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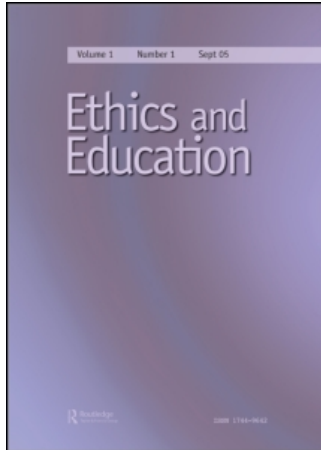
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The well-being of children, the limits of paternalism, and the state: can disparate interests be reconciled?

Michael S. Merry*

Beloit College, Wisconsin, USA

For many, it is far from clear where the prerogatives of parents to educate as they deem appropriate end and the interests of their children, immediate or future, begin. In this article I consider the educational interests of children and argue that children have an interest in their own well-being. Following this, I will examine the interests of parents and consider where the limits of paternalism lie. Finally, I will consider the state's interest in the education of children and discuss a familiar view that argues that we have a central obligation to cultivate good citizens. The article will focus on the tensions which inevitably arise from the sometimes conflicting interests between them.

Keywords: *Well-being; Paternalism; Citizenship*

Introduction

In liberal theory, the promotion of a desirable good (e.g. autonomy, economic self-reliance) is considered legitimate on the understanding that the consent of those whose welfare it affects is procured. This claim loses none of its strength even when the procurable consent of young children is stubbornly elusive. Because children do not typically consent to the conditions that allow for adult prerogative in making decisions on their behalf, it is necessary to speak of their best *interests*. Yet because the interests of children are both culturally and contextually specific, one faces considerable difficulty in knowing what those interests are, who should decide them, how they should be executed and for how long. No matter how these things are decided, most liberals will insist that a blend of limited parental authority coupled with an education to promote rational autonomy is necessary to limit both the influence of families and their idiosyncratic values and those of the state,

*Department of Education and Youth Studies, Beloit College, Beloit, WI 53511, USA.
Email: merrym@beloit.edu

both of which potentially limit the welfare of children and may misconceive, wilfully or otherwise, what those best interests are.

Over the years there has been some debate concerning the scope of authority that parents ought to enjoy, including the obligations and responsibilities that parents may or may not have toward their children. This debate also includes the scope of freedom that can defensibly be accorded to children in making decisions relevant to their immediate and not-so-immediate futures. For example, parents seeking to educate their children either by home-schooling or in sectarian¹ schools often believe that a separatist form of education is not only justified, but will even be of major benefit to their children, perhaps particularly in the case of some ethnic and religious minorities whose educational experiences have left more than a trace of failure and disappointment. My concern here is not with the type of school a child attends; there is ample evidence to suggest that many home-schooled children or those in sectarian schools will be well served as rational, autonomous individuals, aware of alternative points of view and capable of making choices independent from their parents and/or their communities. Perhaps more vexing, however, is the difficulty in deciding where the prerogatives of parents to educate as they deem appropriate end and the interests, immediate or future, of their children begin. It can be safely assumed that paternalism² and education are closely linked; this is because the very institution of education implies a kind of paternalism. Liberals disagree, however, concerning the scope of parents' obligations related to the education of their children and the variety of aims parents are entitled to have. In this essay, I will focus on some of the tensions that inevitably arise between the interests of the state, the parents, and the child.

For the purposes of my argument, I will take it as a given that parents have strong and defensible—though not limitless and unchecked—prerogatives to make educational decisions on behalf of their children and their welfare. Except in the most extreme—and equally rare—instances of children's rights advocacy (which I will briefly discuss below), there is typically wide latitude given to the discretionary choices parents make for their own children. Precisely because children's needs and desires are socially circumscribed by the shared ideals of their communities, it seems reasonable to say that their interests are *usually* best attended to by yielding to the wisdom of those best positioned to know them, *viz.*, their parents. This does not mean that parents always have their children's best interests in mind, or that parents in all cases make wise choices for their children in the type of education they choose for them or in any other area. This leads to my second claim: the state must be the guarantor of last resort if the interests of children are to be protected. The state must assume this role because some parents simply will be unable or unwilling to deliver the quality of education³ necessary for their children to acquire a basic capacity for autonomy and economic self-reliance.

In what follows, I argue that children have an interest in their own well-being. By 'well-being', I mean the capacity to identify 'from the inside' with a set of pursuits, habits, or relationships that have inherent worth to the relevant individual. Because liberals acknowledge the value of pluralism, there is no consensus

concerning what well-being must include beyond what I have stated. Hence, because 'well-being' admits of various and sundry understandings, children must have the capacity for autonomy in order to pursue their own conception of the good, whether this coincides with the conception provided by their parents or not. Next, I will examine the interests of parents and consider where the limits of paternalism lie. Following this, I will outline the interests of the state as it touches upon the civic education of children, particularly as this may push against the interests of the parents. However, I will show that on the matter of civic education (following Amy Gutmann) there is bound to be controversy concerning the content of the 'civic minimum', whether the aims of civic education are being dictated by the state or by those, like William Galston, who argue that it ought to be left to parents to decide what the precise content of a civic education entails.

My argument will proceed as follows. First, I will argue that pluralism provides the strongest case for deferring to the interests of parents in directing the education of their children, but that parents cannot always be relied upon to do so in ways favorable to the child. Second, I will argue that paternalism oversteps its bounds to the degree that the autonomy of children is thwarted, but that in many cases this will be very difficult to assess. Third, I claim that the state must act as guarantor of last resort where parents fail to make good on their duties to their children. Before I take up these arguments, I must first clear the path. Therefore, the purpose of the following excursus is twofold: (1) to discuss a number of more or less relevant claims that have had some bearing on the broader discussion; and (2) in doing so, to set aside these otherwise distracting claims that have been advanced by others, in order to focus on more plausible rival conceptions of education and legitimate parental oversight.

Narrowing the discussion

There are many extreme and untenable (not to mention, unpopular) variants to child-centered, parent-centered and state-centered views. Rather than get bogged down in lengthy discussion concerning views endorsed by a tiny minority, I will briefly set out a version of each and then be done with them in order to focus directly on more compelling and difficult claims.

First, I will categorically discard the idea that biology confers the right to raise children, let alone to do so however one wishes to. This is the implicit idea in Lomasky's well-known claim:

Producing children makes them one's own. That is so whether or not conception of the child was desired or intended. No other individuals stand toward it in the same causal relation as the parents. The good of the child may be recognized by anyone as calling out for some appropriate response, but that there exists any good-for-the-child at all is the parents' responsibility. (Lomasky, 1987, p. 167)

While the biological relationship is important given the conventional meaning that cultures typically ascribe to it, Lomasky's claim seems to imply that children are the

parent's property, or at least a means to ensure 'a claim to long-term significance.'⁴ Indeed, his view of parenting suggests a level of parental entitlement that does not recognize any claims outside of what the family deems relevant to its immediate concerns. Hence there would seem to be precious little room for the rights of children beyond the principle of harm and neglect. Indeed, such a conception of parents' rights allows for almost uncontested presumptive rights concerning the manner in which their children are brought up and the values that they come to embrace, including, in some cases, indoctrination or not valuing education beyond a certain minimal threshold. Yet, given the amount of available evidence of poor parenting, including cases involving abuse and neglect, biological determinacy is simply too weak an argument for why parents ought to have primary responsibility and care.

I will also put aside the corresponding argument that the family is the ultimate source of intimacy, or that children represent the 'expressive significance' of self-regarding interests parents have. Both understandings express a profound identification with one's child; indeed, on either of these views the interests of parents and children derive singularly from their 'bonds of recognition' with those who regard their well-being as a legitimate concern. It is in families that these bonds begin and are evinced with particular clarity, though the love and intimacy entailed in this relationship is, *contra* Lomasky, emphatically *moral* and not biological (Fried, 1978, p. 152; Nozick, 1989, p. 28; Archard, 2002, p. 151; Swift, 2003, pp. 9–20). Indeed, from the point of view of the child, just which adult one might cultivate an intimate relationship with seems perfectly arbitrary.

Second, apart from the salutary role the state may play in the lives of children, I will reject any claim that says the state reserves the right to *impose* any all-encompassing educational norms upon children. This does not mean that the state is *absolutely* forbidden to interfere. There are well-established reasons for intervening on a child's behalf in order to prevent harm or neglect. Yet whatever the failings of parents, they are *generally* much better placed to know what their child's needs are and are better disposed, certainly if there is adequate information and the means (e.g. mobility and income), to choose from among a range of options in deciding on the child's behalf. Moreover, the state, with its homogenizing tendencies, is likely to promote interests in direct conflict with the more particular interests of some parents. (Indeed, the sorts of communally-sponsored distribution schemes of child-rearing envisioned by Plato in *The Republic* or, more recently, by Véronique Muñoz-Dardé (1999), in which children are assigned guardians, seem to most readers highly implausible if not bizarre.⁵)

Third, I shall put aside child-liberationist views that claim to promote the autonomy of children in ways that circumvent or render extraneous the wisdom or moral guidance of adults. This is because no practical means for implementing such views have been demonstrated, and because others have shown, decisively in my view, that child-liberationist views are implausible on the grounds that most young children lack the cognitive acuity to make wise decisions and assume full

responsibility for their choices. Moreover, the line of argument in favor of children's rights generally has been shown to be untenably opposed to the best interests of children and deaf to their emotional and intellectual immaturity (Purdy, 1992; Brennan & Noggle, 1997; Brighouse, 2003; Schapiro, 2003).

Some infamous variants (Cohen, 1980) of this position argue, provocatively, for exactly the same rights and freedoms for children that adults have. It is a short step from there to argue against the prerogatives of adults to direct the education of children altogether. Children, in this view, are to 'find' their own learning according to their individual proclivities and pursue only those interests that appeal to them. The idea that children ought to be accorded virtually unlimited liberty in this sense—exemplified best in the educational philosophy of A.S. Neill (1960)—has not proven a reliable one, in part because even those who appear to give children wide latitude in decision-making nevertheless determine the scope of choices they make available to children. Though most children possess volition and perhaps a modicum of reason, they are not competent choosers of their own welfare and are thus heavily dependent upon the care that adults (but especially parents) provide them. Generally speaking, before a certain age⁶ children have not developed the capacity to weigh the pros and cons of decisions in the way that we expect adults to do. Nor have most been fitted with the survival skills necessary to fend for themselves. Children, therefore, cannot be rights-bearing agents in the sense of being fully responsible for their choices and actions; as such, they are in need of adult supervision, guidance and help.⁷

The interests of children

Though children also possess the capacity to develop into autonomous beings, they remain significantly different from adults, given their peculiarly dependent and vulnerable status. For while all children (as well as adults) have non-rational and thus non-autonomous loyalties and commitments, even these loyalties and commitments can contribute to autonomy when the individual reflects on them with a sufficient amount of critical attention.⁸ In my argument, I will operate on the *a priori* assumption that children must be seen as ends-in-themselves in the Kantian sense of non-instrumentality. This means that each person is ultimately entitled to determine the course of their own life, i.e. *no one*, parents included, has the *right* to do so but the individual concerned. Yet because childhood is an ephemeral stage during which persons are still on their way to constituting themselves as a source of activity in the normative sense (Schapiro, 2003), children cannot have rights and responsibilities attributed to them in the same way as adults, owing to their underdeveloped maturity and reasoning capacities. In other words, they cannot be held fully responsible for their choices and actions in the same way that we attribute responsibility to grown persons.⁹

Few would think it necessary to supply young children with the same rights as adults (e.g. the right to drive or—in the US—own firearms) in order to give

equal consideration to children's interests or to demonstrate the principle of welfare rights. Welfare rights (Sen, 1992), or the rights of equal consideration (Brennan and Noggle, 1997), are those that are owed to individuals (and no less to children) irrespective of their capacity to choose them. These include shelter, food, protection from harm, and basic nurturing, and apply to persons everywhere equally, regardless of their capacity to assume matching responsibilities.

To be an agent in the Kantian sense, persons are *ultimately* responsible for their thoughts, words and actions. This type of agency assumes a level of self-governance that would make a child their own final authority, an authority to whom one's every word and deed is attributable. Because children are incapable of the type of agency I have just described, a strong case for paternalism may be made. Indeed, sometimes adults may best demonstrate their concern for young children by *denying* various choices or activities to them.¹⁰ Tamar Schapiro captures its necessary importance this way:

The conception of childhood necessary to justify paternalism [is] one according to which the condition of childhood undermines attributability in the normative sense. The claim needs to be that although children cause their actions, they are not yet in a position to authorize them. (Schapiro, 2003, p. 590)

It must be stressed that these are generalizations, not hard-and-fast absolutes. As such, these comments pass muster only as conventional wisdom. Obviously there are some precocious, even astonishingly resourceful, children who are capable of reflecting upon decisions and their foreseeable consequences. Perhaps less surprisingly, many adults appear not to have developed many reasoning characteristics, including the ability to act according to their best interests. Nevertheless, democratic societies hold adults accountable for their choices and actions in ways that comparably capable children are not. No matter how self-reliant children show themselves to be, few will consider them competent to handle their own affairs, let alone be fully responsible for their own decisions in the same way that we expect of adults.

All of this has obvious implications for education. No fair-minded parent can afford to ignore the immediate and future interest of their child in developing and maturing in ways conducive to living well in a multicultural, highly competitive and complex society. Nevertheless, concerning what weight ought to be given to children and their interests independent of the parents' life projects and prerogatives, it seems reasonable to say that the children's preferences ought to be considered, if not actively solicited. The preferences of children, in other words, while not authoritative, are nevertheless to be taken seriously. That is, their preferences must carry consultative weight. Indeed, their thoughts and feelings cannot justifiably be discounted in decision-making affecting their place of dwelling, choice of school or type of extracurricular activity. A fair-minded parent interested in taking seriously the wishes or preferences of their child cannot, for instance, ignore the preference of a child to play a racquet sport over music lessons. Neither can such a parent dismiss their child's preference to choose or act in ways that are noticeably different from

those endorsed by the family or cultural community. Obviously, the older a child is, the more consultative weight should be given to their preferences.

Yet as it concerns younger children, there are a number of reasons for parents' interests to be favored over the immediate preferences of children, given the underdeveloped reasoning capacities in children that fail to protect or promote their best interests.¹¹ In fact, many young children's desires and preferences have decidedly harmful consequences. To give one example: children who are exposed (typically because of parental laxity) to substantial amounts of television or video games develop appetites for products that they certainly do not need; it is also possible, if not likely, that these children will incur considerable harm to their psycho-social development.¹² Of course this is equally true of adults. Many adults uncritically imbibe a consumerist mentality and develop an appetite for products (or, for that matter, foods) that do little to enhance their autonomy. In many instances, these appetites become addictive habits.

For instance, a startling number of adults gamble away their money, bringing ruin on their families. Liberal societies make provision for the liberty of individuals beyond a certain age to carry out decisions that bring harm upon themselves. However, liberal societies do not authorize the *right* to do so in every case. Societies like the United States appear to condone the liberty *and* the right of individuals to become obese, even as public officials express alarm at the sharp rise in obesity in the populace. Yet, no sanctions have been imposed against parents who promote poor eating habits or model for their children an indifference to nutrition and exercise. Valiant efforts are made to counter the unhealthy trends in American diets (this despite the poor nutritional value of most school lunch programs) or to prevent suicide and gambling addiction, but the public seems reluctant to deny adult individuals the right to do harm to themselves. In other areas, however, freedoms do not translate into rights, particularly where they involve harm to others. Hence many adults, though licensed to drive, choose to do so recklessly, imperiling the lives of others. In such instances the state reserves the right to revoke driving privileges. (However, in other areas, e.g. domestic abuse, welfare concerns are clearly inconsistent and only parsimoniously enforced.) While state interference is not paternalistic in the strict sense, the point is that freedom is not boundless, even for autonomous adults; and not only may restriction of freedom be warranted, but compliance may in fact be obligatory.

It is perhaps an enduring irony, then, that some philosophical liberals express such concern about religious schooling in discussions involving the prerogative of some parents to instill in their children a highly specific set of ideas or beliefs.¹³ Given the alternatives we might choose to instill in our children—an abiding concern, say, for fashionable clothing; or stock-market savvy—the promotion of a God-fearing life or an education that endeavors to cohere with specific cultural values (e.g. intellectual and material modesty) seems an admirable alternative. Even the inculcation of highly specific moral principles seems preferable to the kind of unreflective moral relativism that one commonly encounters among young people.

Of course, one will want to monitor the restrictive practices in certain school and home environments that discourage equal opportunities for children, e.g. on the basis of gender or because the cultural or religious community does not value marketable skills that would make it possible for individuals to successfully exit the community or choose a particular career path. Hence, the boundaries between acceptable and unacceptable approaches to sectarian education will need to be examined on a case-by-case basis. One may even expect that certain practices and beliefs cloaked by culture and religion will need to be disallowed, especially if the state plays a more prominent role in educational oversight, as it clearly does in a number of European countries. However, given the reactive impulses that dominate the thought patterns of younger children, it seems right to argue that parents are obligated to honor and protect children's interests, *viz.*, their welfare rights and the capacity to become autonomous, though not necessarily their preferences. This is because welfare rights protect persons on the basis of their status *qua* persons, and as such will not discriminate according to their capacity to make informed decisions.¹⁴

The interests of parents and the limits of paternalism

Though I previously put aside several parent-centered views, we cannot discount parental prerogatives so easily; nor should we. Owing to (a) the dependence and vulnerability of young children, and (b) the mutual sharing of benefits that takes place between parents and their children, parents enjoy considerable oversight in the decisions governing their children's lives. Parents (again, biological parentage is unimportant) are positioned to their children in ways that few others are;¹⁵ and highly specific duties and responsibilities toward them—within reasonable psychological and material means—usually apply. This is because children primarily have *needs*, and those needs are most likely to be satisfied most fully in the parent-child relationship. (This is so notwithstanding the fact that children enjoy separate rights as *persons*.) Indeed, the benefits of intimacy and nurture that accrue to children cannot possibly be rivaled by the non-intimate structures of the state. Parents are usually well placed to know what their children need; hence, they are able to attend to these needs with a level of effectiveness that impersonal government institutions cannot. On the whole, parents are more disposed to be deeply concerned for the welfare of their children, and most seek to provide the conditions necessary for their normal development. (It is also true in most cases that raising children makes an important contribution to the well-being of parents.) Whatever the case, the special relationship existing between parents and their children, perhaps because there is unconditional love, can usually be assumed.

In light of this, it is reasonable to think that the interests of many children and their parents may not conflict. Indeed, many proponents of parental rights argue that children's interests dovetail with those of their parents precisely because children, by virtue of the nurturing they receive and the intimacy that the family provides, take up

the concerns and aspirations of the parents to a significant degree. Still, this does not warrant a claim for the unqualified rights of parents. Though young children and parents typically operate according to a fiduciary relationship, this relationship in no way entails property rights over children or the *unconditional* right to perpetuate one's beliefs into the next generation. Indeed, unquestioned parental prerogatives unduly restrict the chances that an individual will come to own their own opinions, perspectives and beliefs without being influenced by parental coercion. Parents are certainly not free to harm their children, neither are they free to withhold the medical or psychological treatment a child's condition may demand. Nor are parents free to engender servility in their children, forming automata whose sovereignty is forcefully undermined.¹⁶

That is all fine. But how will we decide which views are likely to engender servility? As it concerns the upbringing and/or education children receive, should certain 'unreasonable' or 'intolerant' views be permitted? After all, the parent-child relationship is not above liberal principles; on the contrary, it provides a reasonable framework from within which liberal principles can operate. But Robert Noggle seems inclined to be more generous. He writes:

[T]he most practical and efficient way of ensuring that children develop value systems is to allow parents to instill their own value systems (and the world-views that support them). In a free and pluralistic society it would be morally problematic—and probably wildly ineffective—to force parents to teach and advocate world-views and value systems to which they themselves do not subscribe. (Noggle, 2002, p. 113)

That said, Noggle does not hesitate to add that 'morally indecent value systems or world-views' are repugnant in the sense that they militate against a child being able to flourish in a pluralistic environment. The obvious difficulty with his view, however, is that it will be a matter of grave dispute to determine just what counts as 'morally indecent.' Who will decide, and by what criteria, whether a set of values and beliefs is acceptable or not? Indeed, Noggle's characterization of certain views as 'morally indecent' may run foul of some canonized opinions of several prominent religions. If, for example, a religious belief or culture evinces an abiding intolerance towards homosexuals, female career advancement, or even the liberal democratic state itself, Noggle's view may not admit of allowing parental rights in fashioning the beliefs of their own children. Extending that parental prerogative beyond the home and into the school where equally few available alternate views are likely to be on display might even be decidedly *wrong* in Noggle's view.

I am sympathetic to Noggle's view, and would agree that the boundaries between acceptable and unacceptable forms of paternalism (including the types of schooling parents choose) will need to be considered on a case-by-case basis. However, it is hugely controversial to claim that children, if unreasonably beholden to the interests of their parents, will lack the capacity to take a critical view of the ideas and convictions handed down to them. At a minimum, such claims are hugely controversial (see Merry, 2005a). First, it is unclear what will count as 'unreasonable' to most people. Second, children raised in arguably narrow

educational frameworks are still capable of developing moral courage, character pluralism (i.e. the recognition that others will have different beliefs about the good), and the capacity to identify with a particular version of the good from the inside (see Burt, 2003). Finally, there are compelling reasons to believe that children will come to possess some measurable sum of tolerance toward others with differing views. Most communities in liberal societies are quite demonstrably permeated by the dominant secular milieu; hence, only the most remotely situated families and communities will be able to resist a high degree of permeability, including substantial defections.¹⁷ All of this may grant parents a great deal of leeway in directing the type of upbringing children receive. But what does it say about the ostensible limits of paternalism?

Paternalism ceases to be good for children when it jettisons those qualities that make its exercise legitimate. Parents must represent not only the child who exists today, but also the mostly unknown future person who that child will become, and the moral community which she can be expected to join. Therefore, any expression of paternalism that demonstrates little concern for the child as a separate agent, an evolving self, is indefensible and must be repudiated. Parental prerogatives cannot be *assumed*; they apply only to those adults who are morally sensitive to protecting their children's interests. These moral sensitivities will be guided by the interests of the child. In no way does the authority that a parent has over their child bestow *carte blanche* or carry the same authoritative finality as most decisions affecting oneself. In other words, parental authority may not go unchecked. Indeed it must comply with strict rules governing that authority, specific to particular contexts. Thus, in soliciting the importantly relevant views of children in whose care morally charged adults operate, the paternalistic agent will not be guided merely by their own interests. Indeed, there are reasons to replace parental entitlements with child-rearing *privileges* that are limited in scope and consistent with children's temporary interests (Dwyer, 1998; Montague, 2000). Rather than parents being allowed to speak on behalf of their children, the well-being of the child—and not the rights of parents—ought to be decisive in matters bearing upon the child's life options, including choice of education type. As children develop into independent moral selves, they acquire the capacity to see their interests and projects as persisting through time. Parents will need to be sensitive to those present interests in light of prospective future interests.

To summarize, parents are justified in promoting the interests of children as seems best to the parents, so long as children's future interests—which may not coincide with the parents' interests—are borne in mind. Parents cannot be relied upon in every instance to guide their children in important ways; thus, as Rob Reich suggests, all children 'need to grow into adults who possess a baseline set of social, emotional, and intellectual competencies that enable them to navigate and participate in the familiar social and economic institutions of society' (Reich, 2002, p. 153). Yet owing to a justifiable type of partiality, one defined by a particular relationship that expresses special responsibilities, obligations, and an equally strong sense of loyalty reified in voluntary actions¹⁸ (Oldenquist, 1986; Scheffler, 1997), most parents can

be expected to exercise a fair measure of self-sacrifice in attending to children's needs. As for the children themselves, though strongly influenced by the interests of their parents, their preferences and interests are typically unstable, fluctuating considerably over short periods of time (Blustein, 1982, p. 124). Whatever duties or responsibilities children may have, these are usually postponed for some future time when full ownership of their choices can be assumed. This is so because children are generally lacking in certain aspects of moral agency, including the capacity for a sense of justice and a conception of the good. On this understanding of children's moral status, a fair degree of paternalism seems justifiable.

Civic education and the interests of the state

High on the list of priorities for many liberals is an education that fosters civic engagement in relation to the 'public good'. Indeed, the state will be concerned that its citizenry be an informed and engaged public. The state is also better served knowing that its citizens are capable of interacting with fellow citizens in a spirit of fairness and tolerance. To best serve that aim, proponents of civic education are likely to come down on the side of public schools for reasons that Laura Purdy explains:

Universal, compulsory education is our best bet for making sure that everybody is exposed to the perspectives, knowledge, skills, and strategies necessary for dealing with values. Ideally, the public education system would do such a good job that there would be no market or need for private schools or home teaching. (Purdy, 1992, p. 157)

Suffice it to say that liberals have long assumed that public schools in anglophone countries are uniquely qualified to promote civic virtues and skills. This is so, the argument runs, owing to the distinctive *raison d'être* of public schools, *viz.*, to make accessible and available—albeit unevenly, in qualitative terms—educational opportunity to all, irrespective of social class, gender, race or ethnicity.

According to Amy Gutmann, civic education includes cultivating the capacity to 'evaluate different political perspectives that are often associated with different ways of life' (Gutmann, 1995, p. 577). This is best achieved by educating all children to 'appreciate the public value of toleration' and by teaching citizens to 'respect each other's basic rights and opportunities' (p. 559). By teaching mutual respect for individual differences, Gutmann believes that public schools—uniquely endowed with the moral capital provided by the political value of pluralism—can 'aid students in understanding and evaluating both the political choices available to them as citizens and the various lives that are potentially accessible to them as individuals' (Gutmann, 1995, p. 563; cf. 1987, p. 33). Having acquired mutual respect, citizens with very different ideas of the good life are better able to successfully deliberate in deciding matters that affect their common future. Moreover, respect is necessary to avert discriminatory behavior toward those with whom one does not agree.

Where there might be concern over a loss of cultural or religious identity, Gutmann argues that educating for a 'liberal political citizenship' will pull up the

slack and offer children an alternative cultural membership. Indeed, ‘good citizenship’ does *not* require individuality or autonomy,¹⁹ and may be welcomed ‘even over the opposition of [one’s] parents’ (1995, p. 567). Gutmann elucidates her view further:

[C]ivic education teaches children the virtues and skills necessary to deliberate about politically relevant issues but not about any other domains of life. The political liberal argues that to teach children to deliberate about other domains of life is sectarian precisely because it is not a prerequisite for sharing political sovereignty on fair terms. (1995, p. 573)

And elsewhere,

However students have been socialized outside of school, there should be room within school for them to develop the capacity to discuss and defend their political commitments with people who do not share them [...] Schools that fail to cultivate this capacity do not foster democratic virtue even when their students demonstrate the highest degree of political trust, efficacy, and knowledge. (1987, p. 107)

How does Gutmann balance the interests of the parents with the interests of their children? For starters, the future, if not immediate, interests of children must be considered. And while most parents provide for their children the ‘essential goods’, i.e., shelter, food, clothing, nurturing, at least insofar as they are available, parents also have a duty to ‘permit, if not to prepare, their children to choose among a range of conceptions of the good life that differ substantially from those held by the family’ (1980, p. 342). That is to say, parents must do a great deal more than merely satisfy basic paternalistic requirements.²⁰

Gutmann is at pains to caution her reader against a naïve embrace of parents’ rights. Far too many dangers reside in unquestioned parental prerogatives, she says, to relinquish all decision-making to their lights and basic intuitions, particularly when prejudice of one sort or another is often actively *taught* to children. Children are separate persons with distinct futures and volitions, and these must be safeguarded against unseemly coercion. A child’s basic interests trump any parental aim to thwart them, for parents ‘cannot be counted upon to equip their children with the intellectual skills necessary for rational deliberation’ (1987, p. 29). Therefore, a child’s interests must include a compulsory education enabling them to become a rational human being, an individual capable of personal and political choices, and a ‘full citizen of a liberal democratic society’ (1980, p. 349). A democratic education cannot be neutral in the values it espouses; it must ‘challenge the propriety of some claims and distinctions.’ Indeed, it must include the active attempt to cultivate moral character, even if this entails ‘constraining the range of lives that children are capable of choosing when they mature’ (1987, p. 37).

Such a robust conception of civic education implies that the state ought to frame the educational context in such a way that parents will be more likely to make well-informed and wise choices on behalf of their children. Naturally this will require considerable oversight, yet ascertaining the limits of that oversight in

political contexts that value pluralism is no easy matter. Indeed, notwithstanding a broad endorsement of an education for civic-mindedness, many believe that decisions concerning one's preparedness for civic engagement ought to be left to parents. Some consider anything different to be unwarranted usurpation by the state.

Pluralism and the civic minimum

Because many parents are skeptical toward the state and its civic demands, arguments are often ready at hand that call for a strict policy of non-interference. This non-interference allows considerable latitude in determining the manner in which children are raised and the type of education they are provided. But a minimalist state, as libertarians would have it, does not bestow upon parents the right to do *anything*; as I have argued, there are reasonable proscriptions against harm and neglect. Yet despite there being some difficulty in stipulating, in every case, what will count as abuse or neglect, we can reasonably expect the state to assume a minimally interfering role in liberal democratic societies. This is because there are limits to what the state will or ought to tolerate; *indeed, the existence of any liberal democracy may be threatened without some constraint on what will be tolerated*. Yet the limitations of tolerance need not be restricted to the public sphere. For example, the state may require Jehovah's Witnesses and Christian Scientists to permit blood transfusions for their children when medically warranted, even when doing so militates against their private beliefs. In short, owing to the independent ontological and moral standing of children relative to their parents, there are cases where the state may reasonably intervene on behalf of the child.

Nevertheless, the upbringing of children most parents seek, *viz.*, raising the child to participate in a set of commitments similar to their own, seems reasonable on the whole. What is more, a liberal society must have a range of options concerning what constitutes 'the good' in order for parental choices to have any meaning. It will not do to impose conformist standards and requirements on all when parents might secure alternative educational services for their children, for '[a] socially imposed impersonal standard of value impermissibly coerces those who see their ends lying elsewhere' (Lomasky, p. 174).²¹ Rather, the onus is on the state to prove that particular parents are generally indifferent to, or incompetent to oversee, the educational needs of their children.

Pluralism demands that the state respect diversity and choice, including choices the state may deem to be less than optimal. By giving strong weight to the interests and prerogatives of parents, pluralists resist the monopolizing effects of the state that might trump the values and pursuits of families and their communities. This is not an unreasonable course to take, for any liberal democracy that celebrates diversity must also respect the variety of choices that express the disparate interests of its citizens. Pluralists (but perhaps especially of the libertarian strain) wish to oppose 'all policies that lead to state dominance' or those that monopolize education.

Indeed, diversity of life pursuits and opinions are seen as the way to both individual flourishing and social progress (Galston, 2002). Why diversity? Because diversity is a necessary condition for the cultivation of individuality. William Galston observes,

The free exercise of independent and group choice within the framework of liberal democratic judgment generates a zone of diverse ways of life that are permissible and safeguarded from external intervention, even when we could not imagine choosing them for ourselves. (Galston, 2002, p. 95)

Further, the more choices that are available to parents, the more likely (informed) parents will be, at least in theory, to meet the particular needs of their children.

Galston defends the right of parents to ‘live in ways that others would regard as unfree.’ This expressive liberty is a non-negotiable condition on the basis of which parents and families might choose to live what he calls a complete and satisfying life, i.e. one that accords with one’s deepest beliefs concerning what gives meaning and value to one’s life. On this view, one cannot have core values without acting upon them. And what more natural thing in the world is there but to raise one’s children in a manner consistent with those core values? A person simply cannot detach their understanding of what is most noble and good and worthwhile from the aspiration they have for their own children. Indeed, a tolerance of deep differences will be ‘perfectly compatible with unswerving belief in the correctness of one’s own way of life.’ Galston is careful to say that there are important constraints, but any ‘countervailing reasons’ must be weighty and sufficient enough to overturn or infringe upon those values parents deem appropriate and good.

Those like Galston who invoke the expressive liberty that pluralism allows are not opposed to the cultivation of deliberative and civic participatory virtues. They merely claim that these only get at *some* of the virtues of citizenship. Responsibility to one’s family, jury duty, paying taxes and tolerance of social diversity also get at the elements of citizenship. There will always be important and worthwhile debates—according to time, place and circumstance—concerning the limits of state interests and the ‘diverse conceptions of flourishing’ its citizens pursue. But toleration, far from being a minimalist conception of the public good as some contend, for Galston is ‘the virtue sustaining the social practices and political institutions that make expressive liberty possible’ (2002, p. 119).

To the charge that his view gives excessive weight to the prerogatives of parents, Galston insists this is a misreading. The parent-child bond is a complex one. It cannot be supposed that a child’s rights must be suppressed in order to further the interests of the parent; but neither can it be supposed that a parent’s interests must be subordinate to the child’s. Galston appeals to what he calls a reciprocal model. Such an arrangement is not opposed in principle to fostering the capacity in children to be contributing members of society or to exercise sound judgment. In Galston’s view, the effective functioning of the basic institutions of a democracy can also be promoted while securing the interests of both parents and children. Disparate interests can be reconciled. Or can they?

Consider the ideological rift between Galston and Gutmann. Besides tolerance, there is much about civic education on which they agree. Both value civic education, the capacity to deliberate about ideas on which there is substantive disagreement, and the role that political liberalism²² can play in protecting private, discretionary beliefs from encroachment by the state while encouraging reasonable discourse across differences in the public sphere. Gutmann, however, sharply differs from Galston on at least two matters. First, while Galston favors the prerogatives of parents to foster a *modus vivendi* that may lead to their children being non-autonomous, Gutmann defends a conception of education that *requires* the capacity to reflect critically upon one's core commitments. Second, while Galston would prefer to leave the private sphere—including private forms of education—exempt from public criticism except where specific harm or neglect is manifest, Gutmann argues that both the content of public education and the regulation of private educational content must be set democratically. She concedes that any proposals that go any distance beyond the 'three Rs' are bound to be controversial, but does not flinch at the obligation to make such proposals, notwithstanding the risks involved. Accordingly, against those who are loath to specify what a civic education must include, she has written:

In order to publicly justify their claim that democratic citizens have no right to mandate a civic education above the minimum, civic minimalists must specify precisely what the civic minimum is and why. Without a substantive defense of a specific civic minimum, minimalism is meaningless. It is a hollow conception into which all citizens, including advocates of democratic education, can put their understanding of civic education and call it the civic minimum. (Gutmann, 1999, p. 295)

Arguments over what passes for a civic minimum are likely to be at least as contentious as any dispute concerning more substantive conceptions; further, mandating civic minimalism such as the 'three Rs' is morally arbitrary if it means that nothing more can or ought to be legitimately expected of schools. Neither is there more likely to be a consensus. Better, then, to defend a controversial substantive conception, one that invites contestation. All schools, Gutmann argues, should be 'constrained to respect the constitutional rights of students,' but a proper civic education, one designed to make liberal democracy work well, will also include:

Religious toleration and nondiscrimination, racial and gender nondiscrimination, respect for individual rights and legitimate laws, the ability to articulate and the courage to stand up for one's publicly defensible convictions, the ability to deliberate with others and therefore to be open-minded about the politically relevant issues, and the ability to evaluate the performance of officeholders. (Gutmann, 1999, p. 298)

Yet whatever its proper content, civic education in a democracy should be regarded as a democratic question, something that procedurally must be settled and continually revisited by the public. A minimalist conception of civic education can only go so far toward promoting the welfare of its citizens; it must also have important interests in educating its children toward ends designed to serve the public good. Robust programs of civic education are more likely to foster the capacity to engage with those with whom one does not agree, showing oneself capable of deliberating

about those differences. In short, civic education may be crucial to the development and maintenance of tolerance. Herein lies the importance of the state: a responsible state will be the guarantor of last resort in ensuring that children receive ‘a basic education sufficient to allow them to become adults capable of independent functioning’ (Reich, 2002, p. 152).

While few would deny that the parent–child relationship is critical to the development of a child’s moral capacities, the state also has an important paternalistic role to play because too often parents surpass their proper paternalistic bounds. This may especially be true of some parents who place their children in learning environments that promise to reinforce the specific values of the home. The degree to which school and home values are coterminous can indeed discourage learning that conduces to a critical evaluation of one’s core beliefs. Yet it need not have those effects. Not only can a certain level of value coherence fight off a sense of unanchoredness that one is likely to experience in the absence of communities providing such coherence, but cultural and value coherence actually can serve to promote individual choice and critical thinking—not to mention well-being—insofar as children operate from within a stable and lucid set of life principles. A relatively coherent moral framework can provide the basis, at least initially, for assessing other competing claims to truth, provided such frameworks do not impede future intellectual and moral growth (see Merry 2005b). The upshot of the foregoing is simply this: value coherence for children is not synonymous with an unexamined life.

From all that I have argued, there are sound *prima facie* reasons to support the prerogative of parents to choose a particular education for their child. Few parents will make decisions for their child strictly on the basis of some abstract social or political good (Swift, 2003). Nevertheless, there are reasons to be less sanguine about the degree to which some parental prerogatives coalesce with unregulated home-schooling, or, for that matter, with the aims of some sectarian schools. This is because not all parents can be trusted to promote their children’s best interests. Likewise, many schools do not facilitate or cultivate the autonomy of their students. In my view, this calls for a more prominent role for the state in educational oversight.²³ This is so because while parents inhabit a privileged space from which to direct the needs and interests of their children, this does not give them license to be impervious to moral criticism. Nor does it mean that parents may pursue their own ends, in some instrumental sense, through their children. Parents are not justified in making decisions for children that merely ensure the cultural or religious continuity of their own values, with no thought to the best interests of the children themselves. Alternatives must at least be considered. It is not enough to say that children are free and willing participants in the cultural practices of their parents. This is particularly true when the possibility of exit is a chimera, for as Clara Connolly has said, ‘Consent is meaningless without the right to dissent’ (Connolly, 1992, p. 144).

It is certainly implausible to assume that parents have completely impartial interests at heart where their children are concerned. Parents are rational agents with particular interests and aims, and, as John Cottingham sees it, ‘the life devoid of agent-related partiality is one which only very few will find psychologically feasible’

(Cottingham, 1986, p. 366). What matters is that their partiality is legitimate. By 'legitimate', I mean that the parents have the best interests of their children at heart. According parents prerogatives in raising their children is simply to acknowledge that they are better placed and, in most but not all cases, more inclined than others to attend to the immediate and future needs of children, even when this appears to involve circumscribing the options that children are meant to pursue. I would go further and claim that most parents, notwithstanding imperfect methods of child-rearing and wildly uneven resources, have at their disposal the best means of directing the interests of their children.

Conclusions

In this essay, I have argued that the well-being of the child is paramount and that one of the best ways to promote a child's well-being is to provide an education likely to promote autonomy so that children may eventually be enabled to pursue their own conception of the good. There will always be difficulties in deciding what the interests of the child in particular circumstances actually are, but parents are usually better placed to know what the needs and interests of their children are; they are certainly more likely to care *unconditionally* for their children's well-being. Nevertheless, a child's future may not be sacrificed in the interest of furthering the parents' beliefs or goals. Here the state has an important role to play, and a vigorous civic education designed to promote civic virtues such as toleration and respect for law, as well as to develop one's deliberative capacities to respectfully engage with others, seems properly oriented toward that end. Yet, apart from these compelling interests intended to serve the public good, the immediate and future interests of children must remain paramount. These interests include the capacity to exercise autonomy and to identify with a set of beliefs from the inside. Specifically, in deciding on the welfare of children, the focus in particular cases—not only in education but also in divorce and child custody—will steer clear of parental preferences and onto the child *simpliciter*. This understanding directly challenges the presumption that parents always know what is best for their children, including what sorts of education they ought to have.

Still, a child's well-being requires guidance and supervision until such a time is reached that they are able to weigh various options for themselves, and are sufficiently (for no one is ever completely) aware of the foreseeable consequences of their choices and actions. Owing to the range of differences among individuals, the age at which one becomes capable of doing this will vary, though it seems reasonable to assume that some measure of paternalism is called for. This may entail making a significant number of decisions for children, or it may involve shaping their values and learning processes, particularly their ability to think critically about cultural messages that they are bombarded with on a daily basis. Ensuring that children acquire the skills necessary to test various claims will be good not only for their own best interests, but for the society as well, inasmuch as the public sphere is

better served by more, rather than less, rational persons. Indeed, the child-focused approach I have argued for could result in parents feeling morally obligated to promote not only their own children's interests, but those of others' children too.

The prerogatives of parents for their children do not trump all considerations. There will always be competing interests between parents and the state, as well as consideration of children's own interests. The older a child is, the more likely they are to move away (though they might not, and certainly need not) from the wishes of their parents. In light of this, an antipathy toward religious schooling belies the uneven manner in which some philosophical liberals endeavor to protect children's interests. Indeed, to some the concern seems more an irrational fear. Because we inhabit the Western consumerist and materialist milieu, each of us surely is aware that myriad interests aggressively compete for the sympathies and loyalties of children. Not only do many of these secular influences (manipulative advertising, peer pressure, etc.) unabashedly target children and threaten the value systems of families and their respective communities, they may also be *more* effective in thwarting the capacity of children to become reflective and autonomous selves. A home-schooled or sectarian form of education, on the other hand, may very well assist in cultivating an autonomous life. Moreover, there is little reason to suppose that intellectual freedom will not occur *within* a particular tradition. Nevertheless, given that it is far from a certainty that children's interests and well-being will invariably be served by the parents and/or guardians, the state must act as guarantor of last resort in seeing to it that children not only receive certain protections but also that they develop the capacity for autonomy and the means to economic self-reliance. For with children, both their immediate and future interests must guide all decision-making on their behalf.

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Notes

1. In the popular mind, sectarian schools are chiefly religious schools; and thus I am comfortable using them interchangeably, though they need not be synonymous. For my purposes, 'sectarian' describes any school whose *primary* aim is something other than educating for democratic citizenship, autonomy and economic self-reliance. For example, these aims may include—but are not limited to—cultural preservation and religious indoctrination. I should add, however, that *any* school, regardless of its primary aims, may nevertheless succeed in educating for democratic citizenship, autonomy and economic self-reliance, and certainly many public schools fail miserably in fostering them.
2. By 'paternalism', I mean interference with the freedom of a child with a view to promoting their welfare. Whether the welfare of the child is in fact promoted is the central concern of this paper.
3. Beyond a healthy civic education designed to serve the public good, quality of education includes—but is certainly not limited to—oversight of teacher qualifications and the

curriculum, as well as the equitable funding of schools to ensure reasonable class size, course offerings, adequate staffing, and the maintenance of safe and comfortable learning environments.

4. Indeed, Lomasky sees any challenges to the family as antagonism to liberal diversity itself and he is not reticent to say, '[I]n the absence of the family as a nucleus of recognition patterns, it is unlikely that there is much hope for a right-respecting moral community' (1987, p. 169). To criticisms of this view, folk like Lomasky are likely to respond that parents' obligations towards children may extend to the larger community, but parents are nevertheless bestowed with particular rights over the life projects of their children, and these will typically not conceive of individuals in terms of a greater, impersonal collective good.
5. Parent-centered advocates would in any case wager that the likely outcome of these imagined societies is that they would simply transform relationships into less intimate ones. Nevertheless, it is interesting to note that some northern European countries do consider it a national responsibility to provide affordable childcare for citizens and non-citizens alike. Yet even here, the suggestion that parents' rights ought to be trumped *a priori* by the state is unthinkable.
6. This has always been a nebulously defined age. The 'age of reason', as referred to in Plato (*Republic*, Book IX 950e) and Aristotle (*Politics* I.13), was picked up by Thomas Aquinas and later, John Locke and John Stuart Mill. For some this age was seven, for others ten, and still others, twelve.
7. The same can be said of many elderly people, as well as adults whose physical or mental impairments preclude competent functioning.
8. All of this assumes, of course, a certain cognitive development schema. What one teaches depends entirely on the emotional and intellectual capabilities a child may possess. Certain kinds of autonomy would be, then, wholly inappropriate at certain ages given the lack of experience or maturity in handling the complexity and moral import of certain knowledge or ambiguity. Hence the UN Convention on the Rights of the Child (1989) declares, '[The] views of the child [are to be given] due weight in accordance with the age and maturity of the child' [art. 12; 14].
9. Of course if it is the individual to whom responsibility for said words and actions attaches, this raises questions concerning the extent to which *any* of us is fully responsible for our actions. Here I am calling attention to the effects of social conditioning and its role in shaping thought and action. Naturally, as individuals we may be fully responsible before a court of law for deeds committed, while it is acknowledged—beyond the scope of law—that our collective set of influences (including but not limited to neglect, fear or abuse) may have disposed us to behave in such a way that we might not have done, had our collective set of influences been different.
10. Of course there are certain laws that operate according to a form of paternalism and apply to everyone equally. Thus in certain states there are seatbelt and helmet laws that have been ratified in order to promote public safety. One may disregard these laws at the risk of incurring a penalty or punishment, including being denied the right to operate a motorized vehicle.
11. This is the interesting logic behind the medical practice of informed consent. Yet the reasoning capacities, specifically the ability to weigh the pros and cons of, say, an invasive operational procedure, can be witnessed in many 12-year-olds and not, for instance, in many 35-year-olds.
12. For a counterargument, see Gee (2003).
13. Indeed, it is odd that little protest is heard concerning the existence of schools whose exclusive focus is music and the fine arts. One may imagine that the cultivation of artistic talent brings intrinsic benefits. I would agree, though it is not obvious to me that a child whose life revolves entirely around ballet or clarinet has necessarily been educated for autonomy.

14. I will not explore here the terribly important debates taken up in bioethical discourse, particularly the moral status of a fetus, a neonate, or a person in a permanent vegetative state. I am simply working from the common sense presumption that all persons deserve some basic level of welfare protection and provision as outlined in the charter of the United Nations on Basic Human Rights. Obviously this principle does not speak to the difficulties of implementation necessary to ensure their efficient distribution.
15. It is true that some teachers, social workers or even older siblings perform similar functions and care unreservedly for some children with as much tenderness and sincerity as any parent would. Yet few *expect* a social worker or a teacher to care to the same degree or to perform certain tasks that parents routinely perform unless children have *already* been consigned to state care (e.g. in a state orphanage, hospital, or juvenile detention center).
16. By the same token, neither can the state do these things. An overbearing state is also likely to suppress essential liberties and individual discretion. Furthermore, communities and associations that conduct their internal affairs 'in a manner contrary to core public purposes' can be justifiably pressured to stop, and in some instances even prohibited. But there are other forms of social pressure ('despotism', in the parlance of Galston) that many rarely question, including a culture infused with peer pressure, popular media and advertising that few children *or* adults fully understand or attempt to resist. For a powerful exposé of the machinations of advertising agencies, see *The persuaders* which aired on *Frontline* (PBS), 19 December, 2006. For a recent critique of commercialism in public schools, see Molnar (2005).
17. In the final analysis, however, the rate of defection will tell us very little, for it will hardly suffice to explain the conditions under which children remain within communities or opt not to. Indeed, there are important internal constraints on freedom of choice and opportunity that may argue against ostensibly self-evident truths. This means that both permeable and non-permeable communities may experience high rates of defection or retention for entirely different reasons.
18. Samuel Scheffler refers to these as 'presumptively decisive reasons for action' owing to the quality of the relationship one has with another. Though there is bound to be something controversial about these partial claims, Scheffler maintains that these relationships ought to be those with recognizably 'socially salient connections.' See Scheffler (1997), pp. 196–198.
19. However, Gutmann does point out the following: '[I]t is not a coincidence that the political skills and virtues of liberal democracy resemble the personal skills and virtues of a self-directing or autonomous life.' (1995), *op. cit.*, p. 576.
20. When these requirements are not met, the state reserves the right to withhold parental privileges if and when there is evidence of harm or neglect, including inadequate food, shelter and education.
21. Lomasky is led by his own logic to question state-mandated primary school as 'improper encroachment.'
22. Political liberalism, as defined by John Rawls (1993), is the ideal system for preventing unwarranted interference by the state into discretionary religious beliefs and at the same time refuses to allow religious discourse to swallow up proceedings in the public domain.
23. I explore in detail what this educational oversight might entail in chapter six of Merry, 2007.

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