner (pp. 5-6).

After this brief discussion, he adds a dimension which has been insufficiently addressed in the literature. Human beings know that they will die, but they want to find a way to avoid death, and to live on in the minds and souls. Bequests are just a means that is motivated with this idea, and it should be included in the frame (pp. 6-7).

2.3 Anne Alstott and Four Implications of Inheritance Taxation

Being a scholar on law, Alstott looks at the issue of inheritance from a different mindset. For her, if inheritance taxation will be based on fair equality of opportunity, it will be radically different than the current law or major reform proposals in four ways (Alstott 2007, p. 472). Her focus is on resource equality for fair equality of opportunity. She takes into consideration the form of inheritance taxation to ensure more fair equality of opportunity. She makes four policy proposals to realize her conception.

According to her, first, for fair equality of opportunity, inheritance taxation should be accompanied by a social inheritance program, which implies state paying a universal inheritance, given that just taxation cannot result with ex ante material equality. Resource equality requires not only leveling down to reduce private inheritance, but also leveling up to allow every member of the society to start their adult life equally.

Second, inheritance tax should include gifts and inheritance from close relatives, but exclude the rest, e.g. spouses. Since the aim of fair equality of opportunity is to distinguish

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between arbitrary luck and one's own choices, and since an individual cannot choose her relatives but can choose her spouse or friends, the inheritance tax should reflect to this choice-chance distinction.

Third, transfers skipping generation - a grandparent leaving her wealth to her grandchildren rather than her children, should be taxed as well. All inheritance from the relatives should be taxed at the same rate regardless of generational proximity. The aim, for her, is not to provide fair equality of opportunity for every individual, but to "impose a periodic tax on wealth that remains within a family group" (p. 473).

Fourth, gifts and bequests received by younger individuals should be taxed more than those received by older individuals. Younger individuals have more opportunities to change their lives than the older ones as opportunities decline over time (pp. 472-473).

One important point that Alstott makes, which is recurrent in many other scholars, is that to be able to choose the life she wants, an individual should have a set of choices (p. 476). Using Dworkin's hypothetical case - survivors land on an uninhabited island and divide the resources fairly - she argues that the state cannot treat individual A's way of life superior or inferior to B's as they are both worthy of equal respect. If in the end A ends superior to B in terms of material wealth due to hard work, B cannot claim any rights on A's gains (pp. 476-477). Every child, then, should be equipped with adequate education and sufficient care, so that they can decide on how to use their material wealth to shape their lives. They also should be able to claim equal shares of society's resources when they start their adult life, so that they can be held accountable for their later choices (p. 477).

Hence, she derives two core principles. First, every individual is worthy of equal respect, and the society and the state should not endorse a particular life and a conception of the good life. She calls this the neutrality principle. As every individual is entitled to equal respect, and as only the choices that one makes should be decisive on the outcome (i.e. source of inequality), every individual "deserves equal resources to do with as she chooses" (p. 477).

Second principle is the choice-chance principle. One should be accountable for her choices - even if she has had bad luck, she should take responsibility (p. 477). Combined, the two principles imply that the individual, and only the individual, should be the one to choose what kind of life to pursue.

But individuals are not totally free to choose a life as there are talents and tastes. If one person is talented in a low-paying job or profession, should she be compensated for that? Similarly, if one has expensive tastes which are not wanted, should the state interfere? Without providing a clear answer to this question, she seems to support Dworkin's argument. She makes an ex ante and ex post difference, and supports state insurance, in which high earners will be taxed more than low earners, as low earning is a disability of sorts (p. 485). Rawls is closer to redistribution based on outcome with his difference principle, but she finds it ambiguous. The least advantaged need not fare badly *ex post*, but maybe are disadvantaged *ex ante* (p. 485).

Later in her article, she asks "what is a fair inheritance of privately controlled material resources". There are various determinants of one's physical and mental development, like the parents, their wealth, or even their genes. She prefers some other laws to take care of such side adjustments, and focuses on inheritance taxation (p. 487).

For Alstott, it is not wealth *per se*, but the source of wealth that matters (p. 488). If each individual is a separate and equally dignified moral being, they also are entitled to equal respect, as is their conception of good life. The state should create and form equality with no permission for individuals to compromise equality (p. 288-289). One conclusion derived from this argument is that parents who choose leaving their wealth to their children undermines fair equality of opportunity (p. 289). Any act of increasing opportunities of an individual means decreasing the opportunities of the others. And increasing opportunities is the duty of the state, not of the individuals, however good-willed they are.

But should no individual receive inheritance (or, in other words, equalization on zero), or should there be some positive inheritance for everyone? And, can fair equality of opportunity be undermined if material inheritance is equalized?

She argues for positive inheritance for everyone, as for real freedom, individuals need material resources (p. 490) and ex ante equal distribution of private wealth is critical to market inequalities (p. 492). There are two strategies that can be followed: leveling-down and leveling-up. The former abolishes inheritance, and applies 100% tax on inheritance, while the latter aims raising maximum revenue for public inheritance (p. 492). She, based on this, presents three principles by which fair equality of opportunity can be allowed. First, a leveling-up public inheritance program should be in place and the state should provide inheritance to every person. Second, as a leveling-down strategy, private gifts and bequests should be taxed. Third, inheritance taxation should aim at raising revenue for the universal, public inheritance. There might be inequalities in private inheritance, as the aim is raising more avenue, but the toleration towards inequality should be limited (p. 493).

The second and third principles contradict each other. Should the focus be on leveling-down, or leveling-up? After a lengthy discussion, which will be detailed in the next chapter, she concludes that a mixture of both principles should be in place, and some acceptable level of inequality in inheritance, which would increase revenues for public inheritance, should exist. She takes many variables into consideration dealing with the questions, such as who to tax (the donor or the receiver), to consider inter-generational transfers or not, and how the inheritance, that an underage individual will receive, should be treated.

Her immediate conclusions, or the basic arguments, were presented in the beginning of this part. But a further conclusion by her needs to be mentioned. For Alstott, the law on taxation is not a purely philosophical system, and reflects a mix of ideals. Fair equality of opportunity focuses on a) equalizing starting points of individual lives and b) making a clear-cut difference between choice and chance, therefore to ex ante inequalities, while the law is focused on inequalities of outcomes and on limiting family wealth accumulation (p. 542), so ex post inequalities.

2.4 Haslett and Quota on Gifts and Bequests

In his article "Distributive Justice and Inheritance" (Erreygers and Vandevelde 1997), Haslett, like Alstott, aims to come up with a taxation scheme in which fair equality of opportunity can be provided.

According to Haslett, if productivity is the currency for each person's wealth, there is a just distribution (p. 133). Just like Marx or Nozick, he also has an ideal: "to all people according to the productivity of their labor, or of the property they have acquired in return for the productivity of their labor" (p. 136). This implies that a person should receive no more or less than what she has produced.

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To be productive, one's product should have a market value and other people should be willing to pay for it. Not all goods and services are in equal demand, and not everyone can provide the same goods or services. Then the talents and abilities are important, and the rare talents and abilities are in higher demand, so they will receive more payment than the others (pp. 136-138). He makes a difference between necessary and unnecessary limitations. Unnecessary limitations are those that are discriminatory against a particular person (or group), special-interest rules and regulations to exclude a person, educational requirements that one could not have the chance to attain, or those which could have been removed by other humans, but not removed (p. 137). Necessary limitations are those which cannot be removed by human beings, or the removal of the limitation will alter fair equality of opportunity (p. 137). It can be said that he is reformulating Rawls' first principle which argues for a liberal society. He also adds the condition that limitations can be justified if they will work for the good of fair equality of opportunity.

Subsequently, Haslett introduces negative externalities on the monetary (or market) value of a person's productivity, which are the costs that either the producer or the consumer does not pay for. Pollution is an example of these negative externalities, which is not paid by either party. These externalities, both negative and positive, should be paid for by either party for a real market value of the productivity of a person (pp. 138-139).

For distributive justice, the ideal monetary value of a person's productivity, or her property, should be adjusted the way that the effects of the following are excluded: 1) unnecessary limitations upon people's opportunities, 2) externalities that have not been internalized, and 3) any other departures from maximum efficiency (p. 139).

Like Rawls, Haslett does not consider individuals as atomistic, and although we are autonomous and dignified members of the society, moral norms, values, and ideals point at

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overall well-being of the society. Consequently, people should put their talents and abilities, and property, in the most productive way. This means, for him, the scarcest ways. Given that people will be paid according to their productivity, and because scarcer goods and services are in higher demand and paid better, we should try to increase productivity, and in return achieve more well-being (p. 140).

However, bequests and gifts undermine productivity, even if the productivity is the result of a(n) (large) inheritance (p. 141). Haslett believes that we should focus on overall productivity. One's productivity cannot be at the expense of another one. Besides, society is the most productive if one's talents and abilities, and only talents and abilities will result in more wealth or higher income. We should ensure that people hold positions in accordance with their capacities. For this aim, we need all positions open to everyone, but also everyone having the same chance of attaining that particular position without external limitations.

Haslett provides an example from a firm. X has the capacities to become a CEO, and Y has the capacity only for a lesser position. The firm will be most productive if X will be the CEO and Y will have a lesser position. But, if Y will become the CEO either through inheriting the firm or by having the funds to buy the firm, X's capacity will be wasted. As a consequence, productivity will be wasted (p. 141).

The productivity ideal, for him, is superior to other possible policies. In the US - although it is a rich country - one in every four children lives in poverty. Haslett argues that while eliminating poverty, his scheme will not remove incentives to work (pp. 151-152).

2.5 Van Parijs and Amending Haslett

Van Parijs (Erreygers and Vandevelde 1997) argues that within Haslett's theory, in which welfare maximization is based on productivity criterion, more factors need to be taken into consideration. A utilitarian should pay attention to the welfare loss due to many cases like the starvation of the less talented, failure in overpaying scarce talents, or overconsumption of leisure (pp. 203-204).

Agreeing with Bracewell-Milnes, as bequests are inherited long after the start of the career, Van Parijs asks why we focus on it (p. 206). Also like Vandevelde and Milton Friedman, he argues that if parents cannot bequeath to their children, they will spend the amount on their children's education and another form of inequality will come into existence. One should, he concludes, pay more attention to the inequalities in childhood and early adulthood, as equality "at the start" is more central to fair equality of opportunity than an amount of inheritance at a later stage of life (pp. 206-207).

Parijs' last important conclusion is a reformulation of Samuel Brittan's justification of an unconditional basic income: "There is nothing wrong with unearned wealth, except that not everyone has it" (p. 209). The same argument can be made against inheritance as well.

2.6 Caroline Guibet Lafaye and Ethics of Inheritance

According to Lafaye (2008), inheritance is more unequally distributed than income, and is probably the main reason of wealth concentration among the richest part of the society: in the US, it is the reason of the fortune of 67% of ultra-rich (p. 25). Problem of distribution is mostly caused by the accumulation of wealth, typically through inheritance (p. 26).

During seventies and early eighties, bequests were considered altruistic, based on parental love, and abolishing, or imposing limits, was considered morally wrong in American academia. But afterwards this approach changed and at least three kinds of bequests were listed:

1- Planned (or Voluntary) Bequests: These can be motivated by altruism, but there can be other reasons.

2- Unplanned (or Accidental) Bequests: There is no expression by parents. It can be due to parents' preference for deterred consumption or their self-concerns.

3- Capitalistic (Entrepreneurial) Bequests: This is the result of "accumulation for its own sake" and not family as such but the beneficiary is who actually matters (pp. 27-28).

She shows, with this differentiation, that a) altruism is not the only motivation in bequests, and b) even if bequests are made within family, not all are motivated with family solidarity. From this point, she concludes that not all motivations are "equally valid and respectable from an ethical point of view" (p. 28). After this philosophical argument, she takes different practical proposals on inheritance taxation into consideration, and agrees with Haslett's quota (p. 42), which will be discussed in the forthcoming chapter.

2.7 Further Interpretation of Fair Equality of Opportunity

Fair equality of opportunity requires provisions, especially towards the poor, so that *ceteris paribus* the wealth of the family of an individual will not create either positive or negative consequences in not only attaining a position, but also knowing that the position exists and there are means to reach it. In other words, for fair equality of opportunity to exist, the worst-off individual should have as much access to nutrition, culture, education, and vision as the best-off until she can be held responsible for her choices. Perceived and conceptualized this way, fair equality of opportunity is a very demanding principle. All else equal, only under-nutrition of a

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child can cause the inadequate mental development. As a consequence, Rawls' conception, that education and culture are what matters first and foremost, is short of providing a truly fair equality of opportunity.

As Van Parijs noted, any investment in the earlier life has more real value than the latter ones. This has two meanings. First, providing fair equality of opportunity among the younger generations is more important and urgent than among the older generations. Second, if anything factor affecting a young child's future life is either not provided or she is excluded from access to it, no latter mending will be enough to ensure the existence of fair equality of opportunity.

This argument is indirectly supported by Haslett. For him, productivity is the actual currency for an individual's wealth. Productivity is the outcome of merit, and an individual should have more than average wealth only through productivity. Every good has its own price, and scarce talents will result in more payment. However, the same problem occurs: if a person is talented to play piano, and could never get the chance to play it, then we cannot argue that fair equality of opportunity exists.

Productivity is based on two pillars. One pillar is talent, and the other - interest. Without interest, no talent can be discovered by the individual. Even if someone else can discover it, given that in the Rawlsian society everyone is free and equal, no one can be forced to use their talent, if the individual does not choose to do it herself.

It is a known fact that as people age, learning capacity declines. As a consequence, it is better for any young individual to discover her interests, find out her talents, and form a conception of good life to follow, in the earlier ages. If any young individual cannot have access to anything that could have shaped her conception, then fair equality of opportunity is not

satisfied. The interest and talent need not to coincide. Besides, the interest might be in a less paying career, and not knowing about this career might have provided more productivity, and more wealth, to her. Yet in this case, the first principle, being free and equally dignified, does not hold. Because there is a lexical order, as long as the first principle is not satisfied, second principle cannot be satisfied.

My conception can be considered as a mixture of the ideas of Alstott, Haslett, and Van Parijs: it focuses on material resources like Alstott, considers productivity as the currency like Haslett, and argues for paying more attention to the inequalities during childhood and early adulthood. In the following chapter I will discuss two taxation and limitation schemes for fair equality of opportunity, and will provide my scheme which will be applicable not only to above mentioned conceptualizations, but also to mine, which, I believe, is more demanding than the mentioned ones.

CHAPTER 3: INHERITANCE TAXATION AND FAIR EQUALITY OF OPPORTUNITY

In this chapter, I look at Alstott's social inheritance program and Haslett's quota scheme. These two approaches grasp the necessities for ex-ante and ex-post equality, and are two reliable grounds for further policy recommendations. After reflecting on them, I provide my solution to the problem. Alstott's program is provided above, in the discussion of perceptions of fair equality of opportunity, thus, I do not elaborate on it again.

3.1 Haslett and Quota on Gifts and Bequests

In 2017, there is a complex scheme of inheritance tax in the UK. The standard inheritance tax rate is 40%, but there is no inheritance tax if the estate (the property, money and possessions) is less than £325.000, or if everything is left to the spouse or civil partner, a charity, or a community amateur sports club. The threshold increases to £425.000 in case of leaving the estate to one's own children or grandchildren, and the rest is to be taxed ("Inheritance Tax" 2017). It can be said that the UK has grounds shared with Haslett.

For Haslett, everyone should receive according to their productivity and inheritance is not suitable with his ideal. Therefore he would support abolishing inheritance - not only bequests but gifts as well (Erreygers and Vandevelde 1997, p. 141). Yet, to find the middle ground between distributive justice, freedom, and equality, he recommends a lifetime inheritance quota (p. 146) which allows gifts and bequests to be received up to a certain amount, but no further (pp. 146-147). According to him, the quota should be set at an amount which would not allow large fortunes to be collected at certain hands, which meanwhile does not harm ordinary people. In other words, following the motivation of the First International, comparably poorer (or worse-off) sections of the society would not lose opportunities (p. 146). This quota is superior to altogether abolishing inheritance, or its alternatives, as it does not allow loopholes (pp. 150-151).

There are certain exceptions in this quota. First, it should not include small gifts like birthday presents. Second, unlimited gifts and bequests between spouses are to be allowed. Third, dependents and minor children (genuine dependents) should be supported as long as they are dependent, underage, or progressing in education, as they cannot be expected to be productive (pp. 146-148). According to him, as long as all families can fulfill their basic necessities, including education, this would not create enormous inequalities (p. 148). Fourth, charities are exceptions in the quota, as they are not working towards productivity. The amount that cannot be gifted or bequeathed should be taken over by the government to be converted in cash (p. 148).

3.2 Reflections on Haslett

In Rawlsian social welfare function, social welfare can be measured by observing the worst-off member of the society: the better-off the worst-off member, the higher the welfare in the society ("Rawlsian Social Welfare Function" 2017). How close is Haslett's quota to increasing overall welfare in this approach?

A central limitation of Haslett, which is argued by Van Parijs above, is that equal opportunity for education cannot be assumed, at least in the contemporary world. Haslett allows unlimited luxury for the minors and genuine dependents (p. 147), assuming that this will not harm anyone's equality of opportunity. But a study at New York Times shows that the income of the parents has decisive effect on the universities the children study at: higher income means more chance to be admitted into an Ivy League or elite university (Aisch et al. 2017). The theoretical base, that everyone has roughly equal opportunities towards education and therefore, to realizing their own productivity, is far from the reality. In contemporary societies, as a result, the quota cannot provide truly fair equality of opportunity.

A secondary limitation of Haslett, which is closely related to the first one, is that he does not differentiate between the approximate times that the quota is filled. For late 1990s, he assumes $100.000, which is roughly $152.000 in 2017 ("Value of $100,000 in 1997. Inflation Calculator for Today's Dollars" 2017). This amount can be enough for starting many businesses that can bring profit in the future, and receiving this amount at the age of 25 is not comparable to receiving it at the age of 45 due to previously discussed path-dependency and increasing returns argument.

Following Alstott's terminology, the third limitation of Haslett is the lack of a leveling-up strategy. Haslett is more focused on leveling-down, making everyone equal in comparably less welfare. The productivity ideal should assume increased individual and overall welfare, as it is one of the core aims of Rawls. Yet, if everyone cannot have equal chances to know and realize what they can produce, and how to be productive enough, there is a net loss of welfare born out of the lack of information. The information can be gained, first and foremost, by education and the opportunity to fail. Haslett's quota does not allow either of these.

Fourth limitation of Haslett is that he has not clarified what is to be considered small gifts. In the UK, for example, gifts up to £250 are exempt from taxation ("Inheritance Tax: Gifts" 2017). As the minimum wage for a person over 25 is £7.5 per hour (£1.056 if worked for 176 hours a month, plus taxes), £250 is almost 20% of the monthly income. Yet, if the income is £3.000 a month, £250 is only 8%. In March 2017, average rent in Britain was £921 a month (Rodionova 2017), and more than half-a-million low earners were borrowing money just to pay their rents (Ellen 2017). In such a situation, what is considered small by the state is, surely, a big amount. But where should this amount be set? Haslett does not have a precise answer.

The last limitation of Haslett's quota is in his perception of productivity. For him, exchange value on the market is related to productivity - higher market productivity is worth support, directly and indirectly. Yet, market cannot be decisive on everything. According to Richard Morrison (2017), English National Opera (ENO) is heavily subsidized by the state at "Soviet levels". Should ENO be subsidized, according to Haslett? He does not have an exact answer, but following his arguments, no support from the state can be justified. Similarly, the parents that look after their children, although a market of nannies, baby cares and nurseries exist, deserve no support from the state because they do not produce any product with exchange value. Although Haslett concerns about keeping the family (p. 149) and family values, his solution can lead to dissolution of family as such.

3.3 Alstott and Social Inheritance Program

Alstott's recommendations on inheritance are more holistic and broad than those of Haslett's, and include reservations I have against Haslett. Yet, her recommendations are insufficient for my conception of fair equality of opportunity.

The central reservation in Alstott is being able to justly claim rights on the resources and wealth of the society, when the individual starts her adult life. This concern leads her to argue for the social inheritance program, helping individuals to shape their latter lives. This policy works for leveling-up. Further, she has three recommendations for her conception of fair equality of opportunity, and for leveling-down: 1) gifts and bequests from family members and relatives should be taxed, while those received from others either should not be taxed, or taxed less; 2) generational proximity should not matter and inheritance from grandparents should be taxed equally with the inheritance from the parents; and 3) younger individuals should be taxed more than the older ones when they receive inheritance. It should be noted that the three policies are

based on the leveling-up policy, the social inheritance, and without it, neither of them can either be justified or have practical value.

3.4 Reflections on Alstott

I agree with Alstott in her core argument that without initial equality of resources, equality of opportunity cannot exist both in the earlier and latter stages of life. But I find certain arguments unconvincing.

First of all, she is unclear about the exact form of her inheritance program. It can be "lump sum, a lifetime annuity, or a transfer in kind" (p. 472), the form does not matter. However, there are certain differences among the three. A transfer in kind, for instance, a home, is different than a lump sum amount which can be used to establish a business. Similarly, an annuity might be added to a lump sum overall; yet, depending on the amount chosen, it can have little to no effect on overall life quality. Besides, it can lead to less incentives to work, eliminate the correlation between work done and money earned, and motivate immigrants to rush to the country. Even though I agree with Alstott that there should be a social inheritance program, I believe that a precise form and scheme should be drawn.

Second, there is a clear-cut choice-chance distinction in Alstott. She argues that no one can choose the family, either to be born to or to be adopted by, however, can choose friends and spouse. As a result, the gifts and bequests from relatives should be taxed more, while those from friends and spouses - less. But this reasoning can lead to formation of a cast system. In case of such a policy, the rich could possibly form friendship ties with other rich people, so that wealth remains within the group, rather than with one certain family or individual. Inheritance taxation aims to spread wealth across sections of society, and to increase equality of opportunity of those born at the lower levels of the society. If two ultra-rich families make an arrangement in which

they will give their wealth to each other's members, wealth cannot be distributed. Besides, such an arrangement can lead to stronger ties between the families, and in the social group overall, where a strong economic cast system can be formed. A poor individual has few to no chances of creating such ties. Hence, equality of opportunity would not only be undermined but even completely wiped out.

Third, unlike Haslett, she does not recommend an overall quota on receiving gifts and bequests. It can be argued that as long as everyone starts equally and competes for the positions equally, lifetime quotas can seem unnecessary. Yet, in this case the maximin principle can be harmed. Besides, although less effective, latter bequests will still improve opportunities overall, even if to a lesser extent than earlier ones.

3.5 Solving the Inheritance Problem?

In the previous chapter, I argued that fair equality of opportunity is a very demanding principle. For real fair equality of opportunity, even having roughly equal opportunities is not acceptable. If everything is not equal, but is roughly equal or similar, then there are differences between individuals. In this case, no one is, and can be, in a position to decide which differences are more important than the others. Any diversion can lead to significant differences, especially if the lack of opportunities and resources exist in the earlier stages of life. I also argued that unknown opportunities are equal to missed opportunities. Therefore, especially in the earlier stages of life, every individual has to have equal nutrition, receive equal culture, know about and have the chance to realize the options available in the society, and choose the best conception of life themselves and act accordingly. This conception needs further elaboration for the policy recommendations that I will provide.

Idil Biret, one of the most gifted pianists of 21st century, started playing piano at the age of three, and following a special law passed by the parliament, went abroad to study at Paris Conservatoire. Graduating at the age of fifteen, she has been a renowned artist, especially after her recordings of Chopin ("Idil Biret" 2014). Her success was based on a number of variables: her family encouraged her to play piano at an early age. In the Turkish society, her family was well-educated in the area, and was rich enough to afford the instrument and a private tutor. Moreover, they had enough political power to allow her to study in Europe[8]. Her nutrition was adequate enough to support her mental and physical development, to the level that even at the age of 75, she still can play a number of musical pieces from her memory (Nice 2016).

Changing only one fact in this story can lead to an unknown or a missed opportunity – first due to the lack of unearthing the talent, second due to the lack of necessary means to process the talent. Some examples of these cases might be,

- the family could not recognize her talent,

- (in such a case) the social circle being unable to recognize the talent,

- (following the first two) the music teacher(s) being unable to recognize the talent;

- one of the previous recognizing the talent but the family missing economic means to buy a piano,

- family being able to afford a piano but being unable to afford a private tutor,

- family spending all their wealth for the child and being unable to afford adequate nutrition;

- the society limiting playing piano,

- the state not subsidizing her education abroad;

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[8] David Nice shared a photograph of her with Turkish President İsmet İnönü in 1946, at the age of five, where this interview is quoted in the text.

- insufficient income from playing piano on the market. And due to her family's economic situation, being forced to follow another career,

- in market playing piano paying almost nothing and her being forced to follow another career due to her conception of a good life…

Fair equality of opportunity needs all these, and other possible conditions not mentioned here, removed. Only then every individual can recognize their talents, decide if they want to pursue the career open to them on the basis of their best talents, have access to means to realize their talents, while knowing all other options available to them, and having means and access to these alternatives. This is possible only by a social inheritance program which has two levels, not only one as Alstott implies.

The first level of the social inheritance program should support every child with a transfer in kind, the way that there is no difference between current and future conditions, chances, and opportunities for the children, until a certain age. The amount should be added to the family's expenditure on the child, until the worst-off people's children can have equal means with the best-off. In other words, it is not an equal support to everyone, but a proportional support. This policy should include not only support for nutrition and shelter, but also culture and education for the aims provided above. A side effect of this policy is that public education should be equally high quality everywhere, to the extent that private tutoring would not increase the chances of the children of the wealthier families.

The age that I would recommend, just like any other age, is arbitrary and set at 22. The rationale is similar with Haslett: productivity is the measure that I have in mind, and until graduating from university (excluding the cases in which the child does not continue university education) productivity cannot be expected from any individual. As a result there will be genuine

need of financial support. Two questions can arise here. First, what if the child cannot graduate in the expected time, and second, what if there will be a gap between school and university? In the first case, the state should not further support, as it can be an incentive not to graduate, and to be a student forever. In the second case, as long as the individual is not supported during the gap, she will have legitimate claim to receive support. The idea, hence, is supporting education and culture, just like Rawls argued for.

The second level of the program is a lump sum amount received at a certain age[9], to be used by the individual on her own account. The amount should be set at an amount which would double the social minimum, i.e. the average cost of housing and basic needs of nutrition and transport, for a year. This is to allow the individual to retain liberty and dignity, and not to be or feel like a burden to the family after graduation in case of being unable to find a job. It can be used to establish a firm or business, to add up to buy a house, to receive interest, or whatever the individual may decide. It will be received by every individual, regardless of her or her family's proposed or existing income, unlike the first level.

The social inheritance program that I recommend, resembling fair equality of opportunity, is financially very demanding. Yet, it should be underlined that neither the first nor the second principles are either easy or cheap. Equal freedom and dignity are fair, but also equally bold, claims. And if fair equality of opportunity, as well as equal freedom and dignity, are the aims of a theory, neither the first level nor the second level of the inheritance program can be avoided[10].

However, merely the social inheritance program cannot provide fair equality of opportunity. Inheritance taxation, the way that Haslett argued for, should be accompanied with

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[9] Following the previous level, I would suggest it to be 22, after graduation from university.
[10] On the contrary, the second level can even be extended to cover "food for the soul" or some luxuries, or be a bigger amount with which a house can be bought or a business established.

this scheme with slight modifications. The first modification is the decrease of the amount of quota. Given that every individual will be supported from the birth until the end of university education, and will receive support for the first year, regardless of finding a job, the quota can be decreased to a lesser amount. (No less arbitrary than Haslett,) it can be offered to be equal to GDP per capita in the given year, and in current US$[11].

The second modification is related to setting a limit on the amount of gifts which are to be excluded from tax scheme. Above I argued that the amount set by the UK is big for the poorer and small for the richer. I believe that 10% of the minimum wage is an amount which is big enough for the worst-off, yet, would not lead to an as big loophole as the current amount set by the UK. Yet, no exact number can be well justified, and it is open to debate.

The last modification is about non-market productivity, such as mothers taking care of their children. Following Anthony Atkinson, I believe that a monetary value of such work can be decided upon and such people can be supported. This amount can be deduced from the child support if necessary, but is open to a case-by-case consideration. Every child will become a member of the society in the future, and this would be another form of investment in them and in the future of the society overall.

Agreeing with Haslett, I believe that the transfers between spouses should not be included in the quota. In marriage (or civil partnership) two individuals unite their lives, and income and wealth cannot be excluded in this unity. It should be noted that this justification is different than Alstott's, where she argued for outcome of choices. Similarly I agree with Haslett that transfers to

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[11] The reasoning of this arbitrary amount is as follows: in 1997, GDP Per Capita in the US was 31.572$. $100.000 was approximately three times of it. Today, GDP Per Capita in the US is $56.115, and it would roughly make $165.000 in Haslett's offer. Given that my scheme includes a social inheritance program, and more generous benefits in the earlier stages of life, a vast amount of it can be removed. I propose this amount, because inheritance should not pose a threat against fair equality of opportunity in later stages of life. Yet, as mentioned in the beginning, this is an arbitrary amount.

charities should be tax exempt, and the amount that cannot be bequeathed or gifted should be received by the government.

Alstott has further say on this issue. Like her, I agree that elder receivers of inheritance should be taxed less than the younger, yet the amount to count for the quota should be the net income that one receives after taxation. This would lead to having less incentives to support younger people. I do not differentiate between the sources of inheritance, and I believe that all inheritance should be taxed equally unless it is between spouses.

I would like to make one last point. Lafaye argued that there are three forms of inheritance. Within the scheme I provided, voluntary and capitalistic bequests can never be justified, since they contradict with the quota. Similarly, unplanned bequests are aimed to be unnecessary with the social inheritance program. In this sense, it can be argued that the scheme I provide helps eliminating the need of bequests overall.

3.6 Further Remarks and Points for Further Research

I believe that there is a reciprocal relationship between the first principle, equal freedom and dignity, and fair equality of opportunity. The first principle constructs the theoretical and ethical grounds for a liberal and egalitarian society in which there is no discrimination, or the discriminations work in favor of the worse-off. Without fair equality of opportunity the way that I conceptualized above, first principle does not have a practical value, or practicability overall. As equal freedom and dignity are the main tenets of the theory, the conception of fair equality of opportunity is the only way to allow the first principle to have a practical, not only theoretical, value.

Above I argued that the state that Rawls had in mind is one to which any outsider would want to join. This, indirectly, implies that maximin principle is effectively working and the gap between the worst and best-off is small enough. But the scheme I provided focuses heavily on equality of opportunity, and leaves maximin principle aside, until the former principle is assured of.

Following Rawls, I also argue that fair equality of opportunity is lexically prior to maximin principle. Also the second principle should work for strengthening the first principle, and it is possible only with a well-working and not-arbitrarily-limited fair equality of opportunity. For fairness, talents need to be honored. With fair equality of opportunity, talents can be recognized, worked on, and realized. Only after honoring of talents the others can have more to be shared among the whole society. As a consequence, maximin principle is not focused on in this study. The scheme can be updated with more focus on second part of the second principle, yet without losing the focus on fair equality of opportunity.

In the ABC of Socialism, Leo Huberman (1953) argued that "there is inequality of pay in socialist society" but there is "equality of opportunity". In his conception of socialism, skilled workers have higher pay, but the unskilled ones have access to means to become skilled. For him, there is free education in socialism, in proportion to every individual's ability to learn, and no one is worse-off because they lack financial means or belong to certain social group(s). It is provided to everyone, and in a socialist society all means "exactly that" (pp. 50-51).

The conception of fair equality of mine heavily resembles the one that Huberman argued for. According to Schweickart (1978) Rawls also does not choose a capitalist system over a liberal socialist regime, and it is possible that the latter can satisfy the two principles as well (pp. 1-2). Similarly DiQuattro (1983) believes that difference principle rules capitalism out and admits

the possibility of a just socialism (p. 53). Callinicos (2003) said that Rawls is criticized both from left and right, and his principles can work both in property-owning democracies and liberal-socialist regimes. I should add, as a result, that my conception, that fair equality of opportunity can only be satisfied if there is a socialistic distribution, at least until talents can be unearthed and realized, does not necessarily mean that there should be a socialist system overall, but the very socialist distribution I argued for is essential for the theory.

Because of the scope of the thesis, I avoided certain discussions. The most important one is the general universal (or basic) income. In the non-ideal theory, I believe, that it works for getting closer to fair equality of opportunity. Having more resources, the worst-off would have more means to realize their talents. Yet the economic outcome would lead to higher inflation, and the conditions of the worst-off would not, at least dramatically, change. In the ideal theory, in the conception and scheme that I provide, it would not lead to any changes as the intended leveling-up is already covered with social inheritance program.

CONCLUSION

In this study, I aimed at finding an inheritance scheme based on the theory of Rawls, justice as fairness, which would fill in the gaps in the theory, especially about fair equality of opportunity.

To provide my conception of the theory overall, I started with presenting Rawls' theory in the first chapter. I started with the underlying assumptions of his theory, and how he reached and defended the two principles of justice. Following the presentation of the principles, I reformulated the theory the way that I perceive it. At the end of the chapter, I started questioning how he perceives fair equality of opportunity, and how inheritance is a problematic issue in his theory.

Not to involve perceptions of other scholars on his theory, but to understand only what is in his mind, I tried to quote and refer to only him, and only his book A Theory of Justice, excluding the reformulation part of the chapter. His other two books, Political Liberalism and The Law of Peoples, which are published in 1993, deal with especially the first principle, but I preferred not including them on the basis that the main question of the thesis is on inheritance and fair equality of opportunity. Because he reformulates his conception that is found in A Theory of Justice, I did mainly work on this ground.

In the second chapter, I looked at the literature to understand how fair equality of opportunity is conceptualized, and how inheritance is problematized. I started the chapter with the definition of inheritance. After that, mainly focusing on the works of Alstott and Haslett, I presented some views on fair equality of opportunity. Alstott, with her focus on leveling-up policies, and Haslett, with his leveling-down policies, provide two strong and prominent

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approaches to the issue. At the end of the chapter, I briefly discussed different conceptions, and laid the basics of my conception.

The third chapter dealt with two taxation schemes provided by Alstott and Haslett, which also is the reason of focusing on them in the previous chapter. I first presented the scheme of Alstott, and pointed out the problems in her argument. Similarly, after presenting the scheme of Haslett, I presented the missing points which are obstacles against fair equality of opportunity. At the end of this chapter, I first presented my conception of fair equality of opportunity, and argued that to have real equality of opportunity, Alstott's social inheritance program should be combined with Haslett's quota in the way that the effects of arbitrary conditions can be eliminated.

My conception of fair equality of opportunity can be considered socialistic, yet it is a common criticism of Rawls. I argued that unless all have equal chances to discover, work on, and realize their talents, there is no fair equality of opportunity. And no policy or argument less than this full extent of fair equality of opportunity can be justified, as no one is in a position to decide, arbitrarily, what portion or part of opportunities can be non-existent for all.

Based on this conception, the two policies that I mentioned in the above paragraph are presented as the solution for the problem. There should be two policies at the same time against inheritance, so that fair equality of opportunity can be existent. First, there should be a leveling-up policy, the social inheritance program, so that even the worst-off can have exactly, not roughly, equal chance to discover and work on their talents. Second, there should be a leveling-down policy, the lifetime quota on gifts and bequests, so that the rich cannot become even richer to the extent that fair equality of opportunity will not exist.

Because of and for the scope of the thesis, I had two premises. First, first principle is assumed to be realized. Because of the lexical ordering of the principles, this was a necessary assumption. If everyone does not have equal freedom and dignity, offices and positions cannot be open to everyone due to the nature of a cast system. The second premise was that the society has adequate resources to allow the scheme to be realized. Yet if there is not enough resources, following the argument, it can be said that the resources should be directed at reaching the equality of opportunity as presented here, because it is lexically the first following the formation of a liberal society in which there are no social differences among individuals.

In the thesis, I did not get into many mainstream discussions, the most important being the universal unconditional income. Although the social inheritance program can be considered as a form of it, there are fundamental differences among them. I kept the discussion to include only fair equality of opportunity and the problem of inheritance, not fair equality of opportunity overall.

Like any other study in social sciences, and especially in distributive justice, this thesis is open to further research. The aim of this thesis was to provide a conception of fair equality of opportunity, and to provide a scheme for taxation with which fair equality of opportunity can be realized to the full extent. The addition of this thesis to the literature, therefore, is these two. Given that the conception of fair equality of opportunity resembles many socialists' arguments, the core addition is the second part, the taxation and distribution scheme. There are points which can be discussed based on this thesis, some being the age limit to socialistic distribution, the amount which is to be received at a certain age, the amount and clauses of the social minimum, and if basic income would be necessary or not to further idealize the theory. I believe and hope that the thesis will be an asset for researchers for and with further questions.

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