In his book *Justice and Legitimacy in Upbringing* (2006), and in two subsequent responses to critics (2009; 2012), Matthew Clayton defends the claim that “comprehensive enrolment” is illegitimate:

With respect to what Rawls calls “comprehensive” matters – issues concerning religion, occupation, lifestyle, and sexuality, for example – I argue that parents are required to educate their child so that she has the wherewithal to lead an autonomous life as an adult. However, I also claim that they are forbidden from imparting particular convictions to their child or enrolling her into particular associations or practices. (Clayton 2012: 353)

Clayton’s position differs significantly from the common liberal view concerning children’s upbringing. The common view might be described as follows: 1) Children – as non-autonomous persons – are not morally violated by comprehensive forms of education or enrolment; 2) comprehensive forms of upbringing are legitimate insofar as they do not undermine the child’s future capacity for autonomy.\(^1\)

Clayton shares the view that children cannot be considered as autonomous persons. He also agrees that religious or ethical education does not necessarily prohibit the development of the capacity for autonomy. His claim is that these forms of education are illegitimate even if they ensure the development of autonomy.

Clayton’s argument proceeds within a modified version of Rawls’s political liberalism (Rawls 1993). It relies on Rawls’s notion of public reason and the related liberal principle of legitimacy. In a rejoinder to Clayton, Christina Cameron rejects the view that these Rawlsian...
an ideas can be applied to the problem of children’s upbringing: “I [...] conclude that Clayton fails to show that the PRC [Public Reason Constraint] must apply to parental power, and so that he also fails to provide a convincing argument against parents practicing comprehensive enrolment” (Cameron 2012: 351).

In this paper, I support Clayton’s claim that the idea of public reason is relevant with regards to the parent-child-relationship, but reject his conclusions concerning comprehensive enrolment.

In the first part, I present Clayton’s basic argument. In the second part, I discuss Cameron’s response to Clayton. Finally, I make clear why comprehensive forms of education are compatible with the public reason restriction.

**Clayton’s Case Against Comprehensive Enrolment**

Clayton’s main argument can be divided into two related parts: First, Clayton introduces two notions of autonomy; second, he argues that the public reason restriction applies to parental education.

Clayton proposes to distinguish the *end-state view* of autonomy from the *precondition view*. The common liberal view with regard to children’s education considers autonomy as an end-state that is to be achieved in the future. This educational aim sets limits to the kinds of education that are legitimate, but does not prohibit religious or ethical education altogether.

Clayton proposes, by contrast, to see autonomy also as “a *precondition* of being treated in certain ways” (Clayton 2006: 91). He spells this idea out in two different ways: First, autonomy is a precondition for the transmission of comprehensive views. This means that it is illegitimate trying to make a non-autonomous person accept such views. Second, comprehensive enrolment – initiating persons into particular comprehensive practices – presupposes these persons’ autonomy. Only autonomous persons can legitimately give consent to comprehensive enrolment.

Against this backdrop, Clayton concludes that infant baptism and similar religious practices are illegitimate since children lack the capacity for autonomy. The common liberal view draws an opposite conclusion: children’s lack of autonomy makes baptism and religious education legitimate.

It seems implausible that the mere lack of autonomy should be sufficient to prohibit comprehensive enrolment. Clayton would not claim, presumably, that performing a religious ritual with a non-autonomous animal is illegitimate. Interestingly, Clayton also states that it “would be a violation of the child’s autonomy if parents aimed to inculcate in her an allegiance to particular religious ideals or to make her participate in religious ceremonies” (Clayton 2006: 92). Here, Clayton speaks of a violation of the child’s autonomy – although
his argument is based on the idea that children do not possess autonomy. His statement only makes sense if the child’s future autonomy is seen as a normative constraint on parents’ present decision-making. Indeed, Clayton seems to think that the legitimacy of parental decisions depends on the child’s future (or hypothetical) autonomous judgement regarding these decisions (Clayton 2006: 99). In other words, parental interventions are legitimate if the child can reasonably be expected to consent to them. I call this the consent view. The consent view clearly differs from the precondition view: According to the latter, comprehensive enrolment is definitely ruled out. The former, by contrast, binds the legitimacy of comprehensive enrolment to the child’s autonomous judgement. The question, then, is whether the child has reason to consent to comprehensive forms of parental education.

Clayton implicitly introduces the consent view in his discussion of the public reason restriction and the principle of liberal legitimacy. As Rawls states, political forms of coercion are legitimate only if they are in accordance with public reason, that is, if they are guided by principles that all citizens – as free and equal – can reasonably endorse (Rawls 1993: 137). Since reasonable persons must be expected – according to Rawls – to disagree in comprehensive matters, the justification of political principles cannot refer to a particular ethical or religious doctrine. Clayton proposes to apply these ideas to the parent-child-relationship – pointing out that this relationship bears relevant similarities with the political realm: “It is a non-voluntary coercive relationship that has profound effects on the child’s life prospects and her self-conception” (Clayton 2006: 93-94).

This means that the decisions that parents make on behalf of their children must satisfy the public reason constraint – they must be reasonably acceptable independently of any comprehensive doctrine. Parents cannot expect their children to consent to decisions that are motivated by their own ethical or religious views.

So, the liberal notion of legitimacy implies a particular version of the consent view. It states that 1) coercive measures towards children are legitimate only if children – or the adults that they will become – can reasonably be expected to consent to them, and 2) children are likely to withhold their consent if these measures are motivated by a controversial comprehensive doctrine.

Liberal Legitimacy and the Normative Status of Children: Cameron’s Rejoinder

Christina Cameron (2012) rejects Clayton’s claim that the liberal principle of legitimacy – and the public reason constraint inherent to this principle – can be applied to the parent-child-relationship (see also Vernon and Hannan 2008: 183). She rightly states that the criteria mentioned by Clayton also apply to a guinea pig’s relationship to its owner – the relation-
ship is non-voluntary, coercive and affects the animal’s life prospects. According to the common view, however, the guinea pig is not an appropriate addressee of political justification. Cameron explains that “unlike guinea pigs, people have an important moral status in Rawls’s theory. In explaining the ideal of public reason, Rawls repeatedly refers to the freedom and equality of citizens, and the claim that they should have an equal share in the political power that is exercised by citizens over each other” (Cameron 2012: 343). Cameron adds that children are not free in a relevant sense and that they therefore lack “the status of free and equal persons that motivates the PRC in the state-citizen-relationship” (Cameron 2012: 343). It follows that interferences into children’s lives do not depend on a generally acceptable justification. In this respect, then, children do not differ from guinea pigs.

It is true that the common liberal notion of legitimacy presupposes the reasonableness or autonomy of citizens (see also Christman 2005: 330). Children – it is commonly assumed – are not autonomous in the relevant sense. But this does not necessarily mean that they have no “important moral status” – to use Cameron’s expression.

First, it should be noted that according to widespread normative intuitions, children’s normative status is not inferior to the status of adults. We would not say that children’s interests are less important than adults’ interests. In cases where an adult’s and a child’s interests conflict, it is not clear that the former outweigh the latter. In some sense, then, children’s normative status is equal to the status of adults. Yet, ascribing to children a full or equal moral standing seems compatible with denying them certain rights – especially agency rights and political rights. As Clayton puts it, in a different context, “treating individuals as equals is compatible with unequal treatment and, in particular, the denial of certain rights to particular individuals” (Clayton 2006: 185). So, the question is whether Cameron really intends to deny children the status of moral equals. Alternatively, she might claim that children lack equal civic standing, but that their interests nevertheless matter equally.

Second, it has to be recognized that children – in contrast to guinea pigs – are potential or future autonomous agents. This is why it does not seem to be out of place to ask whether they could reasonably accept the political principles that constrain their agency. Here we might either rely on the idea of hypothetical consent, or the notion of future (retrospective) consent (see also Clayton 2006: 99, 2012: 355). In either case, we must refer to some notion of reasonableness: the crucial question is whether the child or future adult has reason to accept certain principles or institutional arrangements.

Third, I would like to point out that children are not only future agents, but already possess certain prerequisites for autonomous agency. It is commonly acknowledged that children – from the age of two or three – are reflective human beings who have aims of their own that they pursue in agency (Griffin 2008: 94, Noggle 2002). They also have some under-
standing of other persons’ actions or institutional arrangements that constrain their agency. They can distinguish between natural and social restrictions on their freedom, and they are able to feel morally wronged by certain forms of coercion. Moreover, they are able to ask for a justification for coercive interventions into their lives. For instance, a seven-year old child might ask why she has to go to school. Although this child is not autonomous, she is to some extent able to participate in a discourse on mandatory schooling. So, we must be ready to justify measures of this kind towards them, although we cannot expect them to react in a fully reasonable way to the reasons provided to them.

These considerations lead me to the view that children are appropriate addressees of political justification. This does not necessarily imply, however, that the liberal principle of legitimacy applies to the parent-child relationship. Clayton’s claim that parental decisions must satisfy the public reason constraint might still be doubted.

The question is whether a political principle of legitimacy can be applied to the private sphere of family relations. In whichever way this question is answered in detail, one thing seems clear: determining the status of the family within the liberal state is a political issue. This means that the general arrangements concerning children’s upbringing must be settled politically. It is a matter for public discussion to which extent parental freedom should be constrained, or which rights can be ascribed to children. It must also be clarified whether comprehensive enrolment is justified.

These political decisions underlie the public reason constraint. They must be reasonably acceptable to all the parties affected, including the children. This conclusion, of course, depends on the view that children have an “important moral status” and are appropriate addressees of political justification.

I conclude, then, that the state’s arrangements regarding the family and children’s upbringing must be politically justified to the child or the future adult. This does not imply, however, that comprehensive enrolment is unjustified.

Justifying Comprehensive Education from Public Reason

Clayton writes: “Note that here I am not ruling out the imposition of a comprehensive doctrine on the child. I am rejecting the imposition in the absence of an argument from public reason” (Clayton 2006: 99). His point – directed against the common liberal view – is that this kind of argument is necessary. I agree with this. In contrast to Clayton, however, I think that there are convincing public reason arguments for comprehensive education. I will restrict my considerations to one line of thought that integrates various aspects. Clayton – to be sure – discusses similar issues, but comes to different conclusions (Clayton: 112-123).
My basic idea is that the general conditions of human upbringing – and the specific goods that are at stake here – make some forms of comprehensive education and enrolment reasonably acceptable for all.

First, it is generally recognized that children’s flourishing depends on being embedded into a specific type of interpersonal relationship – children need to be loved by their parents. Axel Honneth (1996) distinguishes three different types of “recognition” that are necessary to build up a positive relationship to oneself: being loved enables children to become self-confident; manifesting esteem for their capacities and achievements fosters their self-esteem; and respecting them as persons is necessary to build up their self-respect. A positive self-relationship might be seen as an aspect of well-being, and it might also be considered as a pre-condition for autonomous agency (Anderson and Honneth 2005).

Second, it should be acknowledged that children cannot create themselves – that is, their own practical identity or evaluative system – all by themselves. Rather, children develop their selves through the initiation into a cultural form of life, that is, by becoming acquainted with and committed to the rules that constitute this form of life (Peters 1965). In this process, the child develops his “initial set of evaluative criteria” – though without autonomously choosing it. But how can these values that are learnt from others ever become the children’s own? Acting on one’s own – or authentic – attitudes is often seen as a core aspect of autonomy. So the question is whether the social formation of the self can ever lead to autonomy. This is a general problem that arises from the idea of an education for autonomy (or authenticity). I will not discuss this issue here (see e.g. Cuypers 2009, Noggle 2005). Part of a solution, however, is the insight that autonomous agency is impossible without prior initiation into an already existing value system. As Robert Noggle, for instance, puts it: “One cannot be a choosing agent unless one has some values and goals on which to base one’s choices; otherwise choice degenerates into a mere impulse or arbitrary whim” (Noggle 2002: 113).

The first of these points supports the demand that children should grow up in some kind of family that enables them to develop a positive self-conception – especially a basic form of self-confidence. The second point makes clear that children cannot be radical choosers of their form of life, but will necessarily adopt values and beliefs from their social environment. If we connect the two considerations, it follows that children have to develop their initial self through the initiation into a particular family culture which is embedded in a broader social and cultural context.

This family culture – I claim – is necessarily “comprehensive” in character, that is, it embodies all types of values. Some of them are implicit in the way the family life is organized, others are explicitly communicated by the parents. But might it not be possible to create a
family culture that is strictly liberal in the sense that it contains only reasonably acceptable elements (Clayton 2006: 120-121)?

Political liberal principles leave many spheres of human life unregulated. Persons cannot help, in their private lives, making decisions concerning these politically unregulated issues. We have to design our lives in some way or other, and when we have children these decisions have an impact on their development. For instance, persons make – even if not consciously – a decision as to whether music, art, or literature are worthwhile enterprises. When parents only listen to jazz, but never to pop music, they thereby influence the child’s aesthetic preferences. By reading bed-time stories to children, they emphasize the value of literature. When they never engage in any type of religious practice they express that religion does not matter. When they feed their children vegetarian food only, they thereby make a normative statement, even if they do not intend to instil vegetarian convictions in their children. As children grow older, parents will have to justify some of their decisions towards their children, and this means they will have to make explicit the values that guide them.

So, a family’s form of life is comprehensive in the sense that it will provide answers to all life’s problems – not just to a narrow set of political issues. The further question is whether children who grow up in a particular family culture must necessarily adopt its values. Children may not accept all aspects of a form of life – they might even reject certain elements almost from the start. Given an education for critical thinking, they will start questioning some of their parents’ values or practices, at a certain point. Nevertheless, they cannot help becoming committed to many of the values or rules that are expressed in their family culture. This is likely to happen even if parents refrain from intentionally educating their children (Fowler 2010: 378). Clayton, by the way, states that only intentional forms of religious or ethical education or enrolment should be prohibited. It is the parents’ aims that matter, not the effects of their conduct (Clayton 2006: 110). Using a distinction proposed by Eamonn Callan (1985) – in a response to Terrence McLaughlin (1984) – it might be said that it is legitimate for parents to expose their children to their own set of values and beliefs, but not to raise them within their particular conception of the good. The problem is, however, that in growing up within a family culture, children are not merely exposed to certain values, but involved in a set of common practices that express their parents’ values. So, while parents can refrain from pressing their children to adopt certain values, they cannot avoid that their children’s acting, feeling, and thinking is shaped by the values that are embodied in the practice of the family.

But still, parents could do their best not to influence their children. They could keep telling their children, for instance, that their own family culture expresses just one of many reasonable forms of life, and that they are in no way committed to adopt its values. One
might object to this style of education by arguing that refraining from intentionally educating one’s children creates an ethical or religious “void” in the children that is likely to be filled up somehow. Children who are not educated in a comprehensive way might be especially prone, for instance, to take up values from the mass media, from peers, or religious fanatics. So comprehensive education might be justified because it protects children from adopting some arbitrary set of values.

It might be objected that from a political liberal point of view these values cannot be seen as “worse” than the parental conception of the good. It is only from the parents’ perspective that values contrary to their own ethical views seem harmful. The question is then whether parents should be allowed to protect their children from adopting a value system that they consider as bad or harmful. First, it might be said that the will to do so is an aspect of parents’ loving and caring attitudes towards their children. By prohibiting comprehensive education, we hinder parents to act in accordance with their own notion of what it means to fully care for their children. This line of thought, however, focuses on the parents’ perspective – not on children’s interests. So, consider a second point. If it is understood that children will inevitably adopt some value system or other, there is no good reason – from a political viewpoint – to prohibit comprehensive forms of education in the family. The parents’ evaluative system might not be “better” than any other set of values, but we can neither assume that it harms children more than other value systems. According to this second consideration, there is no good reason – from the children’s perspective – to oppose intentional forms of parental value education. Rather, there is reason to give way to the parents’ interests in acting according to their own view of what is harmful for children.\footnote{11}

My claim is, then, that considerations of this kind justify political arrangements that allow parents to raise their children in the spirit of their own conception of the good. As I said in the last section, regulations concerning children’s upbringing are subject to political justification. Since children must be considered as endowed with equal normative status, the institutional design of the family must be reasonably acceptable to them. I take it, then, that children have reason to accept an arrangement that does not prohibit comprehensive forms of education. On the one hand, children – when they grow up – might reject their parents’ comprehensive views and certain of their educational decisions. On the other hand, however, we can expect them to recognize the value of an ethical or religious education for their well-being and autonomy.\footnote{12} However, this acceptance of comprehensive education is not unconditional: 

First, children have no reason to consent to parental education if it violates their basic interests. It is clear that determining the precise content of a definite set of basic interests will lead to controversy. This does not, however, diminish the validity of the general claim.
Second, they will refuse any type of education that undermines their future capacity for autonomy. This means, first of all, that children should be enabled to develop authentic attitudes and the capacities necessary to act on these attitudes.

Third, children may have reason to reject certain parental decisions that neither violate their basic interests, nor jeopardize the development of the capacity for autonomy, but nevertheless shape their future options for agency. Clayton (2006: 104) mentions the case of genetic engineering. The view that children might reasonably reject this type of intervention is compatible, I think, with their acceptance of comprehensive forms of education.

Finally, I hold that children can reasonably demand respect for certain of their present expressions of the will: consider the example of an eight-year-old girl who strictly refuses to eat meat because she thinks that it is morally objectionable to kill animals: should parents – who are not vegetarians themselves – force this girl to act against her convictions? I think that this authentic expression of the child’s will deserves respect – although the child is not yet fully autonomous. In some cases – for instance, if the child is in danger of forfeiting her basic interests or future autonomy – parents must override her will, even if it is grounded in deep convictions. This, however, should be considered as involving serious moral costs. Children can be expected to reasonably accept certain forms of paternalistic interventions. At the same time, however, they have reason to point out that their present autonomy constrains their parents’ freedom with regard to comprehensive education and enrolment.

Conclusions

In this essay, I have made two basic claims:

First, political arrangements concerning the family and the upbringing of children must be justified in the light of public reason. All persons affected by these arrangements – including children – must have reason to accept them, independently of any particular comprehensive view.

Second, although children may not endorse their parents’ values when they have grown up, comprehensive education and enrolment are justified. There are public reason arguments for the legitimacy of certain arrangements that allow parents to raise their children in accordance with their own ethical or religious views.

In contrast to Clayton’s account, this view does not apply the principle of liberal legitimacy directly to the parent-child-relationship, but to the institutional order that shapes this relationship. This institutional arrangement defines the responsibilities and privileges of parents as well as the rights of children.

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1 This second point is not uncontested amongst liberals. William Galston (1995), for instance, resists the view that all children should be educated for autonomy. Rawls (1993) claims that politi-
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cal autonomy – but not ethical autonomy – should be seen as a general educational aim. He con-
siders ethical autonomy as a core feature of one particular comprehensive doctrine – the liberal
conception of the good. His view is, then, that ethical autonomy is not generally acceptable in the
light of public reason. At the same time, however, he states that all citizens of the liberal democ-

cracy must be considered as having “two moral powers”. With regards to the second of these
powers – the capacity for a conception of the good –, Rawls explains: “The capacity for a concep-
tion of the good is the capacity to form, to revise, and rationally pursue a conception of one’s ra-
tional advantage or good” (Rawls 1993: 19). It requires further discussion as to whether Rawls
hereby expresses a comprehensive or perfectionist notion of autonomy (e.g. Clayton 2006: 24-27;
Levinson 1999: 14-35). However, I will not address this issue here.

It should be noted that the precondition view also relies on persons’ consent – but in different
sense than the consent view. According to the precondition view, the legitimacy of comprehen-
sive enrolment is bound to an autonomous persons’ factual consent, whereas the consent view
refers to the child’s hypothetical or future reasonable consent.

This line of thought is in line with Rawls’s views. Rawls denies children equal normative status,
saying that only persons endowed with the “two moral powers” - can have equal standing as citi-
zens (Rawls 1993: 19). In his essay “The Idea of Public reason Revisited”, Rawls confirms that
children cannot be considered as equal citizens. He notes, however, that children – as future citi-
zens – must be ascribed certain basic rights (Rawls 1997: 791).

Cameron (2012: 344) seems to acknowledge that children – unlike guinea pigs – have an interest
in becoming autonomous.

The idea of future consent refers to the future autonomous adult who retrospectively considers
how he was treated as a child. By contrast, the notion of hypothetical consent highlights the ques-
tion whether the children could reasonably consent to how he is treated. I take it, however, that
the distinction of these two notions of reasonable consent is not relevant for my argument.

Michael Tomasello (1999), for instance, claims that children start understanding other persons’
intentions – and seeing others as independent persons – towards the end of the first year of their
lives.

I borrow this expression from Noggle 2002: 113.

In what follows, I will not refer to Clayton’s “instrumental argument” for the precondition view

Sarah Hannan and Richard Vernon (2008: 182) think that this move in Clayton’s argument
“seems not just to soften, but largely to evaporate, the constraint of parental interest.” They add
that Clayton’s concession is fully consistent with the public reason restriction, because this re-
striction concerns “the kind of reason that we can give others in support of our claims, not the con-
sequences of our claims for them” (Hannan and Vernon 2008: 182).

The debate between McLaughlin and Callan focuses on the problem of education for autonomy.
Callan claims, that parents’ attempt to raise their children within a particular value system is
autonomy-undermining. McLaughlin, in contrast, is only opposed to indoctrinary forms of reli-

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It is clear that parents’ authority to define children’s interests is not unlimited (see the conditions described in the remainder of the text).

It must be noted that the considerations that speak for the acceptance of comprehensive education in the family do not apply to school education: the public school can and should refrain from transmitting a particular set of comprehensive values. More thought should be given to the role of private religious schools in the liberal democracy. On the basis of the argument presented in this essay, it might be concluded that parents should be allowed – under certain conditions – to send their children to a school that is committed to a comprehensive value system.

I owe this formulation to Jaworska 2007.
Literature


