

Childrearing in Political Philosophy

Anca Gheaus

Gheausa@ceu.hu

Department of Political Science
Central European University

MA Programme in Political Science

Fall semester 2020-21 (12 credits)
Class meetings: Tuesdays and Thursdays
Office hours: Tuesdays and Thursdays

Introduction

This optional course introduces students to the main normative issues raised by the fact that we all start life as children. Most philosophers today believe that children are right-holders, and that various agents – such as parents, and states – owe them duties of justice. At the same time, children’s lack of intellectual and emotional maturity, and their ongoing development, make them the object of legitimate paternalism. The same features makes it plausible that the content of justice towards children is different from the content of justice towards adults. Further, different children are unavoidably brought up by different adults – usually parents – who command varying amounts of resources, display varying degrees of rearing ability and varying levels of investment in childrearing. For this reason, the family has been said to undermine fair equality of opportunities, which is one of the most widely endorsed principle of justice; this raises the question of whether the family itself can be a legitimate institution. Most of the course will focus on fundamental issues concerning the conditions of legitimate exercise of authority over children. We shall discuss the questions of what is the nature and value of childhood; what is children’s moral status; what is the metric of justice towards children; how can adults acquire a moral right to parent; what are the limits of adults’ authority to intentionally shape children’s values; and what permissions do adults have to bestow benefits onto particular children. In this context, we shall also look at concrete issues such as parental licensing, adoption and schooling. Towards the end of the course we shall address particular questions concerning children’s freedoms and their participation in society as potential voters and potential workers.

Learning outcomes

At the end of the course the student shall be able to:

- Have some grasp of philosophical methods such as deduction, conceptual analysis, analogies, and thought experiments;
- Identify and produce well-structured philosophical arguments;
- Understand the key philosophical issues concerning the nature and value of childhood, the the exercise of legitimate power over children and the limits of such power;
- Have a sense of the political relevance of practical decisions concerning children’s lives;
- Give clear accounts of the views discussed in class, and of the reasons that support them;
- Be able to evaluate critically the views discussed in class;
- Be able to work towards a balance of pros and cons on the particular philosophical issues discussed in class;
- Improve their academic writing.

Course requirements and assessment

Attendance and active class-room participation (40%) Philosophy is best done in dialogue with others, and often the only effective way to learn how to do it is to express your views and learn

how to answer critical questions about them non-defensively. Thus, this class requires constant active participation. You are expected to come prepared, having read the required text and, on some occasions and depending on your interests, the optional one. For each session, you are expected to have prepared beforehand one question about the required reading (in the few cases when there are two required readings you choose about which readings the question is.) If the class happens onsite I will take turns asking you what is your main question about the reading. If the class moves online you will be asked to send your question to me before 8pm on the day before the class meets. Occasionally you will be asked to work in small groups during the class.

Oral presentation (20%) You will be asked to present one of the required readings during class. You should take no more than 15 minutes to (1) present the topic of the reading and its main question(s), (2) reconstruct its main thesis/theses and arguments and (3) provide a brief evaluation of it (is its thesis clear? does the argument work? is it in any way inconsistent with widely held beliefs?) I advise you to prepare the presentation a few days before you are due to deliver it; if you struggle with any of the (1)-(2)-(3) I can provide some guidance during office hours.

Final paper (40%) The essays should identify, as clearly and precisely as possible, a topic relevant to the issues covered in class, and discuss it in an argumentative and analytical way. It can be one of the very same questions we discussed, or on a closely related one. I encourage you to check the topic with me first. The argument of the essay may be critical (for instance, of a particular account we discussed in class) or constructive (if you seek to provide your own argument for a particular thesis.)

A few tips:

- don't try to address more than one question/issue;
- you don't need to show directly that you read a lot, but that you understood very well what you read (for this, you may in fact need to read quite a bit);
- make sure you are as clear as possible; imagine you're writing for a very smart and curious friend of yours who doesn't know anything about the topic;
- aim to unpack the argument as much as you can, showing how claims follow from each other and why each step in the argument is needed;
- avoid being wordy – say things only once, and look for the most precise formulation;
- be charitable to the views you criticise; remember that it is a significant accomplishment to identify a problem about the most *plausible* interpretation of the view you discuss;
- don't exaggerate your claims;
- before sending the essay be sure to proof-read it and the *to read it aloud to yourself*. If it doesn't sound well, the writing needs improvement.

For more on how to write a philosophy paper see “Some Guidelines For Writing Philosophy Papers”, in *The Norton Introduction to Philosophy*, 2nd Edition Alex Byrne, Gideon Rosen, Elizabeth Harman, Joshua Cohen & Seana Shiffrin (eds.). If you're interested in how to write philosophy better ask me for more materials on this.

Description of requirements (dates, other comments, suggestions to students)

Grades:

F= Fail. Poor. You fail to participate in class discussions, and/or to address a (relevant) question in the essay.

C+ Minimum Pass. You make a very modest contribution to class discussion, and the essay has significant unclarity of issue and argument, and it is written poorly.

B- Satisfactory. You participate in class discussions consistently. Your essay identifies an appropriate topic, provides some cogent argument and shows a general awareness of the relevant literature discussed in class.

B Good. You participate in class discussions frequently. Your essay reflects a solid understanding of the

material covered in class, articulates well the main thesis and argument, avoids unclarities and imprecision.

B+ Very good. You participate in class discussions frequently and often make relevant points. Your essay reflects a solid understanding of the material covered in class and of additional literature, articulates well the main thesis and argument, its reasoning displays some level of sophistication, avoids unclarities and imprecision.

A- Excellent. You participate in class discussions frequently and often make relevant points and highlight unusual connections between the various ideas discussed during the course meetings. Your essay reflects a solid understanding of the material covered in class and of additional literature, articulates well the main thesis and argument, displays sophistication in reasoning and some degree of originality, avoids unclarities and imprecision. It also shows very good analytical skill and some critical engagement with the material.

A outstanding. You participate in class discussions frequently, often make relevant points and highlight unusual connections between the various ideas discussed during the course meetings, and occasionally ask new, interesting questions. Your essay reflects a solid understanding of the material covered in class and of additional literature, articulates well the main thesis argument, displays sophistication in reasoning and originality, avoids unclarities and imprecision. It also shows very good analytical skill and deep understanding of the material, which results in critical engagement with the material.

Course programme

Description:

We shall spend the first weeks discussion foundational questions about the nature and value of childhood, children's autonomy, rights over them and duties owed to them. The last weeks are dedicated to more applied issues.

A background reading for this course is Harry Brighouse and Adam Swift, *Family Values: The Ethics of Parent-Child Relationships* (I call it "Family Values"... below), Princeton University Press, 2014. We shall also read several chapters from *The Routledge Handbook of the Philosophy of Childhood and Children* (I call it "Handbook"... below), edited by Anca Gheaus, Gideon Calder, and Jurgen De Wispelaere, Routledge 2019 as well as a selection of journal articles.

Week one

29th of September: The toolkit of (political) philosophy

We shall spend the first meeting discussing the main methods and concepts that we'll use throughout the course. Topics covered include the soundness and validity of arguments, the use of appeals to intuitions and thought experiments, the concepts of moral permissions, interdictions and requirements, the difference between moral and legal rights and the difference between a practice being morally objectionable, it being morally wrong, and the desirability of enforcing a ban on that practice.

Required reading

Jonathan Wolf (2018), *Introduction to Moral Philosophy* (New York: W. W. Norton & Company), chapter 1, pages 1-18.

Optional readings

Shelly Kagan (1998), *Normative Ethics* (Boulder: Westview) chapter 1.

David Miler (2017), "Justice", in *Stanford Encyclopedia of Philosophy*, sections 1, 4, 5 and 6.

<https://plato.stanford.edu/entries/justice/>

1st of October: Is procreation ever permissible?

We lack the ability to consent to being brought into existence. Yet, being alive means being at risk of significant harm. We usually believe that it is impermissible to put people at risk of significant harm unless this is necessary in order to save them from even greater harms. But non-existence is not a harm – or is it? During this meeting we shall discuss whether it is ever permissible to procreate and what, if anything, can make procreation permissible.

Required reading

Seana Shiffrin (1999) "Wrongful Life, Procreative Responsibility, and the Significance of Harm", *Legal Theory* 5 (2):117-148.

Optional readings

David Benatar and David Wasserman (2015), *Debating Procreation: Is It Wrong to Reproduce?* (Oxford University Press).

Elizabeth Harman (2009), "Critical Study David Benatar. Better Never To Have Been: The Harm of Coming into Existence", *Nous* 43(4): 776–785.

Week two

6th of October: The nature and value of childhood, the traditional view

Traditionally, philosophers have seen childhood as a state of being “unfinished”: incapable of flourishing and deficient in terms reasoning and moral agency. We shall try to uncover the truth in this view.

Required reading

Sarah Hannan (2018), "Why Childhood is Bad for Children", *Journal of Applied Philosophy* 35(S1):11-28.

Optional readings

Gareth Matthews and Amy Mullin (2014), “The Philosophy of Childhood”, in E. Zalta, ed., *Stanford Encyclopedia of Philosophy*, plato.stanford.edu/entries/childhood.

John Broome (2019), “The Badness of Dying Early”, in Espen Gamlund and Carl Tollef Solberg (eds.) *Saving People from the Badness of Death* (Oxford: Oxford University Press).

Jeff McMahan (2019), “Early Death and Later Suffering” in Espen Gamlund and Carl Tollef Solberg (eds.) *Saving People from the Badness of Death* (Oxford: Oxford University Press).

8th of October: The nature and value of childhood, revisionism

More recently, however, a growing philosophical literature discusses the ways in which childhood is also uniquely valuable. Are there any goods to which children alone have access, and if yes, which are these goods? Is it true that adults can never access them? And how do answers to these questions bear on the more general question of whether childhood is, all things considered, a desirable state for a person to be in?

Required readings

Patrick Tomlin (2018), "The Value of Childhood", in *Handbook...*

Alison Gopnik (2009) *The Philosophical Baby: What Children's Minds Tell Us About Truth, Love, and the Meaning of Life* (New York: Farrar, Straus and Giroux), Introduction.

Optional readings

Gareth Matthews (1994) *The Philosophy of Childhood*, Cambridge, Mass. and London: Harvard University Press.

Anca Gheaus (2015), "Unfinished Adults and Defective Children", *Journal of Ethics and Social Philosophy* 9 (1):1-22.

Anthony Skelton (2018), "Children and Wellbeing", in *Handbook...*

Patrick Tomlin (2018), "Saplings or Caterpillars? Trying to Understand Children's Wellbeing", *Journal of Applied Philosophy* 35(S1):29-46.

Week three

13th of October: Autonomy, the predicament view

An influential view about children is that children have deficient moral agency. We shall discuss this view and its implications for adults' permission – and, indeed, duty – to paternalise children.

Required reading

Tamar Schapiro (1999), "What Is a Child?", *Ethics* 109(4): 715-738.

Optional readings

Joel Anderson and Rutger Classen (2012), "Sailing Alone: Teenage Autonomy and Regimes of Childhood", *Law and Philosophy* 31:495–522.

Andrew Franklin-Hall (2013), 'On Becoming an Adult: Autonomy and the Moral Relevance of Life's Stages' *Philosophical Quarterly* 63: 223-247.

15th of October: Autonomy, local and gradual

And yet, at the same time, children do seem competent to make authoritative choices over certain domains of their lives – they seem to have local autonomy. Moreover, their autonomy develops gradually. What, if anything, does this mean for the permissibility of paternalism?

Required reading

Amy Mullin (2007) "Children, Autonomy and Care", *Journal of Social Philosophy* 38(4): 536-553.

Optional readings

Paul Bou-Habib and Serena Olsaretti (2015), "Autonomy and Children's Wellbeing", in Alexander Bagattini and Colin Macleod (eds.) *The Nature of Children's Wellbeing* (Springer), pp.15-34.

Sarah Hannan (2018), "Childhood and Autonomy", in *Handbook...*

Week four

20th of October: Children's rights

During a long time, children had the legal status of chattel, and some philosophers have denied that they have any moral rights. Today, children's rights are widely acknowledged. We shall discuss what this means, in theory and in practice.

Required reading

Samantha Brennan and Robert Noggle (1997), "The Moral Status of Children: Children's Rights, Parents' Rights, and Family Justice", *Social Theory and Practice* 23(1).

Optional readings

Robert Noggle (2018), in *Handbook...*, chapter 9

Harry Brighouse and Adam Swift (2014), *Family Values...*, chapter 3.

22nd of October: The institution of the family

The family is a universal institution. And yet, it seems to be in tension with some fundamental, and widely acknowledged, principles of justice. Why is it nevertheless a desirable way of raising children?

Required reading

Veronique Munoz-Darde (1999), "Is the family then to be abolished then?", *Proceedings of the Aristotelian Society* XCIX: 37-56.

Optional readings

Harry Brighouse and Adam Swift (2014), *Family Values...*, Part I (chapters 1 and 2).

David Archard (2010), *The Family. A Liberal Defence* (Palgrave Macmillan), chapters 4 and 5.

Week five

27th of October: The right to parent: parent-centred and child-centred accounts

To have the right to parent is to have the right to exercise comprehensive control over one, or several, children's lives. Based on what considerations can somebody acquire such powers? During this meeting we shall discuss two alternative accounts: the traditional, parent-centred, and the more recent, child-centred.

Required readings

Peter Vallentyne (2003), "The Rights and Duties of Child Rearing", *William & Mary Bill of Rights Journal* 11(3): 991-1009.

Optional readings

Barbara Hall (1999), "The Origin of Parental Rights", *Public Affairs Quarterly* 13(1): 73–82.

Narveson, Jan (1988), *The Libertarian Idea*, (Philadelphia: Temple University Press).

David Archard (2010), *The Family. A Liberal Defence* (Palgrave Macmillan), chapter 3.

Sarah Hannan and Richard Vernon

29th of October: The right to parent: the dual-interest account

Most philosophers believe that neither the parent-centred nor the child-centred account is successful. This led to the formation of a broad consensus around an account of parental rights that combines appeal to children's and to (prospective) parents' interests.

Required Reading

Harry Brighouse and Adam Swift (2014), "The goods of parenting", in Françoise Baylis and Carolyn McLeod (eds.) *Family-Making: Contemporary Ethical Challenges* (Oxford: Oxford University Press), pp.11-28.

Optional Readings

Harry Brighouse and Adam Swift (2014), *Family Values...*, part II

Liam Shields (2016), "How bad can a good enough parent be?", *Canadian Journal of Philosophy* 46(2): 163-182.

Week six

3rd of November: The right to parent, the moral relevance of genetic connections

In practice, most people acquire the right to parent simply by procreating – that is, by being biological parents. But one can be a biological parent in two distinct ways: genetic, or gestational. We start by examining the moral relevance of genetic connections.

Required reading

David Velleman (2005), "Family History", *Philosophical Papers* 34: 357–78.

Optional readings

David Archard (1995), "What's Blood Got to Do with It? The Significance of Natural Parenthood", *Res Publica* 1(1): 91–106.

Sally Haslanger (2009), "Family, Ancestry and Self: What Is the Moral Significance of Biological Ties?", *Adoption and Culture* 2: 91–122.

5th of November: The right to parent, the relevance of the gestational connection

Thanks to technological progress, it is possible to be a gestational mother without being a genetic one. Do gestational connections, apart from genetic ones, have moral relevance – and, if so, what kind of biological connection is more important?

Required reading

Anca Gheaus (2012), "The Right to Parent One's Biological Baby", *Journal of Political Philosophy* 20(4): 432–55.

Optional readings

Lindsey Porter (2015), "Gestation and Parental Rights: Why is Good Enough Good Enough?", *Feminist Philosophy Quarterly* 1(1).

Uma Narayan (1999), "Family Ties: Rethinking Parental Claims in the Light of Surrogacy and Custody", in Uma Narayan and Julia J. Bartkowiak (eds.) *Having and Raising Children: Unconventional Families, Hard Choices, and the Social Good*, (University Park: Pennsylvania State University Press), pp. 65–86.

Week seven

10th of November: The duty to parent, the voluntarist account

Who bears the duty to parent a child? Does one have to voluntarily undertake the parental role in order to have this duty?

Required reading

Elizabeth Brake (2010), "Willing Parents: A Voluntarist Account of Parental Role Obligation", in David Archard and David Benatar (eds.) *Procreation and Parenthood: The Ethics of Bearing and Rearing Children* (Oxford: Oxford University Press), pp. 151–177.

Optional readings

David Archard (2010), "The Obligations and Responsibilities of Parenthood", in David Archard and David Benatar (eds.) *Procreation and Parenthood: The Ethics of Bearing and Rearing Children* (Oxford: Oxford University Press), pp. 151–177.

Elizabeth Brake (2005), "Fatherhood and Child Support: Do Men Have a Right to Choose?" *Journal of Applied Philosophy* 22(1):55–73.

12th of November: The duty to parent, the causal account

Many people find the voluntarist account of the duty to parent unsatisfactory. The alternative account indicates as initial bearers of the duty those people who have caused the child to exist. During this meeting we shall discuss this view, and the question of whether one can ever divest oneself of parental duty.

Required reading

Lindsey Porter (2014), "Why and How to Prefer a Causal Account of Parenthood", *Journal of Social Philosophy* 45(2): 182–202.

Optional readings

Serena Olsaretti (2017), "Liberal Equality and the Moral Status of Parent-Child Relationships", in David Sobel, Peter Vallentyne, and Steven Wall (eds.), *Oxford Studies in Political Philosophy*, Vol. 3, (New York: Oxford University Press), pp. 58–83.

Joseph Millum, (2008), "How Do We Acquire Parental Responsibilities?" *Social Theory and Practice* 34(1): 71–93.

Reuven Brandt (2016), "Sperm, Clinics, and Parenthood", *Bioethics* 30(8): 618–627.

Week eight

17th of November: The shaping of children's values

One of the main rights of parents concerns the shaping of their children's minds and character. What is the ground of this right, and what are its limits?

Required reading

Harry Brighouse and Adam Swift (2014), *Family Values...*, chapter 5.

Optional readings

Joel Feinberg, (1980), "The Child's Right to an Open Future," in *Whose Child? Parental Rights, Parental Authority and State Power*, ed. W. Aiken and H. LaFollette, H. (Totowa, NJ: Littlefield, Adams, and Co.), pp. 124–153.

Edgar Page (1984), "Parental Rights", *Journal of Applied Philosophy* 1(2): 187–203.

Colin Macleod (1997), "Conceptions of Parental Autonomy", *Politics & Society* 25(1): 117–140.

19th of November: The case for neutrality in childrearing

Do parents – or other agents, such as state officials – have a right to intentionally pass on to children their views about religion, or their views concerning the best occupational or marital choices?

Required reading

Matthew Clayton (2012), "The Case against the Comprehensive Enrolment of Children", *Journal of Political Philosophy* 20(3): 353-364.

Optional readings

Norvin Richards (2018), "Raising a Child with Respect", *Journal of Applied Philosophy* 35(S1): 90-104.

Christina Cameron (2012), "Clayton on Comprehensive Enrolment", *Journal of Political Philosophy* 20(3): 341-352.

Week nine

25th of November: circumcision

Parents can shape not only their children's values, but also their bodies – sometimes quite literally, for instance by circumcising them. The practice is ancient, widespread and usually legal, yet a German court has challenged its permissibility some years ago. We shall discuss the ethics of circumcising children, as an occasion to apply the theories discussed earlier in the course.

Required reading

Joseph Mazor (2013), "The child's interests and the case for the permissibility of male infant circumcision", *Journal of Medical Ethics* 39 (7):421-428.

Optional readings

Robert S. Van Howe (2013), "Infant circumcision: the last stand for the dead dogma of parental (sovereign) rights", *Journal of Medical Ethics* 39 (7):475-481.

Eldar Sarajlic (2014), "Can Culture Justify Infant Circumcision?", *Res Publica* 20 (4):327-343.

Julian Savulescu (2013), "Male circumcision and the enhancement debate: harm reduction, not prohibition", *Journal of Medical Ethics* 39 (7):416-417.

27th of November: Parents' right to confer advantage

The other important right that parents have is to do things for their children – to benefit them. What are the grounds and limits of this right? Could there be a right to benefit one's child if its exercise disturbs the implementation of some principle of justice, such as the principle of equal opportunities?

Required reading

Harry Brighouse and Adam Swift (2014), *Family Values...*, chapter 6.

Optional readings

Colin Macleod (2018), "Equality and family values: conflict or harmony?" *Journal Critical Review of International Social and Political Philosophy* 21(3): 301-313.

Jonathan Seglow (2018), "Parental Partiality", in *Handbook...*

Week ten

1st of December: Education: how much we owe children

Amongst children's most important rights is the right to education. This week we focus on the formal side of education – namely schooling – but with an eye on how it interacts with, and depends on, informal education acquired at home. Are children entitled to equal education, and what does this mean for what schools should strive to achieve?

Required reading

Harry Brighouse and Adam Swift (2014), "The Place of Educational Equality in Educational Justice", in K. Meyer (ed.) *Education, Justice and the Human Good* (New York: Routledge), pp.14–33.

Optional readings

Elizabeth Anderson (2007), "Fair opportunity in education: A democratic equality perspective", *Ethics* 117: 595–622.

Debra Satz (2007), "Equality, adequacy and education for citizenship", *Ethics* 117: 623–64.

Harry Brighouse and Adam Swift (2009) "Educational equality versus educational adequacy: A critique of Anderson and Satz", *Journal of applied philosophy* 26 (2), 117-128.

Fernando de los Santos Menéndez (2019) "Educational adequacy and educational equality: a merging proposal", *Critical Review of International Social and Political Philosophy*.

3rd of December: Education: The kinds of goods owed to children

We have discussed the view that children are owed equal schooling – but equality of what precisely should this be? If childhood is valuable because it is a time when people have unique, or maybe privileged, access to certain goods – e.g. various creative activities – and if these goods are very important for childhood (and lifetime) wellbeing, then it is plausible that we owe children these special goods. Should we ensure that children get such goods *via* schooling?

Required reading

Colin Macleod (2018), "Just Schools and Good Childhoods: Non-preparatory Dimensions of Educational Justice", *Journal of Applied Philosophy* 35(S1): 76-89.

Optional readings

Lars Lindblom (2018), "Childhood and the Metric of Justice", in *Handbook...*

Colin Macleod (2010), "Primary Goods, Capabilities, and Children," in Ingrid Robeyns and Harry Brighouse (eds.), *Measuring Justice. Primary Goods and Capabilities* (Cambridge: Cambridge University Press.), pp. 174-192.

Week eleven

8th of December: Adoption and parental licensing

It is states' role to overlook the distribution of the right to parent. Currently, states regulate the acquisition and holding of the right by adoptive parents to a much higher extent than they regulate biological parenthood. Is this inconsistent, and if yes should states relax the regulation in the former case, or step up the regulation in the latter case?

Required reading

Hugh LaFollette (2010), "Licensing Parents Revisited", *Journal of Applied Philosophy* 27: 327–43.

Optional readings

Jurgen De Wispelaere and Daniel Weinstock (2018), "Ethical Challenges for Adoption Regimes", in *Handbook...*

Carolyn McLeod and Andrew Botterell (2018), "Parental Licensing and Discrimination", in *Handbook...*

10 of December: Children's voting

Children are excluded from many rights held by adults, including the right to vote. Children's disenfranchisement has been contested. We shall discuss, during this meeting, whether children should have the vote and why.

Required reading

Attila Mraz (2020), "Disenfranchisement and the Capacity / Equality Puzzle: A Liberal Egalitarian Account of Disenfranchising Children", *Moral Philosophy and Politics*.

Optional readings

Ludvig Beckman (2009), "Too Young to Vote? Children's Suffrage" in Ludvig Beckman, *The Frontiers of Democracy The Right to Vote and its Limits* (Palgrave Macmillan), pp.90-119.

Tim Fowler (2014), "The Status of Child Citizens", *Politics, Philosophy and Economics* 13: 93–113.

Ludvig Beckman (2018), "Children and the right to vote", in *Handbook...*

Week twelve

15th of December: Child labour

Most forms of child labour are illegal, and requiring children to work for a living is usually seen as morally objectionable. But is child labour always impermissible?

Required reading

Debra Satz (2010), *Why Some Things Should Not Be for Sale: The Moral Limits of Markets* (Oxford: Oxford University Press), chapter 7.

Optional reading

Philip Cook, "What's wrong with child labour?", *Handbook...* pp.294-303.

Roland Pierik and Mijke Houwerzijl (2006), "Western Policies on Child Labor", *Abroad Ethics & International Affairs* 20(2): 193-218.

17th of December: Recapitulation

During the last meeting we shall do three things. First, we'll take stock (briefly) of the material we covered. Second, you will have the opportunity to raise any important questions of clarification with which they might be still grappling. Third, you'll also have the opportunity to discuss the topic of your essay in case you are still undecided.