

**UCLA**

**UCLA Public Law & Legal Theory Series**

**Title**

The How of Unequal Opportunity

**Permalink**

<https://escholarship.org/uc/item/96k5s4d3>

**Journal**

Philosophical Topics, 40(1)

**Author**

Fishkin, Joseph

**Publication Date**

2012

## *The How of Unequal Opportunity*

Joseph Fishkin  
*University of Texas, School of Law*

**ABSTRACT:** This essay argues that we ought to think differently about unequal opportunity. Instead of focusing only on overall prospects in life, we ought to train our attention on the particular moments of decision and the particular developmental processes that shape, in different respects, the trajectories of people's lives. A new wave of research in the social sciences makes possible this shift in focus, which will have profound implications for our understanding of both the concept of equal opportunity itself and its applications in public policy and law.

In any rich, complex, modern society, different people experience very different sets of opportunities, not only in the early years but at all points throughout their lives. These differences are complex and intricate. One way to make sense of them, to render them tractable, is to speak about them in the aggregate at a relatively high level of abstraction, using terms such as "advantage." This approach—unequal opportunity from 30,000 feet—has its benefits: it allows us to speak in a straightforward-sounding way about who has more opportunity overall and who has less. But I want to suggest in this essay that this approach may also lead us astray.

In recent decades, scholars in a variety of disciplines across the social sciences have made significant progress in identifying and measuring in a systematic way what we might call the *how* of unequal opportunity: specific ways different people's opportunities differ, at different junctures, that have consequences for the trajectory of their lives. My aim in this essay is to suggest that political theorists ought to

take note of this work and allow it to inform the way we frame the problem of unequal opportunity. Such a reframing, I will suggest, can help cure certain deep problems with most of our usual ways of thinking about equal opportunity. At the same time, political theorists have something essential to contribute to the project of identifying which social science research questions about unequal opportunities really matter.

Here are a few examples of the kind of work I have in mind. Through direct observation, psychologists and sociologists have measured stark differences in certain *developmental opportunities* in early childhood—the opportunities for interaction with the world through which each of us gradually becomes the person we are. For instance, Betty Hart and Todd Risley observed the verbal interaction between parents and children and found that some children of high-socioeconomic status (SES) parents experience so many millions of words that by age three, these children may be observed using larger vocabularies than do lower-SES *parents* in their own parent-child interactions.<sup>1</sup> Sociologist Annette Lareau has observed that some children grow up in an environment of “concerned cultivation,” in which parents inculcate middle-class norms, a middle-class sense of entitlement, and the academic skills of a future college student, while others grow up in an environment of “natural growth” in which parents aim mainly to provide a safe environment in which children can happily play and organize their own activities.<sup>2</sup>

Meanwhile, a large body of empirical work across several disciplines has explored the interactions between parent education (and/or parent class background) and the kind of schooling a child receives. Wealthier areas often offer schools that are dramatically different from other schools along dimensions that powerfully affect children’s development.<sup>3</sup> Moreover, where school systems track by ability, parents with more education more often manage to move their children to the advanced, academic tracks, even controlling for their children’s early measured ability level.<sup>4</sup> By the time it comes to college attendance and completion—a necessary starting point on the path to most high-skilled careers—class has even more profound effects, perhaps especially in countries like the United States where higher education is expensive. A recent U.S. Department of Education study found that *high-SES* students who scored in the *bottom* 25 percent of all test takers on an eighth-grade mathematics test were slightly more likely to go on to earn a bachelor’s degree than the *low-SES* eighth graders who scored in the *top* 25 percent on the same test.<sup>5</sup> Another study recently found that among the very highest-achieving low-income students, the group whose grades and scores would likely earn them a place at the most selective colleges, a majority did not apply to any selective college at all.<sup>6</sup> Higher education then shapes the opportunities that graduates and nongraduates have throughout their working lives; it also affects the ambitions they form and the kinds of goals they pursue.

Such broad, class-linked differences in opportunity are only the beginning. Many people learn particular skills, which turn out to be central to their future careers, from their parents. Many others form ambitions to pursue a particular

career because it is the career of their parent or of some other adult in their life. For these reasons and others, labor economists and sociologists have begun to observe that while it is true that children often follow their parents in terms of SES, the data are if anything even more striking that many children follow directly into their parents' occupations.<sup>7</sup> The more finely grained we slice the occupational categories, the further from random chance, and the closer to their parents, the children seem to fall.<sup>8</sup> At the cutting edge of the study of unequal opportunity, economists have begun to observe that some children work not only in the same fields, but actually for the same employers, as their parents. Miles Corak and Patrizio Piraino found in a Canadian data set that about 40 percent of sons worked at some point for a specific employer that also employed their father (a figure that rises suddenly and steeply, to almost 70 percent, when the father is in the top 1 percent of income earners).<sup>9</sup> This kind of empirical work begins to reveal some of the contours of a complex and variegated landscape far below the 30,000-foot question of who has more overall advantage and who has less. On the ground, different people have very *different* sets of opportunities from one another, for reasons that are probably always linked in some way to broad-gauge class advantage, but that turn on factors that are more particular, such as one's parents' professions and specific employers.

All of the results discussed in the above paragraphs move well beyond the foundational and important research that has established (1) *that* certain forms of inequality are intergenerationally transmitted, and has told us a great deal about (2) *to what degree* those forms of inequality are intergenerationally transmitted. Both (1) and (2) are important results. The study of (2), whether through the sociologically inflected lens of Goldthorpe class schema or the economically inflected lens of income deciles, has yielded some critical insights—particularly when we examine (2) in a comparative way, either across geographic boundaries or across time or both. For instance, this work has identified a strong negative association between absolute inequality and social mobility (the more inequality, the less mobility).<sup>10</sup> But such broad-gauge observations, while important, do not actually tell us all that much about (3) *how* these forms of inequality are intergenerationally transmitted.

There are two basic ways we might approach the *how* question (3), both of which inform current literature. The difference between the two is more consequential than it might appear.

One approach, which we might call the *disaggregation* approach, models the intergenerational transmission of inequality as a phenomenon with several distinct causal factors, which are added together. Each causal factor is responsible for a portion of the whole. This approach requires, among other things, that we use a single variable for measuring the inequality we are interested in; typically researchers use class origins and class destinations. Then, researchers build a model in which various independent causal factors contribute to the association between class origins and class destinations. The simplest such model, and one that I think brings some of the difficulties with this approach squarely into focus, takes as the relevant

factors heredity and environment (perhaps subdividing environment into “shared” and “unshared” environmental factors). Research methods that employ this sort of model aim to *disaggregate* the transmission of inequality into hereditary and environmental components.

Why do this? Part of the reason has to do with some not-always-articulated premises about the meaning of equal opportunity itself. For instance, suppose we imagine that equal opportunity means a society in which people’s prospects for success depend on their natural talents, but not on the advantages derived from the circumstances of their birth.<sup>11</sup> In that case it becomes very significant to distinguish any transmission of inequality that is attributable to the transmission of (purportedly) natural talents from the transmission of inequality that is attributable to “environment,” where environment includes birth circumstances.

A second approach to the *how* question (3) is one we might call the *bottleneck* approach. Instead of taking our observations about the overall intergenerational transmission of inequality and attempting to disaggregate these into different causal components, this approach begins the analysis in a different place: with particular opportunities or decision points that have important effects, at different stages, on the trajectories of individuals’ lives. We can think of this second approach as building from the bottom up instead of from the top down.

Research methodologies following this second approach focus on particular opportunities or developmental processes that yield specific outcomes or skills, from the opportunities for linguistic interaction in early childhood to a young adult finding an early job with his or her parent’s employer. All of the studies described in the first several paragraphs of this essay can be understood in terms of this second approach. These studies identify, not the percentage of the aggregate transmission of inequality that might be attributable to the phenomena they study, but instead, *how* the phenomena they study contribute in some narrower and more specific way to the shape of people’s lives. This second approach does not necessarily require any single scale, such as class origins and class destinations, to function as a composite measure of what matters about the distribution of opportunities.

By focusing on these particular developmental opportunities and decision points—the real-world mechanisms through which different people obtain different opportunities—the second approach identifies phenomena in the opportunity structure of a type that I call *bottlenecks*.<sup>12</sup> We can visualize the opportunity structure of any society as a vast lattice of forking and intersecting paths, leading through early developmental opportunities and schooling all the way through the jobs and social roles that are central to the lives of adults. Bottlenecks are the narrow places at particular points in that structure through which people must pass if they wish to reach a wide range of different paths that open out on the other side. For instance, if finding a good job depends on access to certain kinds of connections, then the need for those connections is a bottleneck. When many different kinds of jobs require a college degree, the degree is a bottleneck. Where many educational institutions require for admission high scores on a particular test, that test is a bot-

tleneck, and so on. These phenomena are bottlenecks because a person must pass through them to reach some wide, and valuable, range of opportunities that open out on the other side. Now let us take one further step backward. Suppose that in order to score well on that admissions test, one needs the developmental opportunities that come from living in a neighborhood with a certain kind of schools, or having a family that speaks the society's dominant language at home. In that case *those* opportunities are significant bottlenecks.

Focusing on specific bottlenecks has some obvious practical utility from the point of view of a policy reformer: it helps us identify specific targets for reform. But I want to suggest that this approach is also a more useful way to think about the project of equal opportunity itself. Admittedly, this suggestion will entail taking a step away from the principle of *strict equality* in the distribution of opportunities.<sup>13</sup> Nonetheless, the bottleneck approach can help us achieve the normative aims that were our best reasons for valuing equal opportunity in the first place. Strict equality, in the context of opportunities, turns out to be surprisingly hard not only to achieve, but also to defend.

## I. THE TROUBLE WITH EQUAL OPPORTUNITY (AS WE USUALLY UNDERSTAND IT)

Most of our usual ways of conceiving of the project of equal opportunity make two simplifying moves in order to render equal opportunity tractable. First, we imagine a single scale of outcomes against which we can measure everyone's prospects—a scale that will necessarily be framed at a relatively high level of abstraction in order to capture everything about people's prospects that is normatively significant. Second, we offer some account of the factors that *should*, and the factors that *should not*, affect people's prospects.

In terms of this second move, a Rawlsian egalitarian draws a line between *talent and effort*, which should affect people's prospects, and *circumstances of birth*, which should not. As Rawls puts it, "assuming that there is a distribution of natural assets, those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of their initial place in the social system."<sup>14</sup> Luck egalitarians draw a different line, holding that our prospects ought to depend only on our responsible choices, not on our talents.<sup>15</sup>

Given the way we usually understand the project of equal opportunity, some line of this general sort must be drawn. Otherwise, equal opportunity would seem in danger of collapsing into equal outcomes. That is, we must define factors that *should* affect people's outcomes in life as well as those that should not, because to say that no factors should legitimately affect people's outcomes is the equivalent of saying that all should have the same outcomes. Once we are committed to defining

the *should* as well as the *should not* factors, we are also committed to drawing a line between the two.

This way of thinking lends itself to the disaggregation approach, discussed above, to the question of how intergenerational inequalities are transmitted. Suppose, for instance, that we could determine that one's future earnings in life (say) were due 30 percent to natural talents, 30 percent to individual effort, 30 percent to the advantages derived from circumstances of birth such as social class, and 10 percent to sheer luck of a more unpredictable kind. (These figures are wholly arbitrary.) While none of those factors can be measured directly by a social scientist, we might approach them through indirect means. For example, we might think that if we disaggregate the effects of "heredity" from those of "environment," for instance through the study of siblings or twins, we might be able to draw inferences about some of these underlying proportions, especially the effects of natural talents. While different normative conceptions of equal opportunity would draw the line in different places as among these various factors, on the whole we would be off to a promising start.

But the disaggregation approach has a fatal flaw, both as normative theory and as social science. The factors simply cannot be disaggregated. Even at the most conceptual, ideal-theory level, the percentages of the kind I laid out in the previous paragraph do not exist. Instead, all of our choices, as well as our talents, and everything else about us relevant to questions of equal opportunity, is the product of a multilayered process of interaction that over time, in a sedimentary way, makes each of us into the people we become.<sup>16</sup> As Samuel Scheffler argues in relation to the luck egalitarian project, it is impossible to "disentangle the respective contributions made by her will, on the one hand, and by unchosen features of her talents and personal circumstances, on the other."<sup>17</sup> Our choices are too intimately bound up with the opportunities we see before us and the experiences that shape us. Ronald Dworkin concludes, with respect to the drawing of a slightly different line: "It is no more possible to erase all differences in wealth that derive from inequality in talent without also erasing some of those that derive from choice than it was for Shylock to take his pound of flesh without drawing a drop of blood."<sup>18</sup>

If disaggregation were merely *practically* impossible, this would not necessarily present any bar to building theories of justice around it. We might in that case do fairly well with rough approximations. G. A. Cohen acknowledges the "disentangling" problem but argues that such difficulties are "not a reason for not following the argument where it goes."<sup>19</sup> On his view, the contributions of brute luck, on the one hand, and genuine choice, on the other—the variables on either side of the line for his luck egalitarianism—are "a matter of degree, and egalitarian redress is indicated to the *extent* that disadvantage does not reflect genuine choice."<sup>20</sup> In other words, as long as there is a real underlying fact of the matter out there regarding how much of a given outcome was in the relevant way driven by one set of factors or the other, we might be able to finesse practical difficulties with disentangling. Even if we could not know the relevant percentages for certain, we could still use rough knowledge to inform decisions about public policy and institutional design.

But the problem here is not simply practical; it goes much deeper. As we all proceed along the different developmental pathways that make each of us into the person we become, our skills and talents, our ambitions, the directions in which we exert effort, and even our most deeply held values, are the products of an iterative series of interactions between self and world—where “world” includes the opportunities the world affords us. There is no underlying truth of the matter regarding the percentages I posited above because instead, 100 percent of nearly any outcome<sup>21</sup> results from complex, iterative interactions of these variables (and others).<sup>22</sup>

This is why efforts to isolate the relative magnitude of the contributions of heredity and environment to the variance of a given human trait generate figures that turn out on closer inspection to be so ephemeral. Because all relevant variables result from the interaction of multiple factors, findings that something is “mostly” hereditary or environmental in origin tend to reflect whether, in the population surveyed, the most significant relevant variation happened to be of one type or the other. Put the same individuals in a new environment, and the percentages may be entirely different. As Simon Blackburn explains: “In a world of clones, the heritability of properties is zero; in a world of absolute sameness of environment, it goes to 100 percent.”<sup>23</sup>

Sometimes these interactions are relatively easy to explain. Imagine an effort to isolate the putative relative contributions of genes and environment to literacy in the antebellum South. A study using standard modern methods of disaggregation would find quite reliably that certain genes—specifically, those for black skin—produce illiteracy. This would point to a strong role for genetics. But in fact it is a story of interaction: Those with such alleles faced a particular reaction from their society that caused them not to be given the opportunities to develop literacy. This example is extreme, but the point is much more general. We do not come into the world with any talents, or for that matter with any ambitions or goals. We cultivate and develop all of these in relation to both the developmental opportunities we experience and the broader opportunity structure we see stretching out ahead of us.

Moreover, we do not all *need* the same opportunities. In the complex, layered interaction between a person and her environment, opportunities that are critically important for some may be perfectly useless to others. We tend to recognize this in the context of disability. If I am a typical, sighted person, then the opportunity to learn to read words on a page by sight may be one of the most important opportunities in my life, unlocking a staggering range of potential paths. If I am blind, then that opportunity is literally useless to me, while a different set of opportunities, to learn to read by other means, may be pivotal to the whole trajectory of my life. But there is nothing unique about disability here; there is always an interaction between person and opportunity that makes different opportunities more important to different people. The same school setting that provides one student with the perfect chance to unlock her talents may seem to another student deadening and dull, while in a different school setting, each might have the opposite reaction.

All of this raises a real difficulty for the project of literally equalizing opportunities, even at a purely conceptual level. It is tricky to imagine how we would even

decide which sets of opportunities are “equal” and which are not, when each person will respond differently to a given opportunity set. It cannot be that we simply give everyone the *same* opportunities; as the case of disability illustrates, that can be quite cruel. But it is not obvious how else we “equalize” bundles of opportunities containing many disparate combinations of elements, to which each person might respond differently.

Moreover, even if we responded similarly to the same bundles of opportunities, we all have different preferences about which paths we *want* to pursue. The chance to learn to program computers may, for one person, be the key that unlocks an entire life path, filled with work (and perhaps play) that for this person is a central building block of a flourishing life. Someone else may find that, given the person they have become up to that point, the opportunity to learn programming is useless. They would have been just as happy to have been born before it was invented.

These points all illuminate aspects of what is papered over by the first simplifying move discussed above: the move of placing everyone’s outcomes or prospects on a single scale. In fact there are many different kinds of outcomes one might value or pursue in life; different people value and pursue different ones for different reasons. Furthermore, we are not born with these preferences, but develop them over time, through interaction with the opportunities the world affords. Even an omniscient equalizer, with a complete multidimensional analysis of all possible opportunity sets, would have no way to account for the dynamic ways opportunities themselves are part of the story of how we arrive at our values and goals. It is interaction all the way down.

Political theorists have reasonable justifications for not wanting to introduce such complications into a discussion of equal opportunity. But in a way it is very strange to model equal opportunity with a single common scale, through which we render all outcomes commensurable or even rank ordered. It is strange because it seems to undercut a significant part of why we might have cared about the distribution of opportunities in the first place.

Imagine a society with two hereditary castes, warriors and priests.<sup>24</sup> Suppose the two castes offer opportunity sets of equal value on whatever scale we choose: wealth, Rawlsian primary goods, standing in the community, and so forth. But members of each caste are absolutely barred from the jobs and social roles that are reserved for the other caste. In terms of our single scale, the opportunities here may look perfectly equal. But the caste system is sharply constraining the paths that the members of each caste can choose in life—and therefore, constraining the kinds of flourishing lives they might pursue. The caste system also likely constrains the ambitions they form and the talents they cultivate, since we form our ambitions in large part out of the materials of the opportunities that seem potentially open to us. As John Stuart Mill argued in *The Subjection of Women*, “it would be a miracle if the object of being attractive to men had not become the polar star of feminine education and formation of character” because it is through attractiveness to men

that women could pursue most of the paths society made available to their caste.<sup>25</sup> The opportunity structure, in other words, is not simply a maze we navigate; it also shapes each of us. A gender structure that reserves some roles for men and others for women affects the paths each see opening up ahead, with lasting consequences.

Part of why we value equal opportunity in the broadest sense is that it presses against these constraints. It opens up broader ranges of possibilities for what we might do with our lives. Viewed in this light, equal opportunity is more of a species of freedom than a species of equality. It is the freedom to pursue paths in life without certain powerful constraints that result from limited opportunities.

If this is the case, then we ought to question conceptions of justice whose responses to the problem of unequal opportunity, either in ideal theory or perhaps as a second-best solution, consist essentially in compensation for those who are left worse off by limited opportunity. A large family of views includes the following series of moves: first, they hold (as discussed above) that equal opportunity exists when all the factors that *should* influence our prospects, do, and all the factors that *should not*, do not. Second, despite having just drawn this line, they acknowledge as well that it is not entirely just for each of us to derive maximum advantage from some of the factors that sit on the “should” side of the line—after all, for example, we did not earn our talents.<sup>26</sup> Third, these theories then move to mitigate the problem by offering some form of compensation for those who wind up worse off. For Dworkin, this takes the form of resource transfers that track what would be provided by hypothetical insurance against having more limited talents. For Rawls, it is the difference principle. Through such means we can mitigate the effects, at least in terms of income and wealth, and perhaps in somewhat broader terms, of the unequal results of our “equal opportunity” regime.

But here all we are doing is helping people move upward on a single scale of outcomes and rewards, perhaps money and nothing more. This does not give people the same things that opportunities would give them. As Rawls memorably argued in his justification for Fair Equality of Opportunity (FEO), “[i]f some places were not open on a fair basis to all,” those who were excluded

would be justified in their complaint not only because they were excluded from certain external rewards of office but because they were debarred from experiencing the realization of self which comes from a skillful and devoted exercise of social duties. They would be deprived of one of the main forms of human good.<sup>27</sup>

It is for this reason that Rawls commits to giving FEO lexical priority over the difference principle: we need to do something about lack of opportunity itself; we cannot just fix it through redistribution and compensation. The reason is that even though compensation could in theory be used for any project we might choose, it cannot make us into the people we would have become if we had had the opportunities.

Part of the point of equal opportunity is that opportunities help enable us to flourish, in many different and possibly incommensurable ways. Access to different opportunities, or to a wider range of opportunities, can increase the range of paths

we might choose for ourselves, leading to lives marked by different kinds of human flourishing. This cannot adequately be captured by any single, aggregate scale of the kind that is always at the heart of the disaggregation approach.

## II. THE BOTTLENECK APPROACH

The disaggregation approach may seem inevitable, both as a way of theorizing about unequal opportunity and as a premise for social science work on the subject. On this view, the alternative outlined above, the bottleneck approach, may seem too small-bore: it might generate some interesting results, but how will focusing in on a particular bottleneck help us to understand the entire, broad phenomenon of unequal opportunity? Moreover, bottlenecks are a feature of any opportunity structure. Any time more people want a particular job, role, or educational place than can obtain it, some decision mechanism will have to decide who does. Any such mechanism creates bottlenecks, at least to some degree. Bottlenecks, in other words, are inevitable.

But their severity is not. If *all* employers or *all* universities use the same test or criterion as the sole ground on which they make their decisions about whom to hire or admit, then that test or criterion will create a very severe bottleneck. But if different institutions employ different criteria—and even better, if within a single institution there are multiple ways to prove one's merit—then this will reduce the severity of the problem considerably, in that no one criterion stands as the bottleneck through which all must pass if they hope to pursue most opportunities.

To make this a little more concrete, suppose that a single employer decides to check the credit history of those applying for employment, and to hire only those with sparkling credit.<sup>28</sup> This practice creates a bottleneck, in that one must now have excellent credit (suppose it is a strict, or absolute, requirement) to get a job at this enterprise, and then to be promoted into higher roles at this company and so on. However, if this is just one, relatively small, idiosyncratic employer, then the bottleneck is not especially severe because it is not especially pervasive. If you have a poor credit history, you are out of luck at this particular company, but your overall range of opportunities in life is affected only in a marginal way. But now suppose that the credit-check practice becomes more popular, so that many or even most employers engage in it. Now the bottleneck is much more severe. At the extreme, one would need good credit to get a job at all, with predictable negative consequences for those attempting to get a job in order to rebuild their credit.

The case for ameliorating a bottleneck is at its strongest where the bottleneck is the most severe. For instance, it may be that in a given society, speaking the dominant language is absolutely necessary to obtain the vast majority of jobs and other social roles. Those who cannot speak this language, or who can barely do so, face a very limited range of opportunities. What is needed, in this sort of situation, is

some combination of (a) providing opportunities to learn the dominant language, and at the same time (b) expanding the range of opportunities for those who do not speak the dominant language. Perhaps one really does need this language skill for a large set of jobs, but employers require it for additional jobs beyond this set as well; paring back those requirements would make this bottleneck less severe. What I call the *anti-bottleneck principle* is not a principle that suggests we ought to eliminate all bottlenecks (which is impossible). Instead, the principle is that we ought, where possible, to reduce the severity of bottlenecks that are relatively severe.

Analyzing the severity of bottlenecks requires viewing them in the context of the opportunity structure as a whole. Sometimes a number of bottlenecks, none of which by itself is terribly severe, add up to one that is severe. For instance, imagine that some employers hire as interns the children of their friends and family members. By itself, this might not be terribly significant. But suppose it turns out that these internships are the only way to break in to a number of career paths—and that those career paths, in turn, offer combinations of forms of human flourishing that are not available through other routes. Suppose we add to this story the additional detail that the internships are *unpaid*, so that pursuing them very nearly requires some source of outside wealth or income such as parental wealth, and both this wealth and the family connections are highly dependent on class. Now it would seem that we have a severe bottleneck based on class in this opportunity structure: one must come from a certain class in order to proceed along a wide range of paths that lead to valuable, and valued, goals.

The general approach of focusing on bottlenecks supports a diverse set of research programs including all those with which this essay began. Consider the new economic work on the intergenerational transmission of employers.<sup>29</sup> To build on this work, from an anti-bottleneck perspective, one would want to learn more about exactly *how* it is that the young men (in these data sets) wind up working at a place that has employed their fathers. Although direct observation is difficult, one might look for ways to examine indirectly whether it is a matter of knowing about the job, access to connections, ambitions formed to pursue the same line of work, simple nepotism, and so forth. Depending on which of these stories is doing the work, the potential institutional and public policy responses would differ. For example, if the primary mechanism is about access to knowledge about the line of work and/or the specific job opening, then employers, schools, or other relevant actors could create programs through which people could gain access to inside knowledge about careers and openings in fields where they do not have family connections. This sort of change advances the anti-bottleneck project.

From the perspective of the anti-bottleneck principle, we need not, and indeed should not, arrange all possible “outcomes” on a single hierarchical scale. The single scale approach does not capture all that matters about the distribution of opportunities. Extending the priest and warrior caste example, one can imagine a society in which everyone must learn a trade on a parent’s knee, so that all children have the same occupation as at least one parent. Suppose that in this society, all jobs in the

society offer similar probability distributions of income, as well as of prestige and other rewards. In terms of our scale of outcomes or rewards, there could be perfect equality of opportunity here. One's chances of ending up high or low on that scale do not depend on family background. Nonetheless, even in this stylized case, we ought to be troubled by the very limited range of opportunities such a society provides to each person. Similarly, in our own society, we ought to be concerned if access to different jobs and professions is governed to some significant degree not only by class background (which is problematic in itself) but also, in a more granular way, by special developmental opportunities that come with having parents or family members in specific occupations.

### III. BOTTLENECKS AND EQUAL OPPORTUNITY OVER THE LIFE COURSE

The bottleneck approach also helps us move beyond a different set of limitations that result from our usual frameworks for thinking about equal opportunity: a myopia about time and second chances. Our usual models of equal opportunity pose sets of factors that *should*, as well as those that *should not*, affect our prospects. All such models imagine that our own choices, made under appropriately specified conditions of responsibility, fall on the *should* side of the line. So let us imagine that someone had an equal opportunity (however defined) up to age eighteen, and squandered it—she did poorly, goofed around, and failed to take advantage of the opportunities she had. Those poor choices were entirely her own; we will assume counterfactually that they were wholly unshaped by her circumstances and opportunities. Now suppose she has very limited future prospects. She has made an exit from the highways of opportunity, and there are no onramps back on.

Our usual theories of equal opportunity generally hold that if opportunities were in fact equal, no claim of “equal opportunity” can now be made regarding giving this person a second chance or yet another opportunity. To be sure, luck egalitarians and other advocates of various conceptions of equal opportunity of the usual kind are in no way committed to the proposition that she *must* have limited prospects. But there is no equal-opportunity argument for improving her range of opportunities now, when that range is limited only because of factors (her choices) that we think *should* affect her prospects.

At first blush this objection sounds like the harshness objection sometimes advanced against luck egalitarianism: that luck egalitarianism is just too harsh to those whose bad choices (or disastrous option luck) land them in dire straits. Some luck egalitarians reformulate their theory in response to the harshness objection to include some welfare-improving minimum provision, even for those whose disadvantages are entirely the result of their own responsible choices.<sup>30</sup> One could also respond to this problem by arguing that the range of outcomes should simply be narrower: everyone's outcomes should be bunched closer together, so that even

those who do poorly, for fair reasons, do not fare *so* poorly. (The further one pushes this idea, the closer one comes to advocating equal outcomes rather than equal opportunity.) Most egalitarians probably favor some form of minimum provision or transfers to improve the welfare of the worst off even when the worst off are the worst off by reason of their own bad choices. But none of this welfare-improvement necessarily improves anyone's range of *opportunities*.

Someone who squandered her chances up to age eighteen might legitimately wish not (only) for welfare improvements but for opportunities—that is, for a chance to make something of her life. She might want “the realization of self which comes from a skillful and devoted exercise of social duties,” what Rawls calls “one of the main forms of human good.” For a thirty-year-old or a fifty-year-old saddled with bleak opportunities, it might legitimately seem unjust if no amount of effort, or even talent, can now have much effect, because of what happened during a long-ago misspent youth when she may have been a rather different person.

Thus, equalizing opportunities only up to age eighteen—aiming for equal prospects at one “starting gate” moment<sup>31</sup>—seems unsatisfactory. However, to equalizing opportunities over an entire life course is very challenging, even at a purely conceptual level—especially if we also hope to reward performance or make outcomes sensitive to choices to some degree. How many second and third chances should a person have? Many factors affect a person's prospects at any given moment in time, including everything that happened in her life up to that point and every choice she has made. Deciding who deserves what in the way of additional opportunities at every moment in time presents a problem of disentangling so outrageously complex, and so plainly indeterminate, that it almost certainly means we have asked the wrong question.

The bottleneck approach avoids all this by attacking the problem from the other direction, from the bottom up. If someone is facing bleak prospects, the bottleneck approach prompts us to ask a more straightforward question: what exactly is making those prospects bleak? If her actions at age eighteen are limiting her prospects at age thirty or fifty, *how* exactly is this happening? We need not decide whether or to what degree those younger-self choices were themselves the product of circumstances, a question that generally has no precise answer. We need not disentangle knotty questions of desert. Instead we focus on the bottlenecks that are operating in the present to constrain her opportunities.

For instance, perhaps the key is an important educational credential that this person never obtained. Suppose most or all employers require a college degree for advancement beyond the entry level, but the only way to obtain such a degree was to score well on the relevant tests at age eighteen and then pay substantial sums of money to attend college through age twenty-two. The more severe the college degree bottleneck, the greater the imperative to provide ways through it or around it—that is (a) providing adults with accessible, practical ways to obtain college degrees, and (b) reducing the pervasiveness of college degree requirements among employers.

Or perhaps the problem is a past criminal conviction, for some relatively minor offense, that is sharply limiting this person's prospects for the rest of her life because

although the conviction and punishment are long past, almost no one will hire someone with any criminal record (and indeed the negative consequences may extend beyond the employment sphere). The anti-bottleneck principle prompts us to look for ways to make this bottleneck less severe. For instance, we might advocate, or law might require, a more nuanced assessment of each person's individual criminal record, in contrast to a "check-box" approach where employers refuse to consider any applicants who check "yes" in response to the question of whether they have ever been convicted of a crime.<sup>32</sup>

In theory, ameliorating bottlenecks could have problematic effects on incentives. Discrimination against those with criminal records could provide a strong ex ante incentive not to commit crimes; limited chances to go back to school later could be what keeps eighteen-year-olds in school now. If so, then providing a second chance might cause people to squander their first. But in the case of major, pervasive bottlenecks in the opportunity structure such as these, the practical effect of ameliorating them, in terms of incentives, is likely to be small. For instance, the potential deterrent effect of collateral consequences of criminal convictions is likely swamped by the deterrent effect of criminal punishment itself—and in any event, ameliorating the no-criminal-record bottleneck does not mean eliminating it. Where a college degree is overwhelmingly important, everyone already has a strong incentive to pursue one; adding an alternative path for those who missed out at age eighteen hardly eliminates this incentive.

But suppose providing an alternative does encourage some people to choose to go to college later. On balance, that is probably a good thing. If part of the point of equal opportunity is to give people more room to pursue different paths in life that they choose for themselves, there is a pro tanto benefit in removing strong incentives that push people to organize their lives in a particular way or on a particular timetable or sequence. Sometimes this will not be beneficial all things considered. Sometimes either the negative externalities, or the negative effects for the individual herself, are so powerful that all things considered, a paternalistic approach is best. But usually, ameliorating bottlenecks will tend on net to improve the mix of incentives people face in navigating the opportunity structure by giving them more viable options for how to organize their lives.

#### IV. BOTTLENECKS AND CLASS

The bottleneck approach can even help inform research about what may be the most powerful bottleneck of all in many societies: class background. Here, the anti-bottleneck principle might seem unnecessary. After all, class background differences are large enough that they are visible from 30,000 feet; sometimes they seem to be the only inequalities visible from that height. The disaggregation approach could help us determine the degree to which class origins predict class destinations, a measure of severity.

The bottleneck approach asks a different set of questions about *how* class affects specific kinds of opportunities at different junctures in the opportunity structure. Instead of looking at class transmission in the aggregate and breaking it down, the anti-bottleneck approach builds the story from the bottom up, from myriad small inequalities—from physical geography to schooling, methods of financing college, family help with making a down payment on a home, the unpaid internships discussed above, and so on.

We may care about these particular bottlenecks in the first instance because they contribute to a larger one: the power of class itself as a bottleneck. But that ought not to be the only reason we care. It would matter, for instance, if some children have access to tremendous opportunities through schooling and others' opportunities are much more limited, even in the (perhaps rare) cases where this does *not* correlate with class. Moreover, if we create new paths through or around bottlenecks, this may have benefits for many people—for anyone who was unable to get through—whatever their class background.

The researchers mentioned above who are studying the high-achieving, low-income students and their college decisions<sup>33</sup> are pursuing a research program very much in line with the bottleneck approach to class. They saw a pattern in their data: in general, these very high-achieving students tended not to apply to selective colleges, but there were some pockets, particular high schools, where this effect was greatly mitigated. Those tended to be competitive public high schools in about fifteen major U.S. cities. Outside of those few locales, the authors found, low-income high-achieving students “have only a negligible probability of meeting a teacher, high school counselor, or schoolmate from an older cohort who herself attended a selective college”; they tend not to apply to distant, selective colleges and universities.<sup>34</sup> This finding suggests the shape of the bottleneck: it seems to be, in significant part, a question of contacts, information, and perhaps ambition-formation. This, in turn, suggests potential interventions that could help more of these students through this particular bottleneck.<sup>35</sup>

Such interventions address only one small aspect of the larger class bottleneck; they may expand the opportunities of only a small sliver of the poor. Other people may need entirely different kinds of opportunities to unlock their talents and enable them to pursue paths that lead to more flourishing lives. But we are much more likely to identify useful interventions if we begin with bottlenecks and build upward, rather than starting at the top, by observing the intergenerational transmission of class, and then trying to break it down.

## V. CONCLUSION

From a public policy perspective, scrutinizing bottlenecks has the potential to pay large dividends: this mode of analysis can help us identify points of intervention. But there are also significant dividends on the level of normative political theory.

Shifting the focus from a single scale of outcomes to an analysis of bottlenecks allows us to bring into the picture a wider range of concerns: not only how high one reaches on a particular outcome scale but the range of opportunities one has to pursue paths that lead to a flourishing life.

Political theorists have good reason for attempting to collapse the many complex inequalities of opportunity in modern, advanced societies into a single scale. Being able to speak about who has “more” and “less” opportunity, all things considered, helps provide a straightforward foundation for building certain more complex arguments about distributive justice. But we pay a price for this. Opportunities often matter in ways that no single scale can capture. Even when two people have opportunities of the same value on the relevant scale, this does not give us any complete picture of whether one, the other, or both face serious constraints on the paths they can pursue.

Egalitarians are now beginning to confront the inequalities that begin at home—to use Adam Swift’s iconic example, the inequalities of opportunity that arise when some parents read bedtime stories to their children and others do not.<sup>36</sup> Analysis of this sort of inequality is essential if political theorists are to have any hope of getting to the heart of the matter: justice in the developmental processes by which each of us comes to be who we are. But broad-gauge inequality is only part of the story of the complex, varied, and unequal opportunities that shape our lives. Now that we are attentive to bedtime stories, perhaps we ought also to think about *what kinds* of stories we are telling different children. For instance, are we telling boys and girls different kinds of stories, and encouraging them to imagine different kinds of lives?<sup>37</sup>

A range of research programs in labor economics, sociology, psychology, and other social sciences has begun to break down the question of equal opportunity in a more granular way, conducive to thinking of equal opportunity in terms of specific bottlenecks. Political theorists ought to make use of this work. In the end, the problem of unequal opportunity is not simply a problem of who will start and end in what positions in a hierarchy—although that is certainly important. It is, perhaps more fundamentally, about what kinds of opportunities we each see open ahead of us, and the constraints that shape what we might do with our lives.

## ACKNOWLEDGMENTS

I would like to thank the participants in the conference on Rethinking Inequality at the University of Ottawa, and especially the organizers, Patti Lenard and Monique Deveaux, for helpful comments on this essay and for an excellent conference.

## NOTES

1. Betty Hart and Todd R. Risley, *Meaningful Differences in the Everyday Experience of Young American Children*, rev. ed. (Baltimore: Brookes, 2002), 176. Hart and Risley's pioneering study divided their sample of children into "professional," "working-class," and "welfare" groups; this striking result compares the "professional" and "welfare" groups.
2. Annette Lareau, *Unequal Childhoods: Class, Race, and Family Life, Second Edition with an Update a Decade Later* (Berkeley and Los Angeles: University of California Press, 2011).
3. E.g., James Ryan, *Five Miles Away, A World Apart: One City, Two Schools, and the Story of Educational Opportunity in Modern America* (New York: Oxford University Press, 2010).
4. See, e.g., Massimiliano Bartti, Lorenzo Cappellari, Olaf Groh-Samberg, and Henning Lohmann, "School Tracking and Intergenerational Transmission of Advantage," in *From Parents to Children: The Intergenerational Transmission of Advantage*, ed. John Ermisch et al. (New York: Russell Sage Foundation, 2012), 311 (finding strong parent education effects, especially in Italy, where students have more choice as to their track, as compared with Germany).
5. See Mary Ann Fox et al., *Youth Indicators 2005: Trends in the Well-Being of American Youth* (Washington, DC: U.S. Department of Education, 2005), 50–51, table 21; Joydeep Roy, "Low Income Hinders College Attendance for Even the Highest Achieving Students," Economic Policy Institute Economic Snapshot, October 12, 2005.
6. Caroline M. Hoxby and Christopher Avery, "The Missing 'One-Offs': The Hidden Supply of High-Achieving, Low-Income Students," NBER Working Paper No. 1858, December 2012.
7. See, e.g., Jan O. Jonsson et al., "Occupations and Social Mobility: Gradational, Big-Class, and Micro-Class Reproduction in Comparative Perspective," in *Persistence, Privilege, & Parenting: The Comparative Study of Intergenerational Mobility*, ed. Timothy M. Smeeding et al. (New York: Russell Sage Foundation, 2011).
8. Jonsson et al., "Occupations and Social Mobility."
9. Miles Corak and Patrizio Piraino, "The Intergenerational Transmission of Employers," *Journal of Labor Economics* 29 (2011): 37, 48–49. See also Paul Bingley, Miles Corak, and Niels Westergaard-Nielsen, "Equality of Opportunity and Intergenerational Transmission of Employers," in *From Parents to Children: The Intergenerational Transmission of Advantage*, ed. John Ermisch et al. (New York: Russell Sage Foundation, 2012) (finding similar results in Denmark—a lower base, but a similar spike at the top end).
10. E.g., Miles Corak, "Inequality from Generation to Generation: The United States in Comparison," in *The Economics of Inequality, Poverty, and Discrimination in the 21st Century*, ed. Robert Rycroft (Westport, CT: Praeger, 2013).
11. This is related to, although importantly not the same as, the Rawlsian conception of Fair Equality of Opportunity, in which opportunities depend on *natural talent and effort*, but not on the advantages derived from circumstances of birth. See discussion below.
12. For a fuller version of this argument, see Joseph Fishkin, *Bottlenecks: A New Theory of Equal Opportunity* (Oxford: Oxford University Press, forthcoming).
13. As I argue elsewhere, an approach focused on bottlenecks still might nonetheless fairly be viewed as a conception of "equal opportunity," broadly conceived: in ordinary usage, and even in some philosophical writing, "equal opportunity" often has a meaning that is broader than the literal equalization of opportunities. See Fishkin, *Bottlenecks*, Introduction, at notes 21–22 and accompanying text.
14. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999), 63.
15. In this sense, luck egalitarianism may be viewed as a very strong conception of equal opportunity. See Carl Knight and Zofia Stemplowska, introduction to *Responsibility and Distributive Justice* (Oxford: Oxford University Press, 2011), 18–19 (noting that some of the foundational luck egalitarian arguments viewed luck egalitarianism as "specifying what genuine equality of opportunity requires," but that other versions of luck egalitarianism do not imagine such a tight relationship). In particular, Richard Arneson initially framed luck egalitarianism as equality of opportunity for welfare. Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56 (1989): 77.

16. See Fishkin, *Bottlenecks*, ch. 2.
17. Samuel Scheffler, "What Is Egalitarianism," *Philosophy & Public Affairs* 31 (2003): 21. See also Samuel Scheffler, "Choice, Circumstance, and the Value of Equality," *Politics, Philosophy, & Economics* 4 (2005): 5.
18. Ronald Dworkin, *Sovereign Virtue* (Cambridge: Harvard University Press, 2002), 341. Dworkin's response to this problem is to try to avoid having to disentangle the effects of talents from the effects of choices, instead mitigating the effects of differential talents through resource transfers and his hypothetical insurance market, an approach that underscores a different difficulty I will discuss just below.
19. G. A. Cohen, "On the Currency of Egalitarian Justice," in *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, ed. Michael Otsuka (Princeton, NJ: Princeton University Press, 2011), 32.
20. Cohen, "On the Currency of Egalitarian Justice."
21. There are, to be sure, exceptions. For instance, a sudden inheritance of great wealth may truly reflect nothing about one's talents, efforts, and so forth—its causes are wholly external to the self.
22. The most sophisticated response to this problem in the equal opportunity literature is John Roemer's EOp function. John E. Roemer, *Equality of Opportunity* (Cambridge, MA: Harvard University Press, 2000). For reasons I discuss elsewhere, see Fishkin, *Bottlenecks*, Section I.C.2.iii, EOp does an admirable job of avoiding the problem of disentangling variables that cannot be disentangled, but it cannot do the work a complete conception of equal opportunity ought to do—nor does Roemer imagine that it could.
23. Simon Blackburn, "Meet the Flintstones," *New Republic*, November 25, 2002 (reviewing Steven Pinker's book, *The Blank Slate*).
24. This example comes from Mary Anne Case, "'The Very Stereotype The Law Condemns': Constitutional Sex Discrimination Law as a Quest for Perfect Proxies," *Cornell Law Review* 85 (2000): 1476.
25. John Stuart Mill, *The Subjection of Women* (Indianapolis: Hackett 1988 [1869]), 16.
26. I have in mind here both Dworkin's view and Rawls's.
27. Rawls, *Theory of Justice*, 73.
28. This example is non-hypothetical. See Joseph Fishkin, "The Anti-Bottleneck Principle in Employment Discrimination Law," *Washington University Law Review* (forthcoming 2014).
29. See note 9 and accompanying text.
30. See Kristin Voigt, "The Harshness Objection: Is Luck Egalitarianism Too Harsh on the Victims of Option Luck?" *Ethical Theory & Moral Practice* 10 (2007): 389, 404–6.
31. See Fishkin, *Bottlenecks*, Section I.C.3.
32. This, too, is a real-world example; a number of U.S. states and cities have passed "ban-the-box" laws requiring employers to adopt the more individualized approach. See Fishkin, "The Anti-Bottleneck Principle in Employment Discrimination Law."
33. See Hoxby and Avery, "The Missing 'One-Offs.'"
34. *Ibid.* at 2.
35. One of the authors and a colleague have tested one such intervention, inexpensive yet effective: a packet of semi-customized college information (including financial aid information) combined with application fee waivers. Caroline Hoxby and Sarah Turner, "Expanding College Opportunities for High-Achieving, Low Income Students," SIEPR Discussion Paper 12–014.
36. See Adam Swift, *How Not to Be a Hypocrite: School Choice for the Morally Perplexed Parent* (London: Routledge, 2003), 9–20 (noting that an entire spectrum of parental activities, including activities like reading bedtime stories, pass on advantages to children, thereby creating inequalities of opportunity).
37. It is easy to attribute to nature and biology the effects of the complex developmental processes that our stories help steer. See, e.g., Cordelia Fine, *Delusions of Gender: How Our Minds, Society, and Neurosexism Create Difference* (New York: Norton, 2010).