

Chapter 2

Autonomy and Children's Well-Being

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2.1 Introduction

There is little controversy over some of the preconditions for a good childhood. Consider, for example, a few of the indicators of children's well-being in a recent report by UNICEF (2007) comparing children's well-being across 21 developed countries: 'material well-being', 'health and safety', and 'family and peer relationships'.¹ Most would agree that a child's well-being is most likely undermined, or under threat of being so, if the child lives in poverty, is in poor health, or has no close relationships with her parents or friends. If policy makers, parents and carers were able to secure or facilitate high scores for children across all of these indicators, most would agree that they would have made substantial progress in ensuring that children enjoy a good childhood.

There are other aspects of a good childhood that are more controversial than those identified by the three above indicators. Consider, for example, the question of how great an emphasis parents should place, in rearing their children, on preparing them for adulthood. Does there come a point – and if so, where should that be drawn? – at which the 'concerted cultivation' of skills and aptitudes in children

¹UNICEF, 'Child poverty in perspective: An overview of child well-being in rich countries, *Innocenti Report Card 7*', (Innocenti Research Centre, Florence, 2007).

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begins to undermine the goodness of a childhood?² Should we insist, if not at the level of public policy, then at the level of the norms that surround parenting, that childhood be less regimented and less heavily focused on its being a transitional phase onto adulthood? Another controversial question concerns what Matthew Clayton has termed the practice of ‘comprehensive enrolment’, which is the practice by (some) parents of enlisting their children into their religious ways of life or other commitments that are premised on their comprehensive conceptions of the good life (Clayton 2006: 87). If parents wish to secure a good childhood for their children, should they abstain from seeking to enrol their children into their comprehensive conceptions of the good life, at least assuming that they do or should recognise that there is reasonable disagreement over the truth of such conceptions?

Our aim in this paper is to make a case for taking into account, when settling such controversial questions, the importance of the autonomy of children *as children* – that is, the limited autonomy they enjoy during their childhood. In particular, we argue that the autonomy of children places constraints on how they may be reared by their parents and treated by the wider community, and that it prohibits parents from enrolling them into their particular religious and other comprehensive views. In holding this view, we give support to Clayton’s position against comprehensive enrolment, but give it a different basis from the one he offers.

2.2 Children’s Claims and the Agency Assumption

As a starting point for our discussion, it is helpful to examine a proposal by Colin Macleod that we dispense with what he calls the “agency assumption” in seeking to identify the kinds of goods and treatment to which children have claims. Macleod makes this proposal after observing that leading approaches to social justice identify persons’ claims of justice in ways that fail to adequately capture the claims of children.³ Consider the Rawlsian standard for identifying the claims of persons. Rawls argues that we should identify those claims in terms of a set of ‘primary goods’. He includes within that set goods that facilitate our exercise of two fundamental capacities: our capacity for justice, which consists of our capacity to identify and act from principles of political justice, and our capacity to have, pursue and revise a conception of the good. The primary goods that facilitate our exercise of these powers include: (1) basic rights and liberties such as freedom of thought and liberty of conscience; (2) freedom of movement and free choice of occupation; (3) powers and prerogatives of offices and positions of authority and responsibility; (4) income and wealth and (5) the social bases of self-respect (Rawls 2001: 58–9).

²The term ‘concerted cultivation’ comes from Annette Lareau’s fine study of class-based parenting styles Lareau (2003).

³See Macleod (2010). Macleod’s criticism seems applicable also to other theories of social justice, including Ronald Dworkin’s theory of ‘equality of resources’.

To illustrate the inapplicability of this list of primary goods to children, Macleod asks us to consider two children who have an equal share of Rawls's primary goods (Macleod 2010: 180).

One child has a secure and loving family and is exposed to a rich range of opportunities for imaginative play, adventure, and aesthetic exploration and experience. The other child leads a safe but dull childhood with little or no access to goods readily available to the first child. Suppose, moreover, that the expectations of primary goods of these children over the course of a complete life are equal. On the index of primary goods there is no justice-salient advantage enjoyed by the first child that the second child lacks. Yet this conclusion seems implausible.

Macleod is clearly correct, in our view, in maintaining that this conclusion is implausible.

Macleod argues that the reason Rawlsian justice is inapplicable to children is that it rests on what he calls an *agency assumption*. Rawls assumes that: (a) persons have and can exercise the two moral powers, (b) they must assume responsibility for their ends, and (c) they are able and expected to interact with others in ways that respect the agency of fellow participants in social cooperation. All three parts of that assumption are questionable in the case of children. That is the reason, so Macleod suggests, why the list of primary goods that is informed by the agency-assumption is inapplicable to children.

It is important to distinguish two lessons one might draw from Macleod's analysis of Rawlsian justice. The first is that we must substitute or supplement primary goods with other goods as the relevant ones for assessing the claims of children. This lesson strikes us as true and important. The second lesson is that 'the agency assumption that dominates Rawls's theory provides an unsatisfactory basis for constructing a metric of individual advantage' in the case of children (Macleod 2010: 183). We are worried that drawing this lesson in these terms may be misleading. It is certainly true that the agency assumption *as Rawls conceives of it* does not (and was not intended) to apply to children. But that doesn't mean that the agency of children, on a conception of it that is appropriate to their capacities, should not play a central role in how we identify the kinds of treatment that children have a claim to receive (and to avoid). It may be the case that children are able to *some extent* to do all of (a), (b) and (c) in the previous paragraph. The correction needed is not, therefore, to drop the agency assumption as a basis for identifying the claims of children but to revise it, along with the list of facilitating goods it entails, in a manner that more accurately reflects their capacities.

That these two lessons come apart can be seen if we recall Macleod's helpful example, quoted earlier, comparing a child who is exposed to 'a rich range of opportunities for imaginative play, adventure, and aesthetic exploration and experience' with a child who leads a 'safe but dull childhood'. We share Macleod's reaction that this difference in childhoods matters a great deal, and we agree that the fact that this difference matters discredits the use of Rawlsian primary goods in the case of children. But we also believe that the example resonates with the proposal that children's claims of justice centrally involve their agency. The deficiency experienced in the second child's childhood is a deficiency from the point of view of his agency

(and it may be a deficiency in other respects, too). An important part of what is regrettable about his childhood is the limited range of values he has opportunity to explore and appreciate. It is therefore possible to reject Rawlsian primary goods as the goods to which children have claims of justice, while retaining the fundamental idea that the agency of children should play a central role in our account of the goods and treatment they have a claim to receive.

In this paper, we argue that children's claims must make reference to their autonomy *as children*. The view we defend is compatible with different accounts of why we should respect a person's, and a child's, autonomy. On some views, respect for a person's autonomy matters, in part or wholly, because of the impact that doing so has on that person's well-being. Different connections might be made between respect for a person's autonomy and her well-being, which vary in accordance with whether we hold that a person's either autonomously choosing or at least endorsing a certain good or treatment is either often or always necessary for that good or treatment to either positively contribute to her well-being, or for it to avoid diminishing her well-being. It is also possible to hold, either alongside the view just sketched, or instead of it, a different account of why we should respect a person's autonomy, on which respecting a person's autonomy matters for its own sake, independently of, and perhaps sometimes in spite of, the impact of our doing so on her well-being.

In this paper we do not take a stance on which of these views of autonomy's value we should adopt; instead, our main aim is to examine how a concern with the autonomy of children should constrain the kinds of treatment they receive from others. (The three accounts we examine of the relevance of children's autonomy for how they ought to be treated are, we believe, compatible with either of the two views of autonomy's value briefly sketched above.) In Sect. 2.2, we examine Joel Feinberg's well-known view that the future autonomy of children – the autonomy of the adults the children will become – should constrain their treatment during childhood. In Sect. 2.3, we examine Clayton's proposal that our treatment of children should be constrained not only by their future autonomy, but also by a particular component of their autonomy, namely, their *independence* (we explain the notion of independence in more detail below). Clayton's proposal has the merit, in our opinion, that it does not, unlike Feinberg's, restrict the basis of the autonomy-claims of children purely to the future autonomy they will enjoy as adults. However, we do not believe that the concern with independence adequately captures the autonomy claims of children. In Sect. 2.4, we give an alternative account of how the autonomy of children *as children* constrains the goods and treatment they have a claim to receive from others.

2.3 The Right to an Open Future

If children lacked autonomy, would this mean that considerations about autonomy have no role to play when determining what may and should be done for children? Matthew Clayton discusses this question at length in his *Justice and Legitimacy in*

Upbringing, where he identifies two views that answer it in the negative and affirm that the autonomy that children will and should have *as adults* constrains what may be done to them as children. The first view, which Clayton attributes to Feinberg and developed in Feinberg's classic defence of a child's right to an open future, conceives of autonomy as an 'end-state' or as an 'achievement' (Feinberg 1994). On this argument, Clayton suggests, the importance of autonomy inheres in the achievement of a self-determined life, a life in which a person deliberates rationally about which goals to pursue and is able to pursue them. Autonomy is violated, according to the achievement view, when others deprive a person of an environment that presents her with sufficiently varied goals to choose from, or undermines her deliberative faculties, or prevents her from pursuing the goals she has settled upon.

How exactly the achievement argument might justify constraints on childrearing needs to be spelt out a little. After all, if we claim that children lack the deliberative faculties necessary for achievement, then it is not clear why, so far as achievement is concerned, their autonomy generates constraints on how parents may rear them. One way to spell out the achievement argument is to specify that it is the *future* achievement of children – i.e. the achievement they will be able to realize *as adults* – that requires that parents abstain from rearing them in certain ways *during their childhood*. As Feinberg puts it, it is the child's 'right to an open future' that constrains what may be done to him or her now, while she is a child. For example, parents may not so insulate their children from other ways of life that their children are unable, later, at the start of their adulthood, to pursue goals other than those that are part of their parents' way of life. The rearing of children must be constrained in such a way that it does not undermine the child-as-adult's capacity for autonomy.

The argument that children must be reared in a way that ensures they enjoy a capacity for autonomy as adults can be used in order to justify state intervention in communities that withhold their children from exposure to a diversity of ways of life. In the US Supreme Court case, *Wisconsin v. Yoder* (1972),⁴ for example, Amish parents asked for an exemption from a compulsory school attendance law which required attendance until the age of 16. Although Justice White ultimately supported the Court's endorsement of that exemption, he was keen to set limits to the extent to which children may be deprived of education. In justifying such limits, he gave an eloquent expression of the end-state argument:

It is possible that most Amish children will wish to continue living the rural life of their parents...Others, however, may wish to become nuclear physicists, ballet dancers, computer programmers, or historians, and for these occupations, formal training will be necessary...A state has a legitimate interest...in seeking to prepare them for the life style that they may later choose, or at least to provide them with an option other than the life they have led in the past.⁵

Consider now some unsuccessful objections to the end-state argument.

⁴ *Wisconsin v. Yoder* 406 U.S. 205 (1972).

⁵ See *Wisconsin v. Yoder* (White, J., concurring). White ultimately supported the court's majority opinion in favor of the Amish parents on the grounds that the Amish request to reduce their children's education by 2 years would only make a slight difference to their qualifications.

First, it might be argued that if parents heeded the demands of the end-state argument, this would actually threaten their children's autonomy. It might be said that the end-state conception requires that parents must take their children through a bewildering tour of lifestyle options during the course of their childhoods. They must expose their children to the great variety of world religions, take them to career fairs from an early age, and survey the costs and benefits of all the different marital arrangements they might consider entering into during their adulthood. The adult that would emerge from this process would be a disorientated, paralyzed mess. Similarly, it might be thought that the end-state conception requires that parents ensure that their children are not tied to any goals before they reach adulthood, so that they may be able to identify with and pursue goals of their choosing at that point; but by abstaining from encouraging children's loyalty to goals or projects, parents would fail to instil in children a capacity to commit themselves to goals, or to have more than a shallow view of such commitments, thereby actually hindering their children's future autonomy.⁶ This sort of objection fails. The end-state conception is not self-defeating. If promoting children's future autonomy requires that parents expose them to only a manageable range of goods, and encourage loyalty to them, then the end-state conception will recommend precisely these courses of action. Saying this, however, is not the same as permitting parents to insulate their children from exposure to other ways of life. (Indeed, that a child be exposed to the possibility of her endorsing other goals may be necessary in order for her to properly learn what it means to remain committed to the goal she currently identifies with).

The objection we want to raise to the end-state argument is different from the objections we have just considered. We believe the argument fails to fully capture the autonomy claims of children. Even if parents rear their children in a way that ensures that their child's capacity for autonomy upon reaching adulthood is robust, it is still possible that the manner in which they have reared them does not respect their autonomy. Consider two illustrations of this objection. First, suppose that a child's natural tendency is to be diffident and inward-looking. The child prefers not to expose himself to new activities, or to form new relationships. His parents are anxious about this. They are worried that if this tendency is left unchecked, the range of goals their child will be able to genuinely consider as worthy of pursuit, upon his entering adulthood, will be narrow and impoverished. They thus resolve to change his character. They insist, against much protest from their child, that he try new activities and socialize more energetically with peers. After little sign of progress, the parents decide that bolder action is needed: they send their child off to a boarding school known for producing socially confident and adventuresome young men and women. Let us assume that their child emerges from this experience with a greater capacity to explore and pursue goals than he would have had, had his parents left him to develop more in line with his natural tendencies. The end-state view would seem to applaud this example of childrearing; indeed, it would require it in the name of the child's autonomy. In our view, however, this example of childrearing comes at the expense

⁶A version of this objection is raised by Mills (2003).

of *at least some part* of the child's autonomy. It is not true that the rearing of this child is an entirely happy story from the point of view of his autonomy.

Consider, next, the following very bizarre illustration. Suppose parents with rather specific views about the good life discover a magical pill that ensures that the person who ingests it attains a robust capacity for autonomy. They resolve to force their young child to practice their view of the good life: he must engage in certain personal eating and dress habits informed by that view, he must attend regular lessons on weekends that lead him to hold the core beliefs associated with that view and he must restrict his socializing to children whose parents hold the same view of the good life. While celebrating his eighteenth birthday, the parents then slip the magical pill into their child's drink, so that he can move forward into adulthood with a robust capacity for autonomy. If the end-state view fully captured the autonomy claims of the child, there would be nothing regrettable in this bizarre story, at least from the point of view of the child's autonomy. But we think there is something regrettable. The end-state argument thus misses an important dimension of the autonomy of the child.

2.4 Autonomy as Independence

Our proposal is that we need to take seriously the autonomy of children as children in identifying the constraints on the kind of treatment others may give them. Before we turn to that proposal, we now consider an alternative attempt to capture the autonomy claims of children put forward by Matthew Clayton. Like the end-state argument, this argument assumes that children lack capacities for autonomy, but insists that their autonomy, understood in a particular way, can still be violated while they are children, independently of whether their *future capacity* for autonomy is compromised.⁷ According to Clayton's independence view, achievement, though immensely important, is not the only thing that matters for autonomy. A person's autonomy imposes constraints on others even if that person is not currently capable of achievement, for example, because she currently lacks the deliberative faculties that are necessary for setting goals for herself. As Clayton explains (2011: 361):

...violation of the independence of an individual who is incapable of choice is a real possibility, because others can determine which goals she pursues when she is unable rationally to decide for herself...Independence renders it impermissible to set someone else's ends, including the ends she pursues for only a period of her life, even when she is incapable of setting ends for herself.⁸

⁷At one point in the argument, however, Clayton suggests that the demands of autonomy as he understands them can be defended, among other reasons, on the grounds of their having instrumental value for a person's future capacity for autonomy. See Clayton (2006: 105–9).

⁸In this article, Clayton restates and develops the argument of *Justice and Legitimacy in Upbringing* in the face of objections raised by Cameron (2011).

According to Clayton, the demands of independence, when a person lacks the capacities necessary to set goals for herself, can be cashed out using the idea of retrospective consent: when a person lacks those capacities, any interference with her should be one we are confident she will retrospectively consent to.⁹ This, as Clayton suggests, seems plausible in those cases where an adult is temporarily incapacitated, as when someone lies unconscious after having an accident and a doctor must decide whether to operate on her. In such cases, the doctor should ask whether the operation he can carry out on his patient is one the patient would retrospectively consent to. The test seems to be passed, for example, by an operation aimed at saving the patient's life, but not by a further intervention aimed at fixing a fertility problem the doctor discovers in his patient while carrying out the life-saving operation. We should, Clayton suggests, apply the same test to the case of children.

Clayton holds that the commitment to autonomy as independence, and the retrospective consent test that he thinks expresses that ideal, justify a constraint that prevents parents from setting ends for their children. The kinds of childrearing that are excluded by that constraint include, in particular, comprehensive enrolment, or, the enrolment of children into their parents' comprehensive conceptions of the good life, such as, for example, any religiously-informed doctrines. (Children are 'enrolled' into such doctrines when they are encouraged to regard them as true and as worthy of pursuit prior to having the capacity to properly scrutinize them.) The autonomy of the child demands that a parent hold back in that way because:

To do otherwise would be to treat the person as a mere means, as an individual whose goals and activities are chosen by others who are more powerful. She would, thereby, become like a tool, which is used by others in fulfilling their chosen projects (even if their project is her perfection according to their conception of the good) (Clayton 2006: 104).

The retrospective consent test confirms this conclusion: assuming that parents recognise that adults, including the adults their children will become, could reasonably disagree with the comprehensive conception which they, the parents, hold, parents cannot be confident that their enrolling their children into that conception will elicit their children's retrospective consent.¹⁰ Comprehensive enrolment therefore fails to pass the retrospective consent test.

⁹As Clayton writes (2011: 361): 'the independence view of autonomy asserts that the comprehensive enrolment of children is morally wrong, because...it is an instance of others deciding one's characteristics or goals without one's consent or in the absence of confidence of eliciting one's retrospective consent.'

¹⁰As we understand the independence argument and the retrospective consent test, they specify necessary but not sufficient conditions for meeting the demands of autonomy. It is in principle possible to respect someone's independence, and not set goals for him, but to fail to provide him with the opportunities that are required for him to become autonomous. So we understand Clayton to hold that parents are under the demands of *both* the achievement and the independence view. Similarly, thinking that retrospective consent is sufficient may license 'self-justifying paternalism': this might permit parents to instil in their children the very preferences and character that lead the children to retrospectively consent to the ways in which their parents reared them. But this would not guarantee that the child's autonomy has been respected. It would seem necessary that

Although we are in broad agreement with Clayton's conclusions, we do not think he fully succeeds in providing a rationale for them. In particular, we agree with Clayton's claim that the comprehensive enrolment of children is unjustified, but have three main qualms about his argument.

Our first qualm concerns the distinction between the independence and the achievement conceptions of autonomy as Clayton draws it, and the role that distinction can play in Clayton's argument. That distinction, we think, actually collapses into two different ones: there is, first, a distinction between views on which there is value in the sheer possession of the capacity for autonomy, regardless of whether it is exercised, and views on which the exercise of that capacity, by contrast, is what has value (the latter views could be characterised as emphasising the value of achievement). This distinction between opportunity and achievement conceptions of autonomy is different from the distinction between self-determination and independence. On views of autonomy as self-determination, autonomy consists in either having the opportunity or actually setting goals for oneself; this contrasts with the view of the value of independence, which insists that there is value in not having goals set by others, value that is irreducible to, and independent of, the value of self-determination. It is in principle possible for people to be independent while failing to be self-determined (a fickle person in the grip of her changing whims is an illustration), and in any event, so the defender of independence would insist, even when a person achieves independence *through* being self-determined, the fact that one is independent adds further, and distinct, value.

Now, the fact that there are here two different distinctions at play – that between capacity and achievement, and that between self-determination and independence – is relevant for the following reason. We can agree with Clayton that, from the point of view of autonomy, more matters than just that people actually set themselves goals, or exercise their capacity for self-determination. We could also agree, specifically, that there is distinct value in others not setting goals for oneself, regardless of whether one achieves the good of self-determination. But just as we hold that self-determination has value only if someone has the capacity to be self-determining, we could believe the same about independence: we could think that, unless someone has the capacity to be self-determining, or to set goals for oneself, then there is no value in respecting her independence. So insisting on the importance of the value of autonomy as independence, rather than, or additionally to, the value of self-determination, does not help establish a case for the value of independence when the capacity for self-determination has not yet been formed.¹¹

the retrospective consent that the child-as-adult gives to ways in which she was reared as a child not owe itself solely to the manner in which her parents reared her. It is thus more plausible to hold that retrospective consent is only a necessary condition for respecting the child's autonomy, and not a sufficient condition. For an illuminating discussion of self-justifying paternalism, see Archard (1993).

¹¹ The point we are raising here is similar to, but different from, Cameron's objection to Clayton. Cameron believes that there can be no objection to comprehensive enrolment from autonomy-as-achievement when a child lacks the capacity for autonomy: 'I fail to see how whether or not another person chooses for you at a time when you cannot choose for yourself can be relevant to

Our second qualm about Clayton's argument concerns the suggestion that comprehensive enrolment can be said to be generally impermissible because religious parents who enrol their children in their comprehensive conceptions of the good life, and do so deliberately, treat their children as 'mere means' or 'tools' in the pursuit of their own projects. That description of what parents do would be true, we submit, if what motivated the parents in enrolling their children into their comprehensive doctrines were the achievement of a goal in which only they, the parents, had an interest. This would be true if, for example, parents enrolled their children into their religious views only so that they, the parents, can duly observe their religion. But most religious parents engage in the comprehensive enrolment of their children *for the sake of their children*. It is true that the parents rely on their own conceptions of the good in order to identify what exactly is in their children's interest, but that does not make it any less true that they are acting for the sake of their children, or with the children's interests at heart.

In response, one might deny that acting for the sake of one's children precludes the possibility of using them as a means. Suppose, for example, a parent wants his daughter to be an Olympic gymnast. He forces her to train every day and keeps her to a diet that ensures that her body is in optimal shape for gymnastics. Suppose also that this parent sincerely does this for the sake of his child. It seems reasonable to say that he is using his child as a means: he is taking her, as she currently is, and shaping her into a Olympic gymnast, not unlike the way a sculpturer might take a rough piece of marble and shape it into a beautiful sculpture. One can be said to be using someone as a means, so it might be argued, just insofar as one shapes her into an ideal one has set for her, even if one acts for her sake.

We are sympathetic to this suggestion, but we would insist that one needs to appeal to the child's autonomy as a child in order to vindicate the charge that it is wrong to use one's child as a means in this way. Recall that we are assuming that the child's right to an open future is respected – if the above-mentioned father's plan to make her daughter into a gymnast compromised her future capacity to set goals for herself, then that plan would be condemned by the requirement to maintain and promote the child's future capacity for autonomy, as explained by the achievement conception. Clayton's suggestion is that he is identifying a *further* constraint on the parent's conduct. We are questioning that he can do this by appealing to the wrongness of setting goals for the child, unless we assume that the child's autonomy matters. It is not wrong, after all, to shape a rough piece of marble into something else, or to train an untrained dog into a well-behaved dog. That is because a piece of marble and a dog lack autonomy. The reason it is wrong to try and shape a child into an Olympic gymnast in the way just described is that the child, as a child, has autonomy. So it is only by taking seriously the child's capacity for autonomy that we can explain why comprehensive enrolment, even when it respects the child's right to an open future, is wrong.

the autonomy of your life as a whole.' Cameron (2011: 347). Our objection is that it is unclear that there can be an objection to comprehensive enrolment from autonomy-as-independence when a child lacks the capacity for autonomy.

Thirdly, we do not think that the idea of retrospective consent establishes the conclusions Clayton supports: the retrospective consent test does not clearly condemn comprehensive enrolment. To see this, note that when we ask whether children, as adults, retrospectively consent to the upbringing they received as children, we should disambiguate between two importantly different things which could inform whether consent will be given: (a) whether parents showed dispositions of love, affection and concern, which animated what they did for the children, or (b) whether the particular ways in which parents manifested those dispositions reflect comprehensive conceptions of the good which are shared by the child-as-adult. These two things come apart: it is perfectly possible for a child-as-adult to disagree with his parents' conception of the good, but still retrospectively consent to his upbringing because he recognises that that upbringing exhibited the dispositions of love and care a parent should be moved by. It may well be that children-as-adults will come to appreciate the dispositions of love, affection and concern that they see their parents showed them during their childhood, even if some of the ways those dispositions manifested themselves consisted of the parents' raising the child in a religious doctrine which the children, as adults, reject. True, sometimes the nature of the particular manifestation of parental concern can be such that it affects whether a child-as-adult will retrospectively approve of what his parents did to and for him; this is likely to be so if the upbringing was especially stifling in some important ways, perhaps to the extent that it makes a child-as-adult entertain doubts about whether his parents really were animated by caring dispositions.¹² But this is not the standard case, nor the case that we are supposed to consider: recall once again that the retrospective consent test is applied to cases in which we are assured that a child's right to an open future was not violated by the parent. In such cases, it seems to us that (a) above, rather than (b), is what *will and should* be relevant and decisive for settling the question of whether a child retrospectively consents to the upbringing she received. We think that this fact reflects two important distinctive aspects of the upbringing of children, which make this case relevantly different from other cases (involving a doctor's decisions of how to treat unconscious patients) that Clayton applies the retrospective consent test to.¹³

First, children, at least up to a certain age, and unlike adults who lose consciousness (whether temporarily or permanently), do not have a conception of the good prior to parental interference. Secondly, parents have an all-round responsibility for their children's well-being as children, rather than a narrowly circumscribed responsibility to restore an adult to a certain physical condition. Because of these two facts, whether or not the conception of the good which guided the parent is one the child-as-adult agrees with, seems relatively unimportant for determining whether the child will and should consent to the upbringing he received. A doctor who must decide what sort of operation to perform on you

¹²The case of genetic enhancement, which Clayton thinks stands condemned by the value of independence, can be explained in this light. See Clayton (2011: 361).

¹³See Clayton (2011: 357–61).

while you are unconscious, if she guided herself by a conception of the good she knows you may disagree with, would be replacing a judgement you *would make* if only you were conscious, and would be riding roughshod over that judgement, exploiting your inability to express that judgement. This goes against the doctor's responsibility which is, insofar as that is possible, to act *in line* with that judgement – a judgement which expresses the convictions and comprehensive views you already have and which you have guided your life by so far. This is not so with children. There *is as yet* no conception of the good that the parent is going against. That there will be *in the future* a conception of the good, and that it may be different from the one that guides the parent, seems less relevant for assessing the parent's actions: unless we assume that children already have some autonomy, there is, in the case of children, no distortion or bending of the child's view of the good.

Similarly, disagreement on the comprehensive conception that guides parents seems less damning than disagreement in the case of a doctor and her patient, because parents have an all-round responsibility to care for their children and look after their children's well-being. The fact that they have such responsibility means two things. First, it means that parents cannot and should not prescind from considerations about what is good for their children when bringing them up, and that, since such considerations must be wide-ranging – parents are in charge of the physical, emotional, cognitive well-being of their children, both as children as future adults – there is ample room for disagreement, between different adults, concerning the particular conception of the good that moves different parents. Secondly, because it is parents' special and distinctive responsibility to care for their children, and to provide them with love and attention, and because of the important role that love and affection have for the child's and the future adult's well-being, it seems that these aspects of the parental upbringing role are most salient when the child-as-adult asks whether she retrospectively consents to her upbringing. It matters a great deal that my parents displayed love and attention towards me. The nature of the dispositions that move the surgeon who performs a life-saving operation on me, by contrast, seem important mostly instrumentally, that is, insofar as they impact on whether the surgeon does what is in my best health interests by my lights.

So, we think that the special character of the parenting role explains well why the retrospective consent test will and should primarily be sensitive to the dispositions that move parents, and relatively insensitive to whether the child-as-adult agrees with the conception of the good that moved the parent. The retrospective consent test, then, does not seem to condemn comprehensive enrolment. We add that we do believe that parents wrong their children when they enrol them into their comprehensive doctrines even as they thereby manifest dispositions of love and affection towards their children. We just do not think that the wrong that parents thereby do to their children is to be explained by reference to the absence of the retrospective consent of their children-as-adults. The trouble with comprehensive enrolment lies elsewhere.

2.5 Child-Sensitive Autonomy

Our aim so far has been to cast doubt on the adequacy of arguments that aim to capture the autonomy claims of children in terms of either their future autonomy as adults or their independence. We believe the concern these arguments fail to express is best expressed by an argument that takes the autonomy of children *as children* seriously. In this section, we explain the sense in which we think it is true that children have a capacity for autonomy and we attempt to show the constraints on childrearing that this limited capacity for autonomy justifies.

Our starting point in formulating the idea that we should take seriously the idea of children as autonomous are the concluding remarks in Feinberg's discussion of children's rights to an open future, and it is worth quoting those at length (Feinberg 1994: 95):

There is no sharp line between the two stages of human life; they are really only useful abstractions from a continuous process of development, every phase of which differs only in degree from that preceding it.(...) Any 'mere child' beyond the stage of infancy is only a child in some respects, and already an adult in others. In the continuous development of the relative-adult out of the relative-child there is no point before which the child himself has no part in his own shaping, and after which he is the sole responsible maker of his own character and life plan.

These remarks, which seem unexceptionable, are not denied outright by writers in this area, but we think that their significance is neglected. Even Feinberg himself raises the points just made with a view to solving what he thinks are only apparent paradoxes concerning the possibility of *adult* autonomy: Feinberg aims to show that there is no paradox in the idea that adults can achieve self-determination and self-fulfilment, because adults are not fully the product of external inputs; rather, he notes, they are also, and increasingly, the product of their earlier selves.

What we would like to focus on instead is the following: persons develop the various intrapersonal capacities for autonomy gradually, and accordingly, they hold those capacities to increasing degrees.¹⁴ Children, even fairly young children, may then be said to possess some degree of autonomy, understood as the effective ability to act in line with one's commitments, and that fact has some significance for how they may be treated. It is useful here to distinguish three intrapersonal factors that are necessary for people to have the capacity for autonomy. First, there are some cognitive abilities: a person must have the ability to reason, such as, for example, the ability to undertake means-ends reasoning; she must be able to understand relations between ideas and to make inductive and deductive inferences. Second, a person must have the ability to appreciate value or, more generally, must be able to

¹⁴ For people to enjoy autonomy, either across a life and overall or at specific times and in particular domains, they must have both certain intrapersonal and certain environmental capacities. Our claims concern intrapersonal capacities, since it is these that children are thought to lack. Moreover, we are talking here about children having 'local autonomy', or autonomy with regard to particular actions.

have commitments. Thirdly, a person must have a sufficient strength of will to act in line with her judgement of what she should do, or so as to strive at what she cares about. These different factors can be held in different degrees and what the autonomy of children demands will thus vary correspondingly. As Amy Mullin has argued, even children in the 3-to-8 year old group may be said to display these capacities to some degree and to enjoy some local autonomy, and as they increasingly improve on such capacities, they acquire a gradually greater capacity for autonomy (Mullin 2007).

The fact that children after infancy and early childhood have some capacity for autonomy, we believe, has two different sorts of implications, which can be roughly categorised as concerning, respectively, the actions children may be made to perform, and the beliefs they may be expected to form.

Consider, first, the way in which the fact that children are autonomous to some degree should constrain the actions they may be made to perform, and the way in which they may be made to perform them. Children's preferences about what to do, their propensities and inclinations, are clearly not always authoritative, even if we accept that children enjoy some degree of autonomy. There are clearly cases in which parents must override a child's choices, and this is not only compatible with, but arguably required by, a concern with the child's autonomy. The most straightforward cases are those in which children lack the reasoning ability required for making a particular choice. For example, it is plainly not possible for 5-year olds to decide whether or not they need to visit a doctor, which doctor to visit, and the extent to which they should follow the doctor's orders. It is then not an exercise of their capacity for autonomy for them to choose one way or another in that particular matter. In that case, when a parent insists against a child's wishes that the child must be taken to the doctor or that she must take foul-tasting medicine that the doctor has prescribed, the parent is not impeding the child's exercise of her autonomy.

Another class of cases in which childrearing can override a child's preferences without undermining the child's autonomy, and indeed in line with respecting the child's autonomy, involve insufficient strength of will on the part of the child. A child may lack the strength of will needed to adhere to a conclusion about what she must do that she has been able to properly reason herself to. For example, an old enough child may be able to understand that brushing her teeth every evening before bedtime is necessary for her to avoid having to undergo painful treatment at the dentist and yet she may be still young enough to stubbornly refuse to brush her teeth before going to bed. Assuming that her refusal is due to weakness of will, requiring her to brush her teeth is not an interference with her exercise of autonomy.¹⁵

Much unobjectionable and everyday childrearing consists of parents overriding children's preferences for their own good in ways that make up shortfalls in the

¹⁵ A related class of cases in which parents may override a child's wishes in line with her autonomy are those in which the parent thereby teaches the child the discipline of adherence to her own chosen projects. We would insist, however, that the projects the parent may require the child adhere to must be the child's *own* projects, not projects the parent has chosen for her. For a discussion of the relevance of adherence to the autonomy of children, see Callan (2002).

child's reasoning capacities or strength of will. The claim that children have a limited capacity for autonomy that needs to be respected does not conflict with this large portion of childrearing.

There are other cases, however, in which respect for a child's autonomy seems to require abstaining from making her do certain things. Children can give good reasons for why they do not wish to pursue certain activities. Take the example of an 8-year old who finds playing the piano boring and pointless. Assume that she has been exposed to the possibility of learning the piano for a while and that she never voluntarily plays the piano but does so only after being offered rewards or being threatened with punishment. Insisting that she continue learning to play the piano would be disrespectful of her autonomy. Alternatively, a child may develop a passion for a particular activity that the parents find utterly devoid of value. A 7-year old's obsessions with building robots out of cans, or collecting bugs, might cause her parents a great deal of annoyance. Yet, while her parents might reasonably attempt to entice her into doing something they regard as more valuable, it would be disrespectful of her autonomy for them to prevent her from engaging in these harmless activities.

It is worth pausing to reflect on why it is acceptable to override a child's initial resistance to playing the piano and to insist that she at least try playing the piano for a while, whereas it is obviously unacceptable to do the same in the case of an adult. Why does a child's lack of endorsement of a given activity count as a weaker constraint on how others treat her with respect to that activity than an adult's lack of endorsement?

Here it is helpful to recall the distinction between two reasons for why respecting a person's autonomy ultimately matters, namely, her well-being and the intrinsic importance of respecting her autonomy. Both reasons can be invoked to explain why the endorsement constraint is weaker in the case of children. In reasoning from well-being, one can point out that the preferences and dispositions of adults are settled to a much greater degree than those of children and that an adult's initial judgement that a particular activity will not be worthwhile for her is thus more likely to be accurate than the initial judgement of a child. The intrinsic importance of respecting another person's autonomy also justifies a stronger endorsement constraint in the case of adults. An adult has a greater capacity to appreciate value than does a child, and thus to decide what activities are worthwhile. Insisting that it is good for an adult to play the piano is thus more likely to override a judgement she is perfectly able to make for herself, where this is not necessarily the case with respect to a child.

With regard to the question of what kind of actions children may or may not be made to engage in, then, the requirement that we respect the autonomy of children as children complies in large measure with commonsense views about childrearing. However, we think that the implications of the requirement to respect the autonomy of children are more controversial where the issue at stake concerns what beliefs children may be expected to form. In particular, we think that in this domain respecting the autonomy of children has the following two implications for the conduct of parents (and other carers as well). First, parents

should, wherever possible, provide children with the information and the explanations which children are capable of understanding and appreciating. Insofar as a child already has the capacity to understand x , it is wrong to deceive him about the facts and mislead him about x . For example, once a child is capable of having at least a rudimentary understanding of the causes of rainfall, it is wrong to tell him that rainfall is caused by angels' shedding tears. Telling him that would disrespect his capacity to reason.

Second, parents should not aim to induce their children to hold beliefs about matters that children are incapable of understanding the evidence or reasons for. This second requirement is different from the first, although both could be subsumed under the broad requirement of striving for a fit between children's held beliefs and their capacities to form and assess beliefs. The second requirement applies where what is in question is the parent's decision to expose his child to the acquisition of beliefs the child cannot be given reasons or evidence for, *either because of her still immature cognitive abilities, or because of the nature of the belief at hand*. On this view, the enrolment of children into comprehensive doctrines – doctrines which reasonable people can disagree about – is wrong insofar as it is a special case of the more general category of conduct aimed at making children come to hold, through non-rational means, beliefs which they cannot assess or understand the reasons for. It disrespects the child's autonomy to make him hold beliefs which he is incapable of understanding or assessing the reasons for, such as a complex mathematical theorem, or a belief that there exist such places as Heaven and Hell.¹⁶

To be sure, it is permissible to tell children that there are such things as complex mathematical theorems, which some people study, understand fully and set out to prove. But it would be wrong to resort to manipulation or deception (as one would have to do, as the child could not get to understand the theorem by reasoning her way to it) so as to get the child to actually believe the theorem, or to affirm it as something she knows. Similarly, it is fine for parents to explain to their children, for example, that many people believe in certain religious propositions – for example, that Jesus was the son of God, or that there exists such places as Heaven and Hell. But parents disrespect their children's autonomy when they aim to make their children believe those propositions at a time when their children are not yet able to grasp or scrutinize the reasons for them. This implies that parents should not take their children to churches or religious institutions with the intention of getting their children to adopt their religion and also that they refrain from urging religious beliefs on their children at home.

Eamonn Callan reports an example of childrearing that we regard as violating the requirements we have identified. The example is Nicholas Wolterstorff's induction, as a child, into the tradition of the Dutch Reformed Church. Wolterstorff describes

¹⁶With the latter sort of beliefs, unlike with the former, it is true that even adults cannot come to hold it by reasoning their way through it. Our view does not commit us, however, to suggesting that it is somehow wrong for adults to choose themselves to embrace such beliefs; what is wrong is to make autonomous *others*, even partially autonomous children, believe such things.

that induction in an autobiographical essay, from which Callan quotes, as follows (Callan 2002: 128):

My induction into the tradition, through words and silences, ritual and architecture, implanted in me an interpretation of reality – a fundamental hermeneutic. Nobody offered ‘evidences’ for the truth of the Christian Gospel; nobody offered ‘proofs’ for the inspiration of the Scriptures; nobody suggested that Christianity was the best explanation for one thing or another...The scheme of sin, salvation, and gratitude was set before us, the details were explained, and we were exhorted to live this truth.¹⁷

Callan uses this example as part of an insightful explanation of how Wolsterstorff's religious upbringing did not eventually undermine his capacity for autonomy as an adult. But Callan does not consider the possibility we are highlighting here: that this kind of childrearing undermines the child's autonomy during his childhood. Whatever the long-run effects on the child-as-adult's autonomy, we believe adults disrespect the child-as-child's autonomy when they exhort him to comply with a scheme of sin, salvation and gratitude without offering him a justification for why he should do that.

Before concluding, we would like to consider two objections to the view we have just sketched.

A first objection to our claim that respect for the autonomy of children requires that parents abstain from enrolling their children into their own religious views is that it appears to be in tension with our earlier claims. For example, we said earlier that parents do not disrespect their children's autonomy when they insist, against their child's wishes, that she go to the doctor. The reason we gave for this was that she does not have the capacity to decide whether or not to go to the doctor. Her autonomy is therefore not being thwarted when her parents make that choice on her behalf. Exactly the same, so it might be objected, can be said in defence of permitting parents to enrol their children into their religious views. Young children do not have the capacity to decide whether or not to believe that Jesus is the son of God, or that there are such places as Heaven and Hell. We should therefore conclude, in parallel, that the child's autonomy is not thwarted when her parents make her adopt those religious beliefs.

However, we believe there is an asymmetry between making a child act in a particular way and making a child hold a particular belief. Consider how parents usually make a young child act in a particular way, such as, say, going to the doctor, or taking foul-tasting medicine. They do so by offering rewards (‘an ice cream!’) or by threatening punishment (‘no ice cream all week!’). In short, they alter the pay offs of her options so that the particular option they want her to exercise becomes the most attractive one for her, either because of the reward they attach to it, or because of the penalty they attach to alternatives to it. Parents cannot make their children hold beliefs in the same way – that is, by altering pay offs. The process of belief-formation does not respond to reward and punishment. The route through which they make their children believe something is the route of authority, such as for example the ‘silences, ritual and architecture’ that Wolsterstorff mentions in the above passage.

¹⁷ The original source of the Wolsterstorff passage is Wolsterstorff (1997).

That difference is important. A child's capacity to reason is preserved intact when a parent makes her go to the doctor by altering her pay-offs. If she goes because she will get an ice-cream, she goes for a reason that she herself is able to appreciate. But to get a child to believe something on authority is quite different. It circumvents her capacity to reason. To this, it might be responded that when a child believes on authority she believes for a reason, the reason being the authority, or the 'ritual and architecture' that surrounds the conclusion – here, a religious belief – she is being made to adopt. But our autonomy, including the autonomy of children, requires that the reasons for which we believe something not include authority. Once we are made to believe on authority, our autonomy is undermined, either by ourselves, if we are old enough to know better, or, if we are too young, by those who made us believe on authority.

A second objection is that the claim that children should not believe on authority is too strong. Surely there are many instances in which parents make their children believe something on authority that are entirely unobjectionable. Is it really wrong to make a 4-year believe in Santa Claus or the Tooth Fairy? If not, then why single out the practice of comprehensive enrolment in religious belief for criticism?

The reply here is that it matters what the beliefs that we make children believe are about. Religious beliefs are full of 'do's and don'ts' and involve some of the biggest questions we can ask about the meaning of our lives. The belief in Santa Claus is about much less. Santa has a big white beard, is pulled along by reindeer and delivers presents at Christmas time. Now if parents made children believe a much more comprehensive Santa Claus story – imagine parents who justified all manner of 'do's and don'ts' to their children and all manner of beliefs about our lives and the world in which we live by appealing in some way to Santa Claus – then that would indeed be wrong.

So, we think that the case for taking seriously the autonomy of children as children can be defended. We think that competing accounts of how the demands of autonomy constrain parental conduct either do not capture fully the autonomy claims of children (as with the end-state account) or do not seem defensible unless it is assumed that children as children have autonomy (as with the independence account). This does not mean that these accounts should be discarded altogether, but that we do not do justice to children's interests unless we also recognise that their gradually increasing capacity for autonomy has implications for what may be done to and for them.

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