**Is Clayton correct to say that parental power should be constrained in the same way as state power, and for the same reasons?**

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# **Introduction**

This paper discusses Claytons theory on Comprehensive enrolment of children by their parents. This paper supports Claytons view that we should not enrol children. However, Cameron raises objections which cause problems for the application of this framework. Namely, the cost of giving up a belief, choices made for us in childhood and the application of the PRR (Public Reason Restriction) to the way the parent-child relationship should function. Some modifications to Clayton’s framework and further debate is required to fully address these issues. The conclusion is that we should be able to enrol children in activities that would be of low future cost if rejected but we should not enrol children in activities of high future rejection cost.[[1]](#footnote-1) This enrolment is tempered by the statement “the fundamental motivation of parents should be to conform with public reason i.e. to treat their children in accordance with norms that are capable of acceptance by any free and equal person”.[[2]](#footnote-2) As Clayton states: “I am not ruling out the imposition of a comprehensive doctrine on the child. I am rejecting its imposition in the absence of an argument from public reason”. [[3]](#footnote-3)

The structure of this essay is as follows: In Section One I explore Clayton’s theories of end state autonomy and autonomy as a precondition, I then look at the plausible relationship between the state-citizen and child-parent relationships. The Public Reason Restriction is then examined in connection with comprehensive enrolment. In the next section, I look at objections to Clayton’s view from Cameron and any subsequent replies to this from Clayton. I then conclude by discussing the differences between the two views and add my own view to this.

# **Claytons View**

## **Comprehensive Enrolment**

Comprehensive enrolment concerns the practise of a parent to “enrol their child into controversial religious practices or disputed conceptions of human wellbeing”.[[4]](#footnote-4) Parents, as adults, form a concept of what Clayton calls “the good life”.[[5]](#footnote-5) Parents then raise their children in a manner that conforms to their own view. So, if the parent is Catholic, normally the child would be raised as a Catholic. There is an issue here around whether the parent should be able to simply enrol the child into this practise or whether the child should be able to have a say in this. This leads to two separate points to consider.

1. Is the child able to decide for themselves what religion they would like to follow, if any
2. Should parents be able to foist certain beliefs upon their children

If we take religion as an example, it’s is clear that a religion can be quite a life long activity which could affect numerous parts of a person’s life. For instance, the child would be put through formal ceremonies such as baptism and confirmation. The child may then also be expected to attend church. This may equate, in many circumstances, to a lifelong relationship with the church that the parents have chosen for a child. Baptism and similar activities would be seen as voluntary when performed on an adult who gives consent but involuntary when performed on an adult who is capable of giving consent but chooses not to.

The decision to baptise, confirm, or otherwise enrol one’s child into religious practise, is non voluntary on the part of the child. The child is not capable at this point of giving consent to a morally binding choice because they lack both the autonomous capacity to make choices such as these, and the knowledge to make an informed decision.[[6]](#footnote-6) Clayton queries “whether it is permissible for others to enrol us into a Christian community before we have the capacity to give or withhold morally binding consent”.[[7]](#footnote-7) We have to decide whether a child’s right to autonomy allows us to enrol them into comprehensive doctrines, such as religion, or is the child’s autonomy so important that we have no right to enrol them at all. This we will explore later.

When an individual states that they have autonomy in some area of their life then the individual is stating that no one else has the right to control her activities in this area. Any outside control over activity is then illegitimate unless the individual agrees to it. For example, if an adult decides they do not want to have children then any interference in this decision from external sources such as the Government or their family would only be legitimate if the person agreed to it. Clayton coins this ‘self rule’.

Next, we will explore the concepts of End-state Autonomy and Autonomy as a pre-condition. This sets the stage for Clayton’s arguments and the discussion over whether autonomy should be viewed as an end-state or a precondition.

## **End-State Autonomy**

End State Autonomy demands that “whatever else parents do to or with their children by way of a religious upbringing, they must not prevent them from eventually leading an autonomous life”. [[8]](#footnote-8) The burden on the Parent or Guardian is such that “parents must not restrict below adequacy their child’s mental or physical development or prevent her from being exposed to a range of lifestyles from which she may eventually choose goals and projects”. [[9]](#footnote-9)

If we assume a child will become autonomous then we are duty bound to help the child develop her capacity to form a “conception of the good”.[[10]](#footnote-10) We would assume that a child would become autonomous because, generally, when we reach adulthood we all want to choose our own path in life.[[11]](#footnote-11) The child is in a vulnerable state and does not know how to achieve a concept of the good on her own. In order for this to happen the child must be given a reasonable set of options to choose from and be protected from coercion and manipulation. As Clayton states “lacking a conception of the good held on the basis of well-formed capacity to form, revise and pursue such a conception, a young child cannot herself object to the constraints she faces in in a manner that would generate a valid complaint”. [[12]](#footnote-12) Clayton states that we must “appoint a guardian on her behalf”. [[13]](#footnote-13) This Guardian or Parent should acknowledge the moral standing of the child and understand that , “as free and equal people do not always agree on the soundness of independent doctrine” [[14]](#footnote-14). The child is just not in a state yet where she can agree or disagree on a sound basis.

Although parents, under Claytons view, are able to enrol the child into a religion, for example, this is on the condition that the child reject this choice at some time in the future. This approach would not allow, for example, Jehovah’s Witnesses to remove their child from an English Class that studies views contrary to their own in a classic Shakespeare text as this would be seen as preventing the child from experiencing challenging views to her own. Children must be able to move away from any doctrine passed on from their parents should they choose to do so. Imparting to the child a solid commitment in a religion that the child will not allow to be challenged is unacceptable in Claytons view. Autonomy can also be viewed an as pre-condition, which we will now turn to.

## **Autonomy as a pre-condition**

Autonomy can be seen as a result of being treated in certain ways. There are two ways to look at autonomy as a pre-condition:

1. Only when a child possesses the capacity for a conception of the good, and faces the appropriate environment can she be enrolled into a practise.
2. Only when a child autonomously consents to be enrolled can a child be enrolled.[[15]](#footnote-15) [[16]](#footnote-16)

The two views are different in that the first requires the child have capacity for the conception of the good – we do not know in advance when this will occur in the child’s life. View two requires that the child already have achieved a concept of the good and the critical reasoning and reflective abilities required to be able to make a decision as to her enrolment.

Clayton states that autonomy as an end-state and autonomy as a pre-condition must be looked at via the justificatory burden concept i.e “to which reasons can parents legitimately appeal in justification of their conduct in respect to children”. [[17]](#footnote-17) This usually equates to the parents understanding of the good life. Clayton states that parents should conform to public reason. The Public Reason Restriction (PRR) is examined further in the next section.

## **The Public Reason Restriction**

Clayton argues that the public reason restriction should be extended to constrain parental conduct. A premise of this argument is summarised in the following quote from Clayton’s paper.

“Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason”. [[18]](#footnote-18)

Clayton states that the political relationship is non-voluntary as we do not enter or leave it. This relationship is also coercive because power is extended over all citizens and is backed up by sanctions such as Police and threat of imprisonment. Citizen’s life choices and structures are influenced heavily by the governing body at the time. The relationship here is similar to a new baby joining a family. They have no choice which family they join, and they can’t just leave it. To equate this to the family setting; the Parents, in the position of the state, hold power over the child, who is in the position of the citizen. The parents are in complete control of the child’s life – using force or manipulation to achieve their goals for the child’s life. As happens in the state-citizen relationship. The structure of this existence has a “profound effect on the child’s life prospects”. [[19]](#footnote-19) The relationship between parent and child therefore, reflects the relationship of the Citizen and state in that the relationship is non-voluntary, the power the state holds over the citizen is coercive and backed up by numerous sanctions and thirdly the structure of the citizens existences has a huge effect on the life of the Citizen.

If this argument is indeed plausible, then we must expect parents to discharge their responsibility in the same manner as political responsibility is discharged. This means “exercising authority in accordance with Public Reason in a way that is acceptable to free and equal persons”. [[20]](#footnote-20) The way in which parents should be expected to do this, Clayton explains that Parents should be “guided by ideals and principles that do not rest on the validity of any particular comprehensive doctrine”. [[21]](#footnote-21) In a free society, citizens have the freedom to form, revise and critically analyse ethical ideas. Citizens who are able to do this will have the capacity to form their own substantial views and will almost certainly disagree with other citizens that have come to a different conclusion.

Parents must allow the child the same ability as a citizen to be able to agree or disagree freely and openly. The child must be able to form their own substantial views and ultimately be able to disagree with their parents. Clayton states that parents are able to raise children via “ideals that do not appeal to the whole truth about ethics or religion. Nevertheless, this does not imply that parents may not legitimately appeal to their particular comprehensive doctrines in justification of their conduct as parents”.[[22]](#footnote-22) It is fine for Parents to appeal to their own doctrines to support their conduct, however, they must also appeal to “ideals that are capable of acceptance by individuals who hold different, and perhaps, incompatible comprehensive doctrines”.[[23]](#footnote-23)

In the case of end-state autonomy, parents must prove that the enrolment is acceptable to any reasonable person, even those who reject its validity. In the case of pre-condition autonomy, parents could argue that “such an enrolment is necessary if children are to develop and exercise intra personal conditions of autonomy I.e. the power to rationally revise and pursue a concept of the good life”. [[24]](#footnote-24)

**In Practical Terms**

Some would argue, when looking at autonomy as a pre-condition, that the child could miss out on life experiences due to non-enrolment and, as a consequence, would not have any experience to base her choices on. This way of life would very different to the one we live in now and would be difficult to implement. How would the child be able to critically reflect or make any decisions on their future when she lacks the information to do so having never been enrolled at all.

However, it may be very difficult for some parents to give the child a life where she is enrolled into a religion but has the freedom to explore other religions. The child may feel guilty or fear reproach from their parents if they forsake the religion later in life or she may attract disapproval from their parents for examining other religions. Parents may push the child towards a chosen religion so that the whole family can attend church together. The only school for miles around might be a catholic school and this would mean that the child may be led towards accepting the religion and have no other options open to them at the time. The range of options open to a child, in reality, may not facilitate end state enrolment but in these situations, giving the child freedom to critically assess and reflect on their situation is the best that the parents may be able to do. Now let us discuss Cameron’s objections to Clayton.

# **Objections**

Cameron takes a middle way view in that she states “we can respect the interest children have in achieving autonomy without condemning parents who enrol their children into at least some comprehensive doctrines”. [[25]](#footnote-25) Let us address three of Cameron’s Objections to Clayton’s argument.

## **Objection 1 – Public Reason Restriction**

Cameron argues that the Public Restriction Restriction (PRR) can only succeed if the relationship between child and parent is the same as the relationship between citizen and state. Cameron states that the three conditions that Clayton provides are not sufficient to motivate the restriction, and therefore the argument doesn’t succeed. The example used to refute this is that of a Pet Owner and a Guinea pig. “The power exercised by the owner is non-voluntary on the part of the guinea pig, it is often coercive, and it has a significant effect on the guinea pig’s life”.[[26]](#footnote-26) Cameron states that “the owner does not have to only exercise their power in accordance with the PRR” [[27]](#footnote-27) . Guinea Pigs generally are not seen as having an important moral status and so Cameron thinks that there is a further aspect of the PRR where we must consider the moral status of children. Here Cameron states that the people “should have an equal share in the political power that is exercised by citizens over each other”.[[28]](#footnote-28) Cameron argues that the use of coercive force on citizens by the government not only “discounts their views, but, in doing so, fails to respect them equally as persons” [[29]](#footnote-29). Cameron also states that the PRR assumes that the people it concerns are free and equal. This is not the case with a child and this motivates the argument that, if the child is not free and equal, then their freedom cannot be violated by the imposition of any comprehensive doctrine.

**Reply**

Clayton states that “power over ones Guinea pig…cannot be exercised in ways that could be accepted by the pet, because it is incapable of forming a view of whether the rules that constrain it are ones’ worthy of endorsement”.[[30]](#footnote-30) Here Clayton merely states that children are able to develop into individuals that are able to evaluate the rules that constrain them and, by virtue of this, they have a different moral status. This will mean that views developed later in life will be taken into account when the parenting method is decided upon. Clayton also states that, without knowing what a child will come to endorse, we can’t justify enrolling a child into a set of doctrines because the doctrines may be rejected later in life.

**Authors View**

We can consider choices made for us as a child, when we do not have the capability to make choice. This practise may not reduce our autonomy because when we become able to exercise our autonomy we have all the options laid out before us. Therefore, Cameron’s argument is too strong as we are not choosing for someone who is never going to be able to choose, we are making custodial choices that we fully anticipate may be rejected in the future.

##

## **2 - Possible Future Cost Objection**

Cameron argues that “some comprehensive doctrines are very unlikely to be costly to give up regardless of how one comes to hold them” [[31]](#footnote-31) . Indeed, Cameron argues that it’s not clear that the cost of goal revision in later life will always be high if the child is enrolled.

**Reply**

Clayton’s position here is that “a child should be given an upbringing that will give them the resources to revise review and abandon their parent’s views if the child so chooses”. [[32]](#footnote-32) In regards to the cost of this Clayton states that “ my conjecture that an individual’s revision of her goals as an adult is more costly if her parents enrolled her into a comprehensive view as a child”. [[33]](#footnote-33) Clayton uses the example that a parent may take the child with them to church as it is more convenient for them but if the effect is that the child then chooses to practise this faith then “ that is more costly to abandon later in life than if she received a different upbringing”. [[34]](#footnote-34) Furthermore, Clayton states that even if a child was not enrolled, she still may incur costs upon goal revision if she “chooses a lifestyle that her parents believe is depraved”. [[35]](#footnote-35) Clayton does state that there is a discussion to be had around the tradeoff between parents interests and the outcomes for the child. Ultimately Clayton believes that there are “powerful non-instrumental reasons to refrain from enrolling children into particular comprehensive practices” [[36]](#footnote-36) irrespective of future cost to the child.

**Authors View**

Clayton’s position is certainly plausible. While it is good for the child to be able to deny enrolments in the future this will certainly include a cost to the child. For example, if one is brought up as catholic and then turns their back on that religion then the cost to the person could be seen be in terms of their own emotional pain and distress as well as the possible search for something with which to replace the doctrine. Also, the journey to giving up a faith is fraught with huge difficulties and self-questioning that one may not want to endure. I do not agree with the ease with which Cameron thinks we can just walk away from a community we have become part of and a religion that might have provided some of the cornerstones by which we live our life.

Neither Clayton nor Cameron make distinctions between low cost enrolments and high cost enrolments. Clayton does, however, state that there is an important discussion to be had around the tradeoff between the parent’s interests and the child’s future outcomes but does not elaborate on this further. This refinement could lead to a suggestion of whether parents practice non enrolment in some high future cost activities but enrolment in other low future cost activities[[37]](#footnote-37).

## **Objection 3 - Choices in Childhood**

Cameron states that a child is similar to an adult that is unconscious and unable to choose for themselves. Cameron then states that “I fail to see how whether or not a person chooses for you at a time when you cannot choose for yourself can be relevant to the autonomy of your life as a whole”.[[38]](#footnote-38) Cameron states that children have a lack of capacity, “which determines that your childhood cannot contribute to your life as a whole” [[39]](#footnote-39). Cameron goes on to say that, as this is the case, then “the choices made for you in childhood doesn’t appear to reduce your autonomy over your life as a whole”. [[40]](#footnote-40)

**Reply**

Clayton argues that this response is too strong. Clayton argues that if we do choose for a child in a time where they cannot choose for themselves then we could not only affect the child’s ability to attain autonomy but have far reaching consequences across the child’s later life. If we enrol the child in comprehensive doctrine such a brainwashing cult, for example, then the child may never be able to critically reflect on their choices or attain an autonomous existence. Clayton uses the following example to illustrate this.

*Fertility Fix:*

*Amy is rendered unconscious by an accident and is undergoing surgery to save her life. In the course of the operation the surgeon discovers that Amy is infertile and fixes that as well. [[41]](#footnote-41)*

Clayton argues that “the surgeon choosing for Amy while she cannot choose for herself can violate Amy’s autonomy”. [[42]](#footnote-42) This argument centres on consent and the child’s, or in this case Amy’s, ability to give or withhold it. If we revisit the earlier explanation of autonomy[[43]](#footnote-43) , the result renders the activity by the Dr as illegitimate because Amy did not agree to it. In this example not only was Amy not able to control her decision whether she wanted the fertility operation or not, but the final decision was taken by someone other than herself. We could not know if Amy wanted the fertility operation or how it would affect her life as a whole. The example here illustrates common sense standards that we apply when someone cannot give consent.

**Authors View**

In this example, Clayton states that Amy has set out her goals not to have children. Even though Amy is unconscious it is still wrong for others to impose on her a different way for her to live her life. This example shows that when a person is in a vulnerable state of not being able to make their own choices, it is possible for people around them to make choices for them that the person does not agree with.

This example shows that autonomy can be affected by others making choices for the person when they are unable to make choices for themselves, either as a child or adult. Therefore, parents or teachers who enrol children into particular practices cannot be confident that these children will not reject that enrolment retrospectively and so must leave the choice open for the child later in life.

# **Conclusion**

In conclusion, Clayton’s framework is plausible but the objections from Cameron cause difficulties for Clayton, especially in the practical aspects of the framework. Cameron makes objections concerning the PRR, the cost of giving up a belief later in life, and how choices are made for children.

Choices being made for children need not reduce their autonomy because when we become able to exercise our autonomy we have all the options laid out before us. Therefore, Clayton’s argument is the most plausible because we are making custodial choices that we fully anticipate may be rejected in the future.

The debate around the cost of a child giving up a belief later in life needs more exploration because, while it is good for the child to be able to deny enrolments in the future this will certainly include a cost to the child. This debate requires further discussion as I believe the cost element to enrolment or non-enrolment could be an interesting factor as to what Clayton and Cameron believe we should do regarding enrolling a child.

When discussing choices during childhood, Cameron states that childhood need not “reduce your autonomy over your life as a whole”. [[44]](#footnote-44) However, this is too strong because if the child is not able to consent to, or withhold consent from, activities, then something like tribal scarring could have a lifelong effect on the child. This violates the child’s autonomy.

Parents who enrol their child should be aware that the child may ultimately decide to jettison some beliefs and take on new ones, as Clayton states, “the fundamental motivation of parents should be to conform with public reason i.e. to treat their children in accordance with norms that are capable of acceptance by any free and equal person”.[[45]](#footnote-45) When parents do enrol a child, it should be done on the understanding that the child is always free to make their own choice on this enrolment and the enrolment should not be “cultlike” or all encompassing. The child should be able to choose “appropriately between a rich array of goals and relationships”.[[46]](#footnote-46) The child should be able to participate in the enrolment to whatever degree they wish to. In order to facilitate increasing autonomy as the child grows up and matures then “parents must not restrict below adequacy their child’s mental or physical development or prevent her from being exposed to a range of lifestyles from which she may eventually choose goals and projects”. [[47]](#footnote-47) This will enable children to be able to make their own choices when they do become autonomous.

I agree with Clayton that parental power must be justified in a way in which everyone agrees, in such a way as the PRR describes, however, parents are not justified in enrolling their children into comprehensive beliefs or coerced beliefs as this seriously impedes the child’s growth in an autonomous sense and in some cases could violate the child’s autonomy. Clayton suggests that we should “enrol the child in order to give it some sort of start in life but not impart our strong convictions”, and be aware that, at some point, the child will, and indeed must, be able to reflect and choose for herself. [[48]](#footnote-48)

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4. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-4)
5. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-5)
6. Although there is debate concerning the age at which children become autonomous beings here I discuss children of a young age that are not, in most circles, described as autonomous. [↑](#footnote-ref-6)
7. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-7)
8. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-8)
9. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-9)
10. Although this may be heavily bias towards the parent’s conception of the good, we hope by giving a clear set of options, the child can accept and reject views as they see fit. For example, the child might reject Catholicism but choose Hinduism after experiencing the two. [↑](#footnote-ref-10)
11. Granted there may be those that do not or cannot, but in the main this is the case. [↑](#footnote-ref-11)
12. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-12)
13. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-13)
14. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-14)
15. As we described earlier in the definition of autonomy, in this situation the child would have to consent to being enrolled as the child has power over its own actions and any outside control external to the child over this activity would be viewed as illegitimate. [↑](#footnote-ref-15)
16. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-16)
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34. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-34)
35. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-35)
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37. Cost when one rejects those activities as an adult [↑](#footnote-ref-37)
38. Cameron, C., 2012. Debate: Clayton on comprehensive enrolment. *Journal of Political Philosophy*, *20*(3), pp.341-352. [↑](#footnote-ref-38)
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47. Clayton, M., 2006. *Justice and legitimacy in upbringing*. Oxford University Press. [↑](#footnote-ref-47)
48. Although this is a whole different debate as to when children become autonomous! [↑](#footnote-ref-48)