Parents’ Rights and Responsibilities
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As early theories of rights developed in the seventeenth century, the idea that parents had extensive and strongly protected rights over their children was largely unquestioned. In Europe children were, mostly, treated by the law as the property of parents. But the basic paradigm of the “right” is a right to control over- or non-interference with oneself, and, of course, children are not their parents, nor are they mere extensions of them. They are individuals in their own right, with their own separate interests, which they are, when young, ill-positioned to protect and promote. So it is natural to question whether parents have rights over their children, and, if so, what those rights are, and what responsibilities they have to their children (see associative duties). By having a child one alters the environment for other people: one adds another person to the set of people to whom each other person has an obligation. One also alters the environment by raising a child: one can raise it to be cooperative or conflictual, friendly or hostile, someone who respects or harms others. So what responsibilities to other people accompany parenthood?

One thought prompted by the observation that children are independent people with their own interests, and are vulnerable to the decisions of others, is that parents do not have rights over them at all: they simply have responsibilities, to their children and to others, to raise their children well (Dwyer 1994). Another is that there may be an important distinction between the right to be a parent and the rights that those who are parents have with respect to their children. Many theorists who deny that adults have a right to be parents still think children should normally be raised by parents. This essay will discuss only the rights and responsibilities of parents, not the right, or responsibility, to be (or not to be) a parent. (For discussion of the right to parent, see Archard 2010; Clayton 2006; Schoeman 1980; Schrag 1976; Brighouse and Swift 2006.)

Parental Rights

The ordinary language term “parent” is ambiguous: it covers conceiving, gestating, bearing, and raising children (see fatherhood; motherhood). But these are different activities, and although the first three were, until recently, practically inseparable, every known society has children who are raised by adults other than those involved in their procreation. We shall concentrate on the rights that accompany raising a child rather than those involved in or accompanying procreation; a child’s parents, in this context, are those who raise them.
Exactly what rights parents have is much disputed. Consider, for example, Charles Fried's comment that rights to “form one's child's values, one's child's life plan” and “to lavish attention on that child” are grounded in the “basic right not to be interfered with in doing these things for oneself” (1976: 152). Assuming that we have extensive rights to do these things for ourselves, this implies extensive rights over children. But it is possible to have the right to form one's child's values but not to lavish attention, or vice versa; and the right to lavish attention is not, usually, thought to be unlimited. But where are its limits?

Fried's comment nicely distinguishes two of the key areas in which parents claim to have rights: conferring advantage on one's children, and shaping their values. We shall discuss these in turn.

Parents do many things that affect how well their children will succeed in the world, including in competitions for scarce resources such as income and employment opportunities. Parents can, and do, vary in how much money they gift or bequeath to their children, which affects both how much those children will be able to consume relative to others, and what kinds of risks they can safely take, for example by spending some part of their young adulthood competing with others in risky career paths with the possibility of high payoffs. They also vary in how much they are able and willing to invest (directly by paying for private schooling, or indirectly by purchasing homes in areas served by high quality publicly funded schools) in their children's schooling. But parents also vary in less obvious ways: in the extent to which, and ways in which, they speak to their children, and the habits of mind they inculcate in them, both of which affect future prospects indirectly by influencing how well the child can take up whatever educational opportunities are presented, and directly by influencing how well their child fits in with the mores and vernacular that characterize desirable positions in society. When parents behave in ways that result in their children having competitive advantage over others, they negatively affect the prospects of other children and undermine equal opportunity (see equality of opportunity). John Rawls even observes: “the family will lead to unequal chances between individuals. Is the family to be abolished then? Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction” (1971: 448; see family).

Few people believe that parental rights extend to doing whatever their child needs to do well in competition with others. For example, bribing admissions officials to admit one's child to a school that enrolls children by open competition is usually considered off limits, and not solely because it is illegal. And few believe that parents have no rights at all to confer competitive advantage, at least indirectly, on their children. Even if paying for private schooling and bequeathing property are illegitimate, it seems not only impractical but actually wrong to prevent parents from reading their children bedtime stories, or having complex conversations about news stories with them, or limiting their access to commercial television; this is despite the fact that some of those activities will result in them being able to compete more effectively with others for academic and labor market success. But that leaves room for a wide range of positions both on the legitimate extent of parental partiality and
on the mechanisms by which parents may legitimately act partially in ways that advantage their children.

Disagreements about legitimate parental partiality usually depend on disagreements concerning (1) what the principles of distributive justice are; and/or (2) what it is about the parent–child relationship that is served by conferring or transmitting advantage in various ways; and (3) the relative weight of (1) and (2). So, for example, if you think that inequality of opportunity is morally unproblematic you may have no objection to parents’ paying for a child to attend an elite school regardless of any benefits that might bring to the parent–child relationship (unless one thinks that it is positively harmful to that relationship). If you endorse an egalitarian principle of justice like Rawls’ fair equality of opportunity, then you may have a post terto reason to criticize all competitive advantage conferral (see egalitarianism). But if you thought that some conferral mechanism played an important role in the parent–child relationship and valued that relationship sufficiently, you might regard that, but not other mechanisms, as legitimate. So, for example, you might believe that reading a child bedtime stories makes a vital contribution to maintaining valuable intimacy between parent and child, but that paying for elite private schooling does not, and therefore endorse the former as something parents have a right to do, but impugn the latter as something they do not have a right to do. To be clear, even if you did hold that view, you might still be in favor of parents being allowed to pay for elite schooling all things considered. You might, for example, believe that benefiting the least advantaged (see difference principle) is more important than fair equality of opportunity, and that elite private schooling has long-term benefits for productivity, so that more resources are available for the least advantaged. But if so you would endorse paying for elite schooling not as a parental right, but as something that parents should sometimes be permitted to do for other reasons (Brighouse and Swift 2009).

Fried also claims that parents have the right to shape their children’s values. Whereas conferring competitive advantage raises issues of conflict between the interests of the parent and the child on the one hand, and those of other people on the other, shaping a child’s values also raises issues of conflict within the family, between the interests of the parent and those of the child. Antisocial values, of course, if acted on, harm the interests of people outside the family, and this conflict will be dealt with in the discussion of parental responsibilities. But the values that a parent inculcates in a child influence the whole course of her life, what judgments and choices she will make, and who she will become. If they are bad values for her to live by, then her interests are harmed.

Disagreement about shaping values turns on two central issues. The first is simply whether parents have a weighty interest in being able to shape their children’s values. Of course, in families, they will influence their children’s values strongly, and that is not only unavoidable but may be desirable in so far as children benefit from being influenced by the people who have authority in their lives. But this does not mean that parents have interests of their own in shaping their children’s values. Some theorists think of shaping values as part of the general interest people have in
being able to give expression to their own values (Galston 2003); others posit an interest in “creative self-extension” (Macleod 2010a). But it could also be argued that the parent’s interest in shaping the child’s values derives from the relation between shared values, or parent–child interactions likely to lead to some parental shaping of values, and the quality of the parent–child relationship. If one thinks that parents have no such interest, then although one will want, for the benefit of the child, to grant them power to shape values, one may resist thinking of that power as something to which they have a right. Other theorists, though, focusing entirely on the dependence of the children and parents’ fiduciary duties, deny a weighty interest in shaping the child’s values altogether, attributing its importance entirely to the benefits that it brings to the child. On this view, parents may indeed have rights to shape their children’s values but such rights are grounded in the child’s interest in being parented by people who have that right.

The second key issue is whether children have an interest in becoming autonomous. There are numerous understandings of autonomy in the literature, but they share the view that it includes the developed capacity to stand back from one’s commitments and beliefs, subject them to critical scrutiny in the light of countervailing reasons, and, if the scrutiny recommends change, change them (Callan 1997). If children have a compelling interest in becoming autonomous then that places a limit on the extent to which parents may legitimately shape their values. Some Amish parents, for example, interpret their religious commitments as requiring that they withdraw their children from any kind of formal schooling at age 14, and that they shun any children who at the age of majority reject the faith. Such practices, especially if the prospective shunning is anticipated by the children, probably inhibit the development and exercise of autonomy because the necessary cognitive skills will not be encouraged, and the necessary emotional dispositions will be suppressed. If children have a compelling interest in becoming autonomous, that counts strongly against their permissibility (see children’s rights). If, on the other hand, children have no interest in becoming autonomous, the parental right to shape children’s values may be more extensive. Some theorists who believe that parental rights in this area are extensive argue directly that children have no interest in autonomy (Lomasky 1987). Others argue that the parents’ expressive interests are more weighty than whatever interest the child has in becoming autonomous, and others that the state’s purpose of maintaining peace among diverse groups is or would be jeopardized by its promoting autonomy against the wishes of parents.

Parental Responsibilities

What responsibilities do adults assume by becoming parents? The idea that parents’ have fiduciary responsibilities toward their children is familiar to all readers in the modern world, and all contemporary theorists acknowledge this. There are three natural thoughts about the sources of these responsibilities. One is simply that when somebody voluntarily becomes a parent, one incurs responsibility for the child and what effects one’s raising of it has on other people. And it is easy to see how this
should be; there is a widespread general presumption that when one voluntarily engages in an activity one incurs responsibility for its effects on others. In the case of adoptive parents the voluntariness of becoming a parent is clear, but many parents in the modern, developed world have their children by choice, at least in the sense that most adults can avoid conception (see birth control); those that do not avoid conception have the option to abort, and all can give away the newborn child for adoption.

But this is a relatively recent development. Even if one regards the risk of pregnancy as a knowable aspect of voluntarily engaging in sexual intercourse, pregnancy and child-rearing were certainly less voluntary prior to the widespread availability of effective contraception and abortion. And, presumably, there have been times and cultures in which there was little demand for adoption and some individuals were ignorant of the possible consequences of sexual intercourse, so that they could not reasonably be considered to have voluntarily become parents. So a second thought is captured in Loren Lomasky’s comment that “Producing children makes them one’s own. That is so whether or not conception of the child was desired and intended. No other individuals stand toward it in the same causal relation as the parent … if it is mandatory for someone to provide welfare goods for the child, the parents are the natural candidates to do so” (1987: 166–7); that is, simply causing a child to exist incurs responsibility for it. A third thought is that the responsibilities of parents to children are to some extent explained just by their being well placed to do good for another human being that is vulnerable and in great need (Austin 2007). Disagreement usually concerns exactly what these responsibilities include and, to a lesser extent, how stringent they are.

Consider first what the responsibilities are. Rather obviously, what they are depends on what children need (Burtt 2003). At the most abstract level it is convenient to distinguish four kinds of developmental interest: physical, cognitive, emotional, and moral. A fifth kind of interest is not in itself developmental, though meeting it may well assist development: the interest in being able to enjoy the period of childhood itself.

Contemporary philosophers have not elaborated distinctive accounts of children’s physical and cognitive developmental interests; the tendency is to lean on the work of health scientists and psychologists for their elaboration (see vaccination policies; child abuse and neglect; incest; domestic violence). Nor is there a great deal of debate about the character of children’s interests in emotional development, though this is more because philosophers have neglected the issue than because they agree. Disagreement about the interest in moral development is more common (see moral development; moral education). What values one thinks should guide moral development will of course be influenced by what moral theory one endorses. Broadly speaking two strands of theorizing have been in conflict, both drawing on analogous positions within psychology: the ethics of care, emphasizing the value of developing children into adults who are empathetic, loving, and caring (see feminist ethics; feminist political theory); and the ethics of principle, emphasizing the value of developing children into persons who act according to
robust and defensible impartial moral rules. In philosophy, these disagreements have been less stark than the empirical disagreements in psychology – about whether children naturally develop the tendency to act on principles – because the normative claims about the value of the two kinds of development can be reconciled by giving both some weight. The other main disagreement about the interest in moral development is that discussed at the end of the previous section: whether children have a compelling interest in becoming autonomous.

Most theorizing about children has focused almost exclusively on children as adults in preparation, that is, on their developmental interests. But childhood is, itself, a substantial part of a human life, and there is an interest in enjoying goods during it independently of their effects on the future. Some have referred to these as the “intrinsic goods of childhood”: goods such as carefreeness and spontaneous joy that are, if not exclusive to, then much more readily attainable in childhood (Brennan unpublished; Macleod 2010b). Exactly what these goods are is, obviously, debatable: do they include, for example, innocence from sexuality, or are particular kinds of sexual expression themselves important parts of childhood? Little attention has been given, furthermore, to the possibility that what is good in childhood may sometimes be harmful to the prospective adult, and what tradeoffs would be contemplated if this were so.

The more concretely we specify children’s interests, and parental responsibilities, the more contextual information we need to incorporate. Consider cognitive development, for example. Literacy was not something most children had an interest in before the age of the book; in most contemporary societies it is required for a successful life, so parents in our society have a responsibility to make reasonable efforts to ensure their children become literate, and societies have an obligation to ensure that parents are in a situation that enables them to discharge that responsibility. But a parent in a preliterate society can meet her child’s interest in cognitive development without ensuring that she learns to read.

The above example shows also that there is a difference between what parents have a responsibility to make sure their children get and what they have a responsibility personally to provide. If the state, or a grandparent, plays a role in providing for a child financially, that lessens the burden on the parents to give that kind of support. A parent, alone, could not meet all of her child’s emotional developmental needs because a child needs a diversity of adults and other people to relate to. But parents have great responsibility for early childhood emotional development, and that is something they cannot outsource without ceding the role of parent (see love).

A final observation about the importance of context is that environmental factors could make it impossible for parents either to meet a child’s interests directly or to ensure that they are met in interactions with others. It may be impossible for a child to develop in an emotionally healthy way in the midst of a plague or a chronic war or civil disturbance. If it really is impossible for someone to ensure a child’s interests are met, especially if they are in circumstances in which they cannot transfer the child to the care of another reliable person in more favorable circumstances, then
they cannot be thought to have the responsibility to meet the child’s interests; their responsibility is to do the best they can in the circumstances.

Parents have responsibilities not only to their children but also to those others whose environments are affected by the current presence of their children, and will be affected by the adults they will become. One has already been discussed: the responsibility not to put others in an unjustly unequal position, which one might do by conferring unfair competitive advantage on one’s children. At the limit one might consider that adults have a responsibility to others not to have children; if, for example, one thought that the world faced Malthusian threats in the relatively short term, and that existing people had a right not to have their prospects worsened further. That thought aside, disagreements about the responsibilities of parents to others rest largely on disagreement about the responsibilities of citizens; the thought is that whatever those responsibilities are, parents should play an important role in inculcating the beliefs and habits that influence and enable their children to exercise them. It is widely agreed that parents in liberal democracies have the responsibility to inculcate two traits in their children: the disposition to obey the law except when it is extremely unjust, or when obeying it would result in serious harm to self or others; and the disposition to use legal means to secure political changes. More controversially, some theorists argue that citizens attempting to affect the use of political power have a responsibility to use justifications for their policy positions that deploy only reasons that can be readily understood and accepted as reasonable by other reasonable citizens (Gutmann and Thompson 1996). If so, parents have a responsibility to play an appropriate role in fostering in their children the necessary knowledge, skills, and traits. Opposition to the idea that parents have this responsibility tends to derive from rejection of the claim that one has an obligation to justify oneself in this way rather than from any concerns specific to the relationship between parents and children (Galston 2003).

See also: associative duties; birth control; child abuse and neglect; children’s rights; difference principle; domestic violence; egalitarianism; equality of opportunity; family; fatherhood; feminist ethics; feminist political theory; incest; love; moral development; moral education; motherhood; vaccination policies

REFERENCES


**FURTHER READINGS**


