

Fairness and close personal relationships

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Fairness and close personal relationships

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Abstract

This paper argues that close personal relationships play an important role in our judgments about what is fair. I start with an explanation of leading theories of fairness, highlighting the potential for further work on the grounds of fairness. Next, I offer an account of close personal relationships as having the ability to generate legitimate and reasonable expectations of one or other party to a judgment about fairness, or both. I show how and when close personal relationships can ground fairness.

KEYWORDS

bias, Broome, desert, fairness, Hooker, needs, relationships

1 | FAIRNESS

The purpose of this paper is to propose that close personal relationships have been overlooked as potential grounds for judgments about fairness. This addition may seem surprising, given that fairness is often connected with impartiality, and the avoidance of bias and nepotism. However, I will show that my claim is compatible with two popular views of fairness. I will demonstrate a benefit of acknowledging close personal relationships as potential grounds of fairness, by showing how doing so avoids a charge of implausibility against a leading account of fairness and accommodates our intuitions about the role of fairness. I will start with some explanation of current views of fairness.

Philosophical accounts of fairness fall broadly into two categories. First, there is the view that fairness is the satisfaction of claims in proportion to their strength, hereafter the proportionality view. The proportionality view of fairness was proposed by Broome (1990), and it generated a lively and ongoing debate. Broome's view is that fairness requires that claims to divisible goods, such as money, be satisfied in proportion to their strength. For example, if Anna's claim on a divisible good is twice as strong as Arron's, then Anna should receive twice as much of the good as Arron. However, claims to *indivisible* goods, such as organ transplants, should receive surrogate proportional satisfaction. This surrogate satisfaction is delivered by way of a lottery. Proportionality is maintained

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by holding an equally weighted lottery for claims of equal strength and a proportionally weighted lottery for claims of unequal strength. If Carla's claim on an indivisible good is twice as strong as Sam's, Carla's chances of winning the lottery should be twice as high as Sam's.

Versions of the proportionality view are endorsed by Saunders (2010), Curtis (2014), Lazenby (2014), Sharadin (2016), Vong (2015, 2020) and Piller (2017). Hooker's was the first critique of fairness as proportionality, paving the way for a thriving debate about how to understand fairness. Hooker (2005, p. 329) says the proportionality view "points us in the right direction, even if it takes some missteps" but Hooker rejects the proportionality view.

Accounts of fairness falling into the second category identify fairness with sensitivity to relevant features or considerations of a situation, hereafter the relevance view of fairness. Fairness requires that we be sensitive to the relevant features of a situation, ignore the irrelevant features of a situation and reach judgments about fairness accordingly. For example, Cullity (2004, 2008) argues for fairness as *appropriate* impartiality. In some situations, such as a weightlifting competition or when allocating a heavily manual task,¹ it would be appropriate to attend to physical strength; in others it would be inappropriate to do so because physical strength is irrelevant to the situation. For example, when awarding the Philosophy Essay Prize, being appropriately impartial would lead a judge to attend to the merits of the essays and meeting the criteria set for the competition. In 2018, Cullity amends his terminology slightly, claiming that fairness is "fitting" impartiality. Hooker, (2005, and manuscript) defends the idea that fairness links to a subset of morally relevant considerations. McMahon (2010) identifies fairness with an *appropriate* arrangement of concessions in the realm of reciprocal concern. McMahon explains that in a generally cooperative society, various concessions need to be made to maintain social order. What dictates the appropriate levels of sacrifice? "A cooperative arrangement will be fair if the conditions specified [...] are appropriate" (p. 93) What the three views have in common is the idea that there will be certain considerations which should be attended to in arriving at a judgment about fairness, and others which should be ignored.

On both the proportionality view and the relevance view, an interesting question arises, albeit in different forms. For the proportionality view, where *claims* are to be satisfied in proportion to their strength, the question is, "what generates a claim?" On the relevance view, where sensitivity to relevant considerations is key to fairness, the question is, "which considerations are relevant?" However we ask it, the question is about the *grounds* of fairness. What kinds of reasons connect with fairness, when, and why? In the next section, I will first explain and then extend the progress made so far towards answering this question.

2 | THE GROUNDS OF FAIRNESS

Broome and Hooker have both contributed to our understanding of the grounds of fairness. Writing about the sources of claims, Broome suggests:

In different circumstances claims will have different sources. Sometimes they may arise from the candidates' needs, from their general rights such as property rights or a right to life, from a debt of gratitude, or from something else. Sometimes claims may be the resultant of several influences. I shall take no view about any of this, though in examples I shall make various assumptions for the sake of illustration. I shall simply take claims as given and ask what follows. (1984, p. 44)

¹If the heavy lifting always falls to the strongest person, there may still be grounds to claim unfairness depending upon the context. Suppose, for example, Mara joined a company with a legitimate expectation of a varied working day yet finds herself continually loading boxes onto lorries. Her employer may need to adjust Mara's duties, to treat her fairly. This does not detract from the idea that one should pay attention to relevant considerations. Rather, there may be more than one consideration at play.

Broome also rejects two potential grounds of fairness claims: claims to maximise the good, and claims generated by side constraints which are very strong, and some say inviolable, moral constraints on action (Nozick, 1974, p. 33). Broome offers a thought experiment to support his view that claims to maximise the good are not grounds of fairness:

Someone has to be sent on a mission that is so dangerous she will probably be killed. The people available are similar in all respects, except that one has special talents that make her more likely than others to carry out the mission well (but no more likely to survive). This fact is recognized by her and everyone else. Who should be sent? Who should receive the good of being left behind? It could plausibly be thought that the right thing is simply to send the talented person. But it is also very plausible that doing so would be unfair to her. (1990, p. 90)

Broome's explanation is that even when maximising benefits is the *right* thing to do, it may not be *fair*. For example, if the mission is going to save an enormous number of lives, then it would be right to send the most talented agent but the fact that the most talented agent did not have a chance to remain in safety is unfair.

Presumably Broome rejects claims generated by side constraints as grounds of fairness because side constraints work by *trumping* other considerations. If Katie is the only one to have a claim on some good that comes from a side constraint, then, even if Jack has a claim on the same good though his claim comes from something other than a side constraint, Katie should have the good period; proportionality does not come into play. Proportionality views of fairness hold that fairness is always the satisfaction of claims in proportion to their strength. Such a view does not fit with the idea that some claims come from side constraints that trump any other considerations.

Broome mentions desert and need as potential grounds of fairness (1984, p. 48, 1990, p. 93) but is more sceptical about need as a ground of fairness in the 1990 paper. On his view, the reasons that ground fairness are "duties owed to" candidates for the good (1990, p. 93). The reasons are not duties themselves. Rather, the content of the duties provides a reason that grounds a fairness claim. For example, if David has a duty to pay Brad and me for the work we have done, and if the content of that duty is our *deserving* payment, then not paying us proportionately is unfair. Equal pay, for example, for equally strong claims. Broome does not argue for the inclusion of desert or need as grounds but, even though the concepts themselves are highly contestable, I find it very plausible that both desert and need are sometimes grounds of fairness.

In Hooker's critique of Broome's account of fairness, he argues that fairness is "more than merely equal and impartial application of rules but narrower than all-things considered moral rightness" (2005, p. 350). This understanding of fairness follows from the fact that all-things considered moral rightness depends on *all* moral considerations. By comparison, fairness is only connected with a *subset* of moral considerations. For example, one would describe a theft or a physical assault as wrong, rather than unfair.

However, paying someone less than they deserve might be both unfair and wrong, perhaps even wrong *because* it is unfair. The idea that the grounds of fairness depend on a subset of moral considerations is common to both the proportionality and the relevance view. There is, however, some disagreement concerning the grounds of fairness. Unlike Broome, Hooker believes side-constraints can be grounds of fairness. Since it is not committed to proportionality, the relevance view does not need to exclude side-constraints as grounds of fairness. Hooker (2005, p. 349) rejects the proportionality view with the following example:

[S]uppose that there is available some limited quantity of medicine and that this medicine cannot be divided without rendering it ineffective. Suppose your claim on the medicine comes from the fact that you need it to save your life, and my claim on it comes from the fact that I need it to save my little finger. Suppose an average life is something like a thousand times more important than a little finger. So, should the matter of who gets the medicine be decided by a lottery in which you have a 999/1000 chance of winning and I have a 1/1000 chance? Given that your claim is so much stronger than mine, how could it be right to take any risk that I rather than you might end up with the good?

Hooker continues “when people have unequal claims on some indivisible good, weighted lotteries are not required by fairness—indeed are contrary to fairness.” But the relevance view can accept proportionality sometimes. That will depend on the relevant considerations, including the grounds of the claims, whether a good is divisible and whether, if the good is indivisible, the claims are close to equal. If the source of claims on a good includes a side-constraint, it may not be fair to settle the claims proportionally. A further reason for allowing that side constraints may be grounds of fairness stems from the possible definitions of a side-constraint. Some philosophers define side-constraints as inviolable; others define them as especially strong pro-tanto duties. Hooker suggests that an account of fairness that can accommodate side-constraints is superior to an account that cannot (2005, p. 344).

Cullity's account of fairness trades on the close conceptual relationship between fairness and impartiality. Oftentimes, a means of ensuring fairness is to abstract from the identities of the parties concerned, with the goal of removing knowledge that may distort judgment by allowing biases or irrelevant facts to infect our judgments about what is fair. Clues about the grounds of fairness are found in the different ways in which one can be impartial. Cullity notes that there are a variety of ways of being impartial (2008, p. 3):

You might impartially respond to the merits, or the interests, or the needs, or the claims, or the abilities, or the feelings of the people in a given group— and you might do so in relation to one group but not others. Each of these would be a way of being impartial, as long as you were setting aside the other features of the individuals concerned. Indeed, in any situation, there will be indefinitely many ways of treating people impartially.

On Cullity's view, fairness depends on applying the *appropriate* form of impartiality between members of a group. For example, when allocating my time, I can be impartial between my students, yet give their interests preference over other groups of students. Given the expectations that accompany the role of lecturer, I am not required to be impartial between my students and other students, so I am not being unfair. Partiality towards certain students within the relevant group, however, is not appropriate and would be an instance of unfair treatment.

While impartiality sometimes requires abstracting entirely from distinguishing features of members of a group—such as holding an equally weighted lottery to allocate a small number of tickets to a larger group of people with equal strength claims—in many cases, appropriate impartiality requires ignoring *some* features while attending to others, which is why I have identified Cullity's view as another “relevance” view. This restricted form of impartiality would mean, for example, that bursaries may be awarded according to need or desert but not according to gender, race, or family contacts. Whichever features we ought to attend to, as a matter of appropriate impartiality, are the grounds of fairness. For my purposes, then, I am interested in the features that might be identified.

Sometimes, identifying the features one should attend to can be straightforward. The equally weighted lottery is an inappropriate way of allocating grades to student papers because grading essays fairly requires sensitivity to the relevant feature: differences in the qualities of the papers being graded. A lottery ignores the relevant feature appropriate for allocating grades. Most aspects of a student's identity will be irrelevant though certain disabilities might be considered. Usually, one should attend to the quality of work being assessed. Some indication of the grounds of fairness are to be found in the aims of distributive practices. Cullity writes (2008, p.4):

[D]ifferent distributive practices are properly governed by different aims. Those aims determine the kind of impartiality appropriate to the distribution. Musical bursaries are fairly distributed to those with the most talent; medical resources to those whose needs are greatest: in either case, fairness requires impartially setting aside any other characteristics of the recipients as irrelevant. In general, distributive unfairness occurs when a distributive practice fails to be governed by the kind of impartiality appropriate to the point of that practice.

Desert, then, is a ground of fairness on Cullity's view, as is need. What other grounds of fairness might there be? The quote above suggests that if we know the aim of a practice, we should know the grounds of fairness in different cases. However, the terminology raises some questions. Is there a sole aim of the practice? Can we discern what that aim is or, if there are more, what those aims are and how they are ranked? If there is no practice, does this mean there are no grounds of fairness?

Nonetheless, there seems to be consensus across both views that the grounds of fairness include needs, desert, reciprocity, prioritarian concerns, promises and agreements. In addition, the relevance view accepts side-constraints as potential grounds of fairness. Most of these grounds have a high degree of plausibility. For example, if Milo needs a kidney and one is available for transplant, very plausibly it would be both wrong and unfair not to distribute the kidney to Milo. If Naia wrote the best Philosophy essay, it would be unfair to give the prize for the best essay to anyone else. The less contentious grounds identified tend not to be argued for but are common throughout the fairness literature. However, as mentioned, Broome argues against the inclusion of maximising the good as a ground of fairness, and Hooker argues for the inclusion of side constraints if, as he notes, there are any, respecting that their inclusion as grounds is more contentious (2005, pp. 338–339).

A high degree of consensus about the grounds of fairness is important since disagreements about fairness are ubiquitous. Think of disputes over pay, opportunities, taxes, prices, funding, services, and so on. The better we understand the concept of fairness, and the more consensus we reach over what is a contestable concept, the better. I now turn to my suggestion that close personal relationships can also act as grounds of fairness claims.

3 | CLOSE PERSONAL RELATIONSHIPS

In this edition and elsewhere, Hooker (2021) and Crisp (2018) debate the contributions that *deep* personal relationships make towards well-being. Well-being is not my concern here, and I have chosen slightly different terminology to indicate that the kinds of relationships I have in mind need not have all the same features of deep personal relationships. To illustrate the difference, Hooker (2021, p. 4) claims that deep mutual affection is a feature of deep personal relationships. On my view, that deep mutual affection need not be present, though frequently it will be. Like Hooker and Crisp, I have in mind friendships, loving relationships, and family relationships but also certain relationships that obtain on account of roles we hold, such as relationships with co-workers, long-standing clients, and people who rely upon us such as patients or students. Some of these relationships contain mutual affection, others depend on trust, dependency, duties of care, or shared goals of health, achievement and so on. What close personal relationships share is the ability to generate legitimate and reasonable expectations of one or other party, or both.

Let me explain what I have in mind when I say "legitimate". At least some expectations will fail to be legitimate on account of their content. Expecting to bend rules in my favour, if I am in a position of authority and unlikely to be found out might be rational, in that I might succeed and benefit myself. But it is not a legitimate expectation since bending the rules is, as a matter of principle, not an appropriate use of authority. There is no good reason to expect to bend the rules in my favour. A second way that an expectation might fail to be legitimate relates to how that expectation is caused. For example, Cinderella's persistent mistreatment leads her to expect that she will not go to the ball. Her expectation seems rational in that it likely predicts the fate that awaits her, absent fairy godmother intervention. However, her stepmother's treatment of Cinderella, including omitting to take Cinderella to the ball, are of course illegitimate. A victim of gaslighting may have exceptionally low or negative expectations. Whether these are met is not a matter of fairness.

The expectations that close personal relationships generate will depend upon the nature of the relationship. But some examples help to illustrate my point and demonstrate the connection with fairness. Take the relationships between siblings and their parents. Parent–child relationships evolve as children become less dependent on their parents. Indeed, sometimes parents become more dependent upon their children. Even so, one expectation

remains constant: the expectation that parents should treat their children roughly equally no matter how old the children are. I say “roughly” equally. Doubtless most parents will know the effort that goes into trying to treat children fairly. And equal treatment does not mean that both children should be treated exactly the same at, say, the same age as their sibling or siblings. Siblings will have unique needs and preferences, and the goal of equal treatment might be met via a day trip for one child and time spent at home with another. Adult children's circumstances can vary so much that unequal treatment might become a necessity, or something that is acknowledged by all parties as a necessary change. But that change is, typically, a move away from a norm. It might be acknowledged by an explanation that resets the previous expectations.

The same is frequently true of people who see each other as life partners. There are a set of expectations, many of which may be common in that society, but some or all of the expectations can be set by the partners themselves. These expectations might include putting each other or one's relationship first in certain situations, respecting each other's independence, taking on a certain share of responsibilities, being able to rely on each other, and so on. The details will surely vary enormously between partners. Some partnerships might be decidedly uneven, others more evenly balanced. Even where there is an expectation of equality between partners, the way in which “equality” is cashed out will vary from one partnership to the next. In my discussion of the connection that close personal relations have with fairness, I do not need to be prescriptive about what expectations a partnership carries. What matters is that neither has been coerced into the arrangements, and that the expectations are legitimate, as noted above, and reasonable.

Good friendships too, carry certain expectations. Again, these expectations may vary dramatically from friendship to friendship. Take Aristotle's distinctions, which turn on the things that are “loved” or desired in various kinds of friendships (Aristotle, *Nicomachean Ethics* (n.d.) Book VIII, ch.3, 1156a-1156b, Irwin (1999, pp. 121-122). In some, the friends desire the instrumental benefits of mutual usefulness. In others, the friends desire the pleasure that derives from the relationship itself. Aristotle's focus, and indeed the friendships which inspire many philosophical accounts of friendship, are those in which friends care deeply for one another because of who the other person is, each desiring the good of the other.²

Scanlon's view is useful here. Someone who values friendship would “take herself to have to have reasons, first and foremost, to do those things that are involved in being a good friend: to be loyal, to be concerned with her friends' interests, to try to stay in touch, to spend time with friends, and so on” (1998, p. 88). If Scanlon is right, those people within friendships will also have expectations that they and their friends will have these reasons. Once again, I need not be prescriptive about the kinds of friendships, not about what kinds of expectations might be generated in different kinds of friendships. What matters for my view is the role that friendship plays in generating reasons to act in a certain way.

In each of the different kind of relationships discussed, two features are apparent. The first is that quite diverse kinds of relationships can generate expectations. The second is that while some expectations might be unreasonable, or immoral, many expectations are clearly quite reasonable. In the next section, I show how these expectations connect with the two different kinds of accounts of fairness identified earlier.

4 | CLOSE PERSONAL RELATIONSHIPS AS GROUNDS OF FAIRNESS

I have claimed that even though they have not yet been included in accounts of fairness, close personal relationships should be recognised as a potential ground of fairness. Moreover, each of the views I have introduced can accommodate this intuition.

² For example, Cocking and Kennett (1998), Friedman (1989), Hurka (2006), and Thomas (1987).

Consider *Jenny*:

Jenny is impartial when it comes to deciding whether to pay for a treatment that would meet the need of her sister or paying for a treatment to meet the needs of strangers. Jenny's sister has a moderate degree of need. But various strangers have just a little more need. It may seem like the form of impartiality "meeting needs" is appropriate, yet Jenny's sister might well say "But that's not fair. I'm your sister!"

I think Jenny's sister would be right. Jenny's relationship with her sister justifies her giving (somewhat) more weight to meeting her sibling's needs than to meeting the needs of a stranger. The same would apply to Jenny's partner, children, parents, and to close friends. This view is already widely though not universally accepted in moral philosophy (see Blum, 1980; Cottingham, 1998; Frankfurt, 1988; Nagel, 1991; Oderberg, 2021; Williams, 1973; Wolf, 1992. For an opposing view, see Crisp, 2005, pp. 142–44). All but the strictest impartialists find some degree of partiality acceptable, if not morally required.

Jenny's sister might turn to Cullity's view of fairness as appropriate impartiality, to complain that an extremely strict form of impartiality, which sets to one side the relationship between the siblings, is simply not appropriate and that is what explains the unfairness. Or she could say that Jenny ignored a relevant distinction between her sister and the needy strangers. The unfairness is perhaps not as obvious on the proportionality view, unless one maintains that sisterhood incorporates mutual promises. Perhaps we are not as certain about duties to siblings. But an example from Patrick Tomlin (2012) makes my point. I turn to the *Divorced Father*.

Consider a divorced father who lives separately from his two daughters. He is a good father, and has fulfilled all of his daughters' claims over him and his time. Despite being a good father, he has, as divorced fathers sometimes do, purchased a two-seater sports car. This means that he can only take one daughter out at a time. The father decides to spend more time with his daughters and decides to take one to the zoo. Recall that he has already fulfilled their claims on him, so neither has an existing claim to a trip to the zoo—if he took nobody to the zoo, nobody would be wronged. Imagine that the father [...] turns up in his car and takes the elder daughter out to the zoo without warning [...] This, to me, seems unfair—the elder daughter has had a trip to the zoo while the younger daughter has not. (Tomlin, 2012, p. 205)

Let me explain why Tomlin's example raises a strong challenge to the proportionality view of fairness. Since the father has discharged all his duties to his daughters, then as we understand the grounds of fairness, there would be no further duties owed to them; any additional treats or attention would count as optional extras. Even if the father repeatedly takes the elder daughter on day trips it is not unfair on the proportionality view. Since neither daughter has unequally met *claims*, Tomlin (p. 205) argues that "fairness can have nothing to say about this situation". I agree with Tomlin that the younger daughter should be able to describe her treatment not only as wrong, but also as unfair. Indeed, I think "unfair" would be the more natural description of the situation.

A possible response is that the younger daughter has a claim to be treated equally. But, if this were the case, we would need an explanation for why we think the younger daughter has a complaint about unfairness, but all the other children in the area, unrelated to the father, do not. The other children do not stand in the close personal relationship to the father that his daughters do. If we recognise close personal relationships as grounds of fairness (or fairness claims, to use the terminology prevalent in the proportionality view), we can make sense of the intuitive pull of Tomlin's case. Children acquire reasonable and legitimate expectations that they should be treated equally.³ Their expectations strike us as reasonable and legitimate because we live in a society where siblings tend

³Some philosophers have pointed out that children have a keen sense of fairness and unfairness (e.g., Saunders, 2010). While we should be aware that children sometimes cry "unfair" when they really mean "did not go my way", most have a very keen awareness of their siblings getting a treat or a privilege that is not also conferred upon them.

to receive roughly equal treatment, at least where family circumstances have not changed considerably from the birth of one child to the next.⁴ What of a society in which siblings are not treated roughly equally? In a culture where boys receive better treatment than girls, it might be *rational* for brothers to expect better treatment than their sisters, in that they have formed that expectation based upon good evidence that this is how society treats boys and girls. But that does not mean it is reasonable or legitimate. As Scanlon says, even though each person has a reason to prefer policies that favour themselves, everyone has fairness-based reasons to reject policies which arbitrarily favour one person or group of people over others (1998, p. 212). As discussed in the previous section, an expectation can be illegitimate on account of its content or the way in which it was caused. In *Divorced Father*, there is no suggestion that either daughter is expecting equal or unequal treatment. The example does not suggest there are significant differences that might provide a legitimate reason for the elder daughter to expect a treat that the younger daughter should not also have. An example of such a difference can be found in a thought experiment from Nagel (1979, pp. 123, 124):

Suppose I have two children, one of which is normal and quite happy, and the other of which suffers from a painful handicap. Call them respectively the first child and the second child. I am about to change jobs. Suppose I must decide between moving to an expensive city where the second child can receive special medical treatment and schooling, but where the family's standard of living will be lower and the neighbourhood will be unpleasant and dangerous for the first child—or else moving to a pleasant semi-rural suburb where the first child, who has a special interest in sports and nature, can have a free and agreeable life. This is a difficult choice on any view.

Here, the difference between the two children's circumstances might lead to legitimate expectations of *different* treatment. Exactly how treatment might differ, and why, would be open for debate, but if fairness were the goal, one would expect the parties involved in deciding upon the treatment to offer a reasonable justification to those affected by it.⁵

Returning to *Divorced Father*, the facts that (1) the father and his daughters stand in a particular relationship to each other and (2) we are not offered reasons for unequal treatment mean that the younger daughter *does* have grounds for a complaint of unfair treatment since she did not get the thing that she reasonably and legitimately expected: to get an extra treat if her older sister did. The treats need not be perfectly equal, but the legitimate expectation is, I think, that the two daughters be treated equally, as far as that can be done.

Other ways in which close personal relationships can create legitimate expectations come from traditions and societal norms. Take the example of inheritance. It is common for married parents to set up their wills such that they leave the bulk of their estate to their surviving spouse on first death, and on the surviving spouse's death the bulk of the estate is divided equally between their children. While someone would be entirely within their rights to set up a will in a completely different way, a will leaving unequal proportions to different children at least raises questions about fairness, absent any explanation. In this way, expectations can be created not only by those within the relationship but by other norms. And these same expectations can be modified or reset through discussion, explanation, or agreement.

⁴Suppose there is a large age gap between two children. When the firstborn attends university, their parents can only afford to contribute towards a book allowance. In contrast, as their income grows and technology becomes affordable, by the time their younger child attends university, they can afford to provide a laptop. This difference does not seem to be obviously unfair because the parents did their best for both children. I am grateful to my students for providing this example.

⁵As Bernard Gert notes, impartial and rational persons can disagree because rules are often vague and open to interpretation, or because persons accord different weights to different values. One might think fulfilling the first child's potential is most important, another might value better access to medical treatment for the second child more highly (2005, p. 150). All that matters for my purposes is that differential treatment should not be for arbitrary reasons.

I do not mean to imply that beneficiaries of some good must have formed the expectation themselves for issues of fairness to arise. Suppose the father in Tomlin's case had sneakily taken the older daughter out for a treat. Even if the younger daughter did not learn of this, the unfairness could be explained counterfactually: if the younger daughter had known about the treat, then she could reasonably have made a claim for similar treatment.

5 | CLOSE PERSONAL RELATIONSHIPS, FAIRNESS, AND MORAL RIGHTNESS

The expectations that close personal relationships create may be sensitive to context and must have some limits. As John Cottingham points out, "Clearly any partialism which is not to be hideously counterintuitive must be a constrained partialism" (1998, p. 11). Frequently, family membership generates reasonable, legitimate expectations of additional weight being given to one's wellbeing. Sometimes, family membership will be irrelevant to the situation. For example, certain roles carry with them an expectation of strict impartiality. Roles such as juror, judge, or awardee of government contracts all demand that close personal relationships be ignored for the purposes of assessing evidence, sentencing, or purchasing Personal Protective Equipment, for example. These are public roles, and a failure to set aside one's preferences towards friends and family is a failure of duty, an abuse of power, or a misappropriation of public funds. Those in close personal relationships cannot claim to have been unfairly treated when their interests are given no additional weight, since such an expectation would not be legitimate.

One might wonder whether what I have just been discussing is fairness or all-things-considered moral rightness. On both the proportionality and relevance views of fairness, it is accepted that fairness counts in favour of an action but that other reasons can override fairness. For example, noting that people often use "fair" and "right" interchangeably, Hooker says such usage is unfortunate.

We already have terms signifying the verdicts of all-things-considered moral reasoning. Terms signifying the verdicts of all-things-considered moral reasoning include "morally justified", "morally legitimate", "morally right", and "morally best". Do not we want "fair" to have a distinctive and thus narrower meaning? (2005, p. 332)

Fairness and moral rightness may often coincide but when they do not, it can be useful to know that—and how—the two come apart, particularly where the ground of fairness is a close personal relationship. In some close personal relationships such unfairness could be felt keenly, and an apology and explanation can go some way towards protecting against hurt feelings.

Another way in which the distinction between fairness and moral rightness is important is that it allows us to raise concerns about kinds of treatment which might appear fair to someone whose expectations have been manipulated in a morally dubious manner or shaped according to morally unacceptable norms within their group. They might not recognise unfairness, but an observer could point to the actual unfairness as reasons to reject or condemn certain types of behaviour.

6 | CONCLUSION

I have argued that, alongside the grounds of fairness already widely recognised, stand in close personal relationships with people sometimes provides grounds for fairness. The relationships can be quite diverse, and include parent-child, sibling, loving relationships, friendships, colleagues, teacher-student, and doctor-patient. When close personal relationships do provide grounds for fairness, they do so because those involved have reasonable

expectations of certain kinds of treatment, and not treating people according to those expectations is unfair, though it may not be morally wrong.

I have shown that including close personal relationships as providing grounds for fairness not only is compatible with some leading accounts of fairness, but also helps to provide a plausible response to an objection to the proportionality account. Even though fairness is often tightly connected with strict impartiality, we need not worry about the inclusion of partiality provided we are aware of potential constraints. To use Hooker's terminology, sometimes that fact that we stand in close relationship to another person is a relevant consideration we should attend to as a matter of fairness. Other times, the fact that we hold a certain role means that the relationship is an irrelevant fact we should ignore.

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