

# **THE GOODS THAT CHILDREN NEED: LOVE, VIRTUES, AND FREEDOM**

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## ABSTRACT

In this thesis, I contribute to answering the questions of what children need and what parents owe to them. To make this contribution, I discuss three fundamental goods that children arguably need to have a flourishing life.

The first good, which I deal with in the first paper, is parental love. In this regard, the main philosophical problem is whether this good can become a right, taking into account that rights have correlative duties. So, the question I deal with is: do those whom we call parents have a duty to love their children? I argue that, in standard cases, we can only make sense of the blameworthiness of a ‘deadbeat parent’ if we accept that parents are duty-bound to love their children. I show that this duty can mean three different things and, for each meaning, I discuss the existence of the duty. I conclude that whether a duty to love one’s child can exist depends on very controversial philosophical issues such as the essence of love and the reasons for love are.

The second good, which I deal with in the second paper, is the ethical virtues of character. In this regard, the philosophical problem is that ethical upbringing requires shaping the character of children in certain ways, but this external shaping can be seen as a violation of the liberal ideal of autonomy. So, the question is: should we endorse those conceptions of liberal autonomy that are incompatible with an ethical upbringing? I argue that there are strong reasons to reject those views of autonomy that are incompatible with the cultivation of ethical virtues in children. Moreover, I argue that a purely moral upbringing is ineffective and conceptually debatable; and, also, that the view of ‘ethical independence for children’ cannot be as (ethically) neutral as it pretends to be.

The third good, which I deal with in the third paper, is freedom. One way to define the status of childhood is by saying that children are not free. In this respect, I clarify what this means and what justifies their unfreedom by linking the idea of freedom to that of responsibility. One common way to define the change from childhood to adulthood is by saying that the person becomes free. In this respect, I clarify the underline normative conditions that are implicit in this change, and what this process demands on the part of parents. Lastly, I offer an account of what the ideal of liberty as non-domination implies in the case of children with a certain degree of maturity, by discussing how this moral ideal protects their actions and beliefs from their parent’s intervention.



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## Introduction

There is an ongoing social and political struggle for the sphere of the family and the souls of children. Whom do children belong to? Who, if anyone, has the right to shape their souls? What do parents owe them? The family was historically seen as the natural site of power. Indeed, the family was used by Plato as a model to understand how political power works (Plato 1997). Aristotle criticized him in this respect but he, nonetheless, built systematic analogies between the different types of political regimes and the different power relationships within the family (Aristotle 1998). This resemblance between the family and the state was radically contested by Locke in his criticism of Filmer's defence of monarchy, offering one of the first examples of how liberalism understands political power as grounded on liberty among equals (Locke 1988, Filmer 2015). However, even if Locke's liberalism offered a new view concerning how state power should be legitimately exercised, he did not question the power relationships within the family (Pateman 1988).

The *oikos* (household) was seen, at least since the ancient Greeks, as the paradigm of the private domain (Arendt 1998); or, in other words, as the limit of the public domain. The dichotomy between the private domain of the family and the public domain is a characteristic of liberalism that remains present in Rawlsian contemporary version of it (1971, 1993). This dichotomy has been contested in different ways. On the one hand, communitarian philosophers like Michael Sandel questioned that the relationship between citizens should be based merely on impartial justice by appealing to the Aristotelian tradition that sees friendship as the ground of citizenship (Sandel 1982). So, he proposes to relax the dichotomy by conceptualizing the state more like a family. On the contrary, feminist philosophers like Susan Moeller Okin argued that liberal justice should rule within the family as well. More specifically, it should be applied to the domestic relationships between men and women (Okin 1989). So, she proposes to break the dichotomy by applying the justice of the liberal state to the family. In a similar vein, and regarding the topic of this dissertation, Matthew Clayton argues that the normative criteria of a legitimate (political) liberal state should also be applied to the power relationship between parents and their children. In his proposal, this implies a neutral upbringing concerning any ethical and religious content (Clayton 2006, forthcoming 2023).

However, a relationship between parents and children based on ethical neutrality seems intuitively unappealing. It is reasonable to say that citizens should tolerate each other's ethical and religious views, but the family seems to be grounded on something different from toleration. Love is usually understood as the main ground of the family, including the authoritative relationship between parents and children. In this respect, Aristotle writes that "the rule of a father over his children is royal, for he rules by virtue both of love and of the respect due to age" (Aristotle 1998: 22). In tune with this, Hegel states that "the unity of the family is one of feeling, the feeling of love" (Hegel 1991: 138). Nonetheless, Hegel also acknowledges that familial love has historically been compatible with the domination of children. He notes that "according to the unjust and immoral finding of the Roman law, children were things for their father, and he was in legal possession of them", which implied that "a father could...even put them to death"; although "at the same time, he was related to them ethically by the tie of love" (Hegel 1991: 57). Indeed, the Roman republican ideal of non-domination meant that the power exercised between free male citizens should be different from the power that is exercised by the patriarch (*dominus*) in his household (*domus*) (d'Ors 2004).

Children have progressively come to be recognized as individuals who are not owned by their parents. Individuals who possess their own rights. For instance, many modern states recognize that children have a right to education. During the 19<sup>th</sup> century, children massively started to attend schools regulated by the state. Since then, the upbringing they receive within their families is complemented, and sometimes severely contradicted, by the education they receive at school. As a result of this conflict, parents sometimes claim that their right to choose the education that their children receive allows them to avoid those contents that clash with their own moral and religious views. Moreover, this conflict is accentuated by the increasing ethical and religious pluralism of contemporary societies (Taylor 2007, Ungureanu & Monti 2017).

All this leads to the following puzzle. The parent-children relationship is mediated through parental authority and, therefore, through the exercise of power. However, we cannot treat it as any other relation of power because it is one significantly grounded on love. Nonetheless, love is not necessarily incompatible with domination, so there ought to be certain limits to what parents can do, even if they do those things for the sake of love. This dissertation deals with the previous puzzle by discussing the following questions - which correspond with the three papers that form it: (1) Should the liberal

principle of state neutrality be applied to the power relationship between parents and children? (2) Can the family be normatively grounded on parental love? (3) What does it imply to accept the republican ideal of non-domination with respect to parental authority and children's rights?

### **Literature Overview**

This dissertation belongs to the academic field of 'family ethics', which refers to a wide variety of moral issues ranging from the morality of procreation to the rights of children. In the following, I summarize those issues of family ethics that are the object of this dissertation. To do this, I group them into four thematic blocks.

The first set of philosophical issues includes the moral justification of the family and, intimately related, the justification of the right to parent. In this regard, the main question is whether the family is justified as a form of child-rearing or, on the contrary, society should either abolish it or promote other possible alternatives (Munoz-Dardé 1999). Another question, in relation to this, is whether the parents should have the monopoly of care for children (Gheaus 2011). The two main challenges that a justification of the family has to face come from the demands of justice and legitimacy, respectively. The first challenge derives from the social inequalities that the institution of the family generates (Olsaretti 2017). To answer this challenge, a justification of the family can show that the family is not unfair, or that it is not unfairer than other alternatives such as state-run institutions (Gheaus 2018a), or that its unfairness is morally acceptable given the goods that the family provides (Brighouse and Swift 2014). The second main objection that a justification of the family has to face has to do with the right to parent, which implies parental authority. In this respect, the question that requires an answer is, how can it be legitimate to give some persons – i.e., parents – the power to control the lives of others – i.e., children? Some views, the so-called 'parent-centred views', justify the existence of the right to parent only in terms of the interest of adults. However, most philosophers justify the existence of the family and the right to parent either only in terms of the interest of children (Vallentyne 2003, Goodin 2005), or in terms of both the interest of children and adults (Brighouse & Swift 2006, Brighouse and Swift 2014, Ferracioli 2015). These are referred to as 'child-centred views' and 'dual-interest views' respectively. In their most widely endorsed version, they conceptualize the right to parent as a *fiduciary relationship* (Brennan & Noggle 1997, Hannan & Vernon 2008).

The second set of philosophical issues includes the right to parent a particular child and, relatedly, the obligation to parent a particular child. In our societies, we do not have the right to parent a child in general, but the right to parent one particular child (Olsaretti 2017) - in normal circumstances, our biological child. So, the main question is whether this common practice is justified and, in case it is, what justifies it. Concerning this, there are also practical moral problems derived from new procreative practices that need a justified solution. For instance, cases in which the child is procreated by using the gametes and the labour (including gestation) of different people with no relation to each other (Gheaus 2018b). So, the question here is: who has the *pro tanto* right and/or duty to parent the child? Some theories justify the right to parent a particular child by appealing to the interests of the alleged parents, for instance, by stating that the child is owned by her biological parents as a result of being the product of their own property (i.e., their genetic material) or their labour (Hall 1999). However, most of them derive the right to parent a child from the obligation to parent that child. According to these views, you acquire the right to parent a child in order to fulfil an obligation, namely the obligation to parent that child. The views about the obligation and the right to parent one child can also be classified by what they consider to be the morally relevant feature. Some philosophers endorse a biological account of parenthood (Austin 2004), as they consider that the morally relevant feature has to do with shared genetics (Velleman 2005, Moschella 2016), or with the bond that is created during the gestational process (Gheaus 2012, 2018). Others consider that it is having consented (explicitly or tacitly) to parent the child (Brake 2005, 2010). And others consider that the morally relevant feature is being the cause of the child's existence (O'Neill 1979, Porter 2014). Still, other philosophers prefer a pluralist account, that allows more than one of the previous criteria to be necessary and/or sufficient conditions (Bayne & Kolers 2003).

The third set of philosophical issues has to do with parental responsibilities and the content of the right to parent (Archard 2010). The question here is, what does it imply to be the parent of a child? What kind of responsibilities do you acquire? Also, what kind of decisions are you allowed to make? For instance, does the right to parent include the right to educate your child at home, or the right to decide what school is she going to attend, or the right to make medical decisions that may damage the child such as rejecting blood transfusions and vaccines, or the right to transmit your own religious and ethical views to the child? (Clayton 2006, Fowler 2020). Notice how strongly connected this

philosophical set of issues is to the first set of philosophical issues, namely the moral justification of the right to parent. Each moral justification of the right to parent justifies a certain content of the right. For instance, if the justification of the right to parent is parent-centred, the content of the right will be different as compared with a justification based on the interests of children. In this regard, many philosophers believe that the question of parental responsibilities and the content of the right to parent are essentially linked, largely because they think that parents acquire a right which content allows them to fulfil their responsibilities as parents. Lastly, the issue of the content and the limits of the right to parent is intimately related with two things. On the one hand, the interests that society has in generating citizens with certain civic attitudes (Gutmann 1987, Callan 1997, Macedo 2003). On the other hand, the children's interests that are protected by children's rights. These two interests, namely the interests of children and the interests of the rest of society - act as limits to the decisions that parents can make.

The fourth set of philosophical issues has to do with the children's rights. In this regard, it is worth noticing several things. Firstly, this set of issues is strongly related to the previous one. As I said, if a child has a right to X, for instance, a blood transfusion, this seems to imply that parents cannot have a right to decide whether the child will receive the blood transfusion. Moreover, most children's rights arguably have the correlative parental duties – although some children's rights may have a correlative duty on the part of the state. Secondly, there is a discussion concerning whether children have rights. There are basically two philosophical theories of the justification of rights. The first one sees rights as protections of choices, while the second sees rights as protections of interests (Kramer et al 2000). The latter vision accommodates well the existence of children's rights, but the former one does not (MacCormick 1976) – unless we concede that those who exercise the children's rights are their parents. So, most philosophers who deal with questions concerning children assumed or defend a view of rights as protections of interests (Archard 1993). Thirdly, it is necessary to make a distinction between moral rights and legal rights. Children may have a moral right to something, for instance, to not be led to endorse the parent's religious and ethical views, but this does not necessarily imply that the state should protect that moral right with the corresponding legal right (Clayton forthcoming). There could be several reasons for this. One is that the family is an intimate and private sphere, and the intervention of the state to enforce this kind of rights could justifiably be seen as too intrusive. Another is that the state should remain

neutral. For instance, imagine that children have a moral right to receive an upbringing that maximizes their opportunity to have a good life. This does not necessarily imply that the state has to watch whether this is the case and to legally sanction parents in case they do not satisfy the moral right, or that the state has to give a perfectionist education to children in public schools. Doing that would arguably be wrong because it would imply that the state is taking a position regarding controversial issues regarding the good life (Quong 2010). Fourthly, there are several types of children's rights. Many legal scholars and philosophers accept that individuals have rights *qua* members of a certain kind (Wenar 2013). Moreover, one specific individual can potentially be a member of several kinds. Taking this into account, the set of rights that children have can be divided as follows:

- Children's rights *qua* human beings: these are the rights that children share with any adult. They protect certain interests that both children and adults have, and that do not require any capacity that children lack in order to be exercised. The most paradigmatic one is the right to life.
- Children's rights *qua* children: these are the rights that aim to satisfy needs that children share with any adult, but that children, unlike most adults, cannot satisfy by themselves; therefore, they protect the children's fundamental interests to have these needs satisfied by some adults, usually parents. Among them, we find basic needs such as food, shelter, medical care, etc. Moreover, this kind of rights may also protect some interests that both children and adults share, but that in the case of children, unlike the case of adults, are arguably *fundamental* interests. The most paradigmatic example of this that has been discussed in the literature is the 'right to be loved' (Liao 2006, Liao 2015, Ferracioli 2014). Lastly, this kind of rights may also protect some interests that only children have. There might be some goods that are peculiar of childhood. Goods that make childhood intrinsically valuable because they cannot be enjoyed anymore once you become an adult. These are called 'special goods of childhood' (MacLeod 2010, Brennan 2014, Brighouse & Swift 2014, Gheaus 2015, Ferracioli 2020).
- Children's rights *qua* future adults: these are the rights that aim to satisfy the children's fundamental interest to become, at least, functional adults. However, these rights are usually more demanding. They are the equivalent in children to what we call *liberty rights* in adults, such as liberty of conscience and religion,

freedom of speech, freedom of association, the right to vote, and so on. The idea is that children have a fundamental interest to be able to exercise and enjoy these liberty rights in the future. And, for that to be possible, they need adults to do certain things for them, or to refrain from doing certain things. For instance, children's rights *qua* future adults can include the right to have an 'open future' (Feinberg 2007). Or the right to acquire and develop a 'robust autonomy' that will allow them to live a life based on ethical self-examination (Levinson 1999, MacMullen 2007). Or the right to receive only the type of upbringing that they will 'retrospectively consent' (Clayton 2006, forthcoming). Or the right to receive an upbringing that will allow them to have a good life as future adults (Fowler 2020).

- Children's rights *qua* partly adults: these are the liberty rights that the child progressively acquires as her level of maturity increases (Bou-Habib & Olsaretti 2014). So, in this sense, they sometimes refer to youth people instead of children. Sometimes they are associated with the 'right to be heard' (Brighouse 2003), but they arguably require more than mere consultation. They give children some entitlements to be the agents of their own lives, so the name 'participation rights' fits well (Ang et al 2006). As an example, they include the right to make their own authoritative decisions regarding issues for which they already have enough capacity; or the right to have access to certain information when they have the capacity to understand it.

### **Structure and Content**

These four sets of philosophical issues are related to each other, in a way that the answer you give to some of them conditions the answers you can give to others – for the sake of preserving the coherency and consistency of our view. Consequently, some philosophers offer comprehensive views of family ethics by covering most or even all the issues (Clayton 2006, Richards 2010, Brighouse & Swift 2014, Moschella 2016, Fowler 2020, Gheaus forthcoming). This Ph.D. dissertation tries to make a contribution to the four sets of issues, with a special focus on children's rights. The aim is not to offer a comprehensive view of family and parenthood, because that is not a feasible objective for someone who is starting his career, but just to participate in the different debates that take place in the academic literature.

The first paper contributes to blocks two, three, and four. On the one hand, I deal with the debate concerning the justification of the obligation to parent a child and the content of that obligation (Brake 2010, Porter 2014, Moschella 2015, Olsaretti 2017). On the other hand, I deal with the debate concerning one children's right *qua* children, namely the right to be loved, and the corresponding duty to love them (Liao 2006, Liao 2012, Liao 2015, Cowden 2012, Gheaus 2017). Taking separately, my contributions to each of these debates is admittedly humble. The originality of the paper derives, however, from linking them in a way that has not been done before. The main contribution is to show the uneasy and potentially tragic link that exists between the obligation to parent a child and the duty to love a child. To do this, I use the figure of a paradigmatic unloving parent, what is colloquially known as a 'deadbeat dad'. The main argument is that, in standard cases, it is only possible to make sense of the intuitive blameworthiness of such a figure by appealing to an unfulfilled duty to love a child. However, the existence of such a duty is problematic. I show what a duty to love one's child could mean: a duty to act according to love out of respect; a duty to act out of love for the sake of duty; and the duty to come, for the sake of duty, to act out of love. For each possible meaning, I discuss whether such a duty can exist. I conclude that the first understanding of the duty is very uneasy, while the second understanding leads to an impossible duty. Lastly, I argue that whether the third duty can exist depends on controversial philosophical issues such as the essence of love and the reasons for love.

The second paper contributes to blocks three and four. The main contribution consists in reconstructing and criticizing the original and polemical view of 'ethical independence for children', defended by Matthew Clayton (2006, forthcoming 2023). This position presents itself as a non-comprehensive view, and argues that parents have a (moral) duty to give their children a moral but non-perfectionist upbringing exclusively justified by appealing to public reason – i.e., an upbringing devoid of ethical and religious content. Against Clayton's position, I argue that a moral but, nonetheless, non-perfectionist upbringing is impossible because morality is not a sphere that is completely disconnected from ethics. Moreover, I argue that, even if it were possible, an anti-perfectionist upbringing is bad for children because it prevents them from acquiring what Aristotle calls, in *Nicomachean Ethics*, the ethical virtues of character. This is so because ethical virtues cannot be justified by using the content of public reason, and they are necessary



to acquire a well-developed practical reason<sup>1</sup>. Lastly, I argue that ‘independence for children’, as a philosophical view of upbringing, is either unintelligible, very unsound, or simply a comprehensive view. It is unintelligible if it accepts the Aristotelian conclusion and claims to defend a non-perfectionist upbringing in which the cultivation of the ethical virtues of character is, nonetheless, allowed. It is unsound if it accepts the Aristotelian criticism without changing the conclusion, namely that upbringing ought to be non-perfectionist. Finally, it is comprehensive if it offers comprehensive arguments in order to reject the Aristotelian criticism.

The third paper contributes to blocks one, three, and four. The contribution consists in using Philip Pettit’s theories of freedom to offer a view with regard to the justification of parental authority, the definition of some parental responsibilities, and the content of children’s liberty rights (Pettit 1997, 2001). As compared to the other two papers, it is perhaps the most ambitious one, although I just offer the rudiments of what can potentially be a fully well-defined and defended view. In this paper, I argue, against Anca Gheaus, that the republican ideal of ‘liberty as non-domination’ is not adequate to define and justify the children’s right *qua* children (Gheaus 2021, forthcoming 2023). However, I show how that political ideal can be used to define and give content to the children’s rights *qua* partly adults. Specifically, how a right to non-domination restricts what parents can lead children to do and to believe. Moreover, I show that it is also worth paying attention to the idea of ‘freedom as responsibility’ that lies behind Pettit’s political proposal. I argue that, by using it, we can define some parental responsibilities that justify the existence of the family as a form of child-rearing. A justification that is complementary to the one offered by the classical fiduciary view (Velleman 2003, Goodin 2005, Brighouse & Swift 2014). Finally, by using this same idea of freedom as responsibility, I argue that we can define and give content to the children’s rights *qua* future adults, in a way that supersedes other alternatives (Levinson 1999, Clayton 2006, Feinberg 2007, Levinson 1999, MacMullen 2007).

## **Methodology**

As can be appreciated in the summary of the papers, I use a different argumentative strategy in each of them. In the first one, I connect two different issues, namely the

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<sup>1</sup> Unlike Tim Fowler, I do not offer and defend a well-defined perfectionist proposal as an alternative (Fowler 2020). Also, unlike him, I do not claim that the state should be perfectionist with respect to children (Fowler 2014). My discussion refers only to the moral relationship between parents and their children.

obligation to parent a child and the child's need to be loved. In the second paper, I employ the classical dialectical method of arguing against a given position, in this case against Clayton's view of 'ethical independence for children'. In the third paper, I take one general philosophical theory and apply it to different issues of parenting and children's rights.

I support the normative positions that I defend in each paper by using empirical evidence and actual legal practices, making an effort to offer empirically grounded normative reasoning. Although the fact-value distinction is partly denied in the second paper regarding the ethical virtues of character, I do not completely impugn the distinction – in the line of philosophers like Putnam (2002). However, I also reject the thesis that claims of fact have no relevance for issues of justice (Cohen 2008). I simply endorse the common view that some claims are purely factual, and the normative positions that I defend in the three papers include some claims that have this nature. In the first paper, empirical studies are referenced to support the claim that children suffer psychological harm if they are unloved by their parents. In the second paper, empirical studies are referenced to support the claim that people form their character mainly during their upbringing. Lastly, references to actual legal practices are made in the third paper to support the thesis that children need to acquire certain intellectual and volitional capacities to be considered fit to be held responsible, and also the thesis that parents are the representatives of children. These two factual claims do not fulfil the role of being parts of a larger normative argument. On the contrary, they are the starting point of a normative argument, in the vein of what Habermas calls a rational reconstruction of social practices (Habermas 1979, 1988)

Most of the authors who are discussed and referenced in this dissertation are usually understood as belonging to the so-called analytic philosophy. However, besides the intention of argumentative clarity, it is not clear what that means as a descriptive or classificatory category (Williams 1985). The label 'analytic philosophy' had a precise meaning when it was applied to the moral philosophy that was done in England during the first half of the 20<sup>th</sup> century, being Moore the most paradigmatic figure of that school (Moore 2004, Deigh 2013). However, the publication of *A Theory of Justice* marked a major breaking point, and the moral and political philosophy that is usually referred to as 'analytic' nowadays is mainly the one that is done behind the wake of John Rawls (1971, 1993). We can identify some characteristics of this philosophy that allow us to define a

kind of family resemblance, such as the use of hypothetical examples, the priority of ideal theory over non-ideal theory, or the aspiration to articulate normative principles that are maximally detached from religious traditions and the political context (Ungureanu & Monti 2017). This dissertation reflects, to a large degree, the previous family resemblance and, in this sense, it can be said to belong to the so-called analytic philosophy.

However, there is another tendency derived from the influence of Rawls that this dissertation does not share. This is the aspiration to deal with moral and political issues by isolating them from other branches of philosophy, such as ontology, axiology, or epistemology (Rawls 1993, Rawls 1999). Contrary to this tendency, my dissertation is grounded on a certain aspiration to connect applied moral issues concerning family ethics with more abstract and general philosophical topics such as the nature and the limits of duty, the essence of love and the reasons for love, practical reason and the good life, the limits of public reason, the existence of collective agents, and the relationship between freedom and responsibility. This aim derives from the conviction, one which I try to support throughout the three papers, that moral and political philosophy cannot be detached from the rest of the philosophy (Taylor 1985, Taylor 1989, Taylor 1995, Pettit 2001, Williams 2006).

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# **Blame on a Deadbeat Dad? On the Duty to Parent and to Love a Child**

## **Abstract**

Can love be commanded by duty? Can the relationship between a parent and a child be grounded ultimately on duty? In this paper, I explore these issues by using the figure of a paradigmatic unloving parent, what is colloquially known as a deadbeat dad. I argue that, in standard cases, we can only make sense of the blameworthiness of such a figure by appealing to a duty to love the child. However, the existence of this duty is quite problematic. I show what a duty to love one's child could mean: a duty to act according to love, a duty to act out of love for the sake of duty, and a duty to come (for the sake of duty) to act out of love. For each possible meaning, I discuss whether it can exist. In doing this, I show that there is an uneasy and potentially tragic link between the responsibility to parent a child and the duty to love a child.

**Keywords:** blame, duty, deadbeat dad, child, responsibility to parent, love, duty to love, reasons for love, essence of love, limits of duty.

## **Introduction**

Imagine the following situation: a woman and a man having a romantic relationship. The woman gets pregnant, and she does not want to abort. It is not that she considers abortion morally wrong, but she desires to have the baby; she wants to become the mom of the future child. The man is less enthusiastic about the idea of becoming a father. However, he does not express any desire for the woman to abort. During gestation, they get married. Once the baby is born, they move into a flat with the baby. In the sixth month, the man tells the woman that he wants their relationship to end. Moreover, he tells her he is unwilling to parent the child. As a result, the child will never meet her biological parent, and will have no contact with him. The woman moves to her parents' house, where her sisters and brothers also live. The child is adequately cared for and loved by the mom, the grandparents and the mom's brothers and sisters. Regarding material resources, the biological parent never sends money to the mother, but the child has more resources than

the average child thanks to the mother and her family. Although the biological parent never tries to establish any contact, he is informed about the child's situation by third parties. He would thus know if the child is abandoned or the family dies.

This paper starts from the following moral intuition: The man in the previous case is blameworthy from the child's perspective. However, this starting point is not an assumption. On the contrary, it is the object of evaluation. The purpose of the paper is to discuss whether a biological parent like the one in the mentioned case is blameworthy from the child's perspective. For our purpose, blame will be understood as a moral reproach. A very common view of blame is that someone is blameworthy if, and only if, she has violated a duty and has done something impermissible. Some philosophers have contested this common view, but I assume that it is true<sup>2</sup>. Consequently, the question that guides the paper is the following: Is the biological parent blameworthy for failing to fulfil any duty he owes to the child<sup>3</sup>? And, in case he is, which duty has he violated?

The most obvious candidate as a duty that the biological parent has violated is the obligation to parent the child; the duty to exercise the role of parent. In this regard, there are several views concerning the responsibility to parent a child that I will discuss (Velleman 2005, Brake 2010, Porter 2014, Moschella 2016, Olsaretti 2017). However, another possibility is that the parent is blameworthy for not loving the child. Indeed, as I show later, the parent of the example can be seen as the paradigmatic figure of an unloving parent. In this regard, there has been a discussion concerning the right of children to be loved and the corresponding duty of parents to love children (Liao 2006a; Liao 2006b, Liao 2012, Liao 2015, Cowden 2012, Gheaus 2017). The main contribution of this paper is to show the uneasy link between these two issues, namely the link between the responsibility to parent a child and the duty to love a child.

The paper is structured as follows. In section 1, I argue that, although there is a philosophical controversy concerning the essence of love and the reasons for love, there seems to be nearly a consensus about the elements that are present in love. I also show that, taking into account these elements, a father who abandons his child is, in standard cases, a paradigmatic figure of an unloving parent. In section 2, I show that the case of

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<sup>2</sup> For instance, Scanlon offers an account of blame according to which the object of blame are the motivations for action rather than the actions per se. As a consequence of this, he argues, someone can be blameworthy even she does not violate any duty (2008).

<sup>3</sup> I leave aside the blameworthiness that may derive from failing to fulfil any possible duty he owes to the mother, or from provoking any harm to her.

justified blame against the parent of the example is not as easy as our initial moral intuition suggests. I argue that the only justified and convincing way to claim that the parent of the example is blameworthy due to having failed to fulfil a duty he owes to the child is to say that he has not fulfilled his duty to love the child. In section 3, I discuss whether a duty to love one's child can exist. I suggest that such a duty can mean three different things: (1) a duty to act according to love out of respect; (2) a duty to act out of love for the sake of duty; and (3) a duty to come, for the sake of duty, to act out of love. I argue that the first duty is possible but very uneasy. I also argue that the second duty is impossible. Lastly, concerning the third duty, I show that whether it can exist depends on very controversial issues such as what love essentially is and what the reasons for love are.

## **I. The Paradigmatic Figure of an Unloving Parent**

### **1.1. A Non-Controversial Definition of Love**

Matthew Liao argues that children have a need (i.e., fundamental interest) to be loved, namely that “being loved is a fundamental condition for children to pursue a good life” (Liao 2015: 74). Knowing whether children need to be loved requires knowing what love is, which seems to be a very controversial philosophical issue. To make his argument, Liao understands love as a “highly intense interaction that two human beings seek that involves not only strongly valuing another person for the person's sake and wanting to promote the person's well-being for the person's sake, but also desiring to be physically and psychologically close to each other and desiring that the other person reciprocates our love” (Liao 2006b: 1).

Liao's definition, as any other definition of love, is debatable. However, I argue that it is not a very controversial one. This definition of love resonates with the philosophical tradition and nearly all the contemporary accounts of love. The typology of philosophical accounts of love is usually divided as follows. Some philosophers endorse what is called a unitive account of love. They think that *love is essentially a union* between the lovers, or at least a reciprocal desire to be in union with the beloved (Nozick 1989, Solomon

1990, Scruton 2006)<sup>4</sup>. Depending on the author, this union is understood in a different way, although the union is normally understood as having a physical and a psychological component. The least controversial part is the desire of physical proximity to the beloved. A kind of physical proximity that, of course, varies depending on the type of love we are talking about – romantic, friendship, parental, brotherhood, etc. Other philosophers endorse what we might call a volitional account of love. They argue that *love is essentially a robust concern* that the lover has for the interests, needs, well-being or flourishing of the beloved (Taylor 1976, Frankfurt 1998, Frankfurt 2000, Frankfurt 2004). Others defend what we might call a cognitive account of love. They argue that *love is essentially a valuation*, namely a belief concerning the value of the beloved. Among them, there are some who think that the intrinsic value that we see in the object of love is not something that we acknowledge but something that we bestow (Singer 2009). On the contrary, there are others who argue that love is an appraisal activity (Velleman 1999, Kolodny 2003, Jollimore 2011, Setiya 2014). Finally, some philosophers endorse an emotional account of love, and think that *love is essentially an emotion* (Brown 1987, Hamlyn 1989).

All the previous accounts of love seem plausible and intuitive. Our tendency to endorse one or another might depend on the exemplar of love we have in mind - romantic love, parental love, friendship, etc. At first, and taking into account the plurality of views, it might seem impossible to give a non-controversial definition of love. However, it is necessary to notice the following. A philosopher's endorsement of one account of love does not imply her belief that there are no other necessary elements in love. For instance, Taylor accepts that love necessarily involves the belief that the beloved object or person has certain characteristics, but his account of love is volitional, rather than cognitive, because he thinks that love is essentially the want to benefit that person or object, and the activity of appraisal is just the reason for love (1976: 157). Kolodny accepts that seeing the value of a relationship with someone leads to valuing that person and, therefore, to care for her. However, his account is cognitive because (for him) love essentially consists in valuing a relationship and a person, while care is the consequence of love (2003: 150).

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4 This idea of love as unity may seem somehow alien to some contemporary readers, but it is widely endorsed view throughout the history of philosophy. For instance, Aquinas writes that “there is also a union which *is essentially* love itself. This union is according to a bond of affection, and is likened to substantial union, inasmuch as the lover stands to the object of his love, as to himself ” (*Summa Theologica* I-II, q.28, a.1). Also, according to Hegel, “love is in general the consciousness of the unity of myself with another. I am not separate and isolated, but win my self-consciousness only by renouncing my independent existence, and by knowing myself as unity of myself with another (2005, pp. 139).

An author like Frankfurt could be mistakenly understood as endorsing a full hybrid account of love. Sometimes, he explicitly states that the lover assumes the interest of the beloved as her own ones (Frankfurt 2004: 61)<sup>5</sup>, which could be understood as a sign of a unitive conception of love. He explicitly says that love involves perceiving the beloved as valuable (Frankfurt 2004: 39)<sup>6</sup>, and this could be interpreted as a sign of a cognitive account of love. Finally, he accepts that love involves emotions (Frankfurt 2004:41)<sup>7</sup>. However, Frankfurt's account is *volitional* because he thinks that love is essentially a volition, namely the desire of the good for the beloved (Frankfurt 2004:42, 2004:43)<sup>8</sup>. The belief in the beloved's value, the unity with the beloved's interests, and the emotions are, for him, consequences of this basic volition. In summary, the differences between the accounts of love that I have presented should not be understood in terms of disagreement about the elements that are present when we love someone. On the contrary, the disagreement should be understood in terms of the philosophical debate about the *essence of love*, which has to do with the order of causality among the elements and the existence or inexistence of *reasons for love* (Kroecker 2019).

Stump has shown that Aquinas provides an account of love that includes all the elements that are discussed in contemporary debates (Stump 2006). For Aquinas, loves includes: (1) Two volitional components, namely: (1.1) the desire for union with the beloved, understood as physical and psychological unity, and (1.2) the desire for the good of the beloved; (2) a cognitive component, namely the belief in the value of the beloved; and (3) an emotional component, which has to do with what Aquinas calls the passions (*Summa Theologica* I-II, q.27; q.28; q29).

For our purposes, the details of Aquinas' view are inconsequential. It is irrelevant what love essentially is for him, the function that each component plays, or the order of causality between them. What matters is that we see in his account, again, the same

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<sup>5</sup> "A lover *identifies himself* with what he loves. In virtue of this identification, protecting the interests of his beloved is necessarily among the lover's own interests. The interests of his beloved are not actually *other* than his at all. They are his interests too" (pp. 61).

<sup>6</sup> "The lover does invariably and necessarily perceive the beloved as valuable" (pp. 39).

<sup>7</sup> "There will frequently be *greater* emotional color and urgency in love when the beloved is an individual than when it is something like social justice, or scientific truth" (my emphasis) (pp. 41).

<sup>8</sup> "Love is, most centrally, a disinterested concern for the existence of what is loved, and for what is good for it. The lover desires that his beloved flourish and not be harmed" (pp. 42). He makes this point even more explicit in the following passage: "As in other modes of caring, the heart of the matter is neither affective nor cognitive. It is volitional. Loving something has less to do with what a person believes, or with how he feels, than with a configuration of the will that consists in a practical concern for what is good for the beloved" (pp. 43).

components that we see in the different contemporary accounts of love; and the same elements that Liao provides in his own definition<sup>9</sup>. The first volitional element is present in Liao's definition through "desiring to be physically and psychologically close to each other and desiring that the other person reciprocates". The second volitional element is present by "wanting to promote the person's well-being for the person's sake". The cognitive element is present through "strongly valuing another person for the person's sake". Finally, the emotional element is present through the idea of a "highly intense interaction". It seems that, contrary to appearance, there is almost a consensual definition of love – even if there is strong disagreement concerning what the *essence of love* is and, relatedly, what *the reasons for love* are<sup>10</sup>. This nearly consensual definition of love, based on five components, is the one that I assume in the rest of the paper.

## 1.2. The Paradigmatic Figure of an Unloving Parent

There have been several discussions related to love in the philosophical literature about children and parenting. In this regard, it is worth asking the following question: What is the paradigmatic figure of an unloving parent? I show that each author implicitly projects an image of the figure of an unloving parent, depending on the issue they are dealing with and the element of love that they underline.

*The emotionally detached parent.* There has been a discussion on whether the duty to love one's child can exist; a discussion I deal with extensively in section 3. Matthew Liao has argued that the duty can exist (2006b, 2012), while others, such as Cowden, have argued that it cannot (2012). The interesting thing now is that the cornerstone of the discussion was whether loving one's child can be a duty, given that certain emotions and feelings are an element of love. Therefore, from the point of view of this discussion, the implicit image of the unloving parent is one of a parent who does neither experience nor express

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<sup>9</sup> The relevance of the fact that Aquinas and other historical philosophers largely share this definition of love is the following. It cannot be said that this definition of love is only valid for our particular historical context. It may be that this definition of love has no resonance in other cultural context, such as the Asiatic one. However, regarding what is usually called Western civilization, it is an understanding of love that crosses a great part of its history.

<sup>10</sup> There are minor exceptions to this consensus about the elements of love. For instance, Velleman thinks that having the active desire to promote the good or interests of the beloved is not necessarily present in all types of love; for instance, in love towards one's brother. However, even in these cases, he accepts that you have the desire to help your brother in case he needs your help if you love him (Velleman 1999: 353).

the emotions and feelings that a loving parent experiences and expresses. This figure of the unloving parent underlines the lack of the emotional component of love.

*The selective parent.* There has been a discussion on whether future parents should be able to make use of genetic selection and enhancement to design the child's characteristics. Some people have argued against this possibility by pointing out that parental love is unconditional; that is, independent from the non-moral features of the child such as intelligence, look, or temperament (President's Council of Bioethics 2003, Gheaus 2014). Using the same idea of unconditional parental love, some authors have argued that homophobes should not be able to adopt children because, in case the child turns out to be homosexual, they will not value the child (Botterel & MacLeod 2017). Spatorno has even argued that racist persons should not adopt children because their love is not unconditional, as they would not have valued the child if she would had been black (forthcoming). From the perspective of these discussions, the figure of the unloving parent is of one who wants to select the non-moral features of her future children. This figure of the unloving parent underlines the lack of the cognitive component of love – i.e. the belief in the value of the beloved.

*The selfish parent.* Luara Ferracioli has argued that the family, certain state duties, and the right to parent one's biological children are morally justified by the children's need for parental love, which is "a type of love whereby the agent cares so much about the good of her beloved, that she is robustly disposed to take on a great deal of personal cost in order to advance the good of her beloved" (2015: 215, 2014, 2018). From this perspective, the implicit figure of an unloving parent is one who is not disposed to make any self-sacrifice in order to advance the child's good. This figure of the unloving parent underlines the lack of the second volitional component of love – i.e., the desire to promote the beloved's good.

*The uninvolved parent.* Brighthouse and Swift have offered a moral justification of the family as the best institution for child-rearing (2014). According to them, the family is the source of goods such as love and intimacy, which have value for children and the adults who parent them – instrumental value in the case of the child and non-instrumental value in the case of parents. They argue that this loving relationship between parent and children consists in satisfying not only the most basic interests of the child such as having food, shelter, medical care, and basic education, but also: (1) the child's cognitive interest in acquiring autonomy – i.e., the capacity for critical reflection; (2) the child's emotional

interest in connecting with other people; (3) the child's moral interest in understanding and be disposed to complain with the basic demands of morality; and (4) the child's interest in enjoying her childhood (2014: 63-64). From this perspective, an unloving parent would be one who, even if he fulfils the child's more basic needs – and, therefore, is not a fully neglecting parent, does not establish the intimate loving relationship that promotes the child's enjoyment of childhood and the child's cognitive, emotional, and moral development. Brighthouse and Swift are not very explicit about what they understand by love, but it seems that the first volitive component of love – i.e., the psychological proximity - is the most relevant one in their account of parental love; although all the others are arguably present as well.

All these parental figures can plausibly be seen as exemplars of an unloving parent. Each of them focuses on the absence of one element of love. The exception to this is Brighthouse's and Swift's account of parental love. However, even if we take their model of parental love and reverse it, the resulting image of the unloving parent is one that, at least, fulfils one element of love, namely the desire for physical proximity. He is a parent who is fully uninvolved in providing the joyful, cognitive, emotional, and moral goods that the child needs, but she remains physically close to her.

*The absentee parent.* In this paper, I focus on a figure who lacks even this element of love, namely physical proximity. One who, under anyone's minimally plausible view of love, is, with no doubt, an unloving parent. This figure is the fully absent parent. The parent who lacks any kind of contact with the child, and who does not provide any kind of good to the child. Indeed, it is the figure of a parent who does not exercise the activity of parenting in any sense. The parent who, like the one in my hypothetical example, abandons the child<sup>11</sup>; what is colloquially referred to as a 'deadbeat dad'<sup>12</sup> (Brake 2010). My aim in this paper is to evaluate some key issues concerning the responsibility to parent

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<sup>11</sup> I refer only to cases like the one I mentioned at the beginning. Cases in which the parent stops having contact with the child, who is raised by the mother. I focus on standard cases, so I leave aside those cases in which the parent may have good reasons to do this in order to benefit the child; for instance, because he is an extremely bad influence for the child, or because he can provoke damage to the child due to a psychological pathology or drug-addiction.

<sup>12</sup> The label 'deadbeat dad' can be used to refer to parents who do not fulfil one or some parental responsibilities, such as providing maintenance to the child through giving money to the mother. However, in this paper, I use the label to refer only to the most extreme cases, namely those in which the parent does not fulfil any parental responsibility.



one child and the duty to love one's child by using this paradigmatic figure of an unloving parent.<sup>13</sup>

## II. The Duty to Parent a Child

In this section, I discuss whether a justified case of blame can be made against the parent of our case of reference, as a result of violating a moral duty he owes to the child. The most obvious candidate is the duty to parent the child, but I also consider other possible obligations, such as the obligation to maintain non-parental contact with the child or the obligation to provide material resources.

To evaluate whether he fails to fulfil any obligation towards the child, I discuss those views of the responsibility to parent and the right to parent a particular child that are more promising<sup>14</sup>. My criterion of selection and order is not the consistency, plausibility, or robustness of each view as a theory of the responsibility to parent, but the potentiality of each theory to make a case of blameworthiness against the biological parent who abandons the child. Consequently, I do not discuss those theories that are clearly incapable of attributing any duty violation to the parent. For instance, I leave aside all views of the right to parent that ground the right to parent on the interest of parents<sup>15</sup>. I also leave aside those theories that justify the right to parent one particular child by appealing to the gestational process<sup>16</sup>.

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<sup>13</sup> A note on terminology. In the rest of the paper, I will generally refer to this figure as the 'deadbeat dad', 'the parent who abandons the child', or the 'the parent of our case of reference'. I am aware that, by using the label 'parent', I am assuming that there is a morally significant relationship between the man of the hypothetical example and the child. The existence of that relationship and its justification is precisely what I discuss in the next section. I cannot use other labels such as 'biological parent' because that would imply to suggest that the morally relevant feature is the biological connection; which is something I discuss in the next section.

<sup>14</sup> The theories I discuss in this section are not theories about the responsibilities that parenting a child implies; rather, they are theories about the obligation to exercise the activity parenting. Also, the theories are not theories about the general right of adults to parent a child (Vallentyne 2003, Brighouse & Swift 2014); rather, they are theories about the duty and the right to parent one particular child.

<sup>15</sup> For instance, I leave aside those theories that justify the right to parent one's biological child by appealing to the idea that parents own the genetic material with which the child is made (Hall 1999). I also leave aside those theories that justify the right to parent by arguing that the child is the product of the parent's labour.

<sup>16</sup> The main reason for leaving aside these theories is that the biological parent in our case of reference, and in most cases of parental abandonment, is a male. However, it is discussable whether these theories could make a robust case of blameworthiness even if we would had taken a woman. To do this, you would have to show that breaking the bond with the gestational mother provokes a significant damage to the child. To my knowledge, Anca Gheaus is the philosopher who endorses a view more in tune with this argument

The accounts I discuss are: (1) The view that assigns the responsibility to parent in virtue of having consented to parent (Brake 2010); (2) the view that assigns the responsibility to parent in virtue of being a cause of the child's existence (Porter 2014); (3) the view that assigns the responsibility to parent in virtue of the child's fundamental interest in forming her family-resemblance (Velleman 2005); (4) the view that assigns the responsibility to parent in virtue of being the cause of the child's personal identity (Moschella 2016); and (5) the view that assigns the responsibility to parent in virtue of being morally responsible for the child's existence (Olsaretti 2017).

For each view, I discuss whether the parent of our case of reference can be said to violate any duty – if we accept that view as true. In doing this I take, so to speak, the perspective of the accuser. After that, I discuss whether the view is, indeed, a proper account of the responsibility to parent. I show that the case of blame against the biological parent for failing to fulfil a duty is not as easy as our initial moral intuition suggests. I argue that only three views are capable of blaming the parent – the first one and last two. I also argue that the first view – i.e. responsibility based on consent - does not offer a proper account of the significant object of blame, even if it can consistently blame the parent. In other words, the view is incapable of making sense of our moral intuitions regarding blameworthiness in our case of reference. Moreover, I argue that, among the last two views, only the last one is a consistent and convincing view of the responsibility to parent.

## **2.1. Duty by Virtue of Having Consented**

A view of parenthood based on consent, I argue, is not capable of giving an account of our moral intuitions concerning blameworthiness in our case of reference. Indeed, as defenders of the voluntarist account realize, the strongest objection to any voluntarist account is the so-called *deadbeat dad* objection (Brake 2010). If someone acquires parental responsibilities if, and only if, one has consented to occupy the role of parent – as the voluntarist view argues -, it seems that no one can be legitimately blamed for refusing to accept parental responsibilities. Still, Elisabeth Brake aims to defend that the *deadbeat dad* objection is not fatal for the voluntarist view.

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(2021). Nonetheless, her argument is more aimed to show that the gestational mother has formed a bond with the child, rather than the other way around (2012, 2018)

Firstly, Brake argues that fathers owe general duties of rescue to the infant (Brake 2010: 174). This means that anyone, including the father, who is in a good position has a duty to save a helpless child from death or danger. However, notice that this obligation does not apply to the case we are evaluating because the child is properly cared for by the mother and her family. Secondly, she argues that the expression “deadbeat dad usually describes men who accept obligations and then abandon their families” (2010: 175). In these cases, she argues, a voluntarist account is perfectly able to attribute wrongdoing since these deadbeat dads are parents with a parental obligation on a voluntarist account. This is so because, according to Brake, “once...taken an infant home, the role of parent has been tacitly accepted. In our society, taking a child home as one’s own counts as assuming the role of parent – there is no other way to describe this activity, except as baby-snatching” (Brake 2010: 171).

It may well be true that the majority of cases of parental abandonment are cases in which the biological parent has started to exercise the role of the father. That is, indeed, what happens in my hypothetical example. Does this make a significant difference? According to the voluntarist view, this change makes all the difference. The difference between no responsibility at all and full blameworthiness. Once she grows up, the child’s moral reproach to him would be something like this: “I blame you because, although you had no obligation towards me at all, you tacitly consented to exercise the role of parent. And, then, you stop doing it. I was not aware when you tacitly accepted to do it, nor was I when you stop doing it. But, by breaking this tacit informal contract, you have violated my rights, and I blame you for that”. I cannot imagine the child of my hypothetical example thinking something remotely similar to this.

Imagine another situation. Some months after the parent has lost contact with the child, the mother starts a romantic relationship with another man. Let us call him Contento. They decide to move in together with the child. During six months, the man exercises some of the activities that we associate with the parental role, like living with the child, picking up the child at school some days, helping her with homework, or telling her bedtime stories. After that, both adults friendly decide to break their relationship and the child does not meet that man anymore. The voluntarist view implies that Contento is as blameworthy as the biological parent. Moreover, the view seems to imply something more perverse. If Contento does not want to acquire the responsibility of being the parent of the child forever, he has to either (a) not start a serious relationship with the child’s

mother, or (b) not exercise any of the activities that we would attribute to a parent while she has a relationship with the mother. By ignoring the child, he would be doing less wrongness than by giving help and affection to the child. My point is that, even if the voluntarist view is capable of saying that many deadbeat dads' behaviour is wrong because biological parents have started to exercise the role of parent, it is not possible to make sense of the wrongness done in these cases from the point of view of the child.

What about explicit adoption? Is not adoption an acquired duty to parent a child based on consent? I do not deny that consent can be a sufficient condition for acquiring the obligation to parent a child. Moreover, if the child is aged enough to be aware of the adoption, that would generate an expectation in the child to have parents. If that expectation is unfulfilled because the adoptive parents decide to stop parenting the child later on, that would be, indeed, a relevant motive for blame. However, imagine the following situation. A child is given for adoption by her two biological parents just because they do not want to parent the child. They do not lack resources, nor have they any other relevant reason for not parenting the child. When the child is only 1 month old, a couple adopts her. They care for the baby for one month, but then they decide that they do not want to be parents. The experience was not what they expected. So, the couple returns the baby to the orphanage. I think we all have the moral intuition that, even accepting that the adoptive couple is blameworthy for having violated a duty they voluntarily acquired: (a) the fact that the child was not aware of their acquiring the voluntary duty, together with the fact that the child has not established a conscious relationship with them, makes them less blameworthy; and (b) the adoptive couple is less blameworthy than the child's procreators. We have this moral intuition, I think, because the adoptive couple has not provoked very significant damage to the child. The most significant damage derives from preventing the child from being adopted by other adults during the month she was with them. Others who, very likely, would have been willing to parent the child forever.

## **2.2. Duty by Virtue of Being the Cause of the Child's Existence**

If the consent view sees parental obligations as analogous to a voluntary contract, the standard causal view generally sees parental obligations in terms of tort liability<sup>17</sup>. Lindsey Porter thinks that the consent view of parental responsibility is wrong. In part, because it is incapable of giving an account of our moral intuitions concerning deadbeat parent cases (Porter 2014). According to this view, the *makers* of the child, as Porter calls them, have obligations towards the child. However, I argue, this view is even less capable of attributing blameworthiness to the biological parent in the case we are evaluating.

Porter makes a distinction between the makers of the child and the parents of the child, namely those who assume the responsibility to parent. Causal views usually have difficulties to establish who are the makers. If moral obligations are derived from what Aristotle called efficient causality, then it seems that even someone whose gametes have been stolen for creating a child is responsible for that child in virtue of being her cause<sup>18</sup>. In our case of reference, there is no issue. The makers are simply both biological parents. By being a maker of the child, one is morally responsible for having created some necessities on someone, in this case the child. And these necessities can only be fulfilled by having someone who parents the child. So, according to the classical causal account, “being a maker implies a *pro tanto* (but defeasible) duty to take on the role parent” (Porter 2014: 191).

The implication of the previous obligation is that the child has a primary right to be cared for by the makers. If others take up the role of parent, then the right is met. If, on the contrary, no other parents are available to the child, the makers are obliged to parent. That is, if the right is not met because the child is not adequately cared for by anyone else, then the child will still have a claim against the makers (Porter 2014: 195). To my mind, Porter offers the best possible version of the standard causal view against the biological parent of our reference case. In Porter’s version of the causal account, the makers’ obligation does not disappear by finding someone who willingly assumes the responsibility to parent. In case voluntary parents fail to meet their voluntary duty because they do not properly care for

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<sup>17</sup> Porter’s view is different in this sense. She does not aim to establish an analogy between parental obligations and tort liability, but her conclusions in relation to our case of reference are the same as in other more standard causal accounts (O’Neill 1979, Nelson 1991, Archard 2010). I use Porter’s version because it seems to me the best argued, it is the most recent one, and it is a direct answer to the article authored by Brake that I have discussed above.

<sup>18</sup> Porter solves this problem by introducing the idea of choice. In her view, you are causally responsible for the child if, and only if, you have chosen to do an action that contributes to the child’s existence (2014: 196-198).

the child, or because they decide to stop parenting, the makers would still have an obligation to look for other available parents or to parent the child themselves.

Porter thinks that his view of parenthood, “unlike the voluntarist account, meets the challenge of the deadbeat dad objection” because “on a causal account, those who bring children into existence, by procreating or instigating procreation, are obliged to the resulting child because the child’s existence and existence-with-rights is a result of their actions” (Porter 2014: 192). However, is this always true? In our case of reference, the child is appropriately being cared for by the other maker, who has willingly assumed the role of mother. Someone might be tempted to say that the male maker still has an obligation to parent the child, as no one has assumed the role of father. However, one would need to justify why this is an unsatisfied child’s need. If it is just a matter of the number of carers, then it does not apply, because the child is also actively cared for by the entire mom’s family. Indeed, the child has more active carers at her disposal than most children. Moreover, in terms of material needs, the child is more than satisfied. The objection to the male maker can also be based on the Freudian idea that the unsatisfied need is a consequence of lacking a male parental figure. However, accepting something like this would imply accepting things that most of us are very tempted to reject <sup>19</sup>. For instance, that in cases of female homosexual couples, the male who donates the sperm has an obligation to be the child’s parent even if the child has two female carers.

In summary, it seems that, under the so-called causal account, there is nothing blameworthy in our reference case of the maker who has no contact with the child. At least, in terms of violating duties that are owed to the child. The maker (i.e. biological parent) could just tell the child: “I would have entered a relationship with you, had you not had your mum and her family”.

### **2.3. Duty by Virtue of Family-Resemblance**

David Velleman’s argument is based on the premise that much of our phenotype is derived from our genotype, which we largely share with our genetic procreators. Starting from this premise, he argues that knowing your genetic procreators is an important component of self-knowledge. The argument is built around the concept of ‘family-

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<sup>19</sup> Indeed, rejecting this argument is more than a wish. As I show in the following section, there is evidence to say that lacking a male parental figure, has, per se, no bad effect on the child.

resemblance', which is basically the non-describable information about your genetic family. Information that you can only grasp through direct contact with them and through the construction of a narrative. The idea is that "my concept of my family-resemblance contains much of my knowledge about myself" (pp. 365-366); or, the other way around: "Much of my (self)knowledge is, so to speak, knowledge about my family resemblance to myself" (pp. 365). This family-resemblance knowledge includes not only information about how I look but, more importantly, psychological information: how I think, how I feel, my manners, my temperament, and so on. In summary, my genetic family is a mirror to me.

This self-knowledge based on family-resemblance (this mirror) is ethically relevant because it "contains much of that self-knowledge by which I am guided in my efforts to cultivate and shape myself" (pp. 366). It does not only provide information about how I am but also about how I can be, how I want to be, and how I should be. My relatives are images, paradigms or exemplars. Velleman uses the idea of life as an experiment, and argues that "my own experiments-in-living (as Mill called them) are most informatively supplemented by experiments on the part of people who are relevantly like me. Our extended family is, as it were, a laboratory for carrying out experiments-in-living relevant to the lives of people like us" (pp. 368). This implies that Velleman is making an important but plausible ethical assumption, namely that not all ways of life, so to speak, are equally good for everybody. Or, in other words, that experiments-in-living do not have universal external validity. The more the person is like me in relevant ways, the more external validity the ethical experiment has for me. An adoptive family can provide me with an equal number of experiments-in-living, but these experiments have been carried on by people who are not like me; or, at least, by people who are less like me.

According to Velleman, his argument also applies to cases like the one we are evaluating. One in which the child lacks contact with only one of her genetic progenitors. Of course, he recognizes that the problem is less severe than in the case of a child who does not know any of her progenitors, but it is still a very relevant one. According to him, "their strangement even from one parent...must still be a deprivation, because it estranges them from...people with whom they would enjoy that natural familiarity which would be so revealing about themselves" (pp. 368). And he continues incisively:

"How odd it must be to go through life never knowing whether a sense of having met a man before is due to his being one's father. How tantalizing to know that there is someone who could

instantly show one a living rendition of deeply ingrained aspects of oneself. How frustrating to know that one will never meet him” (pp. 369).

Haslanger is skeptical about Velleman’s claim that the putative interests in self-knowledge and identity formation can be satisfied only by acquaintance with one’s genetic procreators; largely because she thinks this is seen as valuable only in certain socio-cultural contexts (Haslanger 2009). Unlike her, I find Velleman’s claim irresistible. First, Velleman does not argue, nor does he need to argue, that acquaintance with both progenitors is strictly needed, but only that it is very important. Second, Haslanger is right in saying that Velleman’s claim is only valid in certain sociocultural contexts. However, she is wrong to believe that the socio-cultural context of validity is one in which genetic procreators usually raise their child or are socially expected to do it. She believes this because Velleman offers his ethical argument as an explanation as to why many people look for their unknown genetic procreators, as a matter of fact. Nonetheless, even if this fact was explained by something else, like the fact that we live in societies where genetic procreators are expected to parent their children, that would not affect the validity of Velleman’s ethical argument at all. The socio-cultural context of validity for Velleman’s ethical claim is one in which life is culturally seen as an experiment with a great number of options, and one in which many of these options are available to us, as a matter of social fact.

Although Velleman’s argument of family-resemblance as an important source of self-knowledge and ethical identity is powerful, its validity depends on the conclusion that we intend to achieve with the argument. As an argument against gamete donation, which was his own aim, the argument is not very valid. The argument shows why children may have a right to meet and be familiar with the gamete donors and, therefore, why the gamete donors would have a duty to be in contact with them. As an argument for attributing the responsibility to parent to the genetic procreators, the argument is still flawed. Parenting implies a huge responsibility, and the alleged necessity of the child can be fulfilled just by being in contact with the genetic procreator. As an argument against parental abandonment, or in favor of the blameworthiness of parental abandonment, it seems to be a very powerful argument. It seems that, by abandoning the child, the progenitor is depriving the child of the opportunity to form a part of her family-resemblance. However, is this really true? I shall argue that it is not.



Firstly, in cases where the child lacks one of the progenitors but there has been an intimate relationship between both progenitors, which is our case of reference, the mother can provide the child with a narrative about the other part of her family-resemblance. Think about a mother who tells her child stories about her early dead father. Someone could argue that the child will not directly experience her family-resemblance by herself. However, this is also true in cases where the child is raised by both progenitors. After all, we have no direct experience of most of our grandparents' lives; sometimes we do not even get to meet them because they die before we are born. We also lack any experience of those parts of our parents' lives that are previous to our birth. We are told about this part of our family-resemblance; certainly not as a description of facts, but in the form of narratives. Another objection to my point is that, in case of abandonment, the mother could have incentives to tell the child a badly distorted version of the other part of her family-resemblance. However, if she does this, it seems that the blameworthiness falls on the mother because she is the one who is preventing the child to have a truthful version of her family-resemblance. We may understand the mother's psychological motivations for doing it, but unless we are capable of saying that the father has done something wrong to the child, this is not enough to make a robust case against him.

More importantly, Velleman's argument is not that I have an interest in knowing my progenitors because they are the image, paradigm or exemplar of what I want to be and what I should be. If this was the case, it would be a much worse argument. He rightly acknowledges that sometimes our ethical identity is defined against our images, paradigms and exemplars of reference. In those cases, the "person is likely to have defined himself as different from his relatives precisely because they serve as ill omens of his possible futures...Learning not to be like his relatives has still involved learning from them". I completely agree with the previous claim, but then he adds: "If he had never known them, he might well have ended up more like them" (pp. 377). This is the claim that I deny. Being abandoned by my progenitor provides me with very relevant information about him. About how he is, his priorities, his temperament, his way of thinking, and so on. His successive actions also provide me with relevant information. Whether he regrets his decision with the passing of time and tries to become the parent he never was, or simply whether he tries to regain contact. If Velleman is right about resemblance due to genetic ties, it may also provide me with knowledge about myself; more specifically, about tendencies or attitudes I may have inherited from him. Finally,

this can give me with an aspiration not to be like that – as Velleman puts it. Abandoning your child and losing contact with her is an experiment-in-living as any other. It may be an experiment that provokes damage. It might be a blameworthy experiment – this is what we are evaluating. Nonetheless, nothing in Velleman’s argument implies that experiments-in-living cannot be like that, nor that building your family-resemblance has to be a pleasurable or joyful experience.

#### **2.4. Duty by Virtue of Being the Material and Formal Cause of the Child**

Melissa Moschella endorses Velleman’s argument in order to ground the genetic procreators’ duty to parent their child and, according to her, also their right to do it. But she also offers an argument of a very different kind. Similarly to Velleman’s argument, Moschella’s consists in claiming that children have a certain need that can only be fulfilled by their genetic procreators. The alleged need is the need to be loved by their genetic procreators. If it is true that the child has this need, then it would be necessarily true that only her genetic procreators can provide it. Moschella is somewhat ambiguous on what exactly this need is, so her argument can be interpreted in three different ways.

Under the first interpretation, what she claims is that children are potentially loved by genetic procreators in a special way; in a way that no one else can ever love them<sup>20</sup>. In other words, biological parents potentially love their children in a qualitatively different way than adoptive parents do – “in a way that takes priority over most other loves” (Moschella 2016: 39). As an argument in favor of the genetic procreators’ duty to parent, this is not very convincing. It is based on an empirical claim that is very difficult to prove, and she does not offer any empirical evidence to support it<sup>21</sup>. Nonetheless, even if the

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<sup>20</sup> This interpretation is derived from passages like the following one: “I think that we can pinpoint at least two unique and important benefits that, regardless of cultural context, biological parents and only biological parents can give to their children. The first is the benefit of being loved in a special way – in a way that takes priority over most other loves” (Moschella 2016: 39).

<sup>21</sup> Being raised in a family with one genetic mother, one non-genetic father, and one half-genetic brother, I can say that this is likely not true. My love towards my mother does not take priority over my love towards my father; nor does my love towards my mother take priority over my love towards my brother. Moreover, I have no experiential reason to think that my father loves my brother in a special way as compared to me, in a way that his love towards him takes priority over his love towards me. However, I know that this anecdotal personal experience does not prove the claim to be false, because she does not claim that all genetic parents love the child in a special way, as compared to non-genetic parents. It may well be that I am wrong concerning my case. Or it might be that my genetic mother does not love me in the special way that a genetic mother can potentially love her son.

claim was shown to be true, and we accept that genetic procreators are potentially capable of loving children in a way that no one else is, that would not imply much in terms of the parental responsibilities of procreators.

Suppose that you need a house. Let us concede that this need is capable of justifying the right to have a house. Let us also assume that I am a special architect, one that is potentially capable of building you the best possible house. A house that no one else is able to build. These premises do not imply that you have a right to a house like the one I am capable of building, nor that I have a duty to build a special house for you. My point is the following: rights and duties do not arise out of simple interests, but out of needs and fundamental interests. You have a need or a fundamental interest to have a house, and this may be the ground for a right to have a house – if we concede that there might be collective duties, or if it is shown that someone in particular owes you a house. In addition, you also have an interest in having the best possible house, but this interest does not imply a duty on the part of the best architect to build a house for you – unless that particular architect is shown to owe you a house. The same is true about children and genetic procreators. Even if genetic procreators are potentially capable of loving children in a special (more valuable) way, it has to be shown that children have a need or a fundamental interest, not merely an interest, in being loved in that special way in order to make a case for the alleged duty of genetic procreators. Moschella can claim, at most, that: (1) children have an interest in being loved in a special way, one that only genetic procreators are potentially capable of satisfying; therefore, (2) genetic procreators have a right, but not a duty, to parent children<sup>22</sup>.

There is a second possible interpretation of Moschella's argument. Under this second interpretation, what Moschella claims is not that children have an interest in being loved in a special way, but that the child has a fundamental interest in being loved by her biological parents. Notice that the previous claim does not mean being loved by their genetic parents as compared to being loved by others. On the contrary, the claim means being loved by them as compared to not being loved by them. However, this still can be

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<sup>22</sup> This is somewhat similar to what Ferracioli argues (2018). I think Moschella would be glad with this conclusion because her final aim is to show that genetic procreators have a right to parent their children. However, much more has to be shown in order to make a convincing case for the alleged right. For instance, that this interest in being specially loved is not only potentially satisfied but also likely satisfied by genetic procreators (another empirical argument); or that this interest in being loved in a special way is more important than the interest in being parented by the most competent parents – in case there are willing adults who are more competent parents than the genetic procreators.

interpreted to mean two different things. It might mean that the child's damage is derived from the absence of that love. In that case, it would apply to a situation in which one of the biological parents dies and the surviving progenitor gets married again. Even if she is adopted and loved by the adoptive parent, Moschella could argue, she may likely still miss the love of her biological parent<sup>23</sup>. Nonetheless, another interpretation is that the damage suffered by the child might be caused not exactly by the lack or miss of the biological parent's love, but by the child's acknowledgement of the fact that she is unloved by one or both of her biological parents. In this sense, the benefit is "the benefit of *knowing* oneself to be loved by one's biological parents" (my emphasis) (Moschella 2016: 41). A child whose parent has died knows that his parent loved her, although she cannot enjoy this love anymore and this lack may harm her. On the contrary, the child who has been abandoned by her biological parent knows that he does not love her, and that acknowledgement may generate damage to her. In this line, Moschella convincingly argues that "just as being spurned by a friend can harm me even if I have many other friends who treat me with appropriate affection, children can be hurt by their psychological parent's failure to love them, even when they are well-loved by others" (Moschella 2016: 41). I will focus on this interpretation because it allows me to make the best case against the biological parent who abandons the child<sup>24</sup>

As an argument in favor of a personal - i.e. non-transferable - duty to parent the child on the part of the genetic progenitors, which implies them having the right to parent the child, the argument is not convincing at all. Moschella claims that "it will be difficult for a child not being raised by his biological parents to believe that his biological parents really do love him even though they are not raising him, except in cases of incompetence – i.e. cases in which the biological parents (or others on their behalf) could later say honestly to that child: "It was because we loved you so much that we let others raise you instead of raising you ourselves"" (Moschella 2016: 42). However, not being parented by their progenitors will only be reasonably interpreted by the child as a sign of their lack of love

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<sup>23</sup> This interpretation is derived from the following passage: "No one else can love my biological children for me, or receive their love in my stead. Others can, of course, love those children very deeply, and be loved deeply by them in return. But other's love, no matter how deep, can never replace my love for them, and no one, no matter how lovable, can replace me as a specific object of my children's love...Of course children can lead a good life without being loved by their biological parents. Yet the absence of biological parents' love is still a significant loss to children, because once children begin to understand the facts of how they came into the world, they can miss the specific love of their biological parents, and the absence of that love can harm them" (Moschella 2016: 41)

<sup>24</sup> To my mind, this is also the most accurate and convincing interpretation of Moschella's position, taking into account all she says.

towards her in a society where they have the right to parent her. If the scheme of rights changes – which is precisely the point of the discussion concerning the right to parent, and the child is aware that it was not the decision of her genetic parents, she has no reason to think that she was unloved by them.

As an argument in favor of the duty to be willing to parent one’s biological child and, therefore, in favor of the blameworthiness of the biological parent who abandons the child, it seems to be a powerful argument. Indeed, Moschella’s full argument, if successful, seems to imply much more. It seems to imply that the biological parent has a duty to love the child. We might interpret Moschella’s claim that the child will suffer a severe damage if she acknowledges that is not loved by her biological parent as merely an empirical psychological claim. An empirical psychological claim that is likely true. However, it may well be that the child’s expectation to be loved by her biological parent is caused by a certain non-justified socio-cultural context (Haslanger 2009, Gheaus 2018)<sup>25</sup>. If this were the case, the child’s expectation would be understandable - given how society actually works, but it is not clear whether the biological parent would be blameworthy for not fulfilling the expectation. However, this is not Moschella’s intended argument. She wants to argue that: (a) the child will be damaged if she acknowledges that is not loved by the biological parent, due to an expectation that is justified by the special (morally significant) relationship that exists between them; and that (b) the biological parent has a duty to fulfil the child’s expectation, a duty that arises from that same special (morally significant) relationship that bonds them.

For the argument to be fully successful, it needs to be shown that the child and the biological parent are bond by a special (morally significant) relationship that is the source of both the child’s need and the parent’s duty. In this regard, Moschella’s arguments explicitly hold up on two controversial but interesting philosophical premises: (a) a view of personal identity according to which bodily continuation is a necessary and sufficient condition of personal identity<sup>26</sup>; and (b) a view of Aristotelian causality according to

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<sup>25</sup> In this line, Gheaus argues that “Moschella indicates the potential worry that the child may feel rejected by her genetic procreators. But how likely this is will depend on background social expectations” (2018)

<sup>26</sup> “I assume a view of the human person in which the body is an intrinsic and essential aspect of personal identity, not a mere extrinsic instrument of an ‘I’ or ‘self’ that is non-bodily in nature. On this view, bodily identity is essential to personal identity, and the continued existence of the same human organism is a necessary and sufficient condition for continuity of personal identity” (Moschella 2016: 36). One very relevant contemporary philosopher who has argued convincingly in favor of this view of personal identity is Bernard Williams (Williams 1973)

which biological parents are the formal and material cause of the child. I offer two possible ways to understand her argument. The first relies mainly on the first premise, while the second one relies on both of them. I argue that both arguments fail.

In summary, Moschella's argument is that the special (morally significant) relationship between biological (i.e., genetic) parents and their children is the relationship between the parents and the child's personal identity – which is her body (Moschella 2016: 35)<sup>27</sup>. The biological (genetic) parents have a duty to love their child in virtue of their being the biological cause of child's personal identity. As she puts it, “the child is *who he is* because of who his parents are; to be begotten by other parents is, simply, to be someone else” (my emphasis) (pp. 35).

My personal identity, understood as my body, admittedly has a lot to do my parent's genetics. Certainly, other genetic parents would have had another person as a result. However, an answer to the question: why am I who I am? cannot be fully given by pointing to my parent's genetics. My genetic brother and I have the same genetic parents, but we are not the same person. The result of fertilizing my mom's egg with my father's sperm at time 1 is not the same as the result of doing it at time 2. If the argument is that my genetic parents are in a special (morally significant) relationship with me in virtue of being the cause of my personal identity, that would imply that any other person who is also the cause of my personal identity is also in a special relationship with me. Any person who has causally intervened in the process of my mom's egg being fertilized by my father's sperm at time X instead of at any other time, is indeed a cause of my personal identity. The problem is that this requirement is potentially fulfilled by many persons.

Think about the following situation. My parents are having sex at late night and, suddenly, my mom receives a call of his mother telling her that her dad has died. As a result of this, they stop having sex. My grandfather's death has a great emotional impact on my mother, and this prevents my parents from having sex in a while. One day, my mom's best friend tells her that she is organizing a party to celebrate her birthday. My mother does not want

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<sup>27</sup> Moschella's argument resembles in many ways Kolodny's argument when he claims that “a person at one time has reason for egoistic concern for a person (or thing of some other kind that we essentially are, such as animal) at another time only if the former is, or has, the same, or enough of the same, organism, or relevant organs (such as those that support mental life in the right way, e.g., a brain rather than a kidney), as the latter.<sup>44</sup> And an organism, or organ, at one time is identical with an organism, or organ, at another time only if, or just when, the life, or functioning, of the each is a stage of a continuous biological process, governed by the same genetic code” (Kolodny 2010: 70-71). Due to space constraints, I cannot deal with Kolodny's argument. However, as he himself recognizes, he offers it as “a doubly speculative conjecture” which is not properly argued for.

to go because she is still affected by her father's death. Indeed, if she were not her best friend, she would not go for sure. But my mother is a good friend, so she decides to go together with my father. They drink some beers and start having fun. The emotional block that was affecting my mother's inclination to have sex progressively disappear. I am the result of that night. Who is the cause of my personal identity? Certainly, my genetic parents are, but my dead grandfather, my grandmother, and my mother's friend are very likely causes as well. I might have been a different person if they would have had consummated sex the night my grandparent died, or if my mother's friend had not celebrated a party. Indeed, the previous claim is false because *I would not have existed*; someone else would have come to exist. The causes of my personal identity are also the causes of my existence. I would not exist if I had a different personal identity. Interpreted in this way, Moschella's argument seems to be a philosophically sophisticated but weird version of the causal account view of parenthood.

Nonetheless, there is another way to interpret Moschella's argument. She makes it explicit that by biological cause she does not refer to what Aristotle called efficient cause, but to material and formal causality<sup>28</sup>. Also, although she does not make this explicit, Moschella's argument implicitly relies, I think, on the idea that parents are the material and formal cause of the child's substance – i.e. her form and matter. A substance that she identifies with the child's (body) personal identity. And she thinks that this metaphysical, as opposed to merely biological, reality has moral consequences in terms of love because she implicitly adopts a Thomistic view of love according to which love is essentially a union<sup>29</sup>. I am going to argue that, although Moschella may be pointing to something potentially relevant, her argument fails.

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<sup>28</sup> "I use the term "biological cause" to refer to a combination of material and formal causality in the Aristotelian sense. The material elements of the zygote initially are numerically identical to the material elements of the parents' combined gametes, and thus the combined gametes are the material principle of that organism. Further, the material structure of the combined gametes (especially, but not only, the genetic material) contains information which is a formal principle of the new organism constituted by the combined gametes" (Moschella 2016: 35).

<sup>29</sup> "Assuming, then, that we are bodily persons and thus that *unions* or interconnections of persons on the bodily dimension of their being can indeed constitute personal relationships, it is clear that the biological parent-child relationship is itself a personal relationship, because it is a relationship of persons at the bodily level based on unique personal characteristics. The reason why this claim may seem counterintuitive is perhaps that it is rare for human relationships to be based only or even primarily on a bodily connection, since bodily *union* or interconnection is often just the starting point or one aspect of a more comprehensive union of persons. Indeed, it could even be said that, given the psycho-physical unity of the human person,

Biological parents cannot be said to be the material cause of the child in any meaningful sense. As Silver has argued, if we apply the Aristotelian ontology taking into account what we know about biology, the material cause of the child are no biological parents but the proteins, carbohydrates, fats, and so on that she has ingested along her life. Even during the gestational process, the mother is not the material cause of the child; just like I am not the material cause of someone I feed (Silver 2001). It could be argued that parents are, at least, part of the material cause of the child, if we take into account that they provide the matter of the gametes. However, it is very unlikely that this matter is still part of the child's body. Moreover, even accepting that this is true, the parents are no more the material cause of the child than I am the material cause of someone who receives an organ that I donated. The fact that parents provide the first matter, so to speak, is not relevant in terms of material causality. The confusion derives, I think, from mixing the notion of efficient causality, which is very similar to scientific causality, with the notion of material causality. The question of material causality is: Why does the child have the matter that she has? That is, what explains the matter that is part of her? I – taking *I* to mean personal identity in terms of the body - can be the formal and material cause of someone only if we are the same person. However, this is not the case of biological (genetic) parents and children.

If I am right about this, Moschella's argument can rely only on formal causality, not on material one. But her argument holds up on the claim that parents are the cause of the child's personal identity, which is, according to her own view of personal identity, her body – which includes matter. This, by itself, invalidates the conclusion. But, for the sake of the discussion, let us see whether being the formal cause of the child can justify the conclusion.

The importance of parents being the formal cause of the child is consistent with Moschella's insistence on genetics. The child has the form that she has *because* the parents have the form that they have. This is largely true. However, claiming that this is the source of special duties has the following implications.

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bodily *union* or interconnection in some sense calls for a corresponding extension into the psychological, intellectual and volitional aspects of our being" (my emphasis) (Moschella 2016: 37).



- If we apply the Aristotelian notion of form to modern biology, it is plausible to argue that the form should not be identified only with the genotype. The form is, in any case, the genotype but also the phenotype<sup>30</sup>. Assuming this, imagine that I had a very irascible teacher during primary school. And that, for whatever reason, I ended up imitating this aspect of her character. That environmental stimulus interacted with my genotype, shaping my phenotype as a result. If being the formal cause of someone implies having a special (morally significant) relationship with her, it seems that I and the professor are in a very special one. One that apparently is the source of personal non-transferable duties.
- If someone analyses the genetic information contained in my DNA and introduces that information in a gamete that is fertilized, it seems that, according to the argument, I have personal (i.e. non-transferable) duties towards the resulting person. Indeed, if that resulting person is my clone, I have more personal non-transferable duties towards that person than to my biological children.

It could be argued that I have a duty to love the form of the child in virtue of being responsible for it. However, formal causality cannot be the source of moral responsibility. The reason is that I cannot be morally responsible for something – i.e. the child’s form – in virtue of this something being caused by something else – my form – for which I am not responsible. I cannot be said to be morally responsible for my genetic information. In summary, the notion of formal causality plays no moral role. It cannot be the source of any duty, personal or non-personal.

Sometimes, Moschella makes a similar but nonetheless different argument. In these cases, what she seems to suggest is that the source of the special relationship is not formal or material *causality* per se, but formal *similarity*<sup>31</sup>. This would explain why children also have personal (non-transferable) duties towards their parents, even if they are not their formal cause. And, also, why we are in a special (morally significant) relationship with our brothers and sisters, not only with our parents and children. The relevant question is: Why does formal similarity create special (morally significant) relationships? Unless this is properly justified rather than suggested, this claim may rightly provoke the rejection of

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<sup>30</sup> As Moschella acknowledges, for Aristotle the form of someone is her soul. However, even if we reject the idea of the soul, I, like Moschella, think that it is useful to make this kind of anachronistic but nonetheless philosophically productive application of Aristotle’s concepts.

<sup>31</sup> “This relationship is based on a bodily relationship – a relationship of biological causality and *strong genetic similarity* – which, unless truncated, will extend to the psychological and usually also the intellectual and volitional levels” (my emphasis) (Moschella 2016: 35).

most people. Grounding morality on similarity seems to be a very discriminatory moral position. One that, as a matter of fact, leads to many discriminatory attitudes<sup>32</sup>.

Moschella's case for a duty to love one's biological child has another difficulty. Even if it were shown that the biological relationship between the child and the genetic parent is special and morally significant, there has to be shown that there can be a duty to love. Regarding this, Moschella avoids the problem by understanding love as a commitment of the will<sup>33</sup>. However, in the following section, I show that this problem cannot be avoided so easily.

## **2.5. Duty by Virtue of Being Morally Responsible for the Child's Existence**

Serena Olsaretti has offered a (non-biologically based) view of the responsibility to parent. She offers a view that is different from both the consent view and the standard causal view. Moreover, she tries to argue precisely that there is someone who has the duty to parent the child, and that this duty is not transferable to anyone else. Her main claim is that "parents—those who are morally responsible for causing someone's existence—in standard cases have a right to raise their children, grounded in an obligation to the person(s) whose existence they are morally responsible for to establish a parent-child relationship with them" (Olsaretti 2017: 73).

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<sup>32</sup> I think this claim could be properly defended by using Aquinas' account of love. According to him, love has three causes: formal similarity, the good, and knowledge (*Summa Theologica*, I-II, q.27). He does not say that love can be caused by either of these things, but rather that it is caused by these three things at once. What he means by causes is not what we now call (explanatory) scientific causes. On the contrary, he is referring to what we call now (justificatory) reasons. So, according to Aquinas, the reasons for love are: formal similarity, the good, and knowledge. We can interpret Aquinas' view of love as follows. The reason for loving someone is our acknowledgement in her form of a good that is also present in our form. Or, in more contemporary words, the reasons for loving someone is the acknowledgement that we share something valuable with her. The acknowledgement that she also has something that we value in ourselves. In more universal forms of love, this could be the capacity to give us our own law, or the capacity to give and be responsive to reasons, or the capacity to experience pleasure and pain. But it can also be more particular things in the case of personal love such as love towards one's biological child. Including the good as a cause of love avoids conceiving love as just an arbitrary discrimination for the different. And form similarity is a legitimate reason for loving because, according to Aquinas, love is essentially a unity; one analogous to substantial unity. Although I think that Aquinas' account of love is capable of solving many problems that contemporary accounts of love have, I do not follow this path in this paper.

<sup>33</sup> "Note that, although love usually has a strong emotional component, here I am speaking of love not as an emotion, but primarily as a commitment of the will to another's well-being) (Moschella 2016: 39)

Her view is not a version of the consent view because, for her, “moral responsibility for existence is different from, and neither necessary nor sufficient for, the voluntary acceptance of the parental role” (pp. 79). Also, her view differs from the standard causal view because “causal responsibility is not enough for moral responsibility for existence” (pp. 79).

Olsaretti’s argument can be divided into two claims and two possible conclusions. The two claims are: (1) children need loving relationships with adults; and (2) parents are those who are responsible for the child’s existence in the morally relevant sense. From these two claims, Olsaretti thinks that we can conclude that: (3) parents show a lack of respect for the child’s value if they refuse to establish themselves a loving bond with the child; but, also, that (4) parents have a personal (non-transferable) obligation to enter a relationship with their children and, therefore, a right to fulfil that duty. I am going to argue that (4) does not follow from the previous premises but, nonetheless, (3) is true and is enough to make a case of justified blame against the abandoning parent of our case of reference.

Regarding claim (1), Olsaretti argues that many of the children’s needs have a strong relational component. By this, she means that “in order to fare well as children, and in order to become well-functioning adults who have a full opportunity to flourish, children need to be in a parent-child-like relationship: their care needs to be dispensed for them in the context of a close bond with loving adults” (pp. 74)<sup>34</sup>.

Regarding claim (2), Olsaretti argues that causal responsibility is a necessary but not a sufficient condition for moral responsibility. Besides causal responsibility, she claims, “it is also necessary that the parent voluntarily brings that child into existence” (pp. 76). And voluntariness has two requirements: (a) an epistemic requirement, so that the person “knowingly brings that child into existence”; and (b) a requirement based on the availability of alternatives, so that the person “does not choose to bring the child into existence only or primarily because she has no alternative to it, or only because the alternative is unacceptable, prudentially or morally”. In standard cases, this requirement

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<sup>34</sup> This is basically the same idea that Brighouse and Swift use to justify the family (Brighouse and Swift 2014). Indeed, Olsaretti presents her view of parental obligation in a discussion of Brighouse’s and Swift’s view. And she offers her view as a complement to theirs. Brighouse and Swift have offered a convincing case for the existence of the right to parent by arguing that children need familial relationships based on intimacy and love. However, she argues, we do not know which adults have a duty and a right to enter into those kinds of relationships with each child.

is fulfilled if “it would have been possible, prudentially acceptable, and morally permissible for the parent not to bring the child into existence” (pp. 76).

A surrogate mother generally fulfils both conditions – assuming that abortion is morally acceptable. Therefore, the surrogate mother seems to be a parent in the morally relevant sense. However, Olsaretti explicitly excludes those who “voluntarily and avoidably brings into existence a child *on someone else’s behalf*” (Olsaretti, pp. 76).

Regarding conclusion (3), Olsaretti rightly concludes that, given that parents are morally responsible for the child’s existence, and given that the child needs to form a bond with a loving adult, “*their responding* to that person’s relational neediness by entering the relationship themselves, or by ensuring that someone else enters the relationship, are not two morally equivalent ways of discharging the same obligation” (my emphasis) (pp. 75). Indeed, “if someone knowingly and voluntarily causes someone to be needy of a relationship, *her refusal* to be a party to it can be plausibly viewed as a rejection of the needy person” (my emphasis) (pp. 75). I agree with this conclusion. It is plausible and well justified given the previous premises.

Regarding conclusion (4), Olsaretti wrongly claims that “by dint of being morally responsible for a child’s existence, the parents now stand in a position such that *their entering* a relationship with the child, or not entering it, expresses something different from what other adults’ entering or not entering that relationship expresses” (my emphasis) (pp. 74). And from this claim, she concludes that parents, namely those who are morally responsible for the existence of the child, have an obligation to enter into the loving relationship that the child needs, and that this obligation cannot be transferred to anyone. And, as a consequence of this non-transferable duty, they have a right to fulfil that duty; namely a right to parent the child. This is the conclusion that I deny. To understand why, let’s see the example that she offers concerning how the expressive meaning of an action crucially depends on the nature of the relationship in the context in which the action takes place:

“If my friend is in hospital and, knowing she would be cheered up by a friend’s visit, I proceed to call up another friend of hers and arrange for him to visit my hospitalized friend, although I lack a good reason for not going to hospital myself, my setting up this arrangement expresses something different than would be expressed by a nice nurse who performed the same action, even though we are both responding to the hospitalized friend’s need for a friend’s visit” (Olsaretti, 2017: 75)

In this example, actions have different meanings because in one case there is a special relationship while in the other there is not. What is not clear at all is that there is also such a special relationship between the child and the person who is morally responsible for her existence. What has to be shown is that there is analogy of proportionality between a relationship based on friendship and one based on moral responsibility. And the analogy, I argue, does not work. In the case of friendship, our relationship implies that I expect you to be willing to visit me while I am in the hospital. That is, I expect you to have a desire to visit me. The same ethically relevant fact, our friendship, is what gives me a reason to want you to visit me instead of a stranger. If we are really friends, there is a symmetry of reasons. The reason for my desiring to be you the person who visits me is the same reason that leads me to expect you to be willing to do it. However, this symmetry of reasons does not apply if we are related through your moral responsibility; not even if it is the moral responsibility of my existence.

Olsaretti would have shown that those who are morally responsible for the existence of the child have a personal (non-transferable) duty to enter a relationship with her if the child had a reason to want them, instead of any other person, to have a loving relationship with her. However, Olsaretti does not offer an argument to think that the child has any meaningful reason to want them, in particular, to be those who enter the relationship with her. And what makes them special for the child, if anything yet, does not seem to be their moral responsibility<sup>35</sup>. Nonetheless, Olsaretti has shown something relevant, namely that those who are morally responsible for the child's existence seem to have a duty *to be willing* to form a loving bond with the child.

To understand the difference between what she concludes and what I argue that can be concluded from her arguments, imagine a situation in which the right to parent is not assigned to those whom Olsaretti calls parents but to the most competent adults. In this situation, those who are morally responsible for the child's existence – i.e., parents – would not be doing anything wrong by not entering a loving relationship with the child. The fact that they do not enter the relationship cannot be interpreted by the child as their unwillingness to enter it. It is only in a situation in which they have the possibility, namely one in which they have the right to parent, that their not establishing the relationship with the child will be rightly interpreted by the child as a rejection of her. In summary,

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<sup>35</sup> Indeed, under Olsaretti's account, the situation of parents is of someone who is duty-bound to be willing to be the friend of a person who is a total stranger.

Olsaretti's conclusion concerning the right of the biological progenitor's is wrong because to argue that I ought to have the right to do X because I have the duty to do X, when my duty to do X depends crucially on me having the possibility to do X, is a petition of principle.

If I am right in claiming that parents do not necessarily have a personal (non-transferable) duty, this would be consistent with our intuitions in the following case. Imagine a couple who makes an agreement with a woman consisting of the latter being inseminated by the sperm of another man and gestating a baby for them. During gestation, the biological woman progressively changes her mind. She comes to feel a bond with the future child. She would like to be the mother of the baby, but she knows she has made an agreement. The day of birth, she reveals her desire to the couple. The couple breathes with a sigh of relief. They tell the woman that when they made the agreement with her, they thought they were incapable of procreating. However, surprisingly, they are pregnant now. The gestating woman smiles looking at her baby. Olsaretti's conclusion implies that the initial intentional parents (i.e. the couple) have failed to fulfil their duty, namely the non-transferable duty to parent the child, which seems to me implausible.

I have argued that, as an argument in favor of a right to parent the child based on a non-transferable duty to parent the child, Olsaretti's argument is wrong. However, it is a very powerful argument in order to make a case of blameworthiness against the abandoning parent of our case. The child reproach could be something like this: "You are morally responsible for my existence; an existence marked by the need to form bonds with loving adults. And, having the possibility to establish a relationship me, you have refused to do it. As a consequence of this, I rightly feel rejected by you. A rejection that is a sign of disrespect for my value<sup>36</sup>". This moral reproach is consistent with the harmful consequences that parental abandonment has on the psychology of children; something that I explore in the next section.

In this section, I have discussed whether the biological parent who abandons the child in our case of reference is blameworthy in virtue of having failed to fulfil an obligation to parent the child. A duty that, presumably, he owed to the child. I have argued that most

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<sup>36</sup> "The fact that parents are those who voluntarily bring someone into existence—the fact, in other words, that the child's existence was up to the parents' choice in an important sense—is what makes it the case that not entering a relationship with this child would be disrespectful" (Olsaretti 2017: 77)

arguments we find in the literature fail to establish that he has failed to fulfil any duty that he owed to the child. Firstly, on the view of parenthood based on consent, he was duty-bound. However, I have argued that the idea of consent is not capable of giving a proper account of our moral intuitions concerning the object of blame. Secondly, the parent was not duty-bound to the child in virtue of the benefits that knowing her biological parent could have on her in order to form her ethical identity (Velleman 2005). Thirdly, on the standard causal account of parenthood, we cannot establish that the parent had a personal non-transferable duty to raise the child himself. As the child is properly cared for by the mother and her family, the biological parent does not violate his obligation by not doing it himself.

The idea of establishing a personal non-transferable duty to love the child in virtue of being the biological – i.e., material and formal – cause of the child’s personal identity seemed promising (Moschella 2016). However, I have argued that the biological (i.e., genetic) progenitors are not the material cause of the child and, therefore, they are not the cause of her personal identity in the relevant sense. Moreover, the Aristotelian notion of formal causality, by itself, does not seem to be the source of any duty.

The only argument that is capable of making a robust case of duty violation is as follows (Olsaretti 2017). The biological parent is morally responsible for the child’s existence. Moreover, the child has a relational need to have a bond with loving adults. As the biological parent is morally responsible for the child’s existence, an existence that is marked by the mentioned relational need, he has a duty to satisfy that need in case he is given the right to do it. By refusing to do it, he disrespects the child, and the child can justifiably feel rejected, disrespected and unvalued.

The puzzle of our conclusion is the following. It seems that the only way to say that the parent is blameworthy by virtue of having failed to fulfil a duty is to say that he has failed to love the child. This is what both Olsaretti’s successful argument and Moschella’s unsuccessful but promising argument conclude. In other words, the parent seems either not blameworthy, or blameworthy because he has failed to fulfil his duty to love the child. However, it is questionable whether love can be the object of duty. The question is: Can there be a *duty to love*? This is what I discuss in the following section.

### III. The Duty to Love One's Child

In the previous section, I argued that the only justified way to say that the abandoning parent is blameworthy for failing to fulfil a duty he owed to the child is by saying that he has failed to fulfil his duty to love the child. In this section, I explore what this duty means and whether it can exist.

A duty to love someone can be understood in two different ways, depending on what we understand by love. If we understand loving someone as doing an action or a set of actions, the duty will be understood as a duty to do something. The most promising candidate is to identify loving someone with doing those actions that benefit the beloved. In this first understanding of love, loving someone is acting in order to promote the good of that person. The problem of this understanding of love is that I may be moved to act in order to benefit someone due to many reasons; and we are inclined to think that we do not love all the people we aim to benefit. One possible way to solve the problem is to say that I love someone if, and only if, I always act in order to benefit that person. But this is implausible. Another solution is to say that we love someone if, and only if, we act to benefit that person more than those whom we do not love. Still, this is not true. Imagine that I work as an investment banker 16 hours a day. I have a client to whom I dedicate most of my working time. As my job consists in trying to benefit him as much as I can, I can be said to love this person. The last possibility is to say that loving someone does not consist in acting *in order to* benefit the person but *for the sake of* benefiting that person<sup>37</sup>. However, doing something for the sake of, as opposed to in order to, necessarily implies giving an account of the action in terms of the motivations.

We may plausibly understand that loving someone is not equivalent or reducible to external action. In this case, we rightly think that loving someone includes having certain internal dispositions, desires, beliefs, and/or feelings/emotions. And, also, that there is a link between the actions of the loving person and the dispositions, desires, beliefs, and/or feelings/emotions that characterize love. In other words, that the loving person acts moved by love; that love is a motivation or a reason for action. Because of the implausibility of reducing love to action, all the main contemporary philosophers who have written about love understand love in this second way (Taylor 1989, Nozick 1989,

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<sup>37</sup> I take this distinction from Velleman (1999)



Velleman 1999, Kolodny 2003, Frankfurt 2004, Jollimore 2011, Martin 2015, Hurka 2017).

In case we understand love as something different from or something more than action, the duty to love someone, in this case my child, can be understood in two different ways<sup>38</sup>. The first one is to understand it as a *duty to act according to love*. Or, in other words, as a duty to act as the loving person would. I fulfil this duty to love my child to the extent that I do all or perhaps most of the actions that a parent who loves her child would do. I can fulfil this duty due to compassion; or due to social pressure; or because I want to see myself as a loving father; or simply because it is what I ought to do. The second way to interpret the obligation is to understand it as the *duty to act according to love and out of love*. In this second sense, I fulfil my duty if, and only if, I always or usually act moved by certain loving desires, beliefs, or emotions/feelings.

In the rest of the section, I argue that a duty to love one's child understood as an obligation to act according to love out of respect can exist. However, this is an uneasy duty. It is a duty to pretend, under the child's eyes, that you love her. In the best-case scenario, it is a duty to act in such a way that the child wrongly believes that she is loved by you, in order to avoid harming her. Moreover, I discuss whether a duty to love one's child understood as an obligation to act according to love and out of love can exist. I argue that the possibility of this duty mainly depends on what love essentially is and the reasons for loving someone are. Before doing all this, I make a plausible case for the claim that children have a fundamental interest in not being unloved by their parents.

### **3.1. The Harm of Being Unloved by One's Parent**

Some authors have argued, in different ways, that children have a fundamental interest or a need to be loved (Liao 2006a, Liao 2015, Ferracioli 2014, Brighouse and Swift 2014). In this regard, Matthew Liao has tried to show that "being loved is a fundamental condition for children to pursue a good life" - i.e., "to develop the fundamental capacities necessary for pursuing the basic activities" (Liao 2015: 74). The thesis that children have

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<sup>38</sup> I take this distinction from Kolodny's following comment: "I suspect that in these cases people are blamed not for failing to love, but instead for failing to perform some relevant voluntary action, such as doing what a loving person would do, or taking steps to bring it about that one does love" (2003: 183). The distinction clearly parallels Kant's distinction between acting according to duty vis-à-vis acting for the sake of duty (*Groundwork of the Metaphysics of Morals*).

a need to be loved, as Liao presents it, is an empirical one, so Liao relies on scientific studies to make a plausible case for it<sup>39</sup>. Against Liao's claim, Cowden has noticed that none of these studies operate with love as the independent variable<sup>40</sup>. In summary, Cowden's argument is that there is a hiatus between what Liao wants to prove, namely that "being loved is a fundamental condition for children to pursue a good life", and what the scientific studies he offers are capable of proving. In his response to Cowden, and also in his book, Liao offers some plausible explanatory reasons as to why children need to be loved; some of them are based on theories such as Piaget's developmental psychology or psychoanalysis (Liao 2012, 2015). These explanatory reasons are: (1) Love provides trust in others; (2) love provides trust in oneself; (3) love provides knowledge on how to love; and (4) provides a child with a motivation to develop.

I would like to make a plausible, but not properly grounded, defence of a slightly different claim. The claim is that children have a fundamental interest in not being unloved by their parents, because children may suffer great psychological damage if they acknowledge that this is the case<sup>41</sup>. I say an interest in "not being unloved" as oppose to an interest in "being loved". We can see the difference by comparing the following situations: (1) A

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<sup>39</sup> For instance, he pointed at psychological studies that, presumably, found "that children who did not receive love but only adequate care became ill more frequently; their learning capacities deteriorated significantly; they became decreasingly interested in their environment; they failed to thrive physically by failing to gain weight or height or both; they suffered insomnia; they were constantly depressed; and they eventually developed severe learning disabilities" (Liao 2006: 423). He also pointed at neuroscientific studies conducted on various animals that, again presumably, "have found that lack of love can dysregulate the development of the brain biogenic amine neurotransmitter systems such as norepinephrine (NE), dopamine (DA), and serotonin (5HT), and the hypothalamic-pituitary-adrenal (HPA) axis; cause the development of adrenal glucocorticoid responses to be modified in negative ways; and affect the biochemical process of growth hormone (GH) secretion leading to psychological dwarfism" (Liao 2006, pp. 424)

<sup>40</sup> More specifically, Cowden argues that most of the studies that Liao mentions operate with the variable 'maternal deprivation', and prove that its absence has negative consequences for the child even if adequate care is given. This does not mean, however, that the cause of these negative consequences is the absence of love. Indeed, it seems that the reason for some of the negative consequences is 'acute distress', which is suffered by young children removed from their families. It is separation from the "love-object", mainly the mother, what causes the harm. Other negative consequences seem to be due to 'experiential privation', meaning that infants without a mother had less intense stimulation. In this case, it is insufficient human interaction that causes the harm. Yet other negative consequences seem to be due to the 'absence of bond', which is a psychological and ethical concept derived from *attachment theory*. Within attachment theory, infant behavior associated with secure attachment is primarily seeking of proximity to an attachment figure in stressful situations. So, it is the lack of secure attachment, rather than love, what causes the harm to the child (Cowden 2011).

<sup>41</sup> By parent, in this section, I do not refer only to biological parents. What I mean by parent is those to whom the child reasonably sees as her parents. In standard cases, they will be her biological parents. However, they may also be her adoptive parents; or someone who has exercised the role of parent for an extended period of time.

child who was given for adoption by her progenitors when she was born; (2) a child whose two parents died in an accident when she was still a baby; (3) a child whose parent died in an accident when she was still a baby; (4) a child who is the son of a single mother who got pregnant by insemination; and (5) a child who was abandoned by one of her parents when she was still a baby – like the one in our case of reference.

Common sense and studies point to the fact that children in all of these cases are statistically more likely to suffer some kind of psychological damage, as compared to children raised under normal circumstances – i.e., those raised by their two biological parents<sup>42</sup>. However, the intensity of the damage and the type of damage varies between cases. Moreover, the explanatory reasons of the damage are likely to be very different. This is, indeed, what is most difficult to determine. In case (1), the damage is likely provoked by being unloved (i.e., rejected) by both biological parents, but also due to the not receiving paternal love during some time – as a consequence of the time she spends in an orphanage until she is adopted. In case (2), the damage is likely provoked by a love that she misses. One that she may have not had enough time to experience, but that she knows she would have had if her biological parents had not died. Case (3) is similar to case (2) but less severe. If Moschella is right, besides the intensity of the lost, the main difference would be that the child of case (3), unlike the child of case (2), has received that special love that only your biological (genetic) parents can give you. In case (4), the psychological damage, in case there is one, cannot be derived from a love that the child misses or from being unloved by anyone. If some psychoanalytic theories are true, it would be caused by the absence of a male parental figure. More likely, as some studies suggest, it would be a consequence of the different maternal attitudes and behaviours that (on average) single mothers have towards their children as compared to non-single mothers. Finally, we have case (5), which is the object of this paper. In this case, the damage is plausibly provoked by being unloved (i.e., rejected) by the parent who abandons the child. However, the psychological damage may also be caused by other variables that affect the other cases: (a) Missing one particular love; (b) lacking one special love; (c) lacking a male parental figure; or (d) the parental attitudes and behaviour of the mother. If we had great samples of all these cases, we could achieve reasonably

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<sup>42</sup> See, for instance, MacLanahan, Tach, or Schneider (2013); or Grossberg and Crandall (1978). The only controversial case seems to be the case of children who are raised by single mothers. However, studies show that they also suffer, on average, more psychological problems (Daryanani et al 2016)

robust conclusions by comparing these cases<sup>43</sup>. Unfortunately, I cannot offer that kind of robust evidence. For the purpose of this paper, I will make the plausible assumption that the psychological harm that children in cases like (5) suffer is primarily due to being unloved by the parent who abandons her and, only secondarily and as a matter of possibility, due to a combination of the other explanatory reasons.

I suggest that, in these cases, what generates the psychological damage to the child is not only, or even not mainly, the actions of the parent. The fact that the parent does or does not do something, that is, not having any contact with the child or doing anything to benefit her. These actions are rightly interpreted by the child as a sign of something else. And this something else is precisely not loving her. A very speculative but, nonetheless, plausible account of the child's (largely unconscious) mental process is: "He is not with me and he does nothing to benefit me (actions); so, he does not want to be with me or benefit me (desires); which implies that he does not value me at all; therefore, I am not a proper object of love"<sup>44</sup>. And the child makes also the reverse process: I am not a proper object of love - I have no value - I have no desire to promote my good. All these elements are those that we find in the philosophical literature about love: the desire for proximity, the desire for benefit, and the valuation. And the conclusion plausibly explains the psychological consequences that the child may suffer: a lack of self-esteem (i.e., the belief that she lacks value), low self-regard (i.e., a tendency to self-provoked damage in different ways), or difficulty to establish and maintain loving relationships (i.e., physical and psychological proximity)<sup>45</sup>.

### **3.2. The Uneasiness of a Duty to Act According to Love Out of Respect**

I have tried to make a plausible case for the claim that children may suffer great psychological damage if they acknowledge that they are unloved by their parents. This supports both Moschella's and Olsaretti's arguments. In this regard, Olsaretti

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<sup>43</sup> Judith Mishne makes an interesting comparison of clinical cases between children who have lost a parent due to death and those who have been abandoned by one parent. She reaches the conclusion that the intensity of damage is more severe in the later, and also that the type of damage. According to her, these children are not only likely to suffer self-esteem problems, but also more likely to suffer narcissistic pathologies (1979)

<sup>44</sup> Notice that the alleged child's reasoning is correct. I may be valued but not loved, but the opposite is not true. If I am not valued, I am not loved for sure.

<sup>45</sup> The amount of studies about children who have been abandoned by one of their parents is lower than the amount of studying dealing with the other cases. See, for instance Mora (2021) or Duffill (2022).

convincingly argues that those who are morally responsible for the child's existence have a duty to provide the child with a loving relationship with them in case they are given the opportunity to do so; that is, if they have the right to parent the child. Not doing this would imply a lack of respect for the child. However, what does it mean to fulfil a duty to love out of respect? One possibility is to act according to love - as the loving parent would do - out of respect for the child.

Someone might argue the following in favor of this possibility. The child has no fundamental interests in not being unloved. On the contrary, the child has a *fundamental interest in not acknowledging* that she is unloved. If my speculative account of the child's mental process is loosely correct, the previous claim is justified. The child deduces that he is unvalued and unloved from certain actions of the parent – i.e. not being close to her and not benefiting her in any sense. So, if the parent's actions change, the child's deduction may also change. If the parent acts, out of respect for the child, as the loving parent would do, then the child's deduction may also likely change. Indeed, if the child does not feel unvalued by the parent who acts according to love out of respect, he would not be wrong. The child would be really valued because respect is a form of valuing someone, even if it is different from love<sup>46</sup> (Velleman 1999, 2008). However, what would it mean to fulfil the duty to “love” one's child out of respect?

Imagine that I am morally responsible for one child's existence. I am aware of the child's loving relational needs and of my duty to fulfil them. However, I do not love the child, in the sense that I have no strong desire to be with her or to promote her good. Also, I do not see her as especially valuable; at least, no more than any other child. As a matter of fact, I dislike children. Finally, I do not feel anything special; no emotion that a parent is supposed to feel such as warmth or joy when I am in her company. Indeed, I am not emotionally cold when I look at her. I feel frustration and anger because that child will remove a great part of my freedom; a freedom that I highly esteem. Being his parent will prevent my achievement of those goals that I value such as work progression, reading philosophy, traveling, climbing, spending time with friends, having romantic relationships, and so on. Nonetheless, I know that I have a duty to parent the child, so that

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<sup>46</sup> By making a distinction between acting out of love and acting out of respect, I am not claiming that love and respect are completely opposite forms of valuing someone, nor I am saying that they are incompatible. Velleman may be right when he argues that they have more in common than it is usually acknowledged. What I am assuming is that love and respect are not exactly the same thing, namely they are not exactly the same form of valuing someone; which is not a very controversial claim.

is what I do. Time passes. My daughter sees me as a cold father but, for the rest, she has no complaints. When she is 2 years old, she tells me: “Dad, you never tell me, but you love me, right?” An honest answer would be: “Well, not exactly. I regret every day the moment I decided to bring you to the world. However, I am morally responsible for your existence. I respect you, which means that I value certain faculties that you possess. Faculties that you share with any other person. Faculties that make you valuable beyond any price; just like any other human being<sup>47</sup>. If I abandon you, I could not reasonably justify that action to you<sup>48</sup>. Because of this, I will keep fulfilling my duties as a father. Not only the most basic ones, such as feeding you. I will tell you bed stories. I will share my time playing with you. However, If I were you, I would not expect my love”.

I tend to think that such an honest declaration would have a similar effect, although perhaps less severe, on the child’s mind than being abandoned by him - in case the child was able to grasp its meaning. We do not know what would be the effect, in part because the amount of unloving but, nonetheless, very dutiful parents does not seem to be very high. Of course, I am not claiming that, in cases like the one I have described, the parent should tell the truth to the child. Less so that she should abandon the child. What I am pointing to is that, in these tragic cases, the child’s psychological well-being holds up on a huge lie; and the alleged duty to love the child is, to say the least, very uneasy<sup>49</sup>. To be valued as someone worthy of respect is much better than not being valued at all. And, in some cases, a huge lie may be much better than the very bitter and ugly truth. However, accepting all this does not eliminate the very evident tragedy.

### **3.3. The Impossibility of a Duty to Act Out of Love?**

Some philosophers argue, in different ways, that children have a fundamental interest in being loved. However, not all of them derive the same conclusions from this alleged fundamental interest. For instance, some of them argue that this fundamental interest is the moral justification of the family as the main form of child rearing (Brighouse & Swift

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<sup>47</sup> This is an allusion to Velleman’s very interesting article about respect and love as forms of valuing (2008)

<sup>48</sup> This is an allusion to Scanlon’s very convincing account of morality and respect (1999)

<sup>49</sup> For some moral philosophers, uneasiness might be a wrong category; one that has nothing to do with moral philosophy. However, Bernard Williams convincingly argues that we cannot give a proper account of our moral and ethical life by using only categories such as duty, right/wrong, and good/bad. He defends, and I follow him on this, the ethical relevance of thicker concepts such as weirdness or uneasiness (1985).

2014, Ferracioli 2015). Furthermore, Luara Ferracioli uses this fundamental interest to justify the right to parent one's biological children (2018). However, some philosophers have argued more than this. They have argued that this child's fundamental interest in being loved is the ground for a right to be loved. The problem is that conceding to children a right to be loved implies, according to the widely accepted Hohfeldian analysis, that someone has the correlative duty to love (Hohfeld 1917). One way to solve this problem is by attributing a duty to the state, namely the duty to create the legal and social conditions for children to be loved by their parents (Ferracioli 2015). Understood in this way, the children's right to be loved is similar to rights such as the right to work.

### *3.3.1. The 'Ought Implies Can' Principle*

Matthew Liao has made the most controversial argument regarding this issue. He has argued that children have a right to be loved and that, therefore, parents have the corresponding duty to love them (Liao 2006b, 2015). Mhairi Cowden has argued, contra Liao, that parents cannot have a duty to love their children. Her argument is as follows: (1) Love is an emotion, or, at least, emotion is a necessary element of love; (2) emotions cannot be controlled or, at least, they cannot be fully controlled. Someone cannot voluntarily have an emotion; (3) something can be a duty only if it is compatible with the 'ought implies can' principle. That is, I have a duty only if I can fulfil what the duty commands; (4) parents cannot voluntarily fulfil the alleged duty to love, because they do not fully control the emotions that they feel; therefore, (5) to love one's child cannot be a duty (Cowden 2012).

Cowden's argument is a combination of empirical and non-empirical claims, but the cornerstone of her argument is her interpretation of the 'ought implies can' principle. Her argument seems to be really strong with respect to Liao's position because he shares most of Cowden's premises. In his response to Cowden, he accepts premises (1) and (3); and his argumentation is directed to deny premise (2), which is an empirical premise. By doing this, he aims to reject the partial conclusion (4) and, therefore, the final conclusion (5). Liao seems to fail to do this. He convincingly argues that emotions can be partially controlled by doing certain things; for instance, by putting ourselves in certain situations. However, this argument is not enough to reject the final conclusion because, Cowden argues, the fact that emotions can be partially controlled only leads to the conclusion that parents have a duty to do their best in order to come to love their children.

Cowden's argument and conclusion seem to be convincing. Nonetheless, it is worth asking the following question: Why should we accept the 'ought implies can' principle on which Cowden's argument relies? Her interpretation of the 'ought implies can' principle might be seen as problematic because she interprets the 'can' to include not only impediments that are external to the individual's mind, but also those that are internal. According to this interpretation, in order to have a duty, the individual has to be psychologically capable of fulfilling the duty, as a matter of fact. It is not obvious why the 'can' has to be interpreted in an internalist sense<sup>50</sup>. I shall offer now offer two possible ways of justifying an internalist interpretation of the 'ought implies can' principle. The first one supports Cowden's conclusion, but the second one does not.

The first way is a moral one. It has to do with the notion of moral responsibility. Someone has a duty to x only if that person is morally responsible for not x'ing. Using this claim, we could reinterpret Cowden's argument as follows: (1) Someone has a duty to x only if that person is morally responsible for not x'ing; (2) someone is responsible for not x'ing only if she is fully in control of x, meaning that she can x if she decides to; (3) the agent is not fully in control of her emotions, including love; therefore (4) there cannot be a duty to love. In this reinterpretation, the claim "parents do not have a duty to love their children" means "parents are not morally responsible for not loving their children". And they are not responsible because love towards their children is not something they can voluntarily come to have<sup>51</sup>. Under this justification of the 'ought implies can' principle,

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<sup>50</sup> The 'ought implies can' principle is postulated by Kant and, indeed, he makes an internalist interpretation of the principle. However, within Kant's philosophy, the internalist interpretation makes sense because for him duty is derived from a *pure* (i.e. a priori) practical reason. However, if we reject the existence of pure reason, as we should arguably do, the principle becomes much more problematic.

<sup>51</sup> Notice that, although Cowden focuses on the fact that emotions and feelings are a necessary component of love, her argument against the possibility of a duty to love (i.e., a duty to act according to love and out of love) based on the 'ought implies can' is still valid even if emotions or feelings were not a necessary component of love. It is valid if we think that, for instance, love implies a certain desire or a structure of desires, or if we think that love implies some kind of valuation – regardless of whether this valuation comes from the objective value of the person or we bestow it into her. This is so because everybody agrees that love is not fully voluntary, and this is true even if we think, like Harry Frankfurt, that love has a volitional nature. One thing is to say that love is essentially a volition, for instance a desire or a bundle of desires. A different thing is to say that love is voluntary. The first thing may be true. The second thing, while not impossible, is not very plausible. To my mind, the only possible way in which love can be volitional and voluntary is if it is a commitment. This is the option that Moschella chooses when she says that "although love usually has a strong emotional component, here I am speaking of love not as an emotion, but primarily as a commitment of the will to another's well-being" (Moschella 2016, pp. 39). She wants to argue that there is a duty to love one's biological child. To do this, she identifies love with commitment precisely, I think, to avoid the problem. However, the problem cannot be avoided. Just like the actions to promote another's well-being can have many sources besides love, the same is true about commitments. I can commit my will to another's well-being out of love, out of duty, or out of something else. First, if I can commit myself out of love, it is because love is not reducible to a commitment. Of course, commitments may be an important part of love. However, by identifying love with commitment, Moschella is not



Cowden's objection to Liao is correct. This justification is, however, not unproblematic. People generally agree that if someone is in need of rescue and it is not too costly for me to rescue her, I ought to rescue her. However, rescuing her implicitly requires my acknowledgement of her neediness. That is, it implies a belief, and beliefs are very arguably non-voluntary<sup>52</sup>. So, when we say that someone has a duty to rescue, we are implicitly presupposing that he has a duty to things besides actions – i.e., to believe something – that are non-voluntary. Any duty has plausible epistemic (non-voluntary) pre-suppositions. Emotions, arguably, respond to some beliefs. If I experience fear, and my fear is minimally rational, I experience it as a consequence of some beliefs. So, in a certain sense, both duties and emotions rely on non-voluntary beliefs – although, surely, in different degrees.

The second way to justify the 'ought implies can' principle is a conceptual one. I derive it from another criticism to Liao's position. Leif Wenar argues that enforceability is a necessary condition for the existence of rights and duties (Wenar 2017). Rights and duties have to be enforceable in order to be considered, properly speaking, rights and duties – i.e. in order to exist as such. Wenar identifies this enforceability with external enforceability because he is evaluating the possibility of accepting that the right to be loved is a human right; rights that are considered, at the same time, moral and legal in most Western constitutions. However, external enforceability is clearly not a condition for the existence of moral rights and duties<sup>53</sup>. What might plausibly be true is that, in the case of moral rights and duties, another type of enforcing mechanism has to exist. That is, the person who has the moral duty to X is expected to force herself to do X, even if it goes against her preferences, interests, desires, and so on. She has to force herself to do

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excluding only the emotional part of love but everything else. Second, if I commit myself to another's well-being, I will be acting according to love but not necessarily out of love. If I commit myself to the well-being of my child because it is my duty to do so, and for no other reason, I will be acting according to parental love – if my commitment is strong enough – but not out of love.

<sup>52</sup> An argument that shows why beliefs cannot be voluntary is this: All beliefs aim at truth. If I believe something, I believe this something to be true in some sense, independently of my will. Ex-ante, before acquiring the belief, I may have good reasons for willing the acquisition, for instance increasing my psychological well-being. But ex-post, after acquiring the belief at will, I must be able to forget that I did it in order to for it to work as a real belief. Even granting that there exists a mechanism that allow us to do this, there is still a problem. If I am able to acquire beliefs at will, I have to be aware that I have this capacity, but this automatically damages my confidence in having only beliefs which really aim at truth and, therefore, my capacity for having beliefs (Williams, 1973: 148-150).

<sup>53</sup> Think about a situation in which, due to a natural catastrophe, only two persons survive. If the thesis that the existence of enforcing mechanisms is a necessary condition for the existence of moral rights is correct, that would imply that one person can kill the other without violating any one's moral right. As a matter of fact, the killer will suffer no social pressure or punishment.

X no matter what. However, if the person who has the putative duty cannot, as a matter of fact, force herself to do X, then it makes no sense to say that she has a duty to X. On this second interpretation of the ‘ought implies can’, the ‘can’ just means ‘having the possibility of success, or even a reasonable expectation of success, if one tries hard to achieve the intended goal of the duty’. For instance, I cannot have a duty to memorize all the entries of the Stanford Encyclopaedia of Philosophy because, no matter how hard I try it, it is impossible for me to achieve the intended goal. On this second interpretation of the ‘ought implies can’ principle, Cowden’s argument against Liao fails. She accepts Liao’s idea that you can cultivate loving emotions, so to speak. What she claims is that your success in doing it is not fully guaranteed. However, under this second interpretation of the ‘ought implies can’ principle, the mere possibility of success or the reasonable expectation of success is enough for the existence of a duty<sup>54</sup>. Just like legal duties can exist even if the state is not able to externally enforce them with full success, moral duties can exist even when the individual is not omnipotent in the task of self-enforcing them.

### *3.3.2. The Essence and the Reasons for Love*

Up to this point of the discussion, it seems that either Liao is right and parents can have a duty to love their children, or Cowden is right and parents cannot have a duty to love them but they can have a duty to try hard to love their children. Whoever is right seems to depend on the correct interpretation of the ‘ought implies can’ principle. I shall now present Gheaus’ argument against the existence of a duty to love, which I interpret as an argument against both Liao’s and Cowden’s conclusions (Gheaus 2017). Gheaus argues, echoing Kant<sup>55</sup>, that a duty to love is absurd rather than impossible. In this sense, the argument is conceptual rather than empirical. The main idea is that: (1) one cannot act out of love for the sake of duty; (2) nor can one come, for the sake of duty, to act out of love. I argue that the first claim is clearly true. However, the second claim is much more discussable. Its validity depends on the view that we adopt concerning very controversial topics, namely the essence of love and the reasons for love.

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<sup>54</sup> Indeed, this is precisely what Liao was arguing since the very beginning (Liao 2006b: 9-11).

<sup>55</sup> She quotes Kant’s following claim: “Love is a matter of feeling, not of willing, and I cannot love because I will to, still less because I ought to (I cannot be constrained to love); so a duty to love is an absurdity” (The Metaphysics of Morals, [402]).

Firstly, one cannot act out of love for the sake of duty<sup>56</sup>. The duty to love one's child, in Liao's version of the argument or in Olsaretti's version that I presented above, relies on the child's necessity or fundamental interest. However, no matter what we think about what the reasons for loving someone are, the person's need to be loved cannot be one of them. We may think that there are no justificatory reasons for love (Frankfurt 2004); or, on the contrary, we may think that there are indeed reasons for love (Velleman 1999, Kolodny 2003, Jollimore 2011). However, regardless of the position that we take in this controversy, no one has ever suggested, to my knowledge, that another person's need can be a reason for loving her. If someone asks me "why do you love this person?", "because she needs it" would not be an intelligible answer. In the case we are analyzing, this is clear enough. The reason is that love is responsive, in some way, to the particularity of the person who is loved. However, my child's need to be loved is no different in any sense from any other child's need to be loved. Of course, once I love someone, that person's needs may plausibly become reasons for me to do things, but that is a different issue; the issue of the *reasons of love* (Schaubroeck 2019).

Someone might rightly object that the point of the duty to act out of love is not to act out of love for the sake of duty. Rather, the point is to come, for the sake of duty, to act out of love. That is, the duty seems to consist in doing what one ought to do in order to come to act out of love. For instance, it is the duty to cultivate one's loving dispositions towards someone - as Liao puts it. Gheaus' offers a mental experiment against this. Imagine that the 'drug love' exists; so that, if you take it, you increase the probability of loving the person you aim to love. In the best-case scenario, the drug is so effective that, by taking it, you can voluntarily come to love whomever you want. We can imagine other similar mental experiments, such as the neuro-intervention of love. It does not seem plausible to say that someone who takes the drug or someone who is subjected to the neuro-intervention really comes to love. Similarly, the argument follows, someone cannot come to love through some kind of self-enforced process.

Gheaus gives two reasons to support her conclusion: (1) Love towards someone needs to be, in some sense, "responsive to the individuality of the beloved" (Gheaus 2017: 751).

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<sup>56</sup> Liao has argued that acting out of love and out of duty are not incompatible because we can act out of several motives at once (Liao 2006b: 17-20). He might be right on this, but that is not the point. The point I am discussing are different, namely that one cannot act out of love for the sake of duty. Also, whether the result of forcing oneself to have certain dispositions can be properly called love.

As she puts it, “if who you are plays no role in explaining my love for you”, then I do not love you - in the personal way that we are talking about. However, if I can love anyone, this seems to imply that my love is not responsive to that particular person in any sense. The second reason is that (2) love has to do with how the particularity of my beloved has a spontaneous impact on me. Love is a matter, at least partly, of inclination. Gheaus’ argument does not imply that one should not cultivate one’s capacity to love others. Suppose that the reason for loving someone is that we come to value that person due to our appraisal of her valuable qualities. Gheaus’ point is not that we should not try to appreciate the qualities of others; for instance, by paying attention to them. Rather, her point is that coming to appreciate another person’s qualities as a result of having to do it may legitimately be interpreted by the intended beloved as a sign of not being really loved. In summary, the argument is that love has ineligible components of particularity and spontaneity that are incompatible with forcing oneself to come to love for the sake of duty. What we call personal love and, more importantly, what we value as personal love cannot be the result of trying to satisfy a duty, just like it cannot be the result of taking a drug.

To my mind, Gheaus offers the most powerful argument against the existence of a duty to love - even if we understand it as a duty to try to love. The argument implies that, even conceding that we could fully self-manipulate our emotions – and, we could add, our desires and beliefs - a duty to love cannot exist. I argue now that the validity of Gheaus’ objection to the duty to love depends mainly on the view that we endorse about very controversial topics, namely about what love essentially is and what the reasons for love are; perhaps, also, on the type of loving relationship that we have in mind – romantic love, friendship, parental love, etc. To show this, I give two hypothetical examples.

Let us assume that the reasons for loving someone are her specific valuable qualities, and that loving someone is essentially to appraise those qualities. According to this view, we justifiably love some people instead of others because they have more valuable qualities, because we are more capable of appreciating their qualities, or because we pay more attention to them (Jollimore 2011). This seems to be a plausible view in the case of romantic love. Imagine that I have come to the conclusion that I have a duty to be the lover of a woman because I think that no one else will ever want to have a romantic relationship with her. Or just because I know that she is in love with me. That is my only initial motivation. I may be wrong, but I do what I think I ought to do, namely to start a

romantic relationship with her. With the passing of time, and as a result of sharing time with her and paying attention to her, I really come to appreciate the valuable qualities that the woman has; and I come to value her due to them. I even start experimenting the emotions that are associated with romantic love. I am inclined to think that if, at some point, I reveal her my initial motivations or she discovers them, she will interpret that as a sign of not being really valued as an object of love. This is, so to speak, the truth of Gheaus' argument.

Let us now assume that the reason for loving someone is the value of the historical relationship that bonds us; and that loving someone is essentially to appraise the value of that historical relationship and, as a consequence, valuing that person (Kolodny 2003). This seems to be a plausible view in the case of friendship. Imagine that I come to the conclusion that I have the duty to become the friend of someone because I think that no one else will ever want to be his friend. Or simply because I know that he is especially interested in being my friend. That is my only initial motivation. I force myself to spend time with him when, as a matter of fact, I am not inclined to do it. With the passing of time, and due to some valuable life-experiences that we share, I come to value him. I consider him a friend, rather than someone I spend time with just for the sake of duty. I tend to think that if I reveal to him the truth of my initial motivations, he will not interpret that as a sign of not really being valued by me as a friend. Saying more, I am inclined to think that the revelation might even strengthen the friendship bond that exists between us.

Regarding the previous two hypothetical example, my points are that: (1) whether we think that it is possible to come to love someone for the sake of duty seems to depend on the philosophical view of love that we adopt; and that (2) the plausibility of each view seems to depend, to some extent, on the type of love relationship that we have in mind. The duty to come to love someone, if anything at all, seems to be the duty to come to *see* or to *acknowledge* the reasons for loving that particular person in the specific way that the duty commands – as a spouse, as a son or daughter, or as a friend; and to interiorize them as one's own motivational reasons.

Gheaus' objection to the duty to love is debatable, but it shows a very relevant thing, namely that the moral discussion concerning the duty to love cannot be isolated neither from the ontological discussion about what love essentially is, nor from the axiological discussion concerning the reasons for love. In this regard, her position encapsulates a

tension - rather than a contradiction or a paradox. On the one hand, she says that one cannot come to love someone for the sake of duty because love needs to be responsive to the other as an object of love. On the other hand, she says that one cannot come to love someone for the sake of duty because love needs to be, at least partly, a matter of (my) inclination. This is consistent with what is called a hybrid view of love, according to which love has both rational and non-rational components. Components that justifiably respond to something that is in the other, but also components that do not respond to anything but my own inclination (Hurka 2017). Perhaps, it is also consistent with a view of love according to which there are justifiable reasons for loving someone – i.e. her valuable qualities – but not for coming to love someone instead of others (Velleman 1999, Jollimore 2011).

However, Gheaus' presupposed conception of love is in contradiction with other possible views of love, namely those which argue that love is rational – in the sense that love is only a response to value, and not a matter of inclination. For instance, her objection is invalid against the relational view of love, which sees love as a response to the value of a historical relationship (Kolodny 2003). Indeed, the mental experiment of the 'love drug' seems conceptually unintelligible if we accept this conception of love. Under the perspective of the relational view of love, the 'love drug' simply cannot exist because there can be no love in the absence of a historical relationship – unless the drug implants false memories.

Moreover, for the sake of the argument, let us accept the view of love that favors more Gheaus' argument that love needs to be spontaneous. Harry Frankfurt offers the most promising view in this sense. One which says that love lacks any reason; that it is just a matter of desire (Frankfurt 2004). He identifies the essence of love with desires because basic desires, as opposed to any other element of love including emotions, arguably lack a (normative) reason (Kolodny 2003; Martin 2015). For Frankfurt, love is, essentially, a complex structure of first and second-order desires to promote the well-being and flourishing of a particular person in a disinterested and partial manner (Martin 2015). Second-order desires are, in Frankfurt's account, desires to have (or not to have) certain desires that we lack (or that we have). To explain the distinction between first and second-order desires, Frankfurt gives the example of two drug addicts. Both are addicted to a drug to a degree that makes it impossible for them to resist the temptation to consume it. So, both of them have the first-order desire to take the drug, and both of them end up

taking the drug. The difference between them is that the “unwilling addict” has no second-order desire to take the drug, whereas the “willing addict” reflectively prefers the life of addiction. In other words, the “willing addict” has indeed a second-order desire to take the drug (Frankfurt 1998). We can re-interpret Gheaus’ argument by saying that coming to love for the sake of duty is absurd because love needs to start from a first-order desire.

It is more or less unproblematic to accept that love necessarily implies both first and second-order desires. However, their respective level of importance and the order of causality between them is not that clear. We identify love with a first order desire when we say things like “I love the wrong person”. However, there are good reasons for thinking that love cannot be reduced to a first-order desire. Firstly, we have many first-order desires, and some of them contradict each other. This is why first order desires, by themselves, cannot be identified coextensively with our will. If we identify love with a first order desire, then we are forced to conclude that love is at the same level of hierarchy as some bad emotions and desires that we spontaneously and temporarily have towards the people whom we love. In these situations, we try not to damage those people precisely because we love them. Here love is, I think, experienced as a motivational reason of a higher order, not only quantitatively higher, than those other ones. Secondly, first-order desires are usually very changing, while second-order desires are more permanent over time. In Frankfurt’s example of the unwilling addict, he has the first-order desire to take the drug only a few times each day; those times in which he experiences the drug withdrawal. On the contrary, he may likely have the second-order desire not to take the drug all the time. In this sense, love is similar to the second-order desire not to take the drug. When we say that we love someone, I do not think we mean that we love that person sometimes. Thirdly, I think that loving someone is not something that just happens to us. It is something that is part of us in a deeper sense. And the reason is that it is a more deliberate attitude than a first-order desire allows. Of course, this does not mean that we freely love, in the sense that we choose to love, because nothing in our will is chosen in this sense. But the deliberation about whether we really love someone is part of our life. I think it makes sense to interpret this deliberation as one about whether or not we want to have (or not to have) a first-order desire, and not one about whether or not we indeed have a first-order desire - because that kind of deliberation simply does not exist.

I suggest that the tendency to associate love with a first order desire or the claim that love needs to arise from a first order desire derives from not distinguishing between two things:

loving someone and being in love with someone<sup>57</sup>. The expression being in love is usually associated with romantic relationships, but it can be applied to other relationships. Parents can be said to be usually in love with their children, especially when their children are still very young. Being in love is, indeed, a first-order desire. So, the expression “loving the wrong person” might be interpreted as really meaning “being in love with the wrong person”.

My suggested conclusion is the following. Whether love can be the result of duty seems to depend on whether we believe that it needs to start from a first-order desire or, on the contrary, it can start from a second order desire (i.e. the fulfilment of a duty). This explains, I think, why Gheaus’ objection seems to be more powerful in the example of forcing myself to love a woman than in the example of forcing myself to be the friend of someone. The reason is that we intuitively understand that the first-order desire component is more relevant in romantic love than in friendship. That being in love is an essential part of romantic love; perhaps even *the* essential part. And, also, that romantic love is real love only if it arises from this first-order desire.

For the purpose of this paper, the aim is to know whether there can be a duty to love one’s child – rather than a duty to love one’s lover, wife/husband, or friend. So, is parental love more similar to romantic love or to friendship? Is it more valuing the specific valuable characteristics of the child, or valuing the historical relationship that exists between the parent and the child, or something completely different? Does it need to arise from a first order desire or, on the contrary, it can arise from a second-order desire? These are the difficult questions, and the ones that have to be answered to know whether there can be a duty to love one’s child. I confess not having a clear answer. Maybe, parents can justifiably be said to love their children in different ways and due to different reasons. Maybe, some parents love their children more out of spontaneous inclination from day one. Others may come to love their children with the pass of time due to the bond that is forged between them. Very plausibly, the type of love that parental love is depends on the stage. The spontaneous loving inclination, very similar to what we call being in love, tends to be very strong when the child is still young; and it tends to decrease with the pass of time. Relatively common cases like a man who takes responsibility for an unplanned

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57 There is a modern tendency, especially since the Romantic era, to collapse these two notions.



pregnancy after a one-night stand, lead me to think, in the case of parents and children, love can arise out of moral obligation.

In this section, I have argued that the duty to love one's child can potentially be understood as: (1) the duty to act according to love out of respect; which, I have argued, is a possible but very uneasy duty. It can also be (2) the duty to act out of love for the sake of duty; which, I have argued, is impossible because someone's needs cannot be a reason for loving her. Finally, the duty can be (3) the duty to come, for the sake of duty, to act out of love. This is, I have argued, the duty to force oneself (a) to see or to acknowledge the reasons for loving someone in particular, in the way the duty requires – as one's spouse, as one's son, or as one's friend; and (b) to interiorize them as one's own motivational reasons. The duty's existence will depend on the existence and the nature of those reasons, on what that kind of love essentially is, and on our interpretation of the 'ought implies can' principle – i.e. on whether we think that 'can' means "guaranteed success if you will", or simply the "reasonable expectation of success if you try hard".

## **Conclusions**

In this paper, I have used the case of a deadbeat dad who abandons his child, taken as the paradigm of an unloving parent, in order to explore key issues concerning the responsibility to parent and parental love. I have argued that the only consistent and convincing way to justify that the parent of this case is blameworthy in virtue of having failed to fulfil a duty he owes to the child is to say that he has violated his duty to love the child. However, I have argued that this duty to love the child is problematic. If it is understood as a duty to act according to love out of respect, it is a very uneasy duty. One that consists in pretending to love the child. If it is understood as a duty to act out of love for the sake of duty, the duty cannot exist because someone's needs cannot be a reason to love her. If it is understood as a duty to come, for the sake of duty, to act out of love, the possibility of its existence is questionable. In this regard, I have argued that its existence depends on highly controversial philosophical issues, such as the meaning of the 'ought implies can', the essence of love, and the reasons for love. It seems to be the duty to see or to acknowledge the reasons for loving that particular child as a parent, and to interiorize them as one's own motivational reasons. Regarding our initial reference case of the 'deadbeat dad', the conclusion would be that if, and only if, (1) Olsaretti's view is correct

and the parent is morally obligated to be willing to establish a loving bond, and (2) both Cowden and Gheaus are wrong, meaning that love can be the object of moral duty, then (3) the deadbeat dad can be justifiably blamed. In case we concede the duty's existence, the most plausible content seems to be: "Do your best to love the child. Try hard".

Brighthouse and Swift articulate a widely endorsed moral defence of the family (2014). A defence that relies largely on love and the value that the relationship between parents and children have for adults. For instance, they say that "the love a parent normally receives from his children...especially in the early years, is spontaneous and unconditional" (Brighthouse & Swift 2014: 91). Regarding the value of parenting, they claim that "one would, after all, be responsible for the development of a human child...and it is good for people, it makes their lives go better, to take on and discharge that degree of responsibility" (pp. 92). Finally, they claim that "of course, *the parent will often be inclined to be spontaneously loving*" (my emphasis) (pp. 91). However, often is not always. The question is, what if they are not? Are they failing to fulfil a duty? Their answer is:

"Children need love—that is one of the crucial things parents can give them—but that kind of emotional response to another is not wholly susceptible to the will. Some people are not capable of loving others, and even those who can love some people are not capable of loving others. Since duties are moral imperatives, and since "ought implies can," *we deny that there can be a duty to love. The duty in question can only be to try to love*—the duty to parent is the duty to do what one can to provide a child with the loving relationship that she needs" (my emphasis) (pp. 83).

How long ought one to try? Can one have a duty to try to love someone for the rest of her life as a result of a decision that one made? What if the child has two years old and the parent still does not love her? What about four? In that case, it seems that the only possibility to avoid blame is uneasiness; to pretend that he loves the child. This is something very peculiar of parental love. Regarding other forms of love, for instance friendship, everyone accepts that "we do not...have any obligation to a particular person to become their friend, even if that person is needy of a friendship" (Olsaretti 2017: 75). That might be the tragedy of parental love. The parent's moral responsibility of the child's existence and the child's necessity command love. However, it may well be that love is one of those things that resists the command of duty<sup>58</sup>.

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<sup>58</sup> Kant explicitly accepts that love cannot be the object of duty. However, he does not seem to see anything potentially tragic in this: "For, love as an inclination cannot be commanded, but beneficence from duty -

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even though no inclination impels us to it and, indeed, natural and unconquerable aversion opposes it - is *practical* and not *pathological* love, which lies in the will and not in the propensity of feeling/ in principles of action and not in melting sympathy; and it alone can be commanded" (Groundwork, 4:400). Indeed, as Bernard Williams has suggested, perhaps the greatest objection to Kant, arguably the most important modern moral philosopher, is that he does not see the tragedy of anything.

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# **Against a Declaration of Independence for Children: Upbringing, Virtues, and the Limits of Public Reason**

## **Abstract**

Which moral principles ought to guide parents in exercising the commonly recognized legal right to educate their children? What kind of moral, ethical, and religious upbringing, if any, should parents give to their children? In this paper, I deal with these questions by engaging with a view called ‘independence for children’, which interprets in original ways Rawls’s political liberalism with respect to the sphere of the family. In contrast to a widespread conception, the independence for children view defends an anti-perfectionist upbringing, namely an upbringing that is devoid of ethical and religious content. I reconstruct and criticize the independence for children view by distinguishing and discussing two aspects of the theory: its advocacy of an anti-perfectionist upbringing, and its declaration of being a non-comprehensive view. In doing this, I will derive some conclusions concerning the limitations of the aim to use exclusively public reasons in order to deal with normative issues.

**Keywords:** political liberalism, independence for children, anti-perfectionist upbringing, non-comprehensive doctrine, ethical virtues of character, Aristotelian moral psychology, public reason.

## **Introduction**

*We hold these truths to be self-evident, that all children as future adults are free and equal, that they are endowed with certain unalienable rights, that among these are the right to self-rule and independence.*

This modified version of the beginning of the *United States Declaration of Independence* could be the first statement of a manifesto in favor of ‘independence for children’. The ‘independence for children view’ is a moral view that aims to extend the scope of public reason to the sphere of the family by establishing an analogy between the citizens-state relationship and the children-parents one (Clayton 2006, 2012, forthcoming). *Political Liberalism* (Rawls 1993) can be seen as inspired by the spirit of the historical declaration

in one aspect, namely in its aspiration to be a philosophical theory grounded exclusively on *self-evident moral truths*<sup>59</sup>. Indeed, one sign of Rawls' remarkable influence in contemporary moral and political philosophy is the widely accepted aim to defend and justify judgments, positions, and theories exclusively in terms of public, as opposed to comprehensive, reasons regardless of the issue under discussion (Quong 2004). This aim requires dealing with any normative issue by bracketing most axiological questions and nearly all epistemological and metaphysical ones, as long as the answers to these questions are controversial (Rawls 1999).

Regarding education and parenting, political liberalism is, in its canonical interpretation, a quite permissive view. Due to the obligation of the state to remain neutral about religion and the good life, parents enjoy, on this interpretation, a wide freedom to raise their children according to their own comprehensive views of the world<sup>60</sup>. The freedom of parents is only limited by the interest of society to generate 'reasonable citizens' (Callan 1997, Macedo 2000, MacMullen 2007) and by the interest of children to develop their 'two moral powers' (Callan 1997, Levinson 1999, MacMullen 2007). According to this orthodox interpretation, political liberalism is largely in tune with the common sense and practice of Western societies, and acts as the philosophical ground of a widespread 'liberal consensus' within the academic literature (Clayton forthcoming).

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<sup>59</sup> The Declaration can be seen as comprehensive in Rawls' sense because it makes an explicit reference to God and creation. But the similarity is in the claim about the existence of self-evident moral truths that do not need further philosophical justification. Although the moral premises of political liberalism are not that easy to categorize. It is unclear whether they are true or simply widely accepted in certain parts of the world at a given historical moment. And, because of this, it is also unclear whether they are self-evident or they just seem to be to us. This apparent ambiguity of Rawls has provoked a variety of contradictory interpretations. As I explain at the end of the paper, the most convincing interpretation, and the one which is most faithful to Rawls, is to understand them as transcendental conditions in the Kantian sense (Kant 1994). That is, roughly speaking, as philosophical (non-empirical) assumptions that we need to take as given for something, in this case principled toleration, to be possible or even thinkable. This interpretation is consistent, for instance, with Rawls' remark that the moral psychology he uses is philosophical rather than psychological (1993: 86-89).

<sup>60</sup> This orthodox interpretation of political liberalism in relation to children is the one that Timothy Fowler criticizes precisely for being excessively permissive with the ideas that parents can legitimately pass to their children - even those that are potentially harmful for them such as homophobic beliefs. Although Fowler also argues that Clayton's re-interpretation of political liberalism does not solve this problem because independence for children does not block the non-intentional transmission of comprehensive beliefs (Fowler 2010).



However, Matthew Clayton has given a very drastic twist by providing his own interpretation of political liberalism as applied to the issue of parenting, in a view that he calls ‘independence for children’. As a moral theory of education and parenting, the independence for children view (referred to as ICV henceforth) gives a precise answer to the question of what the content of the upbringing that parents ought to give to their children is <sup>61</sup>. It states not only that the state must remain neutral with respect to upbringing, but also that parents themselves ought to remain neutral concerning their views of religion and ethics – and in general any of their controversial views about the good life – in raising and educating their children. This leads to normative implications that radically clash with commonly accepted practices, like the claim that religious parents ought not to baptise their children or that religious schools should be progressively eliminated (Clayton 2018) <sup>62</sup>.

Due to its originality, robust argumentation, and polemical conclusions, Clayton’s position has attracted the attention of many philosophers; in most cases, to criticize it. Some people have criticized the analogy between the state-citizens and the parents-children relationship on which the ICV relies (Cameron 2012, Bou-Habib & Olsaretti 2014). Others have argued that the moral reasons against perfectionism do not apply in the case of children and, therefore, neither parents nor the state ought to be neutral with respect to them (Fowler 2014). Others have suggested that Clayton’s proposal interferes with the realization of parental love and other family goods (Brighthouse & Swift 2014, Richards 2016). As a consequence of this, Andrée-Anne Cormier argues that future adults can reasonably be expected to give retrospective consent to some forms of deliberate parental value-shaping on them (2017). Some authors have argued that a non-perfectionist upbringing is, to a large extent, at odds with relevant goods such as the promotion of children’s talents and capacities (Monti and Ungureanu 2018:219-220). Anca Gheaus points to the fact that if (1) there are special goods of childhood, namely goods that can or should only be enjoyed during childhood, and if (2) some of those goods are

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<sup>61</sup> This question is different from the question of what the limits of the parent’s legal right to educate their children should be. The latter question is the main focus of most authors who have applied political liberalism to the issue of education and parenting.

<sup>62</sup> The view has no bias against religion per se. For instance, it also forbids atheist parents to tell their children that God does not exist. Another question is whether independence for children is symmetrical between religious and non-religious parents in terms of its effects. But that is not how neutrality is understood in political liberalism.

comprehensive, then a non-perfectionist upbringing would imply not to enjoy these goods (Gheaus forthcoming). I somehow follow this last line of criticism. My main objection to the ICV in this paper is that there are some comprehensive goods that are acquired mostly during childhood and that have an impact across life, namely the ethical virtues of character. Therefore, a non-perfectionist upbringing would imply the non-acquisition of these goods, or, at least, it would make their acquisition much more difficult.

In section 1, the ICV is presented. There, I explain on which grounds the ICV is presented as a non-comprehensive doctrine, and why it leads to defend a form of anti-perfectionist parenting. In the rest of the paper, these two aspects of the ICV are criticized. In section 2, I argue that parental anti-perfectionism would be bad for children because this approach would make it very hard for them to acquire the ethical virtues of character. In section 3, I argue that the ICV, as a philosophical position, cannot be as non-comprehensive as it pretends to be. Some tentative conclusions of wider scope concerning the limits public reason will be offered at the end of the paper.

## **I. The Independence for Children View**

The ICV can be characterized by answering the following two questions <sup>63</sup>:

- (1) The question of ‘comprehensiveness’, or the question about the philosophical *justification* of the theory: Is independence for children, as a philosophical doctrine about parenting, based on some particular ethical ideals - concerning what constitutes a good, valuable, worthwhile or flourishing human life - or on any religious, epistemological or metaphysical beliefs?
- (2) The question of ‘perfectionism’, or the question about the *content* of the practice that the theory commands: Is it permissible, according to the ICV, for parents to intentionally promote or discourage feelings, desires, beliefs or actions in their children that are ethical in nature - namely directly related to what contributes to, or is essential to a good, valuable, worthwhile or flourishing human life? <sup>64</sup>

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<sup>63</sup> I take this general distinction between comprehensiveness and perfectionism from Quong (2010).

<sup>64</sup> The terms good, valuable, worthwhile, and flourishing human life are used interchangeably.

As I explain in this section, the ICV is presented by Clayton as a non-comprehensive view because he answers negatively the first question, and he endorses parental anti-perfectionism by answering negatively to the second question.

### *1.1. The question of comprehensiveness*

The ICV, like political liberalism, is presented as a non-comprehensive view, which means that it is not supposed to be justified by using any controversial ethical or metaphysical idea. Instead, both of these philosophical theories are professedly based on the basic political (moral) ideal that individuals should affirm the rules that constrain them. This ideal is known as ‘self-rule’ or ‘political autonomy’<sup>65</sup>.

Rawls builds up his theory of political liberalism by starting from the claim that citizens of modern liberal democracies have a certain moral status and a fundamental interest that are associated with their ‘two moral powers’. The two moral powers are: (1) the capacity to have, to reflect on, revise, and pursue their own view of what a good life involves; and (2) the capacity to have a sense of justice, namely the capacity to understand and be motivated to comply with reciprocal moral norms (1993: 48-53). The moral status is of being ‘free and equal persons’; free in virtue of having the two moral powers and equal in virtue of having both of them to a sufficient degree (1993: 29-34). Lastly, the fundamental interest is to live under institutions that enable them to develop and exercise their two moral powers.

The argument from self-rule or political autonomy asserts that every free and equal person should endorse the legal and political institutions, as well as the norms, that govern her life. The problem is that citizens do not choose or explicitly give consent to these legal and political institutions and norms under which they live. On the contrary, citizens are born into a particular society and their life is significantly affected by particular legal, social and political institutions and norms that force them to do or to refrain from doing various things, usually by coercion. The fundamental question that political liberalism tries to answer is: How can this fact be compatible with self-rule or political autonomy? Or, in other words: How can these institutions and norms be legitimate? One possible

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<sup>65</sup> Rawls adds the adjective *political* to the noun autonomy to differentiate his idea from the autonomy of Kant or Mill, which is declared by Rawls to be comprehensive. Clayton follows him on this, although he prefers to use the term self-rule in his latest work (forthcoming)

option would be to justify all these institutions and norms by using a shared view of the world, for instance Christianity, but this option is not feasible anymore due to the fact of pluralism that characterizes contemporary societies.

The answer given by political liberalism to the previous question is that self-rule or political autonomy is respected, and therefore these institutions and norms are legitimate, if and only if these institutions and norms are justified on reasons that are based on the moral ideal of cooperation between free and equal citizens - which all 'reasonable citizens' share no matter their specific views of the world and the good life. These reasons are called 'public reasons', and they ought to be offered by all state powers (especially the legislative and the judicial) in order to justify their actions. Even citizens ought, ideally, to be guided by them when voting about constitutional issues according to Rawls. When this is the case, we can expect all reasonable citizens to accept these institutions and norms even when they do not fully agree with their content.

The argument in favor of independence for children starts by drawing an analogy between the state-citizens relationship and the parents-children one. Children do not choose the families where they are born; their parents' conduct has significant effects on their life chances, their self-understanding, and the values they adopt; and their parents sometimes force them to do various things and exercise coercion over them. As a result of the resemblance between state and parental authority, the argument establishes that the application of the ideal of self-rule also leads to the conclusion that parents should raise their children exclusively according to the demands of public reason (Clayton 2006, 2022) <sup>66</sup>.

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<sup>66</sup> An obvious objection that has been made to this argument is that the analogy does not work because there is one very relevant difference, namely that while mature citizens have certain already formed beliefs about what they consider to be a good life and the true religion, young children lack these formed beliefs (Cameron 2012). Clayton's answer to the objection is that children, like adults, can retrospectively reject or consent to what is done to them, and this retrospective rejection is morally relevant. In other words, just like the state authority or power is illegitimate if it does not respect the status and interests of citizens as free and equal persons who endorse different ethical and religious views, parental authority is equally illegitimate if parents do not respect their child's status and interests as a future free and equal person who may end up endorsing an ethical or religious view which is different to her parent's one (Clayton 2012). There is another objection, which argues that children lack not only formed beliefs but also the capacity to form their own beliefs. In the absence of this capacity, the objection claims, no damage is done to children by leading them to endorse their parent's ethical and religious views (Bou-Habib & Olsaretti 2014). On his part, Clayton has argued that independence for children is an additive account view, meaning that the value

Notice that, in the case of political liberalism, the argument is not that, by living under institutions and norms that are justified according to public reasons, citizens live good and valuable lives. Nor is it that, in the absence of this condition, the life of citizens is worse, bad or unworthy. It simply says that state authority or power is *legitimate* only under that condition. The same is true about the ICV. It does not say anything about the goodness of children's lives, but merely claims that parental authority can only be legitimate if the activity of parenting is exercised in a certain way. In a way that is grounded on non-comprehensive reasons. This is why independence for children is presented as a non-comprehensive view.

### *1.2. The question of perfectionism*

Just like a certain set of non-comprehensive premises - the status and interest of free and equal persons; self-rule or political autonomy as a condition of legitimacy - allows Rawls to defend a form of anti-perfectionist liberal state, the same non-comprehensive premises allow Clayton to defend a form of anti-perfectionist parenting. The basic idea is that parents ought not to raise their children according to their ethical ideas of what a good, valuable, worthwhile or flourishing life requires or according to the religion they think to be true, nor ought they to try to inculcate these ideas in their children.

Notice that the ICV does not say that parents ought to stop acting in accordance with their conception of the good life or the religion they endorse once they become parents. It merely claims that these considerations ought to be left aside when they make decisions about how to exercise the activity of parenting. The ICV is not concerned with the indirect influence and side-effects of parents practicing their religion, for instance, but only with their direct and intentional influence on children. In other words, anti-perfectionism applies to what Clayton calls 'directive parenting', namely the intentional shaping of children's feelings, desires, beliefs or actions (Clayton forthcoming).

It is necessary to explain one crucial difference between political liberalism and the ICV, besides their respective spheres of application (the state and the family respectively). Political liberalism was designed as a theory of 'political morality'. According to Rawls,

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of non-usurpation is independent from having the capacity (Clayton forthcoming). And the debate, like many other times, seems to be in an impasse.

the content of public reason, elaborated on the idea of society as a fair system of cooperation between free and equal persons, includes one or more political conceptions of justice. By this, he means a list of certain basic rights, liberties, and opportunities that are ordered by a relation of lexicographical priority. This content, by itself, would only allow parents to teach their children things like toleration, non-discrimination and, in general, the respect for other's fundamental rights (Rawls 1993: 223, 440-490). On the contrary, the ICV makes a wider interpretation of the content of public reason by using the idea of reasonableness. This interpretation allegedly allows parents to teach their children moral duties that go beyond the realm of politics but remain within public reason, for instance not lying or fulfilling promises; and also to cultivate in children the motivation to act in accordance with these duties. The relevant demarcation set by the ICV is, therefore, between morality grounded on public reasons and everything else.

It is worth trying to clearly understand the demarcation between morality and everything else in order to see the rigorism of parental anti-perfectionism and its drastic implications. We recognize the existence of the vast realm of 'the evaluative', which contains every sphere in which judgments about what is more valuable, less valuable, and not valuable at all are made <sup>67</sup>. Both ethics and morality are included within this realm, as well as politics, aesthetics and many parts of religion - constituted by the evaluative distinction between the sacred and the profane. 'Ethics' is an evaluative sub-realm that deals with the issue of what having a good life requires. The main ethical question is *how one should live one's life* <sup>68</sup>. Of course, not all evaluative judgments are ethical in nature. Ethics has to do with one's individual life, as opposed to collective life, which is regulated through the state (i.e. the realm of politics). Moreover, in order to be ethical, the evaluative

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<sup>67</sup> This realm is sometimes called 'the normative' in contemporary literature, but I think 'the evaluative' is a better term (Ortega y Gasset 2004, Valdecantos 2008), mainly because not all the evaluative claims have something to do with norms. Indeed, the tendency to call it the normative can be interpreted as a sign of the tendency to see morality - which is organized around norms - as the main element of the evaluative or the exemplar of it.

<sup>68</sup> Clayton and I use the terms ethics and morality with the same meaning as contemporary philosophers such as Bernard Williams (1986), Thomas Scanlon (1999), or Ronald Dworkin (2011). This use derives, mainly, from identifying ethics with the main question Socrates, Plato, and Aristotle were answering, and morality Kant. Kant makes explicit this distinction when he says, in *Groundwork of the Metaphysics of Morals*, that morality does not deal with happiness but with duty. Other contemporary philosophers, like Jürgen Habermas, make a similar distinction between ethics and morality (1993, 2021). However, although similar, this distinction is different because it derives mainly from Hegel's distinction between *sittlichkeit* and *moralität* (Hegel 1991).

judgment has to be especially connected to action; and many aesthetic judgments, for instance, are not related to action at all. Roughly speaking, the question of how one should live one's life is especially related to the question of how one should act across life <sup>69</sup>. 'Morality' is a more reduced sphere, as it only deals with *how we ought to treat each other* <sup>70</sup>. The main question of morality is: What is my (moral) duty and what is (morally) permitted? Although Kant's version is one of the main moral doctrines, it is not the only one that is available. There are also consequentialist ethical theories, such as utilitarianism in its different versions, several religious moralities, and other deontological theories (e.g. contractualism). Finally, there is the even more restricted sphere of 'political morality', as Rawls understood it. This sphere includes (moral) duties and rights, but only a very specific kind of them, namely those that are related to politics and the state. This includes the duty to tolerate people with different views and ways of life, the duty not to discriminate, and the general the duty to respect the fundamental rights of others.

On the basis of the previous conceptual map, Clayton makes a very precise but problematic proposal. First, the independence of children requires to expel out all elements of the evaluative realm except morality from the content of the children's upbringing. Second, it also requires to remove all moralities but one version of it, which is something like Scanlon's contractualism (Scanlon 1999, Clayton 2019). And third, he aims to derive the content of this specific morality from Rawls' framework of justification for political morality. The second and the third movements are problematic enough <sup>71</sup>.

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<sup>69</sup> Although the former cannot be reduced to the later one because ethics, I am going to argue in the next section, also includes the possession of certain desires and feelings

<sup>70</sup> Whether morality is an independent sphere from ethics or one that is situated within the broader real of ethics is something that has been discussed since the Platonic dialogues.

<sup>71</sup> Indeed, the third move is very problematic. If the analogy between the family and the state really works, it should work in both directions. This implies that if parents are allowed to inculcate to children a duty to tell the truth - or at least not to lie generally speaking - and a duty to fulfill their promises, that same content should be something that a liberal state can legitimately impose on its citizens. Of course, liberal states impose the (legal) duty to tell the truth in certain cases like judicial trials, and they also impose the (legal) duty to fulfill certain promises in the form of contracts. But these duties are much more restricted in their scope than the moral one. A way to see this is to look at the case of adultery. The practice of adultery implies, by definition, to lie (to your partner) and to break a promise (that you made when you got married). Few people would defend that adultery is morally permissible in general circumstances, and it is very hard to see how this practice can be justified using Scanlon's version of contractualism. On the contrary, a state is considered liberal precisely when it does not enter into these and other similar topics. The (political) liberal state does not force, by coercion, their citizens to be loyal to their partners, nor does it make any public moral judgment about the topic.

However, my focus in this paper is the first movement, namely the exclusion of ethics from the upbringing of children.

In the following sections, I criticize the ICV. In section 2, I criticize the ICV as a view that advocates an anti-perfectionist upbringing. The argument there is that parental anti-perfectionism, even if it were possible, would be very bad for children because it would make it very hard for them to acquire most of the ethical virtues of character. In section 3, I criticize the ICV as a view that aims to be non-comprehensive. The argument there is that the defender of the ICV needs to consistently reject at least some comprehensive views in order to offer a sound defence of his position, and, by doing this, the ICV implicitly becomes another comprehensive view.

## **II. The Anti-Perfectionism of the ICV**

There is one criticism that can be made to parental anti-perfectionism regarding the interest of children. In its general form, the criticism states the following: a non-perfectionist upbringing based on ethical neutrality, even if it were possible, would be bad for children. Independence-respecting parenting would make children's lives go much worse, or even not sufficiently good, and should be rejected for that reason. Children's development would be damaged under this kind of upbringing and this creates a great harm to them, mainly as future adults, because there are certain (perfectionist) goods that are used across life that have to be acquired during upbringing. An ethically neutral upbringing implies not favoring or privileging intentionally and directly the acquisition of these goods. The alleged (perfectionist) goods that have to be acquired during upbringing are the ethical virtues of character such as generosity, courage, persistence or kindness.

Aristotle says that 'ethical virtues' belong to the non-rational part of the mind. For him, virtues are excellences of this non-rational part (Aristotle 1984). In contemporary literature, virtues are usually identified with good 'traits of character' (Crisp et al 1997), which can be defined as stabilized patterns of feeling and desiring certain things when the possessor of the trait is confronted with certain situations. These patterns of feelings and



desires generate a disposition to act in one way rather than another. If virtues are the good traits of character, then they are those traits that generate a disposition to act as one should.

Aristotle thought that the character of someone is formed during upbringing. As a result of this, character virtues can only be acquired through a proper upbringing by habituation, according to external ethical standards. Habituation (*hexis*) during childhood shapes the non-rational part of the mind and generates a disposition to act in ways that lead you towards the good or flourishing life (*eudaimonia*). Contemporary scientific evidence mostly agrees with Aristotle on character development <sup>72</sup>. Nonetheless, even conceding that these empirical findings were false and character traits could be modeled by the individual across life, there are still two problems linked to the non-acquisition of character virtues from the onset through upbringing.

It is widely accepted that agents have second-order desires, namely desires to have (or not to have) certain desires that they lack (or that they have). According to this idea, people identify with certain desires they have (or they lack) because they want to be the kind of person that has certain motivations (Frankfurt 1988). If this is the case, a person who comes to realize that she lacks a certain virtue may form a second-order desire to acquire that virtue, namely that first-order desire to do something, and may start acting according to that second-order desire. That being said, behaving in accordance with the second-order desire, by itself, would not imply that the person has acquired the virtue (Williams 1981a, 1985). Think about generosity. A generous person is not one who has formed a second-order desire and acts on that motivation - one who is generous because he wants to be a generous person. On the contrary, it is one who has a strong first-order disposition to give things to others. Virtues usually require both the first-order disposition and the second-order desire - because, as I will explain, they require the exercise of judgment - but, more importantly, they require that the motivation of the agent resides in the first-order disposition and not in the second-order volition. So, even if the first-order disposition can be acquired by habituation over time once the second-order desired has been formed, the agent will be lacking the virtue during a long period of time.

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<sup>72</sup> Personality or character is formed during childhood and remains stable across life (Costa & McCrae 1994; 1999)

In addition to the previous difficulty, there is another more inescapable problem from the Aristotelian point of view. The basic idea is that lacking a certain virtue will probably lead someone to either not form the second-order desire to acquire the virtue, or to not being able to recognize the specific content of the virtue. For instance, someone who is not generous will either not form the second-order desire to be generous or, if she does, will be unable to realize what to be generous means in each particular case - considering that both a lack and an excess of generosity are vices. In other words, the person who lacks a certain virtue of character also lacks a well-developed capacity to make correct practical judgments about the ethical area related to that virtue.

The argument in the rest of the section has the following structure. First, ethical virtues of character are a necessary condition for having a good or flourishing life because they are necessary for possessing the correct motivations and a well-developed capacity of practical reason. Second, the cultivation of most virtues cannot be justified in terms of public reason and, therefore, they are incompatible with parental anti-perfectionism and the ICV.

#### *4.1. Virtues and the Flourishing Life*

I have said that virtues of character are dispositions to act in certain ways. But a disposition is an inclination, not an inevitable force. Aristotle acknowledges that there is also a rational part of the mind that plays its own role. For our purposes, the relevant capacity of the rational part is ‘practical reason’. According to a well-known Humean view, practical reason is the slave of passions (Williams 1981b, Blackburn 1998, Hume 2000). Under this view, practical reason only plays an instrumental role in human actions and decisions. It merely provides the means to fulfil the ends that passions (mainly desires) set. If this view were true, it could make my case easier because someone who has not acquired the virtues during her upbringing would be condemned to act in order to satisfy her deficient feelings and desires.

Even though the previous Humean position may have some appeal, it is not the view I present here. So, the question is: What is the role of character virtues? Why is it necessary for someone to have acquired, by habituation, these proper stabilized patterns of feeling and desire during upbringing? I will present a view that corresponds in broad terms with

the Aristotelian view<sup>73</sup>. In order to do this, I will be using the Aristotle's ethical typology of persons. The first type is the 'virtuous person', who makes good judgments by deliberation and also possesses character virtues, namely the proper dispositions in terms of feelings and desires. The second one is the 'vicious or degenerated person' (*kakos*), who makes bad judgments by using deliberation and also has a character full of vices. The third and the fourth ones are the 'continent' (*enkratês*) and the 'incontinent' persons (*akratês*), who are able to arrive to the right conclusions by deliberation but nonetheless lack, at least, some virtues. The difference between them is that while the continent or self-controlled person ends up acting as she should (as a virtuous person would), the incontinent or weak-willed person does not (Aristotle 1984).

#### 4.1.1. *Mind harmony*

Having introduced, schematically, the ethical typology of persons, let us come back to the ethical reasons for possessing character virtues. The first one can be called 'the necessity of a harmonious mind'. Let us assume that, even lacking a virtuous character, the child as a future adult will develop her capacity for practical reason in an adequate way. This means that, by using this capacity for practical reason, she will be able to make proper deliberations not only about the means to achieve ends but also about the goodness of the ends and the goodness of some ends as compared to others. Let us also assume that proper deliberation implies that she is able to arrive to the right conclusions in terms of the worthwhile ends that she should pursue. What would be the problem? The necessity of harmony argument states that there should be a harmonious relationship between the content of character and the outcomes of practical reason. If the child has not acquired the necessary character virtues during upbringing, this harmony will likely not exist. Two things may happen: that the future adult ends up being an incontinent person, or that she ends up being a continent one. If the future adult has enough strength of will, her rational deliberations will prevail over his vicious character, and she will end up acting well and pursuing worthwhile ends. She will be, in Aristotelian terms, a continent person. If, on the other hand, her will is not strong enough, she will become the slave of his vicious

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<sup>73</sup> Its correspondence with Aristotle's own view is not relevant to my purposes. This is not a paper about Aristotle, but a paper that makes use of the Aristotelian position as it is interpreted by some contemporary authors (Wiggins 1979, Williams 1985, Sherman 1989, MacDowell, 1995, MacDowell 1998, Korsgaard 2008).

feelings and desires, and, therefore, end up acting like a vicious person would. She will become what Aristotle calls an incontinent person.

How does this ethical requirement affect an anti-perfectionist upbringing? According to the ICV, the child must to acquire the capacity to act according to the ends he rationally commits to and endorses, so it is fair to say that an education based on ethical independence would include the development of the strength of will. If this is the case, the problem is not that we have condemned the child to be a vicious person or an incontinent one. These possibilities are out of the picture. But the child cannot become a virtuous person either unless parents cultivate virtues of character in her during upbringing. Whether or not the cultivation of these virtues is permissible according to the ICV is something I will discuss in the next section. But, if I am right and the ICV does not allow for the cultivation of most virtues, then that kind of upbringing will likely lead to what Aristotle calls a continent or self-controlled person.

A continent person, even if he acts like a virtuous person would, is a kind of second best for Aristotle. This is because a continent person is one who, by construction, is always vigilant of her feelings and desires. She has a character that leads her to have a disposition to act in some ways which she rationally sees as bad. She is constantly fighting against herself, and because of this, she is psychologically divided. It is sensible to say that having at least a certain degree of mind wholeness is a necessary requirement in order to have a good life.

#### *4.1.2. Practical judgment*

The second ethical reason for possessing the virtues of character can be called ‘the capacity to perceive the good’. So far, I have been assuming that the child can properly develop her capacity of practical reason independently of whether the character virtues are cultivated in her. But this is precisely what is not true under the Aristotelian view. For him, practical rationality is not an ethically neutral capacity but also a virtue, in this case an intellectual virtue. And the agent cannot possess this intellectual virtue without also possessing the ethical virtues of character<sup>74</sup>. The idea is that the state of your character

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<sup>74</sup>The same is true the other way around. By habituation, what we acquire according to him are the ‘natural virtues’ of character, but having real ethical virtues requires the exercise of practical rationality

determines, in particular cases, what we may call your evaluative perceptions. Because of this, it is more adequate to talk about ‘practical wisdom’ (*phronesis*) instead of mere rationality within the Aristotelian framework. However, this does not imply a return to the Humean thesis of practical rationality being the slave of feelings and desires. Practical rationality and the deliberation process play a substantive as opposed to a mere instrumental role, but they need the correct materials in order to fulfil this role in a proper way. If you do not possess the character virtues your reason works, so to speak, with the wrong data (Korsgaard 2008).

When some moral and political philosophers think about a conception of the good, they implicitly have in mind a scheme of values, principles, and probably rules. The scheme, if it is complete enough, assigns axiological priority to some values over others - unless it is pluralist. From there, they usually hope to derive one or more general principles of conduct that can be specified in a set of rules for action. However, this is the antithesis of what Aristotle has in mind when he talks about a conception of the good (*eudaimonia*). For him, doing well is not a matter of general principles and even less of applying rules. On the contrary, doing well is a matter of making the correct evaluative judgment according to the specific situation which is at hand. On his view, having the right conception of the good, which means making the correct practical judgments, is, at least, conditioned by one’s motivational propensities (McDowell 1998). The relevant question is why this is the case. It is clear that to have the correct motivational propensities, in terms of feelings and desires, makes doing the good thing a pleasant activity; but this is only a matter of motivation, and even a tautology. Therefore, having the correct motivational propensities has to provide something else if this influences the results of practical reason in the way Aristotle says, without falling into the Humean view.

The central idea is that you may be able to *see* something as a reason for action *because* of the feelings or desires you have in a certain situation. But, again, this cannot merely be a matter of practical reason finding the adequate means for satisfying desires in an efficacious or efficient way. Therefore, what does this ‘because’ mean? In order to answer this question, we need to pay attention to the process of habituation (*hexis*) during upbringing. According to a widespread conception, habituation only means a mechanical repetition, but that is not what Aristotle meant. For him, habituation is a learning process, which necessarily has a cognitive component (Sherman 1989). The child not only needs

to get used to doing the courageous thing, for instance, and to generate a desire to do it, but also has to learn what courage is. He needs to grasp the concept. As there is no general principle or rule, the only way to learn this is by example, imitation and extrapolation to other situations <sup>75</sup>. What is specific about ethics is that most concepts used in that sphere, including virtues, are what are called ‘thick concepts’. This means that (1) they have both a descriptive and an evaluative component, and that (2) these two components are intrinsically linked; you cannot have one without the other (Williams 1986, McDowell 1998). Because of this, grasping a thick ethical concept implies internalizing certain evaluative perceptions and generating certain primary judgment-attitudes in the form of feelings and desires. In Clayton’s terminology, a directive ethical education of virtues does not only shape the child’s feelings and desires, but also shapes the child’s ethical beliefs *at the same time*. Does this mean that the direction of causality goes from feelings and desires to beliefs? To come back to our initial question, does this mean that the child will have a reason to act *because* of the feeling or desire he has in a certain situation? Yes, because the way to be able to apply the concept to a new situation is through these desires and feelings. Roughly speaking, they are the thermometer to perceive what to be courageous, for instance, means in a particular situation. These feelings and desires trigger certain beliefs in the form of evaluative perceptions. And, thanks to these evaluative perceptions, the person is able to apply the ethical concept in a correct way <sup>76</sup>.

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<sup>75</sup> There is an interesting discussion on whether learning a language, in general, works in the same way. One of the positions says that a child does not learn how to use language by learning the grammatical rules, nor does she learn it through generating by induction the general rules by herself. She just grasps it by seeing its usage in some specific contexts and extrapolates to other situations without the need of rules. This position is related to the view that I am outlining, but it does not need to be true for Aristotle to be right about ethics.

<sup>76</sup> Of course, it is possible to make the correct judgment without having the fully virtuous character, even under Aristotle’s premises. The best proof of this is the existence of the continent and the incontinent persons in his typology. Leaving aside the difference between them, both are equal in being able to make the right practical judgment without possessing the virtuous state of character. Indeed, this apparent inconsistency is a classical objection to Aristotle (Wiggins 1979, McDowell 2008). But the inconsistency disappears if we understand better the moral psychology of the continent and the incontinent persons. I have been assuming, for the sake of simplicity, that while there might be inconsistencies between the rational and the non-rational part of the mind, each of these parts is a monolithic block. However, this is not necessarily the case. The continent and the incontinent persons are individuals who, unlike the fully virtuous person, experience conflicts within the non-rational part of their mind. For instance, they might have an altruistic emotional disposition to be generous, while also possessing a selfish desire for increasing their own wealth and power. Because they possess the generosity trait, they are able to see the goodness of it and therefore to make the correct ethical judgment. This is what differentiates both of them from the fully vicious person. But in order to act according to their generous motivation and considered judgment, they

I have argued that, according to the Aristotelian view, our desires and feelings, and therefore our character, have an impact on the outcomes of practical deliberation, in the sense that the patterns of feeling and desire encapsulated in our character provide both dispositions to act and also the evaluative materials that allow us to make practical judgments. If these stabilized patterns of feelings and desires are not well shaped during upbringing, this will have a negative impact on the use of practical reason. In order to avoid any misunderstanding, I shall clarify the argument by distinguishing it from others. The argument does not claim that a person who has not received a proper directive ethical upbringing based upon the cultivation of character virtues will not have any reason to act in some way, or will not generate more or less articulated beliefs about what he thinks is good and what is not. Nor does it claim that he will not form intentions as a consequence of these beliefs, or even that he will not be capable to act in accordance with these intentions. The problem is not inaction, emptiness of mind, formal irrationality, or weakness of the will. Biological traits will do their work in terms of personality formation, and so will the non-intentional cultural exposition to parents and to many other social sources. What the argument states is that the result of all this will not likely be a person who lives a good and flourishing life because, in the best-case scenario, he will lack the proper inner motivations and will become a continent person; and, in the worst-case scenario, he will not be able to make the right ethical judgments and to see the good reasons for action; and, therefore, will become something much worse.

#### 4.2. *Public Reason and Virtues*

I have argued that, according to the Aristotelian view, virtues of character should be acquired during upbringing because character is formed (mostly) during that stage of life, and that ethical virtues of character are a necessary condition to have a good or flourishing life. In this section, I argue that the cultivation of most virtues cannot be justified in terms of public reason and, therefore, they incompatible with parental anti-perfectionism and the ICV. In order to do this, I argue that: (1) most virtues of character cannot be justified in terms of reasonability or the power to have a sense of justice; (2) ethical virtues of character cannot be derived from the thin theory of the good known as ‘goodness as rationality’, nor can they be assimilated to ‘primary goods’; and (3) ethical virtues of

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have to silence or control their selfish impulses. This is what differentiates both of them from the fully virtuous person.

character cannot be justified in terms of the powers to have and to revise a conception of the good.

#### 4.2.1. *The capacity for a sense of justice*

Clayton has already given an answer to an objection like mine, namely one which claims that independence for children and parental anti-perfectionism do not allow for the cultivation of virtues in children. He answers that parental anti-perfectionism is not incompatible with cultivating character virtues in children, or at least not incompatible with cultivating the most relevant ones. He thinks that the most relevant virtues, such as generosity and kindness, are sufficiently connected to morality for parents to be allowed to cultivate them in children (Clayton 2006: 112-129). So, a possible way to defend independence for children from my objection goes as follows: The cultivation of the most relevant character virtues can be justified in terms of the interest to develop and use the first moral power of citizens, namely the capacity to have a sense of justice; or in Clayton's wide interpretation of that power, the capacity to understand and be motivated to act on moral reasons.

This is an unconvincing response to my objection. Those virtues that are related to morality - because they apparently benefit others than the possessor - such as generosity, kindness, or loyalty, go necessarily beyond morality. Of course, these virtues have an impact on other people, but morality cannot extend to every aspect of our interpersonal relationships. That would be too broad. Almost all decisions we make in life affect other people in one way or another, and understanding morality in this way would collapse the distinction between morality and ethics that Clayton uses. As I have previously defined, and he himself accepts, morality is the sphere of what we owe to each other. Therefore, the specificity of morality resides in being organized around the duties and obligations that we have toward each other<sup>77</sup>. And it would be very odd to say that a generous person is one who gives others what she *strictly owes* to them. We think that someone is generous *precisely* if she gives more than that. The same is true about kindness or loyalty. A kind

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<sup>77</sup> I leave aside the idea of duties towards oneself, which Clayton seems to endorse sometimes. This idea, which comes from Kant, can only be properly justified by using comprehensive ideas. Duties towards oneself are a disguised form of ethics, one form that is organized exclusively around the notion of duty. Therefore, it is one in which the distinction between morality and ethics disappears – and this is true even if the purpose of this form of ethics is not happiness or something similar.



person is not one who merely does not harm others, and a loyal person is not one who merely fulfils her promises and agreements. Most virtues consist in doing more than is morally required. The only clear exception to this is the virtue of justice. Indeed, the virtues of justice - or as Rawls calls it, the virtues of reasonableness and tolerance, understood as the previous one plus the acceptance of the burdens of judgment - are the only virtues that Rawls mentions in his book as derivable from public reason.

Furthermore, not only does the content of most virtues go beyond morality. The cultivation of most virtues cannot be justified either as instrumental means to morality. You do not need to be a generous or benevolent and even less an agreeable person in order to be a reasonable and fair cooperator who is willing to act in accordance with reciprocal norms that can be justified to others. Of course, it is plausible to think that if someone possesses virtues such as generosity, benevolence and magnanimity she is also likely to fulfil less demanding requirements such as reasonability and fairness; and this may lead us to think that the justification can be an instrumental one. But this reasoning works as well as a justification for giving a religious Christian upbringing, for instance<sup>78</sup>. This is a possible interpretation of political liberalism, and therefore of the independence for children view as well. However, if this is the case, the apparently very demanding proposal starts to dissolve. I think that Clayton is committed to say something stronger, namely that an upbringing is instrumentally justified in terms of public reason only if it is instrumentally *necessary* for the content of public reason, not if it is merely instrumentally efficacious.

Finally, many virtues are not connected to morality in any significant way because their possession benefits mainly the possessor and not necessarily the rest of society. Examples of these virtues include temperance, courage, patience, determination, or persistence (Foot 1978). What does Clayton mean by saying that the *most relevant virtues* can be justified in terms of morality? The most relevant in terms of what? He cannot mean the most relevant in terms of having a good or flourishing life, because that would be a comprehensive claim that is necessarily excluded from his theory. If what he claims is that they are the most relevant in terms of developing and using the first moral power,

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<sup>78</sup> Parents may give their children that kind of upbringing and argue that this leads their child to be a moral person.

that is true regarding the virtues of justice and tolerance, but becomes almost a tautology that does not refute the objection, namely that other virtues such as temperance, courage, perseverance, generosity or kindness are necessary in order to have a good or flourishing life.

We would be right to think that an anti-perfectionist upbringing based on the first moral power allows us to cultivate all virtues of character only if we think that virtues are *merely* sentiments and habitual attitudes leading us to act in accordance with the principles of justice. But, first, we have no good reason to think such a thing and, second, that is, as a view of virtue, quite a comprehensive one <sup>79</sup>.

#### *4.2.2. The thin theory of the good and the primary goods*

Rawls builds up and defends his theory of justice as fairness by using what he refers to as a thin theory of the good, calling it ‘goodness as rationality’. This thin idea of goodness allows him to design a list of primary goods that are the currency of distributive justice. Therefore, the theory of the right is still grounded on a thin idea of the good. Another way to answer my objection to parental anti-perfectionism would be to say that the cultivation of ethical virtues of character can be justified in terms of goodness as rationality, or that these virtues can be considered primary goods and therefore they are not perfectionist in any way.

This is also a bad reply to the objection. Goodness as rationality is an instrumental theory of the good. Roughly speaking, it is a theory of what is instrumentally rational for someone to want if she has a rational life plan. If we want to show that ethical virtues of character can be justified according to this, we need to show that it is instrumentally rational for someone to want them if she has a rational life-plan. According to goodness as rationality, a person’s plan of life is rational if, and only if, (1) it is one of the plans that is consistent with the principles of rational choice, and (2) it is the plan among those meeting the first condition that would be chosen by an agent with full deliberative rationality (Rawls 1971: 358-365).

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<sup>79</sup> I think Rawls agrees with this when he says that “the political virtues must be distinguished from the virtues that characterize ways of life belonging to comprehensive religious and philosophical doctrines...and of those appropriate to roles in family life and to the relations between individuals” (Rawls 1993: 369)

Concerning the first condition <sup>80</sup>, namely the fulfilment of the principles of rational choice, Rawls mentions things such as the principle of effective means, the principle of inclusiveness <sup>81</sup>, the principle of greater likelihood, the principle of continuity, and the principle of postponement (Rawls 1971: 358-365). None of them can be used to justify, as far as I see, many virtues of character except maybe for the virtue of patience, which is necessary in order to act so that future goods are taken into account in our rational plan of life <sup>82</sup>.

We can see more clearly that ethical virtues of character cannot be justified in terms of goodness as rationality if we pay attention to the idea of primary good and the list of primary goods that Rawls thinks are necessary to carry out any rational plan of life <sup>83</sup>. Notice that all these goods are external to the mind of the individual. The only one that seems to have an internal component is the last one, but the primary good, as Rawls understands it, is the *social bases* of self-respect rather than self-respect itself. The reason for including only goods that are external to the self is that primary goods are, by construction, instrumental goods; and this is no surprise given that they are derived from an instrumental theory of the good. They are those goods that are necessary to carry out any rational plan *whatever the particular nature of the plan and of its final ends*. However, ethical virtues of character cannot be assimilated to this, at least not under the view that I am presenting here. Virtues do not help someone to achieve her ends independently on the nature of those ends. On the contrary, they help someone to detect and be motivated to pursue those ends that are worthwhile. Indeed, virtues such as courage, friendliness,

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<sup>80</sup> I concentrate on the first condition now because I will deal with the second one when referring to the capacity for a conception of the good.

<sup>81</sup> This principle is something similar to the principle of Pareto efficiency, but as applied to one individual across time.

<sup>82</sup> More virtues can be justified using what Rawls calls the ‘Aristotelian principle’. This is defined as preferring, other things equal, the *greater* means for realizing our aims, and the development of wider and more varied interests (Rawls 1971: 372-380). However, Rawls removed this principle in *Political Liberalism* precisely, I think, due to its perfectionist nature.

<sup>83</sup> The primary goods are those that are to be publicly recognized as citizens’ needs and hence advantageous for all. And this recognition is based on the thin theory of goodness as rationality. Their purpose is to be the currency of distributive justice. The basic list of primary goods is: (a) basic rights and liberties; (b) freedom of movement and free choice of occupation against a background of diverse choices; (c) powers and prerogatives of offices and positions of responsibility in the political and economic institutions of the basic structure; (d) income and wealth; and (e) the social bases of self-respect (Rawls 1971: 78-81 & 1996: 178-187)

modesty or temperance are quite thick, carrying very substantive evaluative content. Therefore, they are part of a thick as opposed to a thin conception of the good.

#### 4.2.3. *The capacity for a conception of the good*

The last possible response to my criticism entails justifying ethical virtues of character in terms of the interest of citizens to develop and exercise their capacity for a conception of the good, which means the capacity to form, revise and rationally pursue one's own conception of one's rational good. Although this is the best possible answer to my objection, it is still an unconvincing one<sup>84</sup>.

*Political Liberalism* does not give much detail about this capacity<sup>85</sup>. Fortunately, Rawls makes it clear that this capacity for a conception of the good is associated with the idea of rationality, just like the capacity for a sense of justice is associated to the idea of reasonability (Rawls 1996: 48-54). He says that rationality applies to the choice of the means, as I have previously explained, but not only to that. It also applies to the power to deliberate upon how ends and interests are adopted and affirmed, how they are given priority, and how they are balanced by their significance to one's plan of life as a whole in terms of coherence and compatibility between them (Rawls 1996: 176-178).

*Theory* is more specific about this capacity. I have mentioned before that goodness as rationality, which defines the condition of rationality for a person's life plan, has two conditions: the principles of rational choice and the use of full deliberative rationality. This second condition is added to the thin theory of the good after recognizing that many life plans can be compatible with the principles of rational choice. So, just like the principles of rational choice correspond, more or less, to rationality of means, deliberative

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<sup>84</sup> One straightforward piece of evidence which shows that the ethical virtues of character cannot be derived from the capacity for a conception of the good is that the 'parties' in the 'original position', who reflect the two moral powers of citizens, do not possess ethical virtues of character - basically because they have no character at all. They are not cowards or braves persons, open or closed-minded, lazies or hard-workers. That is precisely the point of the original position: having characterless agents who lack any substantive idea of the good, but who nonetheless are reasonable cooperators, deciding which principles of justice are going to rule the basic structure of society.

<sup>85</sup> In that book, Rawls states that a conception of the good consists in a scheme of final ends that we want to realize for their own sake, and that find their value and significance in their connection to a certain philosophical or religious view of the world. He also says that the capacity is connected with the powers of reason: judgment, thought and inference.

rationality corresponds to rationality of ends. It might seem, then, that this deliberative rationality can allow us to justify the cultivation of ethical virtues of character because I have argued that they are needed in order to have a well-developed practical reason. However, this is only a misunderstanding due to terminology.

For Rawls, deliberative rationality merely means “with full awareness of the relevant facts and after a careful consideration of the consequences”. According to this, a person is rational if she chooses “the plan that would be decided upon as the outcome of careful reflection in which the agent reviewed, in the light of all the relevant facts, what it would be like to carry out these plans and thereby ascertained the course of action that would best realize his more fundamental desires” (Rawls 1971: 365-372). In order to exercise deliberative rationality, in this specific sense, an agent needs to know the general features of his wants and ends both present and future, he needs to be able to estimate the relative intensity of his desires, and also to decide, if necessary, what he really wants. This includes the capacity to discard those ends which are meaningless, or those that contradict well-established (factual) truths. Moreover, he needs to be able to envisage the alternatives that are open to him and to establish a coherent ordering of them. Lastly, he needs to be able to adhere to the chosen plan and resist present temptations and distractions that interfere with its execution. Rawls seems to be using what is called an ‘internalist’ conception of deliberative rationality (Williams 1981b).

The relevant question is: What if one’s basic set of desires, the one you start working with, is sub-optimal, in the sense that these desires are aimed towards ends with no intrinsic value at all? Will the future adult realize this merely by finding connections to philosophical views through the use of theoretical reason and will be able to establish a new set of basic desires according to this without any connection to previous desires? This is precisely what the Aristotelian position that I have presented denies. According to this view, neither instrumental reason nor the (internalist) capacity for deliberative rationality, which are the core pieces of the second moral power of citizens, guarantee that the agent is able to form and pursue a worthwhile conception of the good. For that, someone needs a more substantive rationality. And this substantive rationality is grounded on character, which will be, roughly speaking, either good or bad. If it is bad, the person will likely adopt a deficient conception of the good life. Therefore, in order to adopt a worthwhile conception of the good, the child needs the ethical virtues of character.

I have argued in this section that most ethical virtues of character cannot be justified in terms of the content of public reason. Indeed, the aspiration to derive all virtues that are necessary to live a good life from the alleged two moral powers of free and equal persons would be another failed attempt to reduce the richness of the ethical life to the minimum possible amount of ideas (Williams 1985).

### **III. The Non-Comprehensiveness of the ICV**

In this previous section, I have argued that there are not adequate ways of raising a child that can be justified (exclusively) in terms of public reason and, therefore, that parents have no conclusive reason to give their child an anti-perfectionist upbringing. Indeed, giving children an upbringing that is fully neutral in terms of ethical content is arguably a very bad idea because you are condemning the child to acquire a character that is independent of any ethical standard dictated by a well-developed practical wisdom. This is, by itself, a bad thing to have in terms of motivations, but the worst consequence is that the child will develop an ethically-blind capacity of practical judgment. Of course, this conclusion is based on a comprehensive view of practical rationality and the flourishing life, roughly an Aristotelian one. And only someone who endorses this comprehensive view, or some other similar view, will share this conclusion. Nonetheless, there is a more inescapable conclusion regarding the ICV. A defender of the ICV could react to the Aristotelian criticism in three ways <sup>86</sup>:

The first one is to bite the bullet, accepting that parents should be allowed to exercise their parenthood in a perfectionist way, but only regarding the cultivation of virtues, because these are the ethical elements that have to be acquired during childhood. The problem of accepting this conclusion is that the implications of his position would drastically change, in a way that would make such a position unrecognizable as an anti-perfectionist one. Concerning secular ethics, the subject of ethics was more or less defined and established by Aristotle, who dedicates most of his books to character and virtues -

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<sup>86</sup> There is another possibility, namely to stick to the claim that the flourishing or well-being of children should not be the concern of their parents at all. But this is not Clayton's position, as he sensibly recognizes that great losses in terms of the child's well-being may potentially trump the demands coming from ethical independence.

indeed the word ethics derives from character. It is very odd, nearly unintelligible, to claim that your position consists in excluding ethics from upbringing, but making an exemption for the part of ethics that has been (historically) considered the most relevant part of it. Regarding religious ethics, allowing the cultivation of character virtues potentially opens the door to the theological virtues: faith, hope, and charity (love), and therefore to a fully religious upbringing (Aquinas 1948). The discussion of whether these are real virtues and are necessary for a good life is itself a discussion that has to be addressed in comprehensive terms. More importantly, accepting the necessity of cultivating the ethical virtues of character in children would dissolve the main pillar of the ICV, namely that a directive education is legitimate only if it is justifiable according to public reasons - which, as I have shown in the previous section, is not the case of ethical virtues.

The second option entails to resist my Aristotelian criticism. If this is the case, it is not clear at all how his position can still be presented as a non-comprehensive one. The defender of the ICV may deny the Aristotelian thesis that forming and pursuing a worthwhile conception of the good requires substantive rationality, and therefore the ethical virtues of character. However, by denying this he would automatically be adopting a comprehensive position. Of course, someone might simply say that she does not know whether Aristotle was right, and therefore she is going to give their children an ethically neutral education. However, the defender of the ICV needs much more than this. He is sustaining a moral position that commands *all* parents to educate their children in a certain way. Because of this, he would need to claim that *nobody* can really know whether or not Aristotle is right about this; and this epistemological skepticism is also a comprehensive position.

The third way is to say that he does not need to claim skepticism. Rather, the only thing he needs to claim is that Aristotelianism falls outside of public reason. It is something we disagree about; a disagreement that will keep going. That is certainly true, but my point is that if Aristotelianism is true and children receive a purely neutral upbringing, then they are in trouble. Therefore, to suspend the question is not a valid option in the case of children.

Even though it is very problematic, I have used the Aristotelian view as an argumentative device because many contemporary philosophers consider it a relevant ethical alternative<sup>87</sup>. However, the same conclusion can also be derived from the criticisms made by comprehensive positions that are different from this one. Clayton covers one of them in his new book. As I said, independence for children forbids Christian parents to baptise their children because this is seen as a comprehensive enrollment that violates their independence. But, from the point of view of most Christians, baptism is the key to salvation and heaven. If an unbaptized child dies during childhood, parents could be responsible for the huge and eternal loss of the person who they most care about. Is this demand to parents sensible and reasonable? Clayton's honest and transparent answer is very illuminating:

“If pressed, we must deny that salvation turns on being within the church. Though I cannot give a full justification of that claim (...) which would require extensive engagement with theological controversies, I believe it to be sound. Similarly, the response to parents who acknowledge the reasons to respect their child's independence, but propose to baptise her into the Catholic Church out of concern for her salvation, must be to deny their theological views” (Clayton forthcoming).

Clayton openly acknowledges that these arguments that can be given to Christian parents are comprehensive ones, but he pretends to pass them as arguments that do not belong to the ICV. According to him, they are simply accessory arguments that he could offer in order to make his (non-comprehensive) proposal more convincing.

In the same line, Clayton offers Dworkin's ethical doctrine as one that is fully consistent with the ICV (Dworkin 2011). The question is whether this comprehensive doctrine is merely an example that Clayton offers, among many he could have used, or, on the contrary, it has very specific characteristics that make it compatible with the ICV.

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<sup>87</sup> One problem of the Aristotelian view is the non-existence of value conflict within it. It was already a peculiar theory when it was proposed if we compare it with the conflicts of value expressed in Greek tragedies. However, it is a much more problematic as a theory for modern societies. This is not exactly due to the existence of pluralism between individuals, but due to the historical generation of more and more different - and to a certain degree autonomous - value spheres like art, politics, economics, morality, etc (Weber 1978). This multiplicity of value spheres makes value conflict more inevitable. Nonetheless, the main problem of the Aristotelian view as an ethical theory for modern societies is the central role that *eudaemonia* plays in it, which only makes sense within a certain teleological cosmology (Valdecantos 2008).



Unsurprisingly, we find this peculiar set of characteristics. Dworkin makes a distinction between ‘living well’ and ‘having a good life’, and assigns axiological priority to living well over having a good life. This has two very relevant ethical consequences: (1) The ethical theory identifies morality with living well, and therefore justifies what I have been calling the axiological priority of morality over other value spheres - understanding morality in the broad sense of what we owe to each other and not in the restricted sense of political morality (i.e. principled toleration and the respect of other’s basic liberties) (Dworkin 2011: 255-327); and more importantly (2) the ethical theory identifies ‘authenticity’ as one of the two main ethical principles, which involves others not making decisions concerning your actions and beliefs. In other words, living well, in the sense of living your own life as opposed to a life dictated by others, is the supreme ethical goal. And this remains true even if it is at the expense of becoming a continent person or lacking the capacity to detect and pursue worthwhile ends, precisely because living well is more important than having a good life (Dworkin 2011: 191-255). The conclusion seems to be obvious. The ICV cannot expect to attract the ‘overlapping consensus’ of all reasonable comprehensive doctrines, perhaps not even many of them, because its acceptance depends entirely on accepting very peculiar comprehensive beliefs that go well beyond reasonableness<sup>88</sup>.

The ICV has to decide between three possibilities: (a) being nearly an unintelligible and inconsistent position, in case it accepts the Aristotelian criticism but claims to be a non-perfectionist position that allows the cultivation of virtues; (b) a very unsound proposal, in case it accepts the Aristotelian criticism but still forbids the cultivation of character virtues in children; or simply (3) to be a comprehensive doctrine that denies the Aristotelian and other comprehensive arguments by using its own comprehensive arguments. To my mind, last option clearly looks like the best one, among these three, for

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<sup>88</sup> Just to clarify. My argument is not that (1) Dworkin's view is a comprehensive view; (2) Clayton's view is based on Dworkin; (3) therefore, Clayton's view is comprehensive. Clayton's view is admittedly not based on Dworkin's one. What I am arguing is that: (1) Clayton uses Dworkin's view as an example of a comprehensive view that is consistent with his theory; (2) Dworkin's comprehensive view is consistent with ethical independence for children *precisely* because Dworkin's view has a very peculiar set of comprehensive characteristics; (3) the most important one of them is that living well (living your own life) is more important than having a good life (for instance, having the correct ethical virtues). (4) If you don't accept that premise, and you believe that there are reasons to think that an ethically neutral education will reduce the goodness of your child's future life, then you will justifiably not accept Clayton's view; (4) therefore, Clayton cannot expect his view to attract the overlapping consensus of all reasonable views.

a philosophical theory of upbringing. Indeed, I think that this is precisely what Clayton implicitly does.

This is, I think, the main problem of ICV as a philosophical position. It claims to be a neutral view and a non-comprehensive doctrine - in the sense of being independent from controversial ethical, religious, and metaphysical claims. However, when pressed hard from a comprehensive view that is concerned with the well-being of the child, the defender of independence for children is forced to make comprehensive claims in order to refute the criticism if he wants to offer a sound defence of her position. And this inevitably implies that the ICV reveals itself as merely another, very well-disguised, partisan position.

## **Conclusions**

In this paper, I have criticized the independence for children view as a moral theory of parenting by criticizing two relations of independence on which the theory revolves: the independence of children from parents (section 2), and the independence of this theory from comprehensive claims (section 3). Nonetheless, by having done this, some tentative conclusions can be derived concerning these three issues and the relationship between them, political liberalism and philosophy.

The issue that I have discussed in the second section, namely practical rationality and its importance for having a good life, does not seem to be a problem for political liberalism. The fact that political liberalism is based on a conception of practical rationality that is less demanding than the Aristotelian one presented here cannot be considered an error of political liberalism, once we take into account its main aim. The question that political liberalism tries to answer is the following: What are the necessary philosophical assumptions that we need for grounded toleration to be possible, or even thinkable, in pluralist societies (Rawls 1993: xxv-lx) <sup>89</sup> ? Rawls answers that we need citizens to possess the capacity to have rational ideas concerning the good life - meaning that they are capable of forming and pursuing intelligible and consistent ideas of the good that are

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<sup>89</sup> The aim of a toleration based on principle, as oppose to one based on self-interest (*modus vivendi*) derives from the necessity to ensure 'stability' (Rawls 1996: 140-144).

in tune with their desires and compatible with external facts <sup>90</sup>. However, we do not need to assume that citizens have the *actual* capacity to live *truly* good lives. This makes perfect sense because toleration is needed precisely when someone sees others as living bad, deficient or wrong lives - or at least when the agent who tolerates thinks so. The problem appears if we extrapolate the Rawlsian framework to the relationship between parents and children. In this case, an attempt to help children acquire the capacity to form rational ideas of the good life is not enough. We need them to be actually capable of living truly good lives, especially if we are their parents - as we are responsible for their existence. As other critics of Clayton have argued, while it is sensible to argue that the flourishing of citizens should not be the business of the state, it is not sensible at all to claim that the flourishing of children should not be a concern for their parents, because parents are supposed to *love* their children <sup>91</sup> (Richards 2018).

Regarding the issue that I have discussed in the previous section, namely the implicit comprehensiveness of the ICV, some philosophers have argued that political liberalism is a comprehensive doctrine as well (Sandel 1982, 2005). Taking all my previous considerations into account, it could be argued that political liberalism, contrary to the ICV, does not need to be a comprehensive doctrine. Nonetheless, even if I am right and political liberalism achieves its aim of being a non-comprehensive philosophical theory, political liberalism should be seen as the philosophical exception rather than the norm. The norm of dealing with all moral issues by bracketing the ethical, axiological, epistemological and metaphysical questions. The tendency to deal with most or all normative questions *within the limits of public reason alone* may lead to two dangers <sup>92</sup>:

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<sup>90</sup> Because this, together with reciprocity and the acceptance of the ‘burdens of judgment’, leads to principled toleration (Rawls 1996: 48-66).

<sup>91</sup> While I cannot discuss this complicated issue here, toleration does not seem to be the proper attitude between parents and their children. At most, it seems to be a second-best. Recognition and, especially, love seem to be what sons and daughters expect from their parents and what parents think they ought to give. The main question involves providing conceptual definitions of recognition and love, and determining whether or not (and under what conditions) these can be given. I have tried to participate in this discussion in another paper of the thesis.

<sup>92</sup> This tendency is, at the same time, in tune with Rawls and against him. On the one hand, Rawls offered a model for doing moral philosophy by bracketing the rest of philosophical questions (Rawls 1999). On the other hand, he said explicitly that the civil duty to use public reason only applies to a very specific kind of questions, namely those that have to do with the constitutional essentials and justice as applied to the basic structure of society. The problem is that, depending on how you interpret this, it can include many, if not

either to not saying anything worthy about the issue at hand; or to not making explicit the ontological, axiological, and epistemological assumptions that underlying a presumably non-comprehensive position - assumptions that are usually in tune with the historical common sense (Taylor 1989, 1995).

The issue of upbringing is a very special and interesting one because it allows us to see clearly the social dependency of any individual to constitute itself as an ethical subject, as well as the limits of public reason. For the same reason, it is also a very difficult one to handle. The question of how *we* should live is, therefore, inescapable - with all the deep, complex and inevitably comprehensive problems that this question carries. And this would remain true even if we were not able to give a definitive and non-controversial, not even a convincing, philosophical answer to it (Williams 1985).

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most, moral and political issues. Moreover, some influential followers of Rawls have argued that there is no convincing motive to restrict the use of public reason to those spheres (Quong 2010).

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# **With Great Power or Freedom Comes Great Responsibility: A View of Parental Authority and Children's Liberty Rights**

## **Abstract**

What does Pettit's theory of freedom entail about parenting and children's rights? In this paper, I apply Pettit's political concept of liberty as non-domination and the linked idea of freedom as responsibility to the general issue of parenting and children's rights. I argue that applying the framework of non-domination to children *qua* children is problematic, as young children are characterized precisely as individuals who are not fit to be held responsible. However, I show how the ideal of non-domination can be applied to children with a certain degree of maturity in order to define their rights *qua* partly adults. Moreover, I argue that the idea of freedom as responsibility can contribute to justifying the institution of family and the right to parent. Lastly, I show how this idea of freedom helps to define the upbringing that children have a right to receive *qua* future adults; an upbringing that allows them to become individuals who are fit to be held responsible. In doing all this, I show some potential tensions that exist between the fundamental interests of children *qua* members of different kinds, namely the tensions between their fundamental interests *qua* children, *qua* future adults, and *qua* partly adults.

**Keywords:** children's rights, parental authority, domination, freedom, responsibility collective responsibility, group agency, coercion, manipulation.

## **Introduction**

Philip Pettit has been at the centre of a broader revival of classical republicanism within contemporary political philosophy (Pettit 1996, Pettit 2012, Skinner 1998, Skinner 2004, Viroli 2002, Lovett 2001, 2009, Laborde & Maynor 2008, Lovett & Pettit 2009). His best-known contribution is the revindication of the idea of 'domination', which he defines as the capacity to exercise arbitrary power over someone else. More specifically, the concept of domination, according to Pettit, aims to describe a situation in which one has the capacity to interfere with someone else without being forced to track the interests of the person who suffers the potential interference. From this idea of domination, Pettit derives and defends a political view of liberty, according to which liberty is defined precisely as

the absence of domination (Pettit 1996, 1997). And he opposes this republican conception of liberty to the classical liberal conception that identifies liberty with the absence of actual external interferences (Pettit 2011).

However, the political conception of ‘liberty as non-domination’ is not Pettit’s only relevant contribution. Indeed, his main philosophical project has been to offer a comprehensive view of freedom, which starts from its metaphysical, psychological, and moral aspects and, therefore, goes far beyond the political sphere (Pettit 2001, 2015). According to this more general view of freedom, “you are free...just so far as you are fit to be held responsible” (Pettit 2001:12). In other words, the notion of being free and that of being fit to be held responsible are coextensive. Offering a comprehensive view of freedom that goes beyond political liberty understood as non-domination is morally and politically relevant. After all, why is someone dominated if others have the capacity to interfere in her life without tracking her interests, even if they do not use that capacity? And, why is domination, understood as the absence of protection from *potential* interferences, a bad thing, namely a relationship that we ought to prevent? For instance, is the ‘*patria potestas*’, namely the current legal right that parents have to make many very relevant decisions with regard to children, a form of domination that ought to be prevented? One way to answer these questions is by linking the political ideal of non-domination to a more comprehensive theory of freedom. And this is what the idea of ‘freedom as being fit to be held responsible’ offers.

Recently, some philosophers have discussed the possibility of applying Pettit’s conception of liberty as non-domination to the issue of parental power. Their aim is to see whether the normative principle of non-domination allows us to define children’s rights, which would establish the limits to how parental power ought to be exercised. Some of these authors have argued in favor of this possibility (Laborde 2008, Gheaus 2021, Gheaus forthcoming 2023), while others have argued against it (Macleod 2015). In contrast to both these stands, I defend that in order to assess whether Pettit’s view of freedom has something relevant to say about parental power and children’s rights, it is not enough to focus on his political view of liberty as non-domination. It is also necessary to pay attention to the more comprehensive theory of freedom - i.e., freedom as being fit to be held responsible - which underlines it. So, the general question I try to answer in this paper is: What does Pettit’s theory of freedom have to say about parenting and the rights of children?

The first part of the paper is focused on children's rights *qua* children. Concerning this issue, I intervene in a discussion between those who argue that republicanism does not provide proper guidance in assess these kinds of children's rights, and those who argue that it does (MacLeod 2015, Gheaus 2021, Gheaus forthcoming 2023). My position in this debate is that Pettit's version of republicanism provides little to no guidance on this issue, due to reasons that are internal to his theory. That is, Pettit's republicanism is essentially a theory of freedom. More specifically, it is a theory that links freedom to the idea of being fit to be held responsible, an idea which does not apply to children *qua* children. Moreover, I express some doubts concerning the philosophical project of applying the ideal of non-domination to children *qua* children - even if we use 'domination' in a sense that is different from Pettit's one.

In the second part of the article, I argue that the view of freedom as responsibility, together with Pettit's views about group moral responsibility and group agency, offers a ground for the existence of parental authority. The main idea is that the adults who raise a child have to be fit to be held responsible. This implies that, in case they a more than one, the group needs to have some kind of group agency. This justification of the family and the right to parent is complementary to the most accepted view of family and the right to parent, namely the *fiduciary view* (Valentyne 2003, Godin 2005) and its main variations (Brighouse & Swift 2006, 2014).

The third part is focused on children's rights *qua* future adults. Concerning this, I present a framework for defining and giving content to this kind of rights by using the idea of freedom as responsibility. The basic idea is that children have a right to an upbringing the leads them to become, in due time, fit to be held responsible. This implies the acquisition of orthonomy<sup>93</sup>, and the development of a non-weak and non-elusive self. I contrast this proposal with the main alternatives that we find in the literature, namely the framework of robust autonomy (Callan 1997, Levinson 1999, MacMullen 2007) and the framework of independence for children (Clayton 2006; forthcoming)<sup>94</sup>.

Finally, part fourth has the focus on children's rights *qua* partly adults. In this respect, I use the idea of liberty as non-domination to establish the normative limits to what

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<sup>93</sup> 'Orthonomy' is Pettit's proposed concept to substitute autonomy, and it requires, as I explain in the corresponding section, certain intellectual and volitional capacities.

<sup>94</sup> I do not argue against these two alternative views. I just use them for the sake of comparison, to define my own proposal. I dedicate a whole chapter, namely chapter two, to reject Clayton's view.

parents can lead children to do and to believe once they become, at least partly, fit to be held responsible. In order to define and present my position, I discuss and criticize Bou-Habib's and Olsaretti's proposal (2014).

### **I. Liberty as Non-Domination Applied to Children's Rights *qua* Children**

There is something rhetorically appealing in using the framework of republicanism to interpret parenthood and children's rights. The resulted interpretation of parenthood is strictly opposed to any vision of parenting that sees parents as the owners of children. After all, republicanism was originally conceived as an anti-slavery theory, and parent-centered views are usually those that (implicitly or explicitly) see parents as the owners of children. However, there is something conceptually questionable in applying the idea of non-domination to children *qua* children. The word *dominatio* (domination) is etymologically linked to the words *domus* and *dominus*. In ancient Rome, it referred to the rule of the *dominus* (master) over his *domus* (house); namely the rule of the father over the mother, the sons/daughters, and the slaves. When the Romans demanded non-domination, what they were saying is the following: Power (*potestas*) among citizens should not be exercised in the same way as intra-house power (d'Ors 2004). The justification of this normative asymmetry was that those persons who are subjected to intra-house power are incapable, or at least not fully capable, of governing themselves. In modernity, this claim been convincingly denied with respect to women and those whom Aristotle calls natural slaves in his *Politics*. However, Romans were arguably right in thinking that children are not able to govern themselves. My point is the following: The negative connotation of "domination" derives historically from the idea that power is exercised over someone as if that person was not capable of governing herself; as if she needs a master when in fact she does not. In this sense, the concept of domination plays, within the republican tradition, a similar role that the concept of 'paternalism' plays within the liberal tradition. Paternalism refers to something bad because it refers to a situation in which someone is being treated as a child when, as a matter of fact, she is not<sup>95</sup>. This is why it is conceptually unproblematic to apply the republican framework of non-domination to the demands of feminism (Costa 2013; Gheaus 2013), but it is more

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<sup>95</sup> As Schapiro says, "treating someone like a child is *prima facie* wrong, unless, of course, the person in question really is a child" (Schapiro 1999:715).

problematic to apply it to the case of children *qua* children. Nonetheless, the historical meaning of concepts changes and, therefore, the application of the framework of republicanism and the concept of domination to parental power has to be evaluated according to their argumentative merits and normative potentiality <sup>96</sup>.

In this respect, Colin Macleod argues that the idea of liberty as non-domination is not fully applicable to addressing the distinctive claims of children. Even when modified to speak more directly to the claims of children (such as the facilitation of a robust autonomy), he argues that freedom as non-domination provides an incomplete basis for identifying the full set of objectives that matter from the point of view of justice (Macleod 2015). Macleod's argument goes as follows: (1) domination consists in arbitrary interfering with the genuine choices of agents or having the capacity to interfere arbitrarily with such choices; (2) the arbitrariness condition is defined in relation to the *avowed interests* of agents, in the sense that it is the judgment of the agent about her own interests that is crucial in determining what constitutes arbitrary interference; because of this, (3) the standard republican conception of domination rests on the implicit assumption that the person whose freedom is at stake are competent choosers with an authoritative understanding of their own interests; (4) the domination of (young) children is not usually aptly characterized via the idea of arbitrary interference with the choice of free persons; therefore, (5) the republican account of domination is, a priori, a poor fit for (young) children. (6) The framework can be used to ensure that children become competent agents who are capable of articulating and pursuing their own interests. The idea would be that power should be exercised so as to facilitate the basic agential competencies on which the republican idea of freedom is predicated; however, (7) the framework does not work for those dimensions of children's education and life that affect the children's lives *qua* children. Freedom as non-domination is silent on how we should identify the intrinsic dimensions of childhood education and life that matter from the point of view of justice. I endorse point (6), which I develop in the third section of this paper. Also, I mostly endorse point (7), which is the point that I discuss in this section.

More recently, Anca Gheaus has argued that republicanism can be interpreted as a theory that has something relevant to say about children's rights *qua* children (2021). She argues

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<sup>96</sup> Indeed, the word domination has been extended well beyond the republican tradition. It is used, with a different meaning, by many German philosophers since the Enlightenment, such as Kant, Marx, Weber, and the Frankfurt School (including Habermas).

that there is a more substantial meaning of arbitrary interference, which is formulated in some of Pettit's earlier texts, and that seems more adequate for understanding the relationships with children. According to this alternative interpretation, 'x dominates y if, and only if, x yields power over y in a way that fails to track y's well-being' (Gheaus 2020:4, Gheaus forthcoming 2023:10). As a consequence of this more substantial interpretation of arbitrary interference, republicanism supports a view of parenting in which, ideally: (a) rearing status is only assigned to rearers who are most likely to advance the children's interests - i.e., optimal rearers; and (b) parents have no right to setback children's interests for the sake of advancing their own interests. In other words, republicanism supports, under Gheaus' interpretation of it, a child-centered view of parenting, or a dual-interest view in which the interest of the child has lexicographical priority over the interest of parents. This normative conclusion has, according to her, very relevant consequences in terms of the criteria for allocating the right to parent, and also for establishing limits to the rights of parents. One example of the limits that this interpretation of republicanism might establish on the rights of parents is the suggested possibility (not affirmed, just suggested) of it being in tune with Clayton's theory of independence for children (Clayton 2006; Clayton forthcoming, Gheaus 2021).

Gheaus' suggestion of applying republicanism to children's rights *qua* children by using a substantive interpretation of arbitrary interference is very interesting but problematic. First, even if the correct interpretation of 'arbitrary interference' were the one endorsed by Gheaus, Macleod would still be right in saying that freedom as non-domination remains largely silent on how we should identify the intrinsic dimensions of childhood from the point of view of justice. Gheaus' interpretation of republicanism tells us that children's substantive interests have lexicographical priority over the parental interests, regarding decisions and legal limits to the rights of parents. However, it tells us very little, if anything at all, about how to detect and define those children's substantial interests and well-being. We can see this, for instance, when she discusses the issue of whether it is in the interest of children to allocate the right to parent to those adults who are not the child's biological progenitors (in case they are more optimal). Or when she discusses whether republicanism is in tune with Clayton's defended duty to refrain from intentionally shaping the children's comprehensive beliefs. Or when she discusses whether parents should have a right to exclude others from forming and maintaining caring relationships with the children they rear. In other words, we still need to define and specify a set of

substantial interests that promote the well-being of children in each area, and the normative criteria for defining this set are fully external to the theory of republicanism and freedom as non-domination. This lack of guidance provided by republicanism is due to the fact that the existence of those substantive interests is alien to the republican theory, at least in Pettit's version of it.

There are good reasons that explain why Pettit abandoned the understanding of 'arbitrary interference' that Gheaus reappropriates. The main one is that this understanding is at odds with the rest of his theory. Pettit's republican theory is essentially a theory of freedom; and Gheaus' endorsed interpretation of 'arbitrary interference' as 'x dominates y if, and only if, x yields power over y in a way that fails to track y's well-being' cannot be the cornerstone of a theory of freedom. It is unintuitive to say that having your well-being not tracked by others who exercised power over you is a sufficient condition of your unfreedom. It is even less intuitive to say that you are unfree only if those who exercise power over you do not track your well-being. This can be a damage to you, but why is it a damage in the form of a lack of freedom? More importantly, it is bizarre to see cases where others make decisions that track your substantial interest, and therefore your well-being, but do it against your declared will, as cases in which you are free. I see two possible ways to solve this problem. One is to argue that the two meanings of arbitrary interference, namely the one that refers to not tracking one's avowable interests and the one that refers to not tracking one's substantive interests, are equivalent when they are applied to adults. The other is to state that the meanings are compatible because the former only applies to adults while the latter applies exclusively to children.

It could be argued that there is no incompatibility between the two interpretations of arbitrary interference because not having your avowable interests tracked by other adults who exercise power over you implies not having your substantial interests, and therefore your well-being, tracked by them. This would be so because either making your own decisions leads you to those outcomes that maximize your well-being, or because making your own decisions is an intrinsic part of your well-being as a normal adult. These are two classical views about the value of freedom, which are present in Mill's classic book *On Liberty*. One sees freedom as having instrumental value, while the other sees freedom as having intrinsic value. Nonetheless, under both views, freedom is seen as an essential part of a normal adult's well-being.

The problem with the previous solution is that these justifications are entirely external to Pettit's theory of republican freedom. More importantly, it is not easy to make compatible the two classical liberal justifications of freedom, especially the version that assigns instrumental value to liberty, with the conception of liberty as non-domination. This is due to the fact that liberty as non-domination counts as restrictions of freedom not only the actual interferences, but also the potential ones (Pettit 1997, 2001, 2008). Therefore, one would need to come up with an account of why potential interferences also reduce the capacity of an agent to make those decisions that maximize her well-being; or why they intrinsically reduce the agent's well-being.

Alternatively, one might argue that the meaning of 'arbitrary interference' as 'not tracking substantive interests' only applies to children, or to adults who lack the capacity to make decisions. From this standpoint, the correct interpretation for normal adults is a different one, namely one that has to do with *avowable interests*. This is Gheaus' position, as she argues that the "non-consensual exercise of power over a person must be justified by appeal to the interests of that person, avowed if the person had been able to express them before becoming unavailable to consent...or objective if the person has never expressed, or even been able to express, her interests" (Gheaus forthcoming 2023: 10). This is a valid way to solve the apparent incompatibility, although this answer recognizes that the relationship between republicanism as applied to adults and as applied to children is loose. They share a label but, while the former is a theory of freedom, the latter is not<sup>97</sup>. More importantly, by saying that the substantial interpretation of non-domination only applies to children, we may legitimately be asked why this is the case. It is pretty clear why the requirement of tracking one's avowable interests cannot be applied to children. However, it is less clear why the requirement of tracking one's substantive interest should not be applied to adults as well - if we think that objective interests have something to do with domination. The open question is this: Are adults dominated when someone has the *capacity* to interfere in their life without tracking their substantive interests?

Answering affirmatively to the previous question is problematic. Any government actually has the legal capacity to interfere in people's lives without tracking their substantive interests, although governments arguably lack the capacity to interfere in

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<sup>97</sup> Gheaus explicitly recognizes that domination, as she understands it, is not necessarily a form of unfreedom: "I leave aside the issue of whether non-domination is indeed best understood as a form of freedom" (Gheaus 2023: 10)



people's lives without tracking their avowable interests if the state has certain democratic institutions. Think about the possibility of a bad government - in the sense that it disregards its subjects' objective interests - which gains wide democratic support. The mere *possibility* of a government like this one would imply domination, under a substantial interpretation of domination that applies to adults. It cannot be argued that if the government is actually good, then the population is not dominated, because from the point of view of republicanism what matters is the *capacity* to intervene - as opposed to whether and how this capacity is actually used. If we accept that Gheaus' definition of domination applies to adults, the only way to achieve non-domination regarding state would be to find institutional mechanisms that prevent the existence of bad governments. These mechanisms seem impossible to be achieved. Their impossibility, in case they are indeed impossible to be achieved, might not be a definitive philosophical argument against this understanding of domination as applied to adults. Nonetheless, it is awkward in some sense to vindicate a normative ideal if there is no possible way to implement it.

We can try to avoid the previous conclusion, namely that domination can never be avoided, by finding a justification as to why tracking one's objective interests is not a requirement for non-domination in the case of adults. The only possible answer that comes to my mind is that adults, as opposed to children, have the capacity to detect and express always their objective interests through their avowed interests. However, this claim is implausible. It denies the existence of what Marxists call false consciousness, namely the idea that citizens are, at least sometimes, incapable of detecting and promoting their objective interests due to the influence that ideological discourses have over them. The claim also denies the existence of relevant cognitive biases that lead to wrong or poor decisions (Brennan 2018). Saying more, the claim seems to deny the possibility of bad democratic governments, because if we express our objective interests through our avowed interests, there is no way in which a government that results from collective avowed interests can be one which do not track objective interests - unless the government openly breaches its declared political program.

In summary, the normative ideal of non-domination applied to children *qua* children is problematic because (1) an understanding of domination that is based on avowed interests does not work for children; and (2) an understanding of domination that is based on substantial or objective interests leads to normative problems if we apply it to both adults and children, but also if we try to reserve it for the case of children. I do not claim, at all,

that these problems cannot be solved. What I claim is that, given the difficulties, it is prudent to maintain a skeptical position concerning the application of non-domination as a normative ideal to children *qua* children<sup>98</sup>.

Nonetheless, the most important problem of applying Pettit's republicanism to children *qua* children occurs at the level of justification. As I have previously underscored, Pettit's republicanism is grounded on a more comprehensive theory of freedom, which encompasses everything from freedom of the will to political freedom (Pettit 2001, 2015). That is, besides being a theory of liberty as non-domination, it is a theory of freedom as being fit to be held responsible. There exists a normative and conceptual link in the theory between the notion of freedom and the notion of responsibility. Someone ought to enjoy political liberty, for instance not to be coerced, because otherwise she is not fully responsible for what she does. And someone ought to be legally protected from potential coercion, because otherwise she is not *morally recognized* as someone who is fit to be held responsible. The protection from potential interferences is a *recognition of a certain status*. However, the link goes in the other direction as well. A person deserves to enjoy political freedom only if she is internally free, meaning that she is someone who is indeed fit to be held responsible: One who is *responsive to reasons* and who has a certain degree of *self-consistency* across time.

I will expand and explain in more detail Pettit's comprehensive conception of freedom in the following sections, as this idea will allow me to offer a view of the right to parent and the children's rights *qua* future adults. Regarding children's rights *qua* children, the pair freedom/responsibility does not apply. Because it does not apply, the philosophical ground that sustains children's claim for non-domination disappears. My point is not that Gheaus' definition of 'arbitrary interference' is not a proper interpretation of republicanism because it is incompatible with Pettit's specific proposal. My point is that,

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<sup>98</sup> The discussion I have briefly exposed here between the two interpretations of 'arbitrary interests' largely parallels the one between the two main philosophical justifications of rights. Some philosophers understand rights as protections of interests, whereas others interpret rights as protections of choices (Kramer et al 2000). The later theory of rights has difficulties to give an account of the existence of children's rights, so philosophers and legal scholars generally endorse a view of children's rights that is based on children's interests (MacCormick 1976). If we accept this, we need to decide whether rights in general, not only children's rights, are grounded on interests or, on the contrary, we reserve this view of rights only for children, animals, and other humans who lack the capacity to choose (Valentynne 2002, 2003). However, if one decides to endorse the second position, one needs to offer a justification to why rights should not protect the interests of normal adults. Pettit's republicanism is, I think, in tune with the view that sees rights as based on choice, while Gheaus' interpretation of republicanism as applied to children is in tune with the view of rights as based on interests. What I suggest in this section is that a position like Gheaus' one should try to solve this tension or to explain why there is no tension at all.

even if we accept that ‘arbitrary interference’ means what she proposes, we still need a proper justification of why it matters not to be dominated in that specific sense. That is, we still need a reason of why we should be republicans in the first place; and this would be true no matter if we reserve that interpretation of arbitrary interference only for children, or we apply it to children and adults indistinctly. However, Pettit’s theory does not, and cannot, provide us with something like this justification<sup>99</sup>. The problem of justification is relevant because we need a reason as to why potential interferences, not only actual ones, which do not track interests are wrong. Republicanism is not needed in order to argue that legal protection is *prudentially* necessary in order to avoid actual interferences. Pettit’s republicanism is different to liberalism to the extent that it sees potential interferences as intrinsically wrong, because their existence violates a certain status of a person - i.e., the status of being fit to be held responsible. The question, regarding parental power children *qua* children is: Why are *potential* arbitrary interferences, which do not track the objective interests of children, intrinsically wrong? A very tentative answer to this question could be that those potential interferences violate the status of children as ends in themselves – as opposed to means to the ends of parents, but something more has to be said.

Although Gheaus’ interpretation of republicanism as applied to children is problematic, she makes two interesting suggestions in tune with the classical republican tradition that do not necessarily derive from her definition of ‘arbitrary interference’ nor do they need to derive from it. Both of them rely on the realistic idea that power should always be limited by another power. The first suggestion is that children’s rights, however we define them and whatever content we assign to them, ought to be legally protected through the force of state coercion, as opposed to merely morally enforced through informal mechanisms like blame and the parent’s conscience. The second one is that parental power should not be a monopoly, which is a requirement that is linked to the mechanism of the separation of powers<sup>100</sup>. Under her proposal, this implies that parents ought not to

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<sup>99</sup> It can be argued that not to be subject to the power of another in a way that fails to track only one’s own interests is a very basic moral intuition, which does not require further justification. And this may well be true but, if this is the case, the intuition is as basic as to say that children’s interest is what matters regarding parental decisions. To associate this intuition with the republican label does not seem to add anything substantive.

<sup>100</sup> The mechanism of the separation of powers can be understood in two related but largely different ways. The first one is to understand it as a pure separation. The idea is that each power should have its own sphere of authority, and the people in charge of each sphere should be different and should have no relation to each

have the right to exclude other adults from having caring relationships with the child. This mechanism is aimed mainly at protecting the children's rights to care *qua* children. For instance, if children have exposure to several caring adults, this is likely to deter all the adults who are present in the child's life from engaging in neglect and abuse because it is quickly detectable by others. Nonetheless, this mechanism is also offered to work as a protection of the children's freedom rights *qua* future adults <sup>101</sup>.

The mechanism of the separation of powers as applied to parenting and upbringing seems to be a good idea, as is Gheaus' proposal that derives from it. Nonetheless, it leads to one issue that is strongly related to the main topic of this paper, namely the children's lack of the capacity to be fit to be held responsible and the necessity that parents assume the responsibility that children lack. The main problem of the proposal, from this point of view, is: Who takes responsibility for the consequences of the decisions that are made regarding children? And, who takes responsibility for the consequences of children's actions, which are largely influenced by their contact with others caring adults?

## **II. Freedom as Responsibility and Group Agency Applied to Parental Authority**

As I said above, Pettit's conception of political freedom, namely liberty as non-domination, is grounded on a more comprehensive theory of freedom. This theory

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other. This is the conception of the separation of powers that operates in most European countries, where there are three institutions and each of them is in charge of one sphere: executive, legislative and judicial. Regarding education, many people spontaneously endorse this view, by thinking that citizenship and technical education should be the competence of the state, while ethical and religious education should be the competence of parents. However, there is another way to understand the separation of powers, which is more in the spirit of the American tradition. It is usually called 'checks and balances'. The idea is to give each institution a number of mechanisms that allow it to meddle in the spheres of the other powers. For instance, by giving the executive the power to propose or to veto legislation. Or by giving the judicial the power to legislate through judicial review. Or by giving the legislative camera the power to destitute government by impeachment. The aim, under this other interpretation, is to eliminate the monopoly of power from all spheres, so that each one watches the others. I think that it is this second interpretation of the separation of powers the one that lies behind Gheaus' proposal.

<sup>101</sup> The mechanism of check and balances applied to parental power is in tune with what Gheaus had already argued, namely that parents do not have the right to prevent their children from non-parental care (Gheaus 2011). This proposal is different from abolishing the family and substituting it from other institutional forms of child-rearing such as state-run institutions (Munoz-Dardé 1999).

provides a general account of freedom, from its metaphysical to its political aspects, by linking it to the idea of responsibility. In Pettit's words, he tries "to construct a theory that will bear at once on issues of free will and political liberty, and on the connections between the two...I seek a theory, in other words, that is constrained in each of its parts by the implications of that part across all the areas, psychological and political, in which we use the language of freedom" (Pettit 2001: 3). To be free, under this comprehensive view of freedom, is coextensive with being fit to be held responsible: "You are free...just so far as you are fit to be held responsible" (Pettit 2001: 12); and "to be fully fit to be held responsible...is to be such that no matter what you do, you will fully deserve blame should the action be bad and fully deserve praise should the action be good" (Pettit 2001:12, 2007). Pettit makes an analogy between the freedom-responsibility pair and the can-ought one. First, both freedom and the 'can' belong to the realm of facticity, while both responsibility and the 'ought' belong to the realm of normativity. Second, just like you have a moral obligation only if it is possible for you to fulfil that obligation, you are responsible for something you have done only if you were free while doing it. However, the analogy is limited, because the relationship between freedom and responsibility, unlike the one between the can and the ought, is not unidirectional but bidirectional. Freedom, unlike the 'can', is not an autonomous reality whose content is independent from the other element of the pair. That is, it is not possible to give a proper account of what freedom is without linking it to the idea of responsibility - which implies that both freedom as responsibility and liberty as non-domination are moralized concepts.

This view of freedom provides, I argue, an argument in favor of the existence of the family as a form of child-rearing and the right to parent. That is, I argue in this section that the view of freedom as responsibility can give an argument to the basic question of whether childrearing in the family is justified or, on the contrary, justice requires alternative ways of raising children - such as state institutions, informal groups of adults, or private associations. The idea is the following. The practice of assigning and assuming responsibility - and the practices of accountability that are linked to it - is a cornerstone of our human societies in several important spheres. For instance, the sphere of law is based on assigning criminal and civil responsibility, and this assignation of responsibility is materialized through practices of accountability in the form of penalties and restitutions. Morality is also based on assigning responsibility, which materializes through practices of accountability in the form of blame. Other informal social practices

that go beyond the scope of morality, like merit and shame, also presuppose the existence of freedom as responsibility. Lastly, institutions like the economic market work under the normative logic of desert, which presupposes responsibility. Even liberal egalitarian views of distributive justice take responsibility as one of their normative pillars (Dworkin 2000). Children *qua* children are different from normal adults mainly in the sense that they are not fit to be held responsible. And this is true both regarding those actions that affect only them and also regarding those actions that affect others. As they are not fit to be held responsible, they cannot be participants in the practices of assigning and assuming responsibility. However, children necessarily live and interact within societies in which those practices take place, which implies that they cannot stand fully aside from those practices. Therefore, there must be adults, usually parents in our societies, who assume two duties: (1) the duty to be responsible for children while they remain in the state of childhood, namely (1.1.) the duty to make decisions regarding children's interests, for which consequences they are accountable and (1.2.) the duty to assume the liability for children's actions when they affect others. In other words, what we know as parents is a figure that assumes the role of being the *moral and legal representative of children*. This explains why we blame parents for certain behaviors of their children, or why every legal system assigns civil responsibility - even criminal responsibility in some cases, such as United States - to parents in relation to their children's actions. Finally, parental responsibility includes (2) the duty to make sure that children will be fit to be held responsible in due time <sup>102</sup>.

The most widespread justification of the existence of the right to parent among contemporary philosophers is the *pure fiduciary view* (Brennan & Noggle 1997, Hannan & Vernon 2008, Goodin, 2005, Vallentyne 2003). The name of the view derives from the fact that it sees the right of parents as a kind of trust, namely a legal relationship in which a third party (called a trustee) makes a series of decisions concerning a beneficiary - usually concerning a beneficiary's property. As the third-party lacks, a priori, any direct interest in the issue or the asset at stake, the legal relationship is conceived in a way that the trustee ought to make her decisions just for the sake of promoting the interests of the beneficiary. The mentioned view of parenting makes an analogy to the child-parent

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<sup>102</sup> This second part is the duty that I develop in part 3 of this paper to define the rights of children *qua* future adults. However, for the sake of discussing the right to parent, the relevant one is part (1) of parental responsibility.

relationship, and establishes that the reason for maintaining the family, and therefore the right to parent, can only be that children need adults to make decisions in their regard. As a consequence of this, parents ought to make decisions regarding children exclusively to promote the interests of children, because the fulfilment of that duty was the reason behind their acquisition of the rights of parents in the first place. This is why the fiduciary view is a *child-centred view*. The existence and acquisition of the right to parent are child-centred because, in order to justify the family and parental authority in terms of the fiduciary view, one needs to find reasons that explain why the family and the figure of parents serve, as a matter of fact, the best interest of children as compared to other possible fiduciary figures - such as state-run institutions, groups of friends, or collective private associations. And the content of the right to parent is child-centred (in case the existence of the right is conceded) because parents ought to use the right only to promote the children's interests.

A variant of the fiduciary view, which we may call the *familial relationship view*, argues that the intimate and loving relationship with children that is experienced within the family also contributes to parent's well-being in a non-instrumental way (Brighthouse & Swift 2006, Brighthouse & Swift 2014, Ferracioli 2015). As a result of this, the family and the right to parent should exist not only because they are instrumentally valuable for children - as the pure fiduciary view argues - but also because parents have a non-instrumental interest in playing the fiduciary role for some child. This view of parenting is *dual-interest* concerning the existence of the family and the acquisition of the right to parent because both the interest of the child and the interest of adults count for the sake of establishing the existence of the right to parent - although the view is not necessarily dual-interest for the sake of giving content to that right.

There is one thing worth noticing about how the fiduciary view – and the familial relationship view as one of its variants - frames the discussion concerning the existence and the acquisition of the right to parent. The interests that are normatively more relevant for justifying and defining the right to parent are the interests of children - in the case of the pure fiduciary view - and the interests of children and potential parents - in the case of the familial relationship view. On the contrary, the interests of third parties enter into the justification of the right only tangentially; they mostly have a secondary role. The main defenders of the pure fiduciary view recognize that “the societal interest in having the child raised to respect rights is taken into consideration—although admittedly in a

*very weak manner*” (my emphasis) (Vallentyne 2003: 20). On their part, the proponents of the familial relationship view say that “if you want children to become the kind of adult that is good for the rest of us, then raising them in families is the right way to go about it...Though we focus on the goods that familial relationships provide for those participating in them, we agree with these claims about their benefits for third parties. Many of the considerations typically presented as yielding positive externalities—such as the emotional, moral, and cognitive development of children—are the same as those framed by our arguments as benefiting the children themselves” (Brighthouse and Swift 2014: 51). This means that, in the case of the familial relationship view, the interest of third parties do not add any significant content to the definition and justification of the right because, presumably, the interests of third parties are identical to the interest of the child - i.e., the emotional, moral, and cognitive development of the child.

Let us come back to the main question: Why is custody over the child justifiably given to one person or to a couple of them who are in a very special kind of relationship, those whom we know as parents? The answer derived from the framework of freedom as responsibility is, I argue, that there have to be adults who act as the moral and legal representatives of children. This implies being responsible of something (the child’s well-being, her development, and her actions); being accountable by someone (by the future adult that the child will become, and also by third parties); and being liable for something (for the wrongness made to the child in case bad decisions are made, and for the wrongness that the child’s actions produce on others). On the one hand, there have to be adults who assume the responsibility of making decisions regarding children for which consequences they are accountable. On the other hand, there has to be adults who assume the liability for children’s actions when they negatively affect others. From this perspective, the problem with alternative ways of child-rearing is that they involve larger groups of adults, which would require collective responsibility, accountability, and liability. This collective responsibility is problematic and, I argue, at least some alternative forms of child-rearing are incompatible with it.

This is an issue that is not fully absent in the literature, but it has does not received the level of attention and importance that it deserves. Some authors have pointed that child-rearing done by larger groups of adults would imply practical difficulties in terms of agreement and coordination (Brighthouse and Swift 2014: 73). This is likely true, although it may be true as well that larger group of adults can make better decisions if these



decisions are made democratically - this is precisely what theories of epistemic democracy argue, usually based on the ‘Condorcet Jury Theorem’ (Goodin & Spiekermann 2019). In any case, this argument is different from what I argue here. I am not making a practical argument about whether collective decision making will be more or less complicated – although this practical complication is not unrelated to my argument. Nor I am making an argument about whether collective decision making will lead to better or worse results. What I am arguing is that, under collective forms of child-rearing, it is not clear at all whether there will be someone fit to be held responsible in case things go wrong for the child or for others; someone who is accountable by the child - at least in order to blame her, as well as by third parties.

Vallentyne introduces the interests of third parties and the issue of compensation into the justification of the right to parent through the *no custodian condition*, “which holds in part that possession of the childrearing rights by a person must not increase anyone’s expected compensation shortfall from the child beyond what it would be if no one possessed childrearing rights. This rules out custodial rights for those who would have an extremely corrupting influence on the child” (Vallentyne 2003: 20). However, first, the no-custodian condition is, again, a condition that focuses on the result that being parented by someone has on the child, and the effect that this has on others. And, secondly, the no custodian condition is a very low requirement in terms of parental responsibility against third parties precisely because the counter-factual standard of comparison is a situation in which no one has the custody of the child. This low requirement for those who have the custody contrasts with Vallentyne’s very demanding claim that procreators have the duty to compensate others when the child violates their rights – even if procreators have no contact with the child (Vallentyne 2002) <sup>103</sup>.

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<sup>103</sup> I assume, in tune with common sense and practices, that those who have the custody of the child are liable for the damage that the child’s behavior causes on third parties. This can be justified by the belief that children’s actions are, to a very large extent, the consequences of the influence that parents have over them. On the contrary, Vallentyne’s position is justified by the belief that children’s behavior is largely determined by genes. If we accept his argument, the problem of responsibility I am pointing to partly disappears, simply because those who parent the child do not need to be fit to be held responsible by third parties – the problem of accountability by third parties disappears, although the problem of accountability by the child persists. However, Vallentyne’s position is problematic because it implies to make someone morally responsible for her genes. Moreover, Vallentyne’s position leads to another problem, namely the problem of incentives. If we assign liability to procreators, then those who exercise parenting have much less incentives to educate well the child. Moreover, from the point of view of potential procreators, the incentives to procreate are severely reduced. If someone decides to procreate, she may be negated the custody of the child – in case there are better available parents – but she will still be liable for the child’s future actions.

One possibility for trying to avoid the difficulties that derive from collective child-rearing is to say that each of the adults who participate in the process of child-rearing is individually responsible of the whole process of upbringing. However, it does not seem right to say that each of the adults who participate in the upbringing is liable for all the child's actions, basically because these actions are strongly conditioned by the influence of many other adults. For instance, imagine that one of the adults who participate in the process has a very perverse influence of the child. Another possibility is to say that each of the adults who participate in the process of child-rearing is individually responsible only of her share of influence on the child. However, this answer is really problematic because the collective decisions made by all adults who participate in the process of child-rearing are either rationally inconsistent or not fully sensitive to the individual preferences of those who participate. This is due to the *discursive dilemma*, which states, roughly speaking, that rational inconsistencies may appear in collective decision making about logically related issues if collective decisions are directly responsive to the individual preferences of its members - for instance, because decision making is made by aggregating the individual preferences through majority voting (Pettit 2001b; List & Pettit 2002). To avoid this problem, the group needs to build up a collective agency through institutionalized mechanisms of deliberation or, in its absence, mechanism of representation. A type of representation that does not consist in the mere transmission of individual preferences, like a delegate in private law, but in the construction of those preferences on the basis of group interests – like in the trustee model of political representation (Pettit 2010).

I have suggested that one central question for evaluating whether parents should exist is the following: what kind of figure fits to take the responsibility for the child, accountability by the child and by third parties, and liability for the child's actions that wrong third parties? One valid answer to this question is parents. I say one valid answer because it might not be the only valid answer. According to Pettit, collective agents are also fit to be held responsible. However, for collective of individuals to be fit to be held responsible, they need to possess rational agency. And, in order to possess rational agency, they need to form an entity with its own personality, meaning that it possesses a deliberative and an agential capacity that goes beyond the individual members. The collective needs to have its own mind (Pettit 2007). It needs to constitute a person of its

own, although not a physical one <sup>104</sup>. And this can only be achieved through institutionalized processes of deliberation and representation. According to this view of collective responsibility, a private association or a state-run institution can have the custody of a child <sup>105</sup>. On the contrary, neither a bundle of adults with no or low level of interpersonal interaction nor an informal group of friends can, precisely because they lack group agency. I cannot discuss in this paper whether this view is right and what are its consequences for child-rearing are, but my point is that this is the issue that has to be evaluated in order to show that there are feasible alternative ways of rearing a child; ways that are different from traditional parenting. It has to be shown that the proposed alternative way of child-rearing is capable of acting as a moral and legal representative of the child, which implies that the proposed figure is fit to be held responsible, which requires that it possesses group agency – which is more demanding than mere joint actions (Pettit 2006).

Before finishing the section, I shall clarify how the argument I have made in this section is connected to other views. First, the argument presented here is an argument about why there should be parents; an argument that is based on the content and nature of parental responsibility. There is a different issue, namely the question about the right to parent a particular child and its relationship to the responsibility of procreators. For instance, Olsaretti has argued that the right and the obligation to parent a child is based on the fact that some adults are morally responsible of the existence of the child and, therefore, they have a duty to enter into relationship of parenthood with them (Olsaretti 2017) <sup>106</sup>.

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<sup>104</sup> This is, arguably, one of the historical functions of matrimony. For accounts of love the see it as the construction of a different entity, see Nozick (1989) or Friedman (1998). These accounts of love support the conclusion that matrimony, based on love, is an institution that generates group agency. However, we do not need to endorse this view of romantic love in order to accept that matrimony generates group agency. This can derive simply, from the fact that both persons are in permanent deliberative contact and their material goods are commonly owned

<sup>105</sup> Although for doing it they need to duplicated representation. The institution or association can act as the representative of the child but, in order to do this, it needs to select representatives of the institution or the association. So, at the end, there will be one person, the representative of the association, who assumes responsibility for the decisions.

<sup>106</sup> I am sympathetic to Olsaretti's argument, and I think her argument is capable of establishing that those who are morally responsible of the child's existence have a duty to be willing to enter into a relationship of parenthood. However, it is not clear to me whether the argument is capable of establishing that parents have a right to do it, in case other better and willing adults exist.

Although this argument is also based on the idea of moral responsibility, this is not an issue I deal with in this paper <sup>107</sup>.

Second, the view of the right to parent that has been presented here derives from Pettit's theory of freedom as responsibility. However, its link to republicanism and freedom as non-domination is not straightforward. As some philosophers have noticed, there has to be a rational relationship between the positions we endorse at different philosophical levels; for instance, between the ontology that we assume and the moral and political position that we advocate, but that relationship is usually not of univocal deduction (Taylor 1997). In this specific case, you do not need to be a republican in order to endorse this view of parenting, which is based on the more general idea of responsibility practices. Moreover, you can be a republican and reject this view of parenting, mainly because you only endorse Pettit's conception of political liberty but not his comprehensive view of freedom. I have just tried to show that an application of Pettit's comprehensive view of freedom can be used to make an argument in favor of the figure of parents as the main form of child-rearing.

Lastly, the view presented here is not an alternative to the fiduciary view but a complement to it. My view does not reject the image of parents as the fiduciaries of the child's interests. It simply adds the image of parents as the representatives of the child. Indeed, the figure of the trustee is, in both politics and private law, a specific form of representation that, therefore, needs to fulfil the general requirements of representation. For this to be the case, the trustee has to be fit to be held responsible and this requires, I have argued, group agency if there is more than one adult exercising the role – as opposed to the mere aggregation of individual agencies. The classical figure of parents is able to complain with this requirement, as are some alternative forms of child-rearing like private associations or state-run institutions; unlike other alternative forms such as a group of friends or any other informal group of adults.

### **III. Freedom as Responsibility Applied to Children's Rights *qua* Future Adults**

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<sup>107</sup> Nonetheless, the relationship between this issue and the one I have dealt with is key because the scheme of responsibilities that we assign to parents and the scheme of responsibilities that we assign to procreators have to be consistent with each other.

In the previous section, I have argued that parents are responsible for their children, accountable by their children and third parties, and liable for their children's actions; but I also stated that parents have a duty to make sure that children will be fit to be held responsible themselves in due time. This is precisely the duty that corresponds to children's right *qua* future adults. Children have a right to an upbringing that leads them to become, in due time, individuals who are fit to be held responsible. And this right is grounded on an interest that children have. There is a time in which children will be morally and legally treated as adults by society and the state, in the sense that they will be considered as being fit to be held responsible of what they do - unless they suffer a psychological pathology or disability. Because of this, children have a fundamental interest in really becoming fit to be held responsible, as a matter of fact. In this section, I develop and specify this right by making use of Pettit's theory of freedom as responsibility. The basic idea is that children have a right to be reared for acquiring (1) 'orthonomy' - which includes the intellectual and volitional capacities to make decisions; and (2) a 'non-elusive and non-weak self'. Moreover, I compare this view with two alternatives that we find in the literature concerning the rights of children *qua* future adults, and argue that these two views about the children's rights *qua* future adults are based on comprehensive ideas of freedom that are different to freedom as responsibility. The first view is the 'children's right to an open future' (Feinberg 2007) and, more generally, the liberal consensus about education. The second view is the 'children's right to ethical independence' (Clayton 2006, forthcoming).

Pettit gives an account of two other comprehensive ideas of freedom, which he presents as alternatives to his own idea of freedom as responsibility. I argue that these alternative ideas of freedom are, at least implicitly, at the root of two of the main frameworks for dealing with the rights of children *qua* future adults. The first alternative idea is 'freedom as underdetermination'. According to it, an agent's choice is free if, and only if, "the agent's choice was not fully determined by at least certain sorts of antecedents" (Pettit 2001:6). This implies that, at the moment of making the decision, there were several possibilities open to the agent. I think this is the idea of freedom that lies behind the children's 'right to an open future' (Feinberg 1994). The basic statement of this view is that children will not be able to make use of their freedom rights, once they become adults, if there are no choices to be made. This idea of freedom also lies behind those views of children which are focused on providing children with the mental capacities and attitudes

to revise and criticize, with the possible results of either rejection or endorsement, the beliefs, and values that their parents have inculcated on them. This is usually called ‘robust autonomy’ (Callan 1997, Levinson 2002, MacMullen 2007). The basic justification is that, without acquiring this, their future decisions will be fully determined by the kind of upbringing that they have received.

The second alternative is ‘freedom as ownership/authorship’<sup>108</sup>. According to this view, an action is freely chosen if, and only if, “the agent can own it, thinking: this bears my signature, this is me” (Pettit 2001: 6). This is arguably the view of freedom that lies behind the children’s ‘right to ethical independence’ (Clayton 2006, forthcoming). Ethical independence demands that the individual’s ethical convictions are her own. It requires that she holds and pursues her own ethical commitments rather than the ones that happen to fall on her. Precisely due to this, parents ought to refrain from intentionally inculcating their own ethical and religious beliefs and commitments to children, as these would be beliefs and commitments that are not children’s own.

In the following, I specify a view of the children's rights *qua* future adults that is based on the idea of *freedom as responsibility*. I present this by comparing it with two alternatives: a view of the children’s rights *qua* future adults that is implicitly linked to the idea of freedom as underdetermination, and one that is implicitly linked to the idea of freedom as ownership/authorship.

### **3.1. Orthonomy**

The theory of children’s right to an open future and the liberal consensus built around the notion of robust autonomy can be interpreted as implicitly relying on the idea of freedom as underdetermination. However, even if these two frameworks are grounded on the same general idea of freedom, there is an important difference between them that has to do with a conceptual distinction that Pettit has made. When we talk about freedom, we can be talking about a property that applies to two different objects (Pettit 2003). On the one hand, it applies to the options that are available; and in this case we refer to *option-freedom*. In this sense, whether someone acts freely “is a function of two things: first, the

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<sup>108</sup> Pettit calls this ‘freedom as ownership’, but I think freedom as authorship is a better label, especially with respect to freedom of action - as opposed to freedom of belief.

character of the options that are accessible to the agent; and second, the character of the access to those options that the agent enjoys” (Pettit 2003: 389). On the other hand, the property of freedom applies to the individual who decides among the options and, in this case, we are talking about *agent-freedom*. In this other sense, freedom “is not something that is fixed just by the quantity of choice they (the agents) enjoy” (Pettit 2003: 394). The liberal consensus about robust autonomy is, I suggest, a consensus about agent-freedom, namely around freedom seen as a property of the individual. It can be said that an individual is free if, and only if, she has a certain capacity - i.e. robust autonomy. On the contrary, the children’s right to an open future seems to be more encompassing. Feinberg is not very specific about this, but it is reasonable to suppose that the children’s right to an open future includes something like autonomy. However, the children's right to an open future focuses on option-freedom (Mills 2003, Millum 2017). In this section, I discuss mainly agent-freedom, although I shall say something about option-freedom first.

The difficulty with the children’s right to an open future resides in the details of the proposal. If someone wants to use the idea of an open future as a normative framework for defining the children’s rights *qua* future adults, that person needs to specify what it means for the future to be open in terms of option freedom. Regarding the quantity of options, it might mean that more than one option ought to be available to the future adult. However, it might also mean that parents ought to act in such a way that the maximum number of options are available to the future adult. Lastly, it might mean something in between, namely that a sufficient number of options ought to be available to the future adult - where sufficiency needs to be defined. In terms of the quality of the options, the framework needs to specify whether the only thing that matters is the number of options or, on the contrary, a certain degree of diversity is a necessary requirement. It also needs to be specific about whether it is permissible for parents to remove those options that are not valuable at all, and in this case the framework becomes a perfectionist one. A further complication is that the framework must specify whether increasing the cost of some options, but not blocking them, counts as a violation of the right and whether blocking options and increasing the cost of options is understood in terms of objective facts or also in terms of subjective perception (Pettit 2003: 391). If we do not specify more, any of the previous answers is fully compatible with the right to an open future.

Feinberg’s own interpretation of the right to an open future is that “education should...send him (the child) out into the adult world with as many open opportunities as

possible” (Feinberg 2007: 116). This seems to suggest that the right to an open future “should be interpreted as a right to a maximally open future” (Millum 2014: 522). However, as some authors have noticed, “the inescapable finitude of life...means that it is impossible to keep our options open: They close every day”. Moreover, “on no reasonable view of parenting do we truly want parents to give their children as many open opportunities as possible” (Mill 2003: 500). The problem is that “a more moderate interpretation of the right to an open future, according to which children have a right to acquire some reasonable range of skills and options, is more plausible” but “there is no method for deriving the content of the right”; namely there is no method for deriving “the content of the right to an open future...from the content of these autonomy rights” (Millum 2014: 523) that adults possess.

I cannot develop a full answer to the previous issue here, but I suggest that the framework of freedom as responsibility can help to provide content to the right to an open future. If we ask ourselves why do children need to enjoy an open future, the answer from the normative framework that is presented here would be: Because we need them to be fit to be held responsible for the decisions they end up making and the options they end up choosing. In other words, it is the moral and legal practice of assuming and assigning responsibly what requires children to have an open future. If this is the case, the fact that children's future cannot be kept maximally open or the fact that such aim leads to implausible conclusions is not a problem because, indeed, there is no need for a maximally open future. We are all morally and legally responsible for things we do even if not all potential options were virtually open to us. What has to be determined, I argue, is the range of options and the degree of choice that responsibility requires. By answering this question, we would be providing the content to the children’s right to an open future<sup>109</sup>.

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<sup>109</sup> The degree of openness that is required to be fit to be held responsible varies depending on the sphere we are considering. For instance, as Luara Ferracioli has suggested to me, we don’t think that the children of Amish parents who miss the last two years of school are any less responsible when they act wrongly or break the law. And the same would be true of indigenous children growing up on reserves. We do not think that the monoculture they have been exposed makes them less morally and legally responsible. However, I would be prepared to defend that the Amish children are less responsible than the rest of children in terms of their future performance within the labor market. Moreover, someone who has committed a crime is legally responsible – except if she suffers a mental pathology, or is under the effects of drugs or the drug-withdrawal, but it is reasonable to say that someone who steals money is less morally responsible if she has no other option to get food. Lastly, we might think of extreme cases in which being raised within a monoculture of indigenous uncontacted people could be considered as a reason for not imposing a legal penalty on someone who breaks the law.



Just like the right to an open future is a framework about option-freedom, the so-called liberal consensus is a consensus about agency-freedom. According to the liberal consensus view, the capacity that the agent needs is autonomy. There are slightly different versions of autonomy, but the basic idea is that children ought to acquire the capacity, and even the commitment, to an ongoing rational reflection on her beliefs and ethical values. As I said before, if children do not acquire and exercise the capacity to rationally reflect on the beliefs and ethical values that their parents have inculcated on them, then the future adults' decisions will be merely the result of the type of upbringing they received as children and, therefore, they will be fully determined by that kind of upbringing. Although I think that it is this intuitive idea of freedom what lies behind the appeal of autonomy, this justification is avoided by most contemporary philosophers who endorse this framework. Instead of this one, they offer justifications that establish a link between autonomy and reasonable citizenship. For instance, they argue that being autonomous is a necessary condition, or at least a collateral effect, of becoming a reasonable citizen (Callan 1997). Or they argue that political liberalism presupposes the value of autonomy, as autonomy is another name for the power of citizens to choose and revise a conception of the good (Levinson 1999). Other times they justify the mandatory acquisition of autonomy by arguing that it has an instrumental value for detecting a good life to live (MacMullen 2006). All these justifications of autonomy are offered as alternatives to the one that, I think, gives the best account of the appealing of autonomy. The cultivation of autonomy in children, understood as the ongoing rational reflection on one's own beliefs and values, is such an appealing idea because it is intrinsically linked to a certain view of freedom: Not having a life and a set of beliefs that are fully determined by the place and the time they are born; not being merely the result of a certain succession of antecedents.

Freedom as responsibility offers an alternative to the idea of freedom as underdetermination and the notion of autonomy that derives from it. The first question we need to ask is: Why do we need children to acquire certain capacities to make decisions once they become adults? And, again, the answer is: For them to become fit to be held responsible of the decisions they make. The second question is: What are the internal capacities that are required for them to be fit to be held responsible? Pettit's convincing answer is that, in order to be free, and therefore to be fit to be held responsible, an agent needs to be responsive to reasons. This is what he calls *orthonomy*, as opposed to

autonomy, and it has two aspects (Pettit 1996, 2001). The first aspect has to do with theoretical reason, while the second aspect has to do with practical reason. This dual aspect is also recognized by all systems of law, which do not assign full responsibility to those individuals who lack either intellectual or volitional capacity.

To be fit to be held responsible of your beliefs is, according to Pettit, to have free thought, and it requires having rational control of the beliefs that you form. It requires being aware of certain norms regarding belief formation, and also being capable of responding appropriately to those norms. These norms are norms such as: (1) Believe that p if and only if p. This norm has to do with the will to avoid self-deception and also with a reasonable will to know; (2) believe that p if and only if all the best evidence you are aware of points to p. This is the norm that governs what the subject ought to believe in the presence of certain evidence. Especially, the capacity to abandon a belief when certain facts she is aware of contradicting that belief; (3) believe that p if p is entailed by some of the things you believe. This is the norm that governs the capacity of deducing some things from others; and (4) believe that p only if it is not inconsistent with anything else you believe. This is the norm of non-contradiction. We think that someone is rational if, and only if, she is aware (although implicitly) of these norms, and she is also reasonably capable of responding to them. When this is the case, we think that a person has to capacity to think and, therefore, she is fit to be held responsible for the beliefs that she forms (Pettit 1996: 433-435). People who suffer certain mental disorders or disabilities, people under the effects of certain drugs, or young children clearly do not fulfill one or more of these conditions. This is why we do not hold them responsible for what they believe. Also, mature individuals who have not received any kind of proper education may also likely not fulfil one or more of the above requirements.

To be fit to be held responsible of your actions is to have free agency. This capacity has to do with the capacity of being responsive to reasons for action, in the sense of (1) having rational control of the desires that you form, meaning that they are sensitive to practical evaluations (Pettit & Smith 1996: 436-440)<sup>110</sup>, and (2) being capable of acting in such a

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<sup>110</sup> Regarding the first condition, there is a certain degree of parallelism with the norms of belief formation. A rational agent forms desires that derive from her other desires and beliefs. For instance, if you desire a glass of water and you believe that the glass in front of you contains water, you should form a desire to drink that glass, unless there are other relevant factors in place. However, there are also differences. In the case of desires, as opposed to beliefs, there is nothing irrational in having contradictory desires. The norm here is to form desires that are fully compatible with your beliefs - for instance, if you desire water and that

way that there is correspondence between your values, your deliberations, your desires, and your actions (Pettit & Smith 1993). Regarding the second condition, the paradigmatic case of the rational agent is one that deliberates about which is, all things considered, the best option according to the values that she endorses, forms a desire to follow that course of action for those same deliberative reasons, and ends up actually following that path. However, there are many ways in which an agent can fail to be fully rational in this respect, such as weakness of will, compulsion, or caprice (Pettit & Smith 1993: 72-75). In all of these cases, the agent ends up acting in a way that contradicts the conclusions of her deliberation, guided by desires that push her in other directions. The main difference between caprice and the other two is that, in the case of caprice, the mismatch involves more or less a willful departure from reason. On the other hand, the difference between weakness of will and compulsion is that in the case of weakness of the will we think that the mismatch between deliberative conclusions and action is one that the agent is potentially capable of handling (although she actually does not), probably because the desires that push her in other directions are manageable. On the contrary, we ascribe compulsion to the extent that we think that this self-control is not possible because the agent is totally enslaved by the desires that move her from the path prescribed by deliberation. The previous is a non-exhaustive characterization of different phenomena in which there is a lack of full practical rationality, and some of them imply that we do not assign responsibility to the agent when they exist. We tend to treat caprice as something for which the agent is blameworthy and compulsion as something for which she is not, while weakness of will occupies an uneasy position in this respect. Of course, the lines of demarcation between these phenomena and the lines of demarcation between an agent who is fit to be held responsible and one who is not usually blur. For instance, a repetitive and excessively capricious behavior may well become obsessive and hence compulsive. This explains why it is important to cultivate, during upbringing, the capacity of the child to act as the paradigmatic rational agent would do, avoiding, as long as possible, even dissonances that are less harmful to responsibility like caprice.

In summary, the framework of freedom as responsibility applied to the free agent differs from the liberal consensus on children in several aspects. On the one hand, orthonomy is, regarding the intellectual capacities, more specific than autonomy, and perhaps less

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glass contains oil, you should not form the desire to drink that glass - and also sensitive to practical evaluations.

demanding as well. To state that children should acquire the capacity for self-reflection, namely to reflect on one's own beliefs and values, contains a high degree of ambiguity. What does this mean, exactly? In some interpretations of the authors who endorse this, it seems to require a high degree of sophistication to deal with complex metaphysical, religious, and ethical questions. The kind of issues that philosophers are used to deal with. In contrast, the proposal presented here contains specific basic norms of belief formation. It requires neither a commitment to active self-criticism nor a capacity to deal with philosophical issues, but only to be responsive to reasons. On the other hand, regarding volitional capacity, orthonomy is also more specific than autonomy, and arguably more demanding as well. Authors who defend autonomy include the requirement of acting and living according to the beliefs and values that result from one's active self-reflection, which includes the possession of a strong will, but they usually do not emphasize the importance of this aspect and do not pay attention to the possible deviations from it. In contrast, the proposal presented here makes an effort to discuss these issues, as they are central to the idea of someone being fit to be held responsible for what she does.

### **3.2. A Non-Elusive and Non-Weak Self**

Matthew Clayton has presented and defended an alternative to what he calls the liberal consensus (Clayton 2006, forthcoming). He calls this alternative *independence for children*. This theory starts from the idea that each individual should have an independent life, namely one in which the individual sets and pursues her own ethical goals and ends. This independent life requires three things: it requires that (1) the individual endorses the life that she pursues. This includes having resources that enable her to overcome internal obstacles - her unwanted addictions, for example - that interfere with her pursuit of the goals she endorses. It also demands that (2) the individual's ethical convictions are her own. The individual must have and exercise certain mental capacities such that she holds her own ethical commitments rather than the one that happens to fall on her. In other words, an independent life is one in which a person's ethical commitments are the product of her exercising her capacity for rational deliberation, in the sense of forming reliable beliefs about the world, assessing how intermediate goals are more or less effective in realizing her final ends, and revising her ethical convictions if the consequence of her rational reflection is that she believes some other ethical lifestyle is more worthy of pursuit. As a consequence of the previous two requirements, the independent life demands

(3) non-usurpation, namely that an individual's ethical ends are not set by others. Independence is absent if others take charge of an individual's ethical life without her agreement, or if they seek to shape her ethical choices in a way that fails to engage her well-developed capacities for reflection.

Among the demands of ethical independence, the most controversial one is the inter-personal condition, namely number (3), which has to do with how others, in this case parents, affect the freedom of the child. According to Clayton, this inter-personal condition means that parents, in the exercise of their parental authority, ought to remain neutral concerning their views of religion and ethics. This implies that they ought to refrain from intentionally inculcating their religious beliefs, ethical values and ways of life to their children. Nonetheless, once you see the three conditions of independence, you quickly realize that the third condition can be seen as an implication of the second condition. That is, the intentional inculcation of parent's ethical and religious convictions in the child is wrong precisely because these are not the child's own convictions. They are not convictions that she owns, but just convictions that happen to fall on her. By the same logic, leading the child to act according to parent's ethical and religious convictions is wrong as well, because these are not the child's own actions. They are not actions for which she is really the author, but just actions that she has been led to execute. As I said above, it is this specific idea of freedom, freedom as ownership/authorship, the one that lies behind the framework of independence for children.

Clayton justifies his view by using an analogy between the state-citizens relationship and the parents-children one (Clayton 2006). The basic idea is that just like the power of the state ought to be exercised in an ethically neutral manner and independently of religious views, the same applies by analogy to parental power. The main objection that has been made against the independence for children view is that the analogy does not work because there is one very relevant difference, namely that while mature citizens have certain already formed beliefs about what they consider to be a good life and the true religion, young children lack these formed beliefs (Cameron 2012). Clayton's answer to the objection is that children, like adults, can retrospectively reject what is done to them once they have become adults and acquired formed beliefs; on his view, this retrospective rejection is morally relevant (Clayton 2012). There is another slightly different objection that points to another difference. Children lack not only formed beliefs but also the capacity to form their own beliefs. In the absence of this capacity, the objection claims,

no damage is done to children by leading them to endorse their parent's ethical and religious views (Bou-Habib & Olsaretti 2015). On his part, Clayton argues that independence for children is an additive account view, meaning that the value of non-usurpation is independent from having the capacity (Clayton forthcoming). At this point, the debate seems to be at an impasse, revolving around whether the value of non-usurpation is independent from the capacity to form one's own beliefs and to make one's own decisions. However, it is possible to look for an intuition that underpins Clayton's position.

The question is: Why does the future adult's retrospective rejection matter, from the moral point of view? What could be her complaint? When we ask this, what we are looking for is the damage that is done to that person; as we assume that, in the absence of damage, there is no legitimate complaint. So, indeed, the relevant question is: What is the damage that has been done to the child if, at that moment, she had neither her own's beliefs formed nor the capacity to form them? Looking at the view of freedom that underlines the independence for children view, the following answer can be given<sup>111</sup>. What has been damaged is the child's freedom. This is so because she has been led to execute actions and to endorse beliefs that she does not own. They are not, in the relevant sense, her beliefs and actions but her parent's ones. Because of this, she is living an inauthentic life. Moreover, when she becomes an adult, if she happens to form beliefs that are radically different from those ones, she will be alienated from her past self. She will look back and think: "that was not me. I cannot identify at all with those beliefs and actions. They lack my signature". In other words, the external inculcation of beliefs and behaviors damages the individual by breaking her personal identity as a self. It is this demand of integrity of the individual across time that makes independence for children a sounder position. Of course, people usually change their beliefs over time without feeling alienated from their past selves, but this is because these past beliefs were also their own ones even though they now think that they were wrong.

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<sup>111</sup> To my knowledge, Clayton has never given an answer like the one that follows. This is just an answer that, I argue, can be consistently given from within his position, taking into account the idea of freedom that underlines his proposal. Clayton may not want to argue something like this because doing that would explicitly make the view a comprehensive one, and he is specially interested in presenting his theory as a non-comprehensive one - in the Rawlsian sense.

I think that my proposed way of justifying and defending the independence for children view in terms of freedom as authorship makes it a more appealing proposal. And the reason is that it appeals to a powerful intuition, namely that freedom has to do with being able to identify oneself with one's own actions and beliefs; even the ones that are already part of our biographical history. However, the independence for children view has severe problems that I have discussed elsewhere <sup>112</sup>. Because of this, my aim is to show how Pettit's framework of freedom as responsibility captures the intuition that freedom has something to do with looking at our actions and think: "This is me", but without leading to the counter-productive consequences of the independence for children view.

The capacity to assume responsibility has something to do with the integrity of the self across time because it has to do with decisions that we have made in the past. Responsibility is essentially an inter-temporal phenomenon. It is about being accountable for what you have thought, said, or done in the past. The relevant question for this purpose is: What are the conditions that a self, namely an individual in its relation to herself across time, has to fulfill in order to be fit to be held responsible? The answer is that it requires a robust sense of self-identity over time. It requires the self to own her past commitments, claims, intentions and actions; and also requires the self to largely endorse the legacy of her accumulated personal history, acting in accordance to that (Pettit 2001:86-90). In other words, it requires a self that is not alienated from her past. What kind of self, then, is not capable of participating in the practices of assigning and assuming responsibility? Pettit's answer is that the self is not fully fit to be held responsible if it is an elusive or a weak self.

A self is elusive so far as she "keeps changing her mind and heart, holding herself aloof from what they have done and been, and continually seeking comfort in a fresh unfreighted identity" (Pettit 2001:86). That is, it is a self incapable of owning the legacy of her personal past. A self who sees her biography full of breaking points. At the limit, she sees her biography as a succession of different selves. Certain views about personal identity lead to this self-perception more than others. For instance, those based on psychological continuity - beliefs or memories - lead to it much more than those that are

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<sup>112</sup> I discuss these problems extensively in the paper called "Against a Declaration of Independence for Children: Upbringing and the Limits of Public Reason".

based on body continuity (Williams 1973)<sup>113</sup>. People who suffer certain mental disorders fit well to the picture of the elusive self. However, there are less pathological manifestations of it, like when someone says: “That was not me. I have changed”. And, of course, the paradigmatic case of the elusive self is the child *qua* child<sup>114</sup>.

A self is weak in so far as she “fails to live up to the legacy of commitments that she owns” (Pettit 2001: 86). It is a self that, although owns the legacy of her personal past, fails to live up to that legacy<sup>115</sup>. She sees herself as a unified self across time, but she does not act consequently as a unified self who is responsible of her past. The paradigmatic example is a person who fails to keep promises both to herself and to other and simply says: “Sorry, I have changed my mind”. The institution of promise is very peculiar because it is entirely based on the robustness of the self, in this specific sense. When someone makes a promise, she is binding herself to that commitment, and the commitment is projected to the future. A future in which that person may, or perhaps will likely, change her mind. Indeed, promises are precisely a kind of insurance against mind changes.

The framework of freedom as responsibility applied to the case of children differs from the version of the independence for children view that I have suggested in one crucial point. It recognizes that there has to be a robust continuity of the self across time in order for the self to be fit to be held responsible. This implies that the self has to be able to look at her past and say: “that was me. That has my signature”. The difference, however, resides in the fact that freedom as responsibility does not require this substantial continuity to be expended to the early stages of childhood. And this is so due to a simple

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<sup>113</sup> Derek Parfit is one philosopher who has defended that personal identity is based on psychological continuity (1984). He accepts that this leads to view a person’s life as a succession of different selves. Indeed, he originally uses this conclusion to argue that prudential reasoning (towards one’s own future) is analogous to moral reasoning. However, the question, for the purpose of this paper, is: is someone blameworthy for something that she has done (in the past)? If we accept the view of one’s life as a succession of different selves, the answer seems to be no - unless we endorse that everyone is fit to be held responsible for everyone else’s actions. And the idea of being fit to be held responsible, namely fit to be blamed or appraised, simply collapses.

<sup>114</sup> This way of characterizing what children lack as compared to adults, and what they need to acquire, is similar to “the condition of childhood is one in which the agent is not yet in a position to speak her own voice because there is no voice which counts as hers” (Schapiro 1999: 729).

<sup>115</sup> Pettit does not make this explicit, but I think that the non-elusiveness and non-weakness of the self are cumulative properties. That is, a self can be non-elusive and weak, but not the other way around.



reason, namely that you do not need to be fit to be held responsible for what you did, or thought, or said while you were a young child. No one expects you to assume the responsibility of that part of your self once you become a mature adult. Indeed, there are several formal and informal institutions in our society that make sure this is the case. For instance, the legal systems eliminate the criminal record of one's youth once people become adults, precisely because they are not expected to be responsible of what they have done as children later in life.

In this section, I have used Pettit's framework of freedom as responsibility in order to define children's rights *qua* future adults. The idea is that children have a right to an upbringing that leads them to become fit to be held responsible, and therefore free. This includes a right to acquire orthonomy - meaning a right to acquire certain intellectual and volitional capacities, as well as a right to develop a robust self - meaning a non-elusive and non-weak self.

#### **IV. Liberty as Non-Domination Applied to Children's Rights *qua* Partly Adults**

In this section, I define the children's rights *qua* partly adults by using Pettit's theory of freedom. If the previous section deals with the internal conditions that someone needs to fulfil in order to be free, namely one who is fit to be held responsible, in this section I focus on the external conditions of freedom. This is what Pettit refers to as non-domination. The aim is to show how the principle of non-domination ought to limit parental authority when it is exercised over children with a certain degree of maturity. To this end, I present and discuss Bou-Habib and Olsaretti's view on this issue (Bou-Habib & Olsaretti 2015). By doing it, I present my own view of a right to non-domination as an alternative to their proposal and explain the differences<sup>116</sup>.

In the first section, I argued, contra Gheaus, that it is problematic to apply the principle of non-domination to children *qua* children because they are not yet fit to be held responsible. In the previous section, I have argued that children have a right, *qua* future

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<sup>116</sup> To clarify, Bou-Habib's and Olsaretti's proposal is not a proposal based on liberty as non-domination. It is one that aims to define the children's right to progressive independence. I address this same topic, and try to give an answer based on the idea of liberty as non-domination. And I do this by discussing their proposal.

adults, to be reared in such a way that they end up becoming adults who are fit to be held responsible - namely ones who possess orthonomy and a non-elusive and non-weak self. However, this dichotomy between children who lack any kind of responsibility and adults who are fully responsible is, to a large extent, fictitious. At the end of his famous paper, Feinberg states that “it is a distortion to represent the distinction between child and adult in the rigid manner” (Feinberg 2007). This highlights the nonexistence of a radical dichotomy between children and adults in the sense that there is a discrete transition from one state to the other. Of course, legal systems set the age at which a person becomes a legal adult, but this cannot mean that one day before the child did not possess any of the conditions associated with autonomy/orthonomy and robustness of the self, and that she acquires all of them on her 18<sup>th</sup> birthday<sup>117</sup>. Children have no capacities comparable to adults in some respects, some capacities in other respects, and even full capacities in some areas depending upon their developmental stage. And a view of children’s rights has to take this into account. This is why the principle of non-domination can be applied to children to the extent that they are already fit to be held responsible in some respects. When this is the case, we can properly talk about children’s right to non-domination.

#### **4.1. The Right to Non-Domination Regarding Actions**

The idea of the evolving capacities of the child has been used by Bou-Habib and Olsaretti (2015) to offer a more sophisticated view of the children’s autonomy and the limits that it sets on parenting. They develop the idea that in so far as, and only in so far as, a child lacks some cognitive faculties that would allow her to decide autonomously in some respects, their parents are allowed to do it for her. For instance, it is plainly not possible for a 5-year-old to decide whether or not she needs to visit a doctor. Therefore, her parents do not violate her autonomy when they command their child to do it. On the contrary, if the child has the necessary capacity to decide something by herself, her autonomy can be violated even if she is not yet considered a legal adult. The example offered by Bou-Habib and Olsaretti is an 8-year-old girl who finds playing the piano boring and pointless but is

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<sup>117</sup> Bou-Habib and Olsaretti prefer to use “autonomy” instead of orthonomy. This is not only a matter of words, because as I explained in the previous section the content is also different. However, for the purpose of this section, these differences are mostly irrelevant. Here, the terms ‘autonomy’ and ‘orthonomy’ just refer to the conditions for being equated to a normal adult. Nonetheless, at some point in the section, I will underline a possible relevant difference between autonomy and orthonomy.

pushed to do it. According to them, assuming “that she has been exposed to the possibility of learning the piano for a while and that she never voluntarily plays the piano but does so only *after being offered rewards or being threatened with punishment*. Insisting that she continue learning to play the piano would be disrespectful of her autonomy” (my emphasis) (Bou-Habib & Olsaretti, 2015: 29).

We can say that, regarding actions and decisions, Bou-Habib and Olsaretti propose a principle that can be summarized as follows: Insofar as a child has the required mental capacities for deciding to do x or not to do x, she should be allowed to make that decision. If parents push her, either by treatments of punishment or by offering rewards, to do x or not to do x, they disrespect her autonomy.

I want to discuss this statement in order to clarify a fundamental point where my view is different from theirs. Notice that the argument is that the child’s autonomy is violated in the given example because her decision should be considered as authoritative. And this can only be so, I suggest, because we think that she should be equated to an adult in that specific area of decision making. She is supposed to have the capacity to decide whether she wants to play the piano and, therefore, she should be able to do it. If parents do not complain with this, we can say that what they are violating is the *child qua a partly adult’s freedom*. But are Bou-Habib and Olsaretti right to suggest that her freedom is also violated if she is offered rewards by the parents? This question is very relevant because many times parents do not try to influence the behavior of their sons and daughters through coercion - i.e. threats of punishment - but through other means. I am going to argue that only coercion, but not offers of rewards, violate the freedom of children who are able to make their own decision.

It is a commonly accepted view to state that if an adult does not want to play the piano and someone threatens him with physical force, then the adult’s freedom is being violated. It is less generally accepted but still very reasonable to accept that if, instead of using physical force, someone uses any other kind of threat, the freedom of the adult is still violated. In both situations, the adult’s freedom is being violated due to coercion, namely

the adult is not free because he is being coerced by someone<sup>118</sup>. However, it is less obvious, and I am going to argue that it is incorrect, to state that if an adult does not want to play the piano in the absence of any external positive incentive, and an external incentive is offered, her freedom is indeed violated.

Only treatments of punishment, not rewards, violate freedom because coercion puts someone under the will of another while rewards do not. That is, a system of positive rewards puts someone in a situation that she always (weakly) prefers<sup>119</sup> as compared to the status quo situation, while coercion puts someone in a situation that she never prefers as compared to the same status quo (Nozick 1997: 15-45). In other words, using coercion implies to put someone in a situation that she does not want in order to lead her to decide as you want. As a consequence of this, someone who is under (actual or potential) forms of coercion that she did not previously consent to is dominated, while someone who acts following rewards is not. This fully coincides with Pettit's claim that rewards are not a form of alien control and, therefore, they are not an instance of domination (Pettit 2008:114-115). Or his claim that rewards are a form of influence that is consistent with discursive control and, therefore, they do not damage liberty (Pettit 2001).

It can be argued that my analogy between the child and the professional pianist does not work because there are significant moral differences. In particular, someone may argue that there are relevant differences in terms of (1) the purpose of the offer, (2) the person who receives the offer, and (3) the relationship between the person who makes the offer and the person who receives it.

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<sup>118</sup> See, for instance, Arash Abizadeh (2008:57-59) quite conventional definition of coercion, which states that "P's threat subjects Q to coercion only if:

1. P communicates to Q his intention to cause outcome X if Q undertakes action A
2. Q believes that X+A is worse for her than (no)X+(no)A, such that X provides Q a reason not to do
3. P's reason for threatening X is his belief that X provides Q a reason not to do A
4. Q believes that P has the capacity to cause X and intends to do so if Q does A" page?

<sup>119</sup> By "weak preference", I mean that she is at least indifferent as compared to the status quo - if the status quo is deciding between A and B. The system of rewards which aims her to decide A would add I to A, so that now she has to decide between A+I and B. If she prefers A+I she is strictly better than she would have been in the status quo, while if she prefers B she is at least equally good than she would have been in the status quo. A system of coercion which aims her to decide A would subtract I from B, so that now she has to decide between A and B-I. If she prefers A she is equally good as compared to the status quo, while if she prefers B-I she would be strictly worse.

The first possible objection states that the ultimate purpose of the rewards in the case of the pianist and in the case of children is different. While in the case of the professional pianist the ultimate goal of the offer is presumably to obtain a benefit for the one offering the reward, namely to listen to music, in the case of child the ultimate goal of parents can be either to provide a benefit to the child – to increase her well-being by enrolling her in a valuable activity – or to provide a benefit for parents themselves – to increase their self-esteem through the musical achievements of their child or simply to promote their well-being, which depends largely on the well-being of their child. I am going to argue now that, if there is nothing wrong with the ultimate self-interest purpose of the offer in the case of the professional pianists, it cannot be true that there is something wrong in the case of parents both if they do it for the sake of children and if they do it for their own interest.

On the one hand, would there be anything wrong with giving positive incentives to the professional pianists in order to lead him to play the piano, just because one thinks that it is better for the pianist to play the piano? It can be argued that this would constitute a paternalistic action<sup>120</sup>. But this is straightforwardly blameworthy only if, as it is the case, the person who does it has no moral duty to increase the well-being of the pianist. This is how we can justify that state paternalism is wrong, because the state has no prior duty to increase the well-being of its citizens (Quong 2011). What about the case of parents giving positive incentives to the child just for the sake of the child? We can analogously argue that it would be wrong, as an act of paternalism, but we would be recognizing that parents have no moral duty to increase the well-being of the child (at least in this respect) because, presumably, the child has already enough capacity to decide by herself. However, if this is the case, analogously to the pianist case, parents would not be doing anything wrong, in terms of damage to freedom, if they do it for reasons of self-interest - provided that it causes no harm to the child besides the pretended violation of freedom, which is precisely what we are discussing.

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<sup>120</sup> A good definition of paternalism is given by Jonathan Quong, who defines paternalism as “any act where:

1. Agent A attempts to improve the welfare, good, happiness, needs, interests, or values of agent B with regard to a particular decision or situation that B faces
2. A’s act is motivated by a negative judgment about B’s ability (assuming B has the relevant information) to make the right decision or manage the particular situation in a way that will effectively advance B’s welfare, good, happiness, needs, interests, or values” (Quong 2010: 80).

The second possible objection to my analogy is that there is a significant difference between the person who receives the offer in the case of the pianist and in the case of children. Someone might argue that the volitional capacities of the adult, namely the pianist, are stronger than those of the child. If this statement is just a matter of comparison, it is also true as applied to some adults in comparison to others. If, on the contrary, what is meant is that the child does not possess the minimal volitional capacity, namely that her volitional capacity is weaker as compared to any normal adults, then my answer is that the child should not be treated as a partly adult - and, therefore, she does not possess yet a right to non-domination. Remember that this is precisely the initial premise, namely that children should be treated as adults in certain areas or concerning certain decisions if, and only if, children can be said to possess a degree of autonomy/orthonomy and robustness of the self that is comparable to normal adults regarding those areas or decisions.

There is a different objection but related to the previous one. The objection states that, by offering the children rewards in order to lead her to act as we want, we are damaging her orthonomy. This objection is more relevant because it states that my interpretation of the children's rights *qua* partly adults goes in detriment to my interpretation of the children's rights *qua* future adults. Think, for instance, about paying children in order to lead them to read books. Offering rewards would not damage the child's intellectual capacity, namely the responsiveness to reasons to believe something, but rewards may damage the responsiveness to reasons for action. They may have an impact on the rational control of the desires that you form, and on your capacity to act in such a way that there is correspondence between your values, your deliberations, your desires, and your actions. However, this is also true in the case of adults. Systematic structures of rewards, like the capitalist labour market, very likely conditionate or even damage adults' orthonomy. Moreover, social expectations based on recognition and esteem may also likely affect the individual's orthonomy (Pettit 2004). If we accept that this is true, we have two options regarding children's rights.

The first one is to generate an ideal theory of children's rights, which assumes that these economic and social systems of rewards do not exist and that children will not need to confront them in the future. Alternatively, we can generate a non-ideal theory of children's rights, which assumes that these economic and social systems of rewards exist and that, therefore, children will need to confront them in the future. If we take this second

option, which is the one I am taking, the parent's rewards should not be seen only as a danger to children's orthonomy. They should also be seen as a training for the world that the child will have to face. They are a kind of trial for the robustness of the children's volitional capacity.

Nonetheless, it is true that in some cases it may be better, for the sake of developing children's orthonomy, not to be externally rewarded by parents to do things that are not strictly necessary. I acknowledge that there is a potential tension between children's right *qua* future adults and the children's right *qua* partly adults, even if there is no conceptual contradiction between them. The line cannot be fixed *a priori*. The categories of children *qua* x are ideal types, rather than empirical instances. Therefore, a particular child can belong to more than one kind – indeed, most children likely belong to more than one category. All I am saying is that there is no reason to protect a particular child from rewards *qua* partly adult, even if there might be reasons - and even reasons, all things considered - to protect the same child *qua* future adult. The trade-off between the fundamental interests of children *qua* members of different kinds is not, I think, an error of the view but the mirror of a complicated reality.

The third possible objection to my analogy is that the relationship between the professional pianist and his payer is a non-intimate one, while the parents-children relationship is an intimate and affective one. The critic may say that the case of parents and children is more analogous to one between friends. Imagine a friend who is constantly trying to entice you to play the piano by suggesting you that she will give you presents if you do that, despite your constant declarations of non-interest in the activity. You can rightly be offended and tell your friend that she is being disrespectful. And this will be even more true, the critic may argue, in the case of parents because they have, and they are aware of it, a lot of influence on the child.

I need to make several points in order to answer the previous criticism. Firstly, being recurrent in the same offer can also be considered disrespectful in the case of the professional pianist; this is not something special about intimate relationships. Nonetheless, the repetition of offers or rewards can only be interpreted as disrespectful if the pianist has repeatedly and unequivocally rejected the previous ones. In the same way, keep going on offering the same or similar positive incentives to the child in order to remove her decision can be rightly interpreted as a sign that parents are not respecting the child's decision. However, what we are evaluating here is if, given the fact that the child

does not want to play the piano in the absence of any external incentive, there is something morally wrong with offering her (single instances of) that positive incentive that is external to the activity and that will likely change her decision.

Secondly, we should differentiate between the damage of offering goods that may corrupt the value of intimate and affective relationships, like money, and the damage derived from the possible violation of freedom. Even if both offers would affect your payoffs in the same way, being offered money or other material rewards by a friend in order to lead you to decide as she wants may corrupt the value of the friendship relationship. But this is not true of all possible rewards. Non-material rewards such as recognition and admiration need not corrupt the kind of intimate and affective relationships that we are considering. Moreover, notice that even when the reward is a material one, this would not be an argument directed to show that the *freedom* of the friend (or the child) is being violated. On the contrary, the argument is that some other good, in this case the intimate and loving relationship, is damaged.

In summary, if children *qua* partly adults should be treated as adults in some respects and be protected from parental domination, as I think they should, there is no reason to use different criteria for them when deciding whether their freedom as persons is being violated or not. This conclusion leads to following first aspect of the child's right to non-domination: *Insofar as a child has the required orthonomy and robust self for deciding to do x or not to do x, she should be allowed to make that decision. If parents have the capacity to force her (by coercion) to do x or not to do x, they are violating her freedom as a partially mature person, and therefore they are dominating the child.*

## **4.2. The Right to Non-Domination Regarding Beliefs**

### *4.2.1. The Right to Truthfulness*

The right to non-domination not only applies to practices and actions but also to the beliefs that parents transmit to their children. The general idea is that the child's freedom *qua* partly adults is also violated if she is manipulated. Bou-Habib and Olsaretti suggest, in relation to this issue, the following principle: 'Insofar as a child already has the capacity to understand x, it is wrong to deceive him about the facts and mislead him about x...Parents should provide, whenever possible, children with information and



explanations which children are capable of understanding' (Bou-Habib & Olsaretti, 2015: 30-31). We might call this principle 'the right to truthfulness or sincerity'. At first, we might doubt whether the principle is more than this, namely a 'right to truth'. The example they offer is that "once a child is capable of having at least a rudimentary understanding of the causes of rainfall, it is wrong to tell him that rainfall is caused by angels' shedding tears" (pp. 31). Imagine that some parents believe that rainfall is caused by angel's tears. The question is whether, in this case, "telling him (the child) that would disrespect his capacity to reason" (pp. 31). The use of words such as "deceive", "mislead", and "disrespect" lead us to plausibly conclude that what Bou-Habib and Olsaretti have in mind is deliberative concealment rather than unintentional misinformation. If this is the case, it is not clear that their principle is going to do a lot of work preventing religious parents from transmitting their religious beliefs to children – which is Bou-Habib's and Olsaretti's intended conclusion. After all, religious parents sincerely believe that their religious beliefs are true, even those that contradict well established scientific truths. In most cases, they are not cheating or lying to their children. To avoid this irrelevance of the principle, we can interpret that it forbids parents to prevent their children from accessing explanations and information that they are able to understand, just for the sake of leading them to endorse certain beliefs.

The previous principle is in tune with Pettit's claim that alien control - i.e. domination - includes "the radical manipulation...whether by hypnosis, brainwashing...but also more common interventions like credibly misinforming the agent" (Pettit 2008: 110). Moreover, at first, the principle does not seem very controversial. However, it has to face a relevant objection. What about telling children that Santa Claus exists? Bou-Habib and Olsaretti answer this objection by saying that there is a difference of importance between the topics. In other words, believing that Santa Claus exists is not transcendent in any sense while, for instance, religious beliefs 'involve some of the biggest questions we can ask about the meaning of lives' (Bou-Habib & Olsaretti, 2015: 32). Hence, it is permissible to tell children that Sana Claus exists, but not to intentionally influence their religious beliefs. I do not find this justification convincing. Santa Claus and other fantastical entities are not necessarily more relevant for children than religion is, from their own perspective. Moreover, I shall argue, fantasy plays a central role in children's well-being *qua* children.

Fiction and fantasy play a great role during childhood. Children usually believe that some things – either entities, worlds or stories - are real when in fact they are not <sup>121</sup>. We do not want them to continue believing in these fictional entities, worlds, and stories when they become adults, but we consider them appropriate during their childhood. Empirical evidence suggests that these fantasies favor the children’s development in several aspects (Tsitsani et al 2011). However, I would like to argue that their importance in terms of children’s well-being *qua* children is not reducible to this developmental role. Fantastical beliefs seem to be a good candidate for what some philosophers call a ‘special good of childhood’, namely a good that is intrinsically valuable for having a flourishing childhood but unnecessary, or even counter-productive, during adulthood (Brennan 2014, Gheaus 2015, Brighthouse & Swift 2014, Ferracioli 2020). Of course, children are able to understand that many of the stories that they are told are just a human invention but, if they were led to understand this, the stories would not have the same effect on them, and they would have a less valuable childhood. I think that the joy and wonder derived from having false beliefs is arguably a special good of childhood, either “in the sense that only children should enjoy it, or in the sense that it is unreasonable for adults to expect it” (Gheaus 2015: 45). Of course, adults can subjectively enjoy their false beliefs, but the point is that having false beliefs cannot be an objective good, all things considered, for adults if we think that truth and truthfulness have intrinsic value in an adult life – or if we think that they have instrumental value for something different and more important than pleasure.

If I am right about this, then some religious stories can potentially contribute to this special good of childhood. There is no significant difference between fantasy stories such as *The Lord of the Rings* or the *Earthsea Tales* and the mythic stories that we find in ancient Greek religion. Indeed, these contemporary fantasy stories intentionally imitate the older mythic ones. However, someone may point out, when philosophers talk about religion, they usually refer to contemporary majoritarian religions, and most of the times they implicitly refer to Abrahamic religions. I would say that there is also not a very significant difference between Tolkien’s *Silmarillion* and many books of the *Old Testament*. Of course, from the perspective of a Christian or a Jew, there is all the difference. And, from the perspective of an atheist adult, there is still a difference – the latter explains her atheist belief, while the former is just good literature. But my point is

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<sup>121</sup> For a detailed study of this topic, see Piaget (1929) or Clark (1995).

that there is not necessarily a significant difference from the perspective of a young child. The child has a natural predisposition to believe that both are true; and this belief is, I think, not bad for the child *qua* child. Bou-Habib's and Olsaretti's argument that religion is very moralized and "full of 'do's and don'ts'" (pp. 33) is also true regarding most myths, fairy tales, and child tales. Indeed, most of them were created precisely as moral stories. In summary, I think that religious stories, like myths and fairy tales, even those that are scientifically proved to be false, can legitimately be taught to children leading them to believe that they are true if the intention of parents is to contribute to a special good of childhood. That is, the good of beauty and meaning, even if it were at the cost of truth; the good of enjoying beliefs due to their beautifulness and meaningfulness regardless of their truth. This is a good that they will not *justifiably* enjoy once they grow up.

There is still another issue. We sometimes lie to children or conceal for the sake of protecting them (Macleod 2016). Think about a child whose mother may die due to cancer. In a strict sense, the child is able to understand that the mother may die, but depending on the age of the child and the stage of the cancer, we may reasonably conclude that we should not tell her the truth. Or think about a child who was given for adoption by her parents. Most psychological experts recommend to tell the child that their parents gave her on adoption as a result of their love, even if we know that this is likely not true<sup>122</sup>. The reason for concealing information to children in these and other cases is not their lack of understanding. It is another kind of lack, namely the lack of the capacity to face and manage one hard and painful fact.

Let us come back again to the child whose mother has cancer. Imagine that she dies. The child asks her father where her mother has gone, and whether she is ever going to see her again. Moreover, she starts realizing that she will also die at some point, and she wonders what will happen then. What should the parent tell her? Imagine that he is an atheist. Following the principle we are discussing, and for the sake of respecting his child's right to truthfulness, she would answer something like this: "Nobody knows with full certainty. But I believe that mom is nowhere now, except as a memory in our minds. I am convinced that you will never see her again. And you are right in thinking that you will also die at

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<sup>122</sup> See Deborah H. Siegel and Susan Livingston Smith, "Openness in Adoption," March 2012, The Evan B. Donaldson Adoption Institute. Available online at: [www.adoptioninstitute.org/publications/2012\\_03\\_OpennessInAdoption.pdf](http://www.adoptioninstitute.org/publications/2012_03_OpennessInAdoption.pdf)

some point. As a matter of fact, you can die tomorrow. It is not very likely, but it is still possible. If that happens, as I said, I do not think there is nothing waiting for you after”. I must confess that I would prefer to be the young child of a religious parent if I were in that situation, or the son of an atheist one that conceals me a great dosis of information and opinions. Although the thesis that religion is plausibly a prophylactic invention that allow human beings to face hard truths like death is fallacious as an argument concerning the truthness or falseness of religious beliefs, it is, nonetheless, not an irrelevant thesis. It derives from the plausible thought that some life burdens are less weighty if you have certain religious beliefs. If this is true, as I think it is, it could be argued that being led to have certain religious beliefs increases the well-being of young children regardless of the truth of those beliefs – especially if they are in certain dramatic situations. In summary, I have tried to argue that having beliefs due to the beauty, meaning, or hope that they provide to life and the world, and regardless of their truth, is a special good of childhood<sup>123</sup>. And, in this regard, religion can play a relevant role.

We have postulated a reasonable principle, namely that parents should not conceal their children information that they are capable of understanding. As partly adults, that is, as persons who are capable of understanding, we would manipulate them if we violate the principle. And manipulation is a form of domination. However, it seems that there is a reason to violate the children’s right to truthfulness, namely to promote a special good of childhood: the joy and wonder of believing that certain beautiful worlds and entities are true even if they are not; or to prevent the child from experiencing certain hard and painful truths; or to provide hope to the child. If I am right about this, it means that there is a trade-off here - similar to the one we saw with respect to actions. In this case, there is a trade-off between the fundamental interests of children *qua* children vis-à-vis their fundamental interests *qua* partly adults. Indeed, the trade-off is more complex, because one of the basic norms of belief formation that orthonomy requires is “to believe that p only if p”. So, we are violating this basic norm of belief formation when we lead or allow

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<sup>123</sup> This good is admittedly a derivative good, because the intrinsic good is not the false belief but the beauty, meaning, sense, and hope derived from it. And intrinsic goods are also intrinsic goods for an adult life. My point is that this derivative good is incompatible with very relevant goods of adulthood, namely truth and truthfulness. Cormier and Rossi may be right in arguing that there is no intrinsic good which is peculiar to childhood (2020). However, something can be a special good of childhood even if it does not fulfil this condition. Having false beliefs is a special good for children because it is a derivative good that is incompatible with a good – i.e. truth - that only has *intrinsic value* for adults, rather than because they are themselves an intrinsic good peculiar of childhood. Another issue, that I do not discuss, is whether the existence of this special good of childhood makes childhood equally valuable as compared to adulthood.

them to believe things that are not true; or when we lead them to believe things when we do not know whether they are true. Therefore, there is also a trade-off between children's fundamental interests *qua* children vis-à-vis their fundamental interests *qua* future adults.

This does not imply that Bou-Habib's and Olsaretti's principle is wrong. It is, I would say, right as a principle for children *qua* partly adults. It is right also as a principle for children *qua* future adults. However, the same principle may not be right for children *qua* children. The complication, as I argued regarding actions, is that one particular child likely does not fit into only one of these three conceptual categories. So, we ought to judge, in each particular case, which category is a better fit for the child and which of her fundamental interests is more relevant.

#### 4.2.2. *The Right to Knowledge*

Parents might hide information from their children that they are already able to understand, but they can also manipulate the child by inculcating her beliefs that she cannot properly understand<sup>124</sup>. This can be seen as another form of manipulation. In this respect, Bou-Habib and Olsaretti suggest the following principle: Insofar as a child has no capacity to understand the evidence and reasons for x, her autonomy is disrespected if she is induced to believe in x. In their words, "parents should not aim to induce their children to hold beliefs about matters that children are incapable of understanding the evidence or reasons for...either because of her still immature cognitive abilities, or because of the nature of the belief at hand" (Bou-Habib & Olsaretti 2014: 30). We might call this 'the right to knowledge', because knowledge is commonly understood as *justified* true belief.

This principle is much more controversial than the previous one because it leads to more drastic implications. In its literality, it is a principle against learning on authority. In their view, children should not come to believe something because an authority, in this case their parents, tells them to do so. And they want to impede this practice because it "disrespects the child's autonomy to make him hold beliefs which he is incapable of understanding or assessing the reasons for, such a complex mathematical theorem, or a

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<sup>124</sup> This is a topic that, to my knowledge, Philip Pettit has not addressed. I think that what I say here is, at least, compatible with the ideal of non-domination.

belief that there exist such places as Heaven and Hell" (Bou-Habib & Olsaretti 2015). On this proposal, inducing children to believe in the existence of God damages their autonomy. Anyway, even if the consequence of the principle is biased against religion, it may well be a very justified one which just happens to have this result. However, I am going to argue against Bou-Habib and Olsaretti that (1) inducing a child to believe something on authority, in a stage in which she is not capable of understanding the reasons for holding the belief yet, is not wrong; and that (2) it is discussable whether inducing a child to believe something that she is not fully capable of understanding, due to the nature of the belief at hand, is wrong.

I think there is a need to establish a distinction between understanding a belief and understanding the reasons for endorsing that belief. For instance, any 12- or 13-years-old child may understand the Pythagorean Theorem even if most of them do not understand the reasons for holding that it applies to all right triangles. Children of that age are able to understand what it means for the square of the hypotenuse to be equal to the sum of squares of the other two sides, and they are able to understand what it means for this to be true in all possible right triangles. However, they are not able to understand yet any of the possible proofs of the theorem. If this is the case, it seems wrong to say that we are manipulating or disrespecting children when we lead them to believe that the theorem is universally true, even if we do this through an implicit appeal to our authority. In summary, it does not seem wrong to teach children the Pythagorean Theorem on authority.

Someone may object that to lead children to believe something when they do not understand yet the reasons for holding the belief damages their orthonomy development by reducing their responsiveness to intellectual reasons. More specifically, it seems to contradict the norm "believe that  $p$  only if all the best evidence you are aware of points to  $p$ ". If this were the case, this would be another possible trade-off. However, I think this is a wrong interpretation of that basic norm of belief formation. The fact that parents or a school teacher tell a child to believe  $p$  is, by itself, a good reason for a child to believe that  $p$  is the case. Authority based on life experience and knowledge is, indeed, a type of evidence that supports  $p$ . This is not only true in the case of children. In the complex and the very specialized world we live in, where the spheres of knowledge are wide and deep, the trust in the authority of others is inevitable. For instance, many adults - perhaps most - are not able to give a rational justification to the belief that the Earth is spherical instead

of flat. Moreover, most adults simply cannot understand, without dedicating a lot of time, the reasons that explain why the COVID vaccines are good for their health. We just believe that those persons who tell us that the Earth is spherical and the COVID vaccine is good for our health are right, because they know much more than we do about those issues. It is a rational belief based on authority. This an advantage of using the concept of orthonomy over the concept of autonomy. Autonomy is implicitly linked to the idea that I should endorse only those beliefs that I can rationally justify or prove by myself. However, this idea is arguably a Cartesian fantasy that would lead most people to be flat-earthers and anti-vaccines.

Someone may object that there exists sufficient proof, which every rational agent with enough mathematical knowledge is compelled to accept, which shows why the Pythagorean Theorem is true, even if young children cannot understand them yet<sup>125</sup>. And this also applies to the belief in the sphericity of Earth and to the medical convenience of COVID vaccines. On the contrary, this is not the case, this critic may argue, in the case of the existence of God. In other words, this argument says that the existence of such proofs is a necessary requirement for leading children to believe something when they do not understand the reasons for holding the belief yet. However, there are clear cases in which we accept that we should teach certain beliefs to children whose reasons they cannot understand and which have no proof.

Think about teaching human rights to young children. This is a belief which lacks the kind of proof that the critic is demanding. Moreover, children are not able to understand the reasons for holding that human rights exist. They are probably able to understand what it means for a person to have a right. They also understand what it means for a right to apply to every human being. Finally, they may be able to understand the content of most basic human rights. In sum, young children are prepared to understand the idea of human rights. On the contrary, young children are not likely to be capable of understanding the philosophical justifications for holding the existence of human rights, besides the fact of their written record. The question is, is it desirable to wait until children are able to

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<sup>125</sup> By “proof” I mean one of the several mathematical procedures that can be used to show that the Pythagorean Theorem is universally true, not only true for one particular triangle. For instance, the first proof that is historically recorded appears in book 1 of Euclid’s *Elements*. I also mean empirical proofs of scientific theories, for instance. More generally, I mean by proof what Aristotle calls a proof in *Prior Analytics* and *Posterior Analytics*, which is, basically, univocal induction or deduction

understand the reasons for holding that human rights exist in order to induce them to believe that they exist? If the critic wants to be consistent, she has to accept that we should, which seems an implausible conclusion.

Someone might be tempted to change the requirement that the belief needs to have a proof for the requirement that the belief in question has to be true, for the sake of accommodating the teaching of human rights to children. However, that person would need to offer a notion of truth according to which the existence of human rights, unlike the existence of God, is true. That is, to my mind, not an easy task. A more adequate normative aspiration is that the belief needs to have a rational justification<sup>126</sup>. That is, the belief that we transmit to children needs to have a rational justification, even if they do not understand that rational justification yet. However, it is not clear that accepting this rule of belief transmission to children leads to Bou-Habi's and Olsaretti's conclusion. A catholic could argue that the belief in the existence of God is rationally justified through Aquinas' *Five Ways* and his contemporary continuators. It clearly has a rational justification. Saying more, the catholic could argue that this justification is as rational as any justification that we can give to the existence of human rights. Therefore, according to this argument, both beliefs could be legitimately taught to children even if they do not understand the rational justifications for holding these beliefs yet.

Nonetheless, whether the argument of the hypothetical catholic is right or wrong is inconsequential to my purpose here. What I am evaluating is: What beliefs can be transmitted to children without damaging their autonomy or orthonomy, or without manipulating them? This question is different from the question of what beliefs can be legitimately be transmitted to children, which is a much broader question. It may well be that the existence of God cannot be legitimately taught to children due to reasons that have to do with sufficient rational justification and truth. However, in order to answer the former question, whether the rational justification of a belief exist or whether that belief is true does not matter. The reason is that truth and rational justification are properties of the beliefs that are independent from the child. They have nothing to do with the capacities of the child, the relationship between the child and the belief, or the relationship between the child and the person who transmits the belief.

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<sup>126</sup> By a rational justification, I also refer to the kind of justifications that Aristotle deals with in his *Topics*.



If we accept, as I think we should, that the child does not need to understand the reasons that make a belief rationally justified or true, we are left with only one possibility. The child, at least, should to be able to understand the belief itself. According to this alternative principle, the problem of leading children to believe in God would not be that they are incapable of understanding and assessing the reasons and evidence of its existence. Rather, the problem is that they are incapable of understanding the idea of God<sup>127</sup>. Due to the characteristics of God in Abrahamic religions - such as omnipotence, omniscience, and omnibenevolence – children arguably cannot understand the idea of God. The same logic applies to other dogmas such as the Holy Trinity. It is arguably not possible for a child to understand that one unique God is, at the same time, three different entities. Therefore, if we accept that children cannot be led to endorse beliefs that they are not able to understand, it seems that the belief in the Abrahamic God and the Holy Trinity violate the principle.

Nonetheless, the remaining question is whether this restriction, namely not to induce children to endorse beliefs that they are not able to understand, should be applied only to beliefs in which the lack of understanding is due to the child's immature cognitive abilities, or also to those in which the problem resides in the nature of the belief at hand. Olsaretti and Bou-Habib explicitly defend the second option<sup>128</sup>. I find this position problematic and, although I cannot deal with this issue extensively, I would like to end the section by making a polemic suggestion. Remember that we are dealing with children *qua* partly adults. We are equating them to adults in some respects because we think that there is no significant moral difference between them in that respect. Therefore, if the problem of understanding a belief derives from the nature of the belief, rather than the immature cognitive capacities of the child, I do not see any particular reason to treat a child differently with respect to an adult. Maybe children are no less capable (than we are) of understanding the things than we do not understand; and treating them with respect *qua* partly adults implies making them to participate in those things. This condition arguably applies to some religious beliefs, but also to many philosophical and scientific

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<sup>127</sup> Bou-Habib and Olsaretti give the example of heaven and hell as beliefs that children are not able to understand, but I do not think this is a good example. Heaven and hell seem to be, as the Catholic doctrine recognizes, figurative metaphors for understanding more complicated things, such as the, supposedly, state of souls.

<sup>128</sup> Remember that, according to them, a parent should not 'expose his child to the acquisition of beliefs the child cannot be given reasons or evidence for, either *because her still immature cognitive abilities, or because of the nature of the belief at hand*' (my emphasis) (pp. 30)

issues. Think about the mathematical idea of the infinite that adults, resembling the idea of God, only understand apophatically as the opposite of a finite succession or set. Or think about the scientific hypothesis that the universe has no limits. Or the idea of time in contemporary physics, according to which time is non-linear and non-homogenous among all entities. Or about the incommensurabilities of a body seen from the perspective of physics, chemistry and biology – which, in some ways, resembles the mystery of the Holy Trinity. In terms of understanding these things, it could be argued that there is no significant difference between children and, at least, most adults. If this is the case, it is odd to say that we should not lead children to believe these things because they are not capable of understanding them.

I have argued, against Bou-Habib and Olsaretti, that teaching children some things on authority is rational and convenient. Indeed, I have suggested that this is not something peculiar of children; we are all induced to endorse beliefs based on authority during our adult life. I have also suggested that the rule “not to teach children any belief that they are not fully capable of understanding” may not be an adequate one. The reason is that if the difficulty of understanding resides in the nature of the belief rather than the immature capacities of the child, it seems to be disrespectful towards children not to treat them like any other one.

## **Conclusions**

In this paper, I have discussed how Pettit’s philosophical ideas, especially his theory of freedom, can be applied to key issues concerning parental authority and children’s rights. In the first section, I questioned the project of using the ideal of non-domination to define the right to parent and the children’s rights *qua* children. I argued that the concept of domination is, in Pettit’s philosophy, intrinsically associated with a political ideal of liberty, which is grounded on a more comprehensive idea of freedom – i.e. freedom as responsibility. An idea that does not apply to children *qua* children.

In the second section, I have used this idea of freedom as responsibility to argue that children need to have moral and legal representatives. Moreover, these representatives have to be fit to be held responsible for the (authoritative) decisions they make on behalf

of children, accountable by children and the rest of society, and liable for the children's actions that cause a harm on others. By using Pettit's theory of group agency, I have argued that the figure of parents fulfils these requirements, and that this is an argument in favor of the family as a justified form of child-rearing. Also, I suggested that other alternative forms of child-rearing may not fulfil these requirements because they lack group agency.

In the third section, I have used the idea of freedom as responsibility to define the children's liberty rights *qua* future adults. In contrast to those liberal views which argue that children should receive an upbringing that cultivates their robust autonomy, I argued that children have a right to receive an upbringing that develops their orthonomy. That is, their capacity to follow basic rules of belief formation, and their capacity to act consistently with their desires and evaluative beliefs. In contrast to the independence for children view, I argued that children have a right to receive an upbringing that leads them to have a non-weak and non-elusive self. These two conditions, the acquisition of orthonomy and a non-elusive / non-weak self, will allow them to become fit to be internally free and, therefore, fit to be held responsible.

In the fourth section, I have used the idea of liberty as non-domination to define the children's liberty rights *qua* partly adults, which are rights that children have once they acquire a certain maturity. I argued that, regarding actions, parents dominate children if, and only if, they have the capacity to use coercion treats to lead their children to act as they want. Regarding beliefs, I argued that children *qua* adults have a right to truthfulness regarding those beliefs that they are capable of understanding. I also argued that children have no right to knowledge, understood as a right to be led to believe only those beliefs whose reasons they are able to understand.

In defining the rights of children *qua* future adults, the rights of children *qua* partly adults, and goods of children *qua* children – known as special good of childhood, I have shown that certain tensions can arise between the children's fundamental interests *qua* children, *qua* future adults, and *qua* partly adults. For instance, I have pointed out that leading children to act as parents want by offering them rewards may damage their acquisition of orthonomy, even if it does not violate their rights as partly adults. Or that the right to truthfulness that children *qua* partly adults have may clash with the promotion of certain special goods of childhood such as the beauty, meaning, and hope that some beliefs provide – regardless of their truth.

However, there is a greater tension in the view I have presented. One that can even be seen as an aporia. The view I have presented links freedom to the idea of being fit to be held responsible and applies that framework to the assessment of the rights of children *qua* partly adults. In the fourth section, I rejected the idea that there is a specific moment in which persons move from being children with no responsibility at all to being adults with full responsibility. On the contrary, I argued that the process is progressive, and that children's right to non-domination applies to children *qua* partly adult to the extent that they are already fit to be held responsible in some aspects. However, things are still more complicated. I have assumed in this paper that we assign responsibility to someone, in the form of blame or in other forms, when we consider that the individual is fit to be held responsible. But there are cases in which the practice of assigning responsibility violates this rule. In these cases, we treat people as if they were fit to be responsible even when we know that they are not - because they do not fulfil one or more of the requirements for being free. Our treatment of children, during the process of upbringing, is the paradigmatic example. We blame children for things they have done wrongly or for things they ought to have done but have not, and we do this even during early stages of maturity in which we are aware that they lack rational agency or self-consistency across time. This practice is a fundamental part in the process of including children within the practice of assigning and assuming responsibility. Treating them as if they were fit to be held responsible generates an expectation that usually has a performative effect on them. In other words, the aporia is that everyone becomes a responsible adult by being treated as such while she was not yet.

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## Conclusions

The family, parental power, and school education are very polemic topics, both in academic circles and everyday politics. They lead to issues such as whether society should promote ways of upbringing different from the nuclear family, or whether homeschooling should be allowed, or whether parents should be allowed to transmit their religious and ethical views to their children, or whether certain school content should be mandatory, and so on. These issues are politically polemic because the substance of future society depends, to a large degree, on the upbringing that children receive in present society. As a result, there is a constant political struggle for the children's souls. Analytically, we can identify three types of interests that are at play in this set of issues: the interests of parents, the interests of children, and the interests of the rest of society.

In this thesis, I have contributed to this debate by focusing mainly on children's interests - although I have also discussed certain basic interests that the rest of society has. I have argued that children need three goods, and that discussing these three goods is necessary to evaluate the justification and the content of the right to parent, and the content of children's rights. In this sense, my approach has consisted in grounding deontology on axiology; or, in other words, I have identified the justification and the content of 'the right' in terms of 'the good'.

The first good that children need is parental love. Children arguably need to be loved by their parents or, at least, not to be unloved by them. However, this good can only become a children's right if we can justifiably attribute parents the corresponding duty to love their children. I have shown how the moral debate concerning the parent's duty to love their children relies on the ontological issue of the essence of love and the axiological issue of the reasons for love. The duty to love someone seems to be, if anything at all, the duty to come to acknowledge the reasons to love that specific person in the way that the duty commands – in this case as a parent. Regardless of whether children have a right to be loved, what parents do for the sake of love needs to be restricted in order to protect children's autonomy as future adults.

The second good that children need is a virtuous character, one that allows them to live good lives. This good implies that parents should shape children's character according to the ethical virtues. The apparent problem is that this requirement clash with certain liberal

conceptions of autonomy. Precisely because of that incompatibility, I have argued that we should reject those conceptions of autonomy. I have shown that a moral position concerning upbringing cannot be neutral in terms of other philosophical issues, because upbringing is intrinsically linked to the issue of practical rationality and its development. The proper and morally justified content of upbringing necessarily depends on our conception of practical rationality and the good life. According to the Aristotelian conception of practical rationality, public reason lacks enough content for leading children to live good lives. Although I have not discussed it, this good – i.e. the ethical virtues of character, is also problematic as a children's right. The reason is that parents need to possess themselves a virtuous character to be able to cultivate ethical virtues in children.

The third good is freedom. I have shown how the different views of children's autonomy as future adults are implicitly linked to comprehensive views of freedom: freedom as underdetermination and freedom as ownership/authorship. According to the first one, I am free to the extent that my future actions and beliefs are not fully determined by my past, and autonomy is conceived as the capacity to criticize the upbringing that I have received. According to the second one, I am free to the extent that I am the author of my actions and I own my beliefs, namely to the extent that they are mine in the relevant sense. As an alternative to these existing views, I have proposed a view of children's liberty rights based on Pettit's conception of freedom as responsibility and liberty as non-domination. According to this view, parents are group agents who are the representatives of children while they lack responsibility, and who have the duty to provide their children with an upbringing that makes them fit to be held responsible in due time. Under this conception, autonomy is intrinsically linked to responsibility, to the extent that both ideas are coextensive. Once children reach that stage, the state ought to protect children from their parent's coercion and manipulation to avoid parental domination. This approach aims to be mainly a rational reconstruction of how our legal system and practices work.

Although the main field of my dissertation is family ethics, I have used the issues related to children and family to discuss some philosophical issues of greater scope. John Rawls has had a great influence on moral and political philosophy during the last 50 years. He was the leading figure in the revival of normative moral and political philosophy within the English and American universities. In the first stage of his career, which corresponds with the publication of *A Theory of Justice* (1971), he started a discussion concerning

distributive justice and initiated a philosophical position known as liberal egalitarianism. In the second stage of his career, which corresponds with the publication of *Political Liberalism* (1993), he marked a tendency to isolate moral and political issues from what he calls controversial issues, such as religion, ethics, epistemology, or metaphysics. However, against this tendency, the case of children shows that we cannot avoid these controversial issues.

Love is arguably a good that children need, but I have showed that its status as a right and a duty depends on controversial ontological and axiological issues. It depends on what the nature of duty is, the essence of love is, and the reasons to love are. Autonomy and freedom are also goods that children need, but they cannot be isolated from controversial philosophical issues such as practical rationality and the good life. Giving an answer to the more practical and applied moral issues requires to adopt, implicitly or explicitly, a position concerning the more abstract and controversial philosophical issues. In this sense, I have tried to show, in tune with some philosophers, that the majoritarian contemporary strategy of eliminating social and political conflict by removing controversial issues is not a feasible strategy, at least in the case of issues regarding children (Taylor 1995, Sandel 2005).

What should we do, then, if conflict and controversy cannot be avoided? Most academic moral and political philosophy aim to answer normative questions in the form of: what ought X to do? or: what should X do? The strategy for achieving this is to look for certain widely accepted intuitions that would justify the moral or political position that one wants to defend. Indeed, my initial aims were precisely of this nature. However, in the process of writing this dissertation, I have realized that this is not the only thing that philosophy can do – and, perhaps, it is not even the best thing that philosophy can do. In this regard, the conclusions of my dissertation, very in tune with the Socratic spirit, is that philosophy is better prepared to point to problems and aporias derived from our practices and ideals than to offer prescriptive solutions based on them. This is so because philosophy, as a field of knowledge, lacks substantive content, but also because philosophy, as an academic discipline, usually lacks the force to move social and political reality.

The aporia regarding love is that the only justified way to say that parents have an obligation to parent a particular child is to argue that they have an obligation to love that particular child, however, love does not seem to be a proper object of duty. The autonomous individual who chooses her own ethical and religious beliefs and values

shows its limits when we look at children, precisely because that idea of autonomy presupposes a well-developed individual. We are all socially constituted as ethical persons by the upbringing we received. So, we are, so to speak, “forced” to be free. Lastly, there is also a certain aporia in the idea of responsibility. We attribute children a special moral and legal status because they are not fit to be held responsible. However, persons become fit to be held responsible precisely by being treated as such when they are not.

In terms of future research, the main line I see is the following. One of the contemporary philosophers whose ideas I have extensively discussed in this dissertation is Matthew Clayton (2006). His controversial argument is that parents have an obligation to refrain from intentionally inculcating any ethical or religious belief to their children. The argument relies on an analogy of proportionality that he builds between the state-citizens relationship and the parents-children one. The main idea is that, just like the (political) liberal state should be neutral regarding religion and ethics when it exercises coercive power, the same normative standard applies to parental power. Clayton’s position has been criticized mainly by attacking the analogy of proportionality in which his argument relies. Indeed, for any contemporary reader, the family and the state seem to be two completely different entities. However, I think that Clayton is pointing to something very relevant.

The analogy between the family and the state is present throughout the whole history of political philosophy. Virtually all the classic books start by discussing that analogy, either to reject or to accept it – Plato, Aristotle, Aquinas, Bodin, Hobbes, Locke, Rousseau, Hegel, etc. Moreover, our political vocabulary is full of words that are etymologically connected to the family: domination, emancipation, fatherland, paternalism, patriarchy, and so on. It seems that the family has clearly been used over human history as a model to understand, discuss, and criticize society, the nation, and the state. In this regard, George Lakoff wrote a widely discussed and quoted book in which he argued that contemporary political disputes between left wing and right wing can be understood in terms of the metaphor of the state as a family (2002). And the disagreements derive from the different understandings of the state as a parent – a benevolent parent in the case of leftists, and a severe parent in the case of rightists. I think it is worth exploring this line of research opened by Lakoff, but from a different angle.

Lakoff thinks that the different political ideologies assume that the analogy exists, and the differences between them derive from a different conception of a parent. However, the differences between political ideologies, both contemporaries and historical, derive from something previous, namely from accepting or rejecting the analogy. For instance, classical republicanism can be characterized as an ideology that rejects the analogy and demands the absence of domination within the public realm – i.e. that power among citizens is not exercised in the same way that power within the household (D’Ors 2008). In the same line, classical liberalism rejects the analogy and demands a non-paternalistic state (Mill 1985). On the contrary, traditionalism and conservatism can be characterized as ideologies that openly embrace the analogy (D’Ors 1960).

The second problem of Lakoff’s political argument is that it derives from his own approach to philosophy and cognitive science; one that he initiated in *The Metaphors We Live By* (1980). His main argument in that book is that human beings understand abstract and disembodied objects and realities by making analogies with more concrete and embodied objects and realities. In relation to politics, we could say that human beings use the concrete and embodied reality of the family to understand the abstract and disembodied object of the state. This is an ahistorical and idealist analysis. It presupposes that there are two entities, the family and the state, and we use our idea of the simpler one to understand the more complex one. From this perspective, it is just a matter of understanding given realities. However, there is anthropological and historical evidence that the analogy between the family and the state is a historical one. The state is generated in certain historical societies in a complex process that involves the institution of the family as a “raw material”. This anthropological and historical reality is, if anything, the material substratum to the feminist term “patriarchy” (Lerner 1987).

In summary, an analysis of the analogy between the family and the State can allow us to understand the history of philosophy, it can only allow us to understand the historical formation of the state, and it can also allow us to understand the main contemporary ideological confrontations.

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