

Republican Families?

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Abstract: What would the institution of the family look like if it were reformed according to republican desiderata? Would it even survive such re-shaping? This chapter examines the charges that the family dominates women and children in what is taken to be their most convincing interpretations, and considers the theoretical and practical implications. The deepest source of women's domination within the family is the gendered division of labour. Surprisingly perhaps, an analysis of how the gendered division of labour generates domination yields the conclusion that not only women, but also men who engage in very pronounced forms of gendered specialization, can be dominated; this raises the interesting questions of whether mutual (and potentially equal) dependencies can count as domination, and if yes, whether they are less or more objectionable than one-sided domination. Achieving non-domination in upbringing doesn't seem, all things considered, in children's interests. If so, justified child rearing should merely seek to minimize domination. Indeed, it is undesirable, and maybe impossible, to eliminate it not only from the family but from any imaginable form of upbringing—such as an orphanage or a kibbutz. The reason is that children need intimate relationships that can only exist in the absence of proper mechanisms that check the exercise of parental power; further, the kind of vulnerability that concerns republicans may be constitutive of the emotional intimacy that is essential to children's well-being. Finally, the chapter argues that full eradication of domination from close relationships in general is undesirable.

Keywords: family, domination, feminism, women, gendered division of labour, parenting, children, child rearing, vulnerability, relationships

Introduction

What would the institution of the family look like, if it were reformed according to republican desiderata? Would it even survive such re-shaping? By 'family' I understand a child-rearing social unit, comprising a few adults who usually consist of a heterosexual couple living in an

economically integrated household. Republicanism is a normative account of relationships, whose core insight is that domination, which is power that can be exercised arbitrarily, is objectionable.¹ Importantly, domination doesn't require actual arbitrary exercise of power over someone; the mere possibility of such exercise is dominating unless the power is suitably constrained. Feminists have criticized the family for dominating women, and, as I explain, philosophers interested in just child-rearing have reason to criticize it for dominating children. The family, then, is a natural focus of republican concern. Here I examine these charges in what I take to be their most convincing interpretations, and consider their theoretical and practical implications.

So far, women's domination within the family has received significantly more attention than children's domination. I therefore keep this part of the discussion shorter. The deepest source of domination, I argue, is the gendered division of labour (henceforth GDL), namely, a pattern of specialization driven by gender norms that is present both inside the family and on the labour market. Surprisingly perhaps, an analysis of how the GDL generates domination yields the conclusion that not only women but also men who engage in very pronounced forms of gendered specialization can be dominated; this raises the interesting questions of whether mutual (and potentially equal) dependencies can count as domination, and if yes, whether they are less or more objectionable than one-sided domination. In any case, it is possible to avoid the GDL in the domestic sphere; therefore, the family *can* be reformed to become free of domination as far as this source is concerned.

When it comes to upbringing, however, achieving non-domination doesn't seem, all things considered, in children's interests. If so, justified child rearing should merely seek to minimize domination. Indeed, it is undesirable, and maybe impossible, to eliminate it not only from the family, but from any imaginable form of upbringing (such as an orphanage, or a kibbutz)—or so I argue. The reason is that children need intimate relationships that can only exist in the absence of proper mechanisms that check the exercise of parental power; further, the kind of vulnerability that concerns republicans may be constitutive of emotional intimacy. These observations invite another interesting question, namely whether full eradication of domination from close, loving, relationships in general is a desirable goal, or whether we have reason to tolerate some domination for the sake of having loving relationships; the latter possibility would, in the case of adults, trigger lesser concerns than in the case of parent-child relationships.

In the next section I discuss the way in which the GDL can generate domination, even if the institution of the family is reformed along feminist and liberal lines. The third section explains what it means to dominate children and why the existing allocation of custody and existing parental rights wrongfully dominate children. These aspects of child rearing can and should be reformed; but even the best reforms can at most minimize domination over children, and render the enduring

domination justified on the whole. The third section also discusses an even more radical reform in child rearing, which, while not entirely dispensing with the general domination of children, would at least ensure the non-dominated formation of their values, and more generally of their personal autonomy. Some may think such a reform would, in effect, abolish the family.

1. The Gendered Division of Labour: Beyond Women's Domination?

Women have obviously been subject to domination in many traditional societies, where holders of political power, husbands, and other male family members could exercise power over them without being held accountable either to the women in question or to the political community. Historically, unauthorized capacity to interfere with women's lives has been the rule rather than the exception.

The philosophically interesting question, then, is whether women's domination can continue even in societies where they enjoy the same status as men, as far as legislation is concerned—that is, where they have the same political, civil, economic, and social rights. What, if anything, could generate women's domination under such circumstances? The answer, I think, is to be found in the feminist tradition of criticizing informal gender norms, and in particular those that nudge women—and in the case of girls coerce them—to specialize in caregiving, and men to specialize in bread-earning.ⁱⁱ The view is that women, more than men, are raised to expect themselves to understand and meet others' needs; and men, more than women, to become main breadwinners. When heterosexual couples have children, women have to temporarily leave the labour market to recover from birth. They also have strong incentives to be the stay-at-home parent with the newborn, and, in places with inadequate institutional care, with preschoolers. This is due in part to breastfeeding, in part to being socialized as caregivers, and in yet another part to earning less than their partner, which makes this choice economically rational.

But women's temporary disengagement with the labour market often puts parenting couples on a path-dependent trajectory, in which they become increasingly specialized, such that over time women end up doing most of hands-on childcare and men most of breadwinning ([Allen, 2008](#); [Okin, 1989](#); [Schouten, 2019](#)). Moreover, women in general have lesser access to certain fields of employment (seen as unfeminine) and to some of the better jobs (which require full-time workers who are not in charge with meeting other people's care needs). As long as families stay intact, there is at least an expectation that women share the economic power of their partners—though note that even in such cases breadwinners have stronger negotiating power within the couple, and hence can exercise some arbitrary control over the distribution of economic resources amongst family members. But, of course, many couples separate, and women are widowed more often than men.

Thus, women—and especially child-rearing women—tend to become economically dependent on their partners or else on the welfare state and its bureaucrats.

Feminists see women's economic dependence on their spouses as oppressive. But must republicans see it as a form of domination? Some feminists, like Anne [Phillips \(2000\)](#), believe that republicanism cannot object to the GDL because the GDL is, in some form, compatible with women's self-determination, and that achieving self-determination satisfies the republican conditions for non-domination; if this is correct, then republicanism cannot be a theory of women's full emancipation. Others disagree. In Victoria Costa's words, 'what is bad about economic dependency—whether it is on one's partner or on welfare programs—is that it generates vulnerability to interference' ([2013](#): 929). And the capacity to interfere, when arbitrary, is the very core of republican concern: in Alan Coffee's words, independence, the republican ideal, means 'that I do not depend on anyone's grace and favour for the essential things in life' ([2014](#): 911).ⁱⁱⁱ Money is, for better or worse, essential in our societies.

Assume that Costa and Coffee are right, and republicans must see women's economic dependence on their partners as a form of domination. As Costa notes, this kind of domination can be addressed by policies. I agree that much can be done by states to eliminate this dependence, as I detail below, and the reform of the family in line with republican demands proceeds, in part, by policies that attend to the possibility of domination within the intact family and post-separation. Yet, I doubt that policies can fully address the problem, which is more complex than republicans have so far acknowledged.

To explain why, I first contend that if women's economic dependence on men is a form of domination, then *men's* dependence on women, when such dependence is the result of the GDL, is also a form of domination. Compliance with gender norms can, and, some may argue, sometimes does, lead to men's domination, too. By dint of being the hands-on caregiver, one has more opportunities to become emotionally close to one's child: to know the child better, have their full trust, be more important to them than other people, and more able to influence the child. For these reasons, hands-on caregivers have significant capacity to interfere with their children's emotional relationships with others, including their relationships with more absent resident parents and with non-custodial parents after separation. Domination, as Philip Pettit puts it, can consist of 'hard bargains' that take advantage of the dominated party's important interests ([1999](#): 52–54). Parents typically have a very weighty interest in the emotional relationship with their children, including post-separation; therefore, parents who depend on their (ex)spouses for this relationship—because their (ex-)spouses can interfere with it with impunity^{iv}—can be dominated.

A couple engaged in the GDL could therefore display *two*, and perhaps equally significant, dependencies, each having the power to arbitrarily interfere with the pursuit of an important

interest of the other: that is, when she is dependent on him economically, and he is dependent on her for emotional access to his children. One republican verdict to this type of situation is to say that, if parties have the same degree of arbitrary power over each other, their relationship cannot be dominating. On this view, domination is a global notion in which the normative significance of a form of dependency on the arbitrary will of another for important good X is nullified by the other party's dependency on the arbitrary will of the first person for important good Y. Lovett states that inequality of power is a condition for a relationship to be dominating (2010: 120), though he drops this requirement in more recent work (2022); and in Pettit's terms, both members of the imagined couple have 'antipower', which diminishes or nullifies domination (1996). While I find the 'antipower' solution attractive in some contexts—more on this when I turn to child rearing—it does not appear fully adequate in this case. (Ex-)spouses' ability to threaten back doesn't seem to avert the domination concern, since people are often willing to harm someone they hate at the risk of being harmed themselves. As long as both know this, each party will, at different times, find it difficult to look the other in the eye and relate as an equal.^v Moreover, the mutual, and potentially equal, power that (ex-)partners can have over each other in virtue of the GDL threatens to harm important, albeit different interests of each. It is plausible that both these interests—in avoiding destitution and in having a good relationship with one's child—are sufficiently important that it is not possible to fully compensate people for the frustration of any of them. If so, perhaps this is a case of mutual and potentially equal, but not symmetrical, domination.

Let's look at this problem and its potential solutions through the help of two stylized cases involving Ada and Bob, a typical couple with children living in an economically integrated household:

If separation, no regulation: In case of separation, Ada depends on Bob for economic survival. Bob depends on Ada for access to children.

To repeat, if what counts for establishing the presence of domination is equality of global power, this case is non-dominating. But I assume that some types of domain-specific arbitrary power must worry republicans even when global power is equal. Then 'if separation, no regulation' is a complex form of domination. A promising solution is to regulate the relationship of the ex-spouses in ways that eliminate their mutual domination. A reformed relationship would become:

If separation, domination-disabling regulation: In case of separation, Ada is entitled to some of Bob's earnings and Bob is entitled to at least visitation,^{vi} possibly to shared custody.

For instance, Ada's entitlement may be to split pay cheques between spouses, even after divorce (for at least a period of time),^{vii} in recognition of the fact that when partners follow a GDL, a divorced man's main economic asset consists in his market opportunities, which he could develop thanks to his spouse's domestic services. If so, after having lived together long enough, and especially after having raised children together, Ada and Bob have joint ownership, morally speaking, over Bob's ability to command a certain market income. Regulation aims to give Ada economic independence and Bob an independent relationship with his children. The question is whether regulation can ever be enough.

One of its limitations concerns Ada's economic dependence: Bob enjoys freedom of occupation, which, I assume, there are strong republican as well as liberal reasons to guarantee. He is free to reduce his working hours or take a less lucrative, but otherwise more attractive, job, and hence to work below the maximum market income that he could otherwise command. Therefore, Ada still depends on Bob for the level of her income, which can change any time, and at Bob's will. Since economic resources are crucial for planning one's life, and she has reason to care not only about not starving but also about planning her life, Ada remains dependent on Bob for the satisfaction of a morally weighty interest of hers. Policies other than asking Bob to share his (post-separation) income with Ada are available, as alternative or additional solutions: for instance, a universal basic income is often defended as a way to prevent women's economic dependence not only on (ex)-husbands but also on capricious and unsuitably constrained employers and state officials. This may be an all-things-considered attractive solution, but it is worth noting one feminist reservation about cash transfer policies such as the basic income: the likelihood that they will further entrench the GDL, by sponsoring women's retreat from the labour market ([Gheaus, 2020](#)). Since there is more to object to the GDL than its tendency to generate domination ([Gheaus, 2023](#)), Phillips's warning that republicanism cannot deliver all that feminists want cannot be dismissed.

One feminist goal is to dismantle the GDL, and it is unclear that republicans have principled reasons to oppose a voluntary GDL—at least not on the ground that doing away with the GDL is necessary to prevent the domination of women like Ada.

The second limitation of domination-disabling regulation concerns Bob's dependency. Especially if they separate and Ada is the residential parent, he depends on her to some degree for how the children think and feel about him. If they have shared custody and Bob spends enough time with his children this problem will be mitigated. But as long as Ada and Bob remain hostages to the GDL, he may have little choice but continue to put in long working hours, which compete with time spent with his children; a legal obligation to support Ada and the children, required to mitigate Ada's domination—as just explained—compounds the problem. (A problem which, indeed, exists even in the case of intact families where one parent works long hours.) Since Bob has reason

to care not only about passing on his genes, but also about the emotional relationship he has with his children, visitation rights alone will not be enough to nullify her power over him. It is the nature of the specific interest of Bob, then, that makes regulation appear insufficient to fully eliminate the objectionable dependency: If you are the only bread-seller, I need not be dependent on you in any objectionable way if the law requires you to accept my patronage. But if you are the only hands-on parent for my child, even if the state bans you from cutting my access to the child, I am dependent on you for something very important to me: my image in my child's mind, their trust in me, and hence my ability to influence the *quality* of our relationship. This analysis, if convincing, begins to make a republican case for avoiding a particular division of labour, gendered or not, namely, that between hands-on and hands-off parents—a case grounded in parents'^{viii} interest in non-domination.

The present discussion would be incomplete without bringing up the question of responsibility for personal choices that lead to domination. Should republicans be concerned about domination within those social relationships that people are free to enter and exit at will, and in which, once they have entered, they are free to conduct themselves in ways that avoid domination? So, should republicans be concerned about the domination of women who choose to become housewives? Similarly, should they worry about the fate of fathers who, because they spend the vast majority of their time working, have little direct involvement with their children, and therefore become dependent on their spouses who, as hands-on parents, have significant power to make or break the fathers' relationship with their children? Proper answers to such questions will of course require much analysis, and cannot be settled here.^{ix} I merely want to flag the possibility that, with respect to such dependencies, the anti-power solution could be all that one should hope for. As long as spouses are economically independent (e.g. because they have access to jobs and adequate institutional child rearing), and as long as parents have the option to work less and look after their own relationships (because generous minimum wages, or a basic income, give them some freedom from the labour market), adult family members who become dominated should perhaps take responsibility for their predicament^x. The same can never be true about children.

2. Children's Domination

2.1 Can Children Be Dominated?

Like spouses who rear children together in highly gendered ways, parents and children stand in an asymmetric power relationship. Parents have vast legal and informal powers over children. Children, too, have significant, even if not always discussed, emotional power over their parents—the power of tantrums for instance—when and because the parents love them. But the power relationship between parents and children is always highly unequal, with the parent having more

power over the child than the other way around. Moreover, unlike adults, children do not freely enter, and cannot exit, the relationship with their parents. Parents can coerce their children, with states committed to refrain from interference with, and even to help—for instance, if a young child runs away from home. Further, parents can deceive or manipulate their children, due to their superior knowledge, exercise of their rational abilities, and control of material resources. Again, states refrain from interfering with, and in most cases even from identifying, parental deceit or manipulation. By any measure, people can exercise their parental power with a great deal of impunity. At the face of it, then, the parent-child relationship should be of as much concern to republicans as the master-slave relationship. And yet, the republican tradition has hardly said anything about it.

One explanation of this silence is the possible belief that children do not come under the purview of republican theory, either because they cannot be dominated or because their domination is not morally objectionable. Non-domination is most usually understood as an account of freedom, and it is not clear that we wrong children when we deny them freedom. In virtue of their underdeveloped moral and personal autonomy, they have most often been seen as lacking the same claim to freedom that adults have. On this interpretation, children (at least when very young) are not the object of republican concern because they don't have the moral power to give consent, and hence cannot authorize, or fail to authorize, interference. But this is not how some of the most prominent republicans see the matter. Pettit is explicit that the parent-child relationship can, and historically did, involve a very high degree of domination. (Fathers could kill, or sell, their children with impunity.) The solution, he thinks, is 'a culture of children's rights and appropriate guards against child abuse', in the absence of which 'parents individually or jointly will enjoy subjugating power over their children' (1996: 584) and acknowledges that, in the absence of appropriate measures, both good and bad parents would count as dominating agents (Pettit, 1999). Frank Lovett (2018), too, believes that children can be dominated. And this makes sense. As Costa explains 'autonomy is a positive notion, which requires the presence of a capacity in an agent (and its exercise), whereas nondomination is a negative notion that requires the absence of a particular relationship between the agent and other agents. A person can enjoy nondomination without having developed capacities for autonomy' (Costa, 2013: 924). I agree with Pettit that republican child rearing requires the safeguarding of children's rights; below, I identify an expansive set of children's rights, some of which are justified by children's interest in minimal domination. If so, the ideal of non-domination is itself shaping the content of some of children's rights.

Alternatively, some republicans believe that reliance on parental virtues is enough to avoid children's domination. Individuals who are generally responsive to moral reason and benevolent will not use their parental power in arbitrary ways (Ferejohn, 2001). But not only is it highly unrealistic

to assume that all, or even most, parents are sufficiently morally accomplished; this solution to children's domination is also at odds with the typical republican insistence that virtue isn't enough to pre-empt domination, since domination consists in the mere ability to use power arbitrarily.

Yet another way to explain the relative republican silence on children is—I speculate—that philosophers in general assume that Western democracies have indeed achieved a culture of children's rights, including proper legal mechanisms that are sufficient to ensure the non-domination child rearing. The rest of this section argues that this is not the case. Before sketching my own views about how we can aim at non-dominating child rearing, and the limits of our ability to do so legitimately, I turn to the question of what it means to dominate children.

2.2 What Does It Mean to Dominate Children?

In answering this question, I leave aside the issue of whether non-domination is indeed best understood as a form of freedom. I assume that the valuable republican insight is that domination is *pro tanto* morally objectionable whether or not *qua* infringement of freedom. As already noted, a person is dominated when another can exercise arbitrary power over her. 'Arbitrary' is open to different interpretations, the most influential of which are the democratic and the procedural accounts. The first is defended by [Pettit \(2012\)](#), who identifies power as arbitrary to the extent to which it is uncontrolled by those subject to it. The procedural account, proposed by Lovett, defines social power as arbitrary 'to the extent that its potential exercise is not externally constrained by effective rules, procedures, or goals that are common knowledge to all persons or groups concerned' ([2010: 96](#)). As Colin [Macleod \(2015\)](#) argued, neither of these accounts seems able to allow for a proper account of children's domination. Children don't have the moral authority to decide over every rule and procedure that governs their life,^{xi} nor to generally control the exercise of power over them, making Pettit's account inadequate for children. Nor do children, at least when they're very young, fully understand any effective rules that might constrain power over them; on the plausible assumption that they are concerned parties, Lovett's account, too, fails to explain how we could avoid children's non-domination.

I therefore favor an interpretation of arbitrariness that appeals to the power holders' failure to track, in the exercise of power, the interests of those over whom power is exercised ([Gheaus, 2021](#)). This explains both why children can be dominated and what is objectionable with their domination. Interestingly, this is the account initially proposed by Pettit, who calls it 'the substantial view': 'on the substantial view, x dominates y if, and only if, x yields power over y in a way that fails to track y's well-being' ([Pettit, 1999](#)). Others have recently defended the merits of the substantial view ([Costa, 2013](#); [Arnold and Harris, 2017](#)). Pettit was concerned about failures of power to track the avowable interests of the dominated, but one may reasonably wonder whether such failure is

morally objectionable in the case of children, who often avow interests that adults believe it is right to prevent them from pursuing—for instance, to have a fifth ice-cream at the end of the same meal—and are unable to avow interests the fulfilment of which adults think they should ensure—such as attending school. I subscribe, here, to the assumption that paternalism over children is justified and, indeed, on many occasions morally required. This is consistent with the fact that, as they grow, children gradually develop their personal autonomy in ways that renders the scope of justified paternalism over them correspondingly narrower (Bou-Habib and Olsaretti, 2015). For this reason, a proper account of children’s domination should center on objectively defined interests to the extent to which a particular child still lacks full personal autonomy, and on avowable interests to the extent to which the child has gained the competence to make authoritative judgements concerning what is good for her in particular domains.^{xiii}

Adults’ capacity to interfere, with impunity, in ways that set back children’s (objectively defined) interests is a conceptually intuitive account of domination. Moreover, it is easy to see why this form of domination is morally objectionable: according to the paternalistic assumption, children are less available for consent than adults, and very young children are entirely unavailable for consent. It is generally accepted that non-consensual exercise of power over a person must be justified by appeal to the interests of that person, avowed if the person had been able to express them before becoming unavailable for consent—as in some cases of end-of-life decisions—or objective if the person has never expressed, or even been able to express, her interests—as in exercises of fiduciary power over someone with diminished cognitive capacities. But (to repeat) republicans object not only to *actual* exercises of arbitrary power, but also to *potential* exercises, without impunity, of such power. The fact that those who hold arbitrary power refrain from exercising it due to, for instance, a generally dutiful, benevolent, or kind disposition, doesn’t eliminate the complaint against the very existence of that power. The concern with the merely potential exercise of arbitrary power, I show in subsection 2.4, sets apart a republican view of why parental power over children is objectionable (or at the very least morally regrettable). It also renders republicanism capable of yielding a revolutionary view of child rearing, by providing principled grounds to reject monopolies of power over older children. This, I shall explain, sets republicanism apart from liberalism.

This account of children’s domination entails that republican child rearing is legitimate only if power over children is (1) allocated on grounds that track exclusively the interest of the child, within the constraints imposed by respecting everybody’s rights (i.e. children’s, their custodians’, and third parties) and (2) power allocated in line with the principle at (1) is (a) entirely justified by the interest of the child, within the same constraints, and (b) cannot be exercised in ways that are detrimental to the child. The next two sections explain why these conditions are not currently met,

and the subsequent one draws some implications of my skepticism that (2b) can be met even in principle.^{xiii}

2.3 Non-dominating Allocation of Custody

As a general rule, custody over newborns is automatically allocated to two people, namely, their biological parents, without any verification of the latter's ability to fulfil parental duties; it can be lost only when custodians have demonstrably engaged in (serious) abuse or neglect of their children. A charitable defense of this universal practice would have to assume that such allocation of parental power is in the best interest of children, and hence, perhaps, non-dominating. Yet, we know that numerous biological parents do in fact abuse their power, sometimes very seriously (LaFolette, 2010). Moreover, the default allocation of custody to biological parents is often defended, in legal documents, as recognizing parents' claim right to rear their biological children, rather than by appeal to children's own interest in being reared by their biological parents. Not even the Convention of the Rights of Children (United Nations, 1989), the most child-centered international legal treaty regulating children's rights, justifies this norm as serving children's best interest. Some philosophers, for their part, also think that people have a claim right to rear their biological children (Liao, 2015; Richards, 2010). In some cases of custody disputes, judges explicitly find in favor of genetic parents rather than those they deem to be in the child's best interests.^{xiv} To the extent that the current allocation of custody is ultimately justified by appeal to the procreators' interests—or, in surrogacy cases, to the interests of those who enter contractual relationships with the procreators—the state, by enabling and protecting this practice, is dominating children.

Another family of current philosophical accounts of the right to parent, and arguably the most prominent, sees the right as protecting a moral claim of the would-be parent, but qualify it by a requirement of parental adequacy (Brighouse and Swift, 2014; Clayton, 2006; Shields, 2016). Thus, on these dual-interest accounts, the right to parent protects both the interests of the child and the interests in parenting that many adults have. If they are right, such views provide principled grounds for a practice of parental licensing, difficult as it may be to find legitimate ways of implementing such a scheme.

But I believe that republicans must reject both the view that procreative parents have a claim right to rear their child and the view that would-be adequate parents have a claim right to rear some child. The reason is that both views consider the interest in parenting (i.e. in exercising unconsented-to power over children) as partial justification for gaining custody. Such a justification for authority should be inadmissible not only by republican, but also by liberal, lights: in no other situations do we think that unconsented-to power over others can be legitimately held for reasons other than the well-being of the party over whom power is being held or public interest. Children's lack of autonomy

means that they don't have a complaint against power being exercised over them without consent, but it does not make it permissible to justify such power by appeal to the power holder's own interest in exercising authority over the child ([Gheaus, 2024a](#)). Rather, as I argue in detail elsewhere, an account of custody allocation that is fitting to children's moral status must see the holding of custody as a privilege, justified only as protecting the interests of the child and the adults' legitimate interests.

The latter don't include an interest in having authority over another human being ([Gheaus, 2021, 2024a](#)). At the very least, this would entail that custody disputes should always be settled by appeal to the interests of the child in question (within the confines imposed by respecting people's general rights). It also entails that non-dominating allocation of custody (i.e. a form of power) should make any adult who expresses willingness to raise a particular child eligible for consideration as a custodian.^{xv}

2.4 Minimally Dominating Parental Powers

Adults, and parents in particular, have very extensive control over children's lives; for this reason, it is sometimes said that children are subject to domination—though domination that is, all things considered, in their interest ([Hannan, 2018](#); [Tomlin, 2018](#)). But the 'domination' that makes this true is wider than the republican concept. Republicans need not object to adults' control of children's lives as long as parents and other power holders lack the ability to interfere with children in ways that don't track their interests.^{xvi} Parents dominate their children if they have more extensive power to interfere with their lives than required by the fulfilment of the parental fiduciary role.

And, indeed, even in liberal democracies, parental powers, including powers to interfere, arguably extend beyond what parents need in order to protect children's interests. Here are a few examples: parents can prevent their children from receiving medical treatments that would be beneficial to them (and which states would otherwise provide); they can interfere with their children's bodily integrity in order to promote their own religious or aesthetic values (for instance, they can circumcise their children or to pierce their earlobes); and they can interfere, at will, with their children's relationships, including relationships that are beneficial to the child. Not only can they fire long-term baby-sitters or nannies, but also they can also prevent their children from seeing them again—and more generally, control their children's relationships, which they can interrupt without having to prove that the interruption was in the child's best interest. Again, many philosophers, legal scholars, and academics more generally believe that parental rights are in part protecting parents' own interests (e.g. in their creative self-extension, or in honoring and promoting their own values) (see [Dailey and Rosenbury, 2018](#); [Page, 1984](#); [Macleod, 2010](#), and for a critical overview of legal scholarship on parental rights). Much of the current debates in philosophy, bioethics, and law, concerning the limits of parental powers, are couched in the terms of trade-offs

between parents' and children's interests, or even rights. Indicative of this fact is that they often pit parents' right to practice religion against various interests of children. But, if parental power may be used strictly to fiduciary purposes—as the ideal of non-domination would have it—there should be no question of granting powers to parents for the sake of letting them advance their own interests *via* their children ([Dwyer, 2021](#)). To illustrate: using one's children as means to practice one's own religion—by enrolling them without consent, and interfering with their lives in all the ways involved in requiring someone to practice a religion—is an obvious form of domination.^{xvii} Republicans should then wish to reform child rearing such that parents lack any powers the exercise of which is unnecessary for children's well-being ([Gheaus, 2021](#)).

Even liberals can, and many do ([Brighouse and Swift, 2014](#); [Clayton, 2006](#)), agree that parental rights cannot even in part be justified as protecting parents' interests. Hence, it is possible to reach a broad liberal-republican consensus about the illegitimacy of exercising parental powers in ways that set back children's interests in order to advance their parents'. But a republican view of parents' rights should, I think, be even more restrictive than the liberal one. Republicans must object not only to instances of parents actually exercising powers in this way, but also to the holding of powers that the parent *could* exercise, with impunity, without suitably tracking children's interests. What would this mean in practice? Firstly, to best advance their child's interests, one needs a significant degree of discretion in the exercise of their parental rights. As Marilyn Friedman puts it: The capacities of people to interfere arbitrarily in the lives of others are often, if not always, also capacities to interfere non-arbitrarily for the benefit and care of those others. A capacity to benefit someone must be diverse and adaptable enough so that the person who possesses the capacity can handle an indeterminate variety of situations that may arise in caretaking. A good caretaker must be able to respond to at least some range of unpredictable contingencies with behavior that benefits the one for whom she cares. ([2008](#): 235)

This does not in itself show that parents cannot be held publicly accountable for arbitrary interference. Yet, holding them accountable for each use of their parental powers, or even only for uses that count as interference with the life of the child, would of course be highly impractical. Or, perhaps, it wouldn't be at all feasible. Many significant events in parent-child relationships are purely psychological, making it hardly possible to identify instances of parental interference that set back children's emotional or intellectual interests even when interactions take place in public settings. Secondly—and I take this to be the more philosophically difficult point—holding parents accountable in such a way would require a degree of social monitoring and, presumably, would involve a degree of self-monitoring on the side of the parent, that are incompatible with parents and children having an intimate relationship. Yet, one of children's most important interests is in having an intimate relationship with their primary caregivers, to whom they need to attach securely. Such

intimacy cannot develop, nor can it survive, when participants to relationships are under constant (self-)monitoring ([Brighthouse and Swift, 2014](#)).

Thirdly, one may think that vulnerability to the other is part and parcel of an intimate relationship. In other words—and this is a conceptual claim—to be in an intimate relationship to someone is to be vulnerable to that person in certain ways; for instance, to be vulnerable to be emotionally hurt by the other person. This and the previous consideration mean that the non-domination of children would not only require their rearing to take place in full public view, as it were, but it would also necessarily deprive them of intimacy with their rearers by dint of achieving its goal—intimacy which, I assume, is an important contributor to development and well-being during childhood. These points, of course, apply to relationships of emotional intimacy in general: aiming to strip our near and dear of an ability to hurt us at will may entail the refusal to be in emotionally intimate relationships with them.^{xviii}

If my analysis is correct, then non-dominating child rearing would come at a very high price in child well-being indeed. Whether it even make sense to contemplate paying such a price depends on the normative significance of non-domination. If non-domination is desirable as a contributor to well-being, it is highly plausible that children are, all things considered, better off in dominating but intimate relationships with their parents. But assume, instead, that non-domination is a deontic requirement, that is, a side constraint to relationships ([Forst, 2013](#)). In this case, there couldn't be a justified trade-off between protecting children's intimate attachments and the elimination of their domination. This is particularly so because children cannot exit relationships with their rearers. By contrast, adults can choose to leave when their friends or lovers actually use the power they have over them in arbitrary ways, and they can sometimes make themselves emotionally non-vulnerable to their associates. If there is a deontic constraint against non-consensual domination in particular, then we must adopt a form of child rearing ready to sacrifice one of children's most important well-being interests.

The latter option is difficult to endorse. The more plausible conclusion, I submit, is that republicans need not be tempted to sacrifice the possibility of genuine, intimate relationships between children and parents; they can admit that non-domination is only one amongst several desiderata, and settle for a more modest (in republican terms) ideal of upbringing. As Lovett puts it, 'as a matter of justice, the political and social institutions and practices of any society should be organized so as to *minimize* domination' ([2010](#): 2 [emphasis added]). A first step towards this is to restrict parental power to what is necessary for advancing children's interests. But what more can be done, if we have good reason to accommodate intimate attachments between children and their rearers? My own suggestion is that we should undermine monopolies of care and power over children, and aim to more communal forms of upbringing, as I explain in the next section.

2.5 Child Rearing without Monopolies of Care

Writing about the ways in which domination can be minimized, [Pettit \(1996\)](#) distinguishes between several types of strategies (all of which he calls ‘antipower’): some are regulatory, such as putting in place constitutional provisions; others are empowering the powerless by providing them with individual resources like education or welfare; and yet others are regulating the use of the resources held by the powerful. Examples include the separation of powers and anti-monopoly measures. I believe that all these strategies help to craft a minimally dominating form of child rearing. The first kind has been discussed above: custody ought to be allocated, and parental rights restricted, to what is in children’s best interest. The second kind of measures, empowering children, are much discussed today in debates such as those about enfranchising younger people and in the philosophy of education; I will not be able to do justice to these discussions here. Instead, I want to explore the third strategy, and signal the potential of a more communal child rearing, one in which every child has robust access to sources of non-parental care, to advance the goal of children’s non-domination.^{xix}

The thought that dismantling monopolies of care, and hence power, over children is key to the problem of children’s domination is not new. Veronique Munoz-Darde anticipates it, writing that:

the entire dependency of infants makes them extremely vulnerable to domination. If submitted to the absolute authority of any single institution, be it the family or the state, the coercive power of that institution becomes far too great to be compatible with liberty. Hence it seems that the best protection of individuality against domination is the respective restrictions that state and family impose on each other. (So if this is a defence of the existence of the family, it is also an argument for not allowing it all the power over children.) ([1999](#): 48–49)

One may think that Munoz-Darde’s desiderata is satisfied in societies that codify children’s rights and mandate some monitoring of children’s health and some compulsory education. But this, I believe, is not enough. To minimize domination in child rearing, sources of power over children must be not only diverse but also separate. At the moment, they aren’t because of the extent of parental control.

The current status quo is that children have two custodians, and those custodians have powers to exclude any particular individual from the life of the child, including particular health providers or employees of the day care, kindergarten, or school attended by the child, by changing the institutional provision of various forms of care for one’s child. This default arrangement of power over children is itself dominating unless it is in children’s best interest. Elsewhere I argue it isn’t in the children’s best interests ([Gheaus, 2021](#)), especially if we take into account concerns about

the distribution of good care amongst different children—as we should, though not by dint of republican commitments. It is likely that allowing more than two custodians, and denying them a right to interrupt caring relationships that benefit children, would improve both children’s chances to access good care and the opportunities to enjoy care of the children who are worst off in this respect. Again, I think that liberals, just like republicans, can agree that more than two adults can have custody of the same child, if this is in the child’s best interest, and that parents’ right to control their children’s relationships should be strictly limited by the interest of the child (Brighthouse and Swift, 2014).

But republicans can say more. They alone can identify an interest of children in non-domination, the fulfilment of which, as per the above discussion, presumably contributes to children’s well-being, interest that requires the minimization of adults’ capacity to exercise power over them arbitrarily. When children have access to multiple caring adults, with whom they can establish and pursue independent relationships, each adult’s dominating power is constrained because the dependency of the child on each of them is weakened. Moreover, the mere existence of other caring adults in a child’s life makes some abuses of power easier to deter. Making abuses more easily detectable has a pre-emptive effect and takes away the impunity of adults who abuse their power since more cases of abuse can now be identified. In the case of older children, multiple caring relationships give children some choice with respect to which adult to turn to for guidance, advice, emotional support, and general nurturing, and thus they have the typical anti-monopoly effects that republicans in general value.^{xx}

In practice, this would of course require a very significant reshaping of child rearing. At the very least, it would require giving children the freedom to maintain relationships with various caring adults—neighbors, teachers, relatives, previous nannies—whether or not their parents welcome the involvement of such people in their children’s lives, as long as the relationship does not set back children’s interests. But, more likely, it would take more pro-active efforts to ensure that all children have such adults in their lives: elsewhere (Gheaus, 2021) I contemplate the possibility of a generalized system of (secular) godparenting, whereby for each child there is an adult, committed to the child’s well-being, who lacks custodian rights but has associational rights in relation to, and obligations towards, the child. It would of course take a lot of work to tease out the details of such a system, starting with answering two most obvious questions: The first concerns the identification of a method for deciding which non-parental adults and relationships that children want to pursue are not setting back children’s interests. The second concerns the identification of a method for ensuring that enough such ‘godparents’ exist to ensure non-parental care for all children.

Before concluding this chapter, I want to zoom into one particular virtue of a more socialized child rearing of the kind I suggested: its ability to provide a (republican) solution to the

liberal dilemma of influencing children. This is the dilemma: several liberals, such as Matthew [Clayton \(2006\)](#) and, more recently Adam [Swift \(2020\)](#) have argued that parents lack a right—and, indeed, a duty—to raise their children in ways that promote their personal autonomy and help them acquire a sense of justice, including knowledge of, and dispositions to respect, others and their own rights. But, on this view, parents may not ask their children to adopt their own, or any particular, and controversial, moral or metaphysical doctrine of the good life. In liberal societies, reasonable individuals disagree on whether following such doctrines does in fact advance the follower's well-being (and whether it constitutes a virtuous life). Since no public verdict on these matters is available, no particular controversial views may be imposed on any person. So parents may not, for instance, enrol children into religious views, such as particular religions or atheism. There are powerful reasons in support of this view. Some of them have to do with the fact that being coerced into practising a religion is an arbitrary use of power if the reason is to protect the parent's interest in having their religion gain new followers. Trying to merely reason children into particular religions, or entice them by means of sharing the parents' enthusiasm, would count as manipulation, since children lack the wherewithal to withstand adult rational or emotional persuasion. And, according to Clayton, children may grow up to rationally reject the religion they have been asked to practise as children, in which case they acquire a complaint that they have been used, during a part of their lives, as a mere means for advancing another person's conception of the good. Though neither Clayton nor Swift uses the language of domination, their worries are plausibly translated in terms of dominating the child's value formation, whether by coercion or by manipulation.

I think these objections to enrolling children in, for example, religions, must be taken seriously. At any age, being asked to practise a religion is a very significant interference with you, and therefore the current status quo, that permits parents—and only parents—to decide on their children's religion is a major form of domination. At the same time, however, refraining from all domination of children's value formation is not only unfeasible (due to parents and adults being sometimes unaware of their own intentions) but also, perhaps, undesirable. Children do benefit from close engagement with their carers' conceptions of the good, where the latter are wholehearted: this is how they learn, as it were 'from the inside', what it means to endorse and practice values.^{xxi} Moreover, adults who are responsible with children's well-being *qua* children—and parents in particular – are likely to have a duty to advance well-being during childhood ([Richards, 2018](#)). Often, sharing one's values with a child is an attempt to advance their well-being. Parents' ability to control their children's value formation is particularly objectionable because of their monopoly of power over this process. If, by contrast, several individuals were to introduce their own conception of

the good to children, the latter would be minimally dominated in their value formation and, more generally, in their development of full personal autonomy. Most importantly, the worry that children lack the wherewithal to withstand parental influence is very much mitigated: Having several sources of influence, none of which with a right to coerce children into particular religions—but all of which having a permission to advocate, in non-manipulative ways, for its own views—may be a particularly effective way to provide children with the means to resist any particular view.

The practical dilemma of shaping children's values, then, can be solved—or at the very least mitigated—by ensuring that each child is subject to several different and similarly impactful influences in their value formation. To stick with the case of religion, if children are non-coercively initiated by several adults into several religions, the formation of their value is minimally dominating. This republican solution to religious upbringing and other value formation in childhood displays the central desiderata that liberals like [Clayton \(2006\)](#) and [Swift \(2020\)](#) want: respect for children's autonomy, but also the one that liberals like [Richards \(2018\)](#) want: providing children access to valuable moral, ethical, and spiritual resources.

3. Conclusions

To take stock, I looked at two forms of domination that are plausibly attributed to family life. The first is rooted in the gendered division of labour, and involves the potentially reciprocal domination of co-parents who specialize in caregiving or in earning the keep of one's family. Such domination can be alleviated by legislation, but it can only be eliminated by avoiding gendered specialization. And so, even if Coffee is right that '[i]ndependence is wholly compatible with accepting the mutual interdependence that is integral to family life' ([2014](#): 917) (a claim that, I argued, is implausible), achieving compatibility requires significant legal support as well as the exercise of personal responsibility.

The second form of domination affects children. I argued that we ought to minimize it, by distributing custody according to children's interests rather than according to would-be custodian's interest in parenting, limiting parental rights to what is serving children's well-being, and undermining monopolies of power over children. The achievement of this ideal would require very radical reforms of child rearing.

The analysis of domination in the family also raised some interesting philosophical questions: Can mutual, and even equal, dependency on another's will ever qualify as domination? And could domination be a price (perhaps worth paying) for intimacy? I find the second particularly important, due to the scope of its application and the deep challenge that it seems to raise to republicanism.

Other philosophers, like Friedman (2008), have noted, as a matter of empirical necessity, that being intimate with someone means that they can also interfere with you (in harming ways.) I argued that the monitoring required for non-domination in intimate relationships would make impossible the good of intimate relationships between children and parents. Moreover, I drew attention to the conceptual point that vulnerability to emotional harm in relation to an individual (i.e. their power to inflict such harm with impunity) is part and parcel of what it means to be intimate with someone. If so, and if intimacy is a great good, then non-domination is not always a normative desideratum. This is, of course, compatible with thinking, as republicans do, and I agree, that it is a normative desideratum sometimes. But it also calls for an explanation of when non-domination is desirable, and why only then.

Maybe all human fellowship involves power that parties can exercise against one another with impunity—to harm by means of, say, unkindness, unfair criticism, or outright rejection. This power is at its peak in the family, because in societies like ours this is where many people cultivate their deepest attachments. And since the family is also a site of long-term close economic cooperation, family members end up depending on each other in practical as well as emotional ways.

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- i Republicanism, in this chapter, refers to the neo-republican tradition as it is reflected, in contemporary scholarship, by the work of Philip Pettit, Quentin Skinner, and Frank Lovett, rather than in the early modern civic republican tradition.
- ii The classic work is [Okin \(1989\)](#). A comprehensive recent treatment of the gendered division of labour and how it offends against feminist aims is [Schouten \(2019\)](#). In this section I draw on my account of gender norms and their relationship with the gendered division of labour that I lay out in [Gheaus \(2023\)](#).
- iii And so, Coffee's rejoinder to Phillips in particular is that 'there can be no question of the social division of labour "leaving most fields of employment to men"' ([2014](#): 917), or, indeed condoning the domestic gendered division of labour independent of the consequences that it has on women.
- iv At least in the case of one-sided dependency (i.e. when the (ex-)spouse is not herself dependent on their (former) partner).
- v For an argument why republicans should object to mutual domination even with respect to the same metric, see [Schmidt \(2018\)](#). Lovett's condition of inequality of power for domination is justified by the thought that equality makes the exercise of power incredible, hence ineffective. Like the cases examined by Schmidt, the situation I examine suggests that equality does not always have this effect.
- vi This leaves aside the possibility that Bob's visitation rights are detrimental to the children's interest. If they are, Bob lacks a moral claim to continuing the relationship with his children.
- vii As argued for by [Okin \(1989\)](#). A similar reasoning may support split pension cheques.
- viii And not only fathers', of course.
- ix For a republican discussion on consensual and revocable (one-sided) domination, see [Lovett \(2008\)](#).

x That is, in such cases people may lack grounds to claim additional protection against domination; other individuals—their friends, for instance—may have reason and even a duty to warn them against making life-work decisions that predictably put them at risk of domination. I thank Frank Lovett for encouraging me to elaborate on this point.

xi Which is not to say that a society committed to eliminating all objectionable domination of children shouldn't give them a lot more voice—in both consultative and authoritative ways—in the procedures that govern their lives than existing societies do. It is plausible that children are wrongfully dominated when the institutions in whose life they are coerced to participate—such as the family or the school—fail to include them in the decision-making processes in accordance to their level of developed autonomy.

xii In this, I follow Costa's proposal ([2013: 928](#)), who understands arbitrary power in relation to children's objective interests. Unlike Costa's, my account is sensitive to the level of developed autonomy of the child.

xiii For earlier formulations of these arguments, see [Gheaus \(2021\)](#).

xiv Norvin [Richards \(2010\)](#), for instance, reports—and defends—decisions to allocate custody to genetic fathers, wrongfully alienated before the birth of the child who seek custody years after successful adoption.

xv This view is often rejected as obviously implausible by those who think it invites easy redistribution of custody ([Shields, 2016](#)), but, given the importance of stable primary attachments in children's lives, under the regime I propose, custody change would very rarely happen because it would very rarely be all things considered in the best interest of the child.

xvi Alongside legitimate third-party interests, for instance, in living in societies with well socialized children who respect everybody's rights. In what follows, I leave to the side third-party interests, the relevance of which is not under dispute.

xvii Assuming, plausibly, that children's well-being does not require their enrolment in (particular) religions.

xviii I elaborate on this argument in Gheaus (2021).

xix I draw on my previous work here, including Gheaus (2021).

xx One may worry that such an arrangement necessarily comes at the expense of protecting children's intimacy with their caregivers. I try to avert this worry in Gheaus (2021).

xxi This and the following analysis in this subsection draw on Gheaus (2024b).