

***The Ethics of Parenting* by Norvin Richards. New York: Oxford University Press, 2010. Pp. 295**

Norvin Richards's *The Ethics of Parenting* is an important contribution to the growing philosophical literature on familial ethics, and it deserves to assume a place alongside more established works in the field like Jeffrey Blustein's *Parents and Children* and David Archard's *Childhood and Rights*. Covering such topics as parental rights and duties, education and the autonomy of children, and the moral duties of parents and grown children toward one another, the book's scope is more wide-ranging than the title may suggest. Approaching his subject in an intuitive and "bottom-up" way (as opposed to simply *applying* an off-the-shelf ethical theory), Richards serves up several original arguments, which he presents with clarity and thoroughness.

Because Richards's work is worthy of serious engagement, I will confine myself here to mentioning just two of his arguments and the objections that occur to me. The first topic concerns the moral basis of parental rights. Some philosophers argue that parental rights ought to vest in whomever can best promote a particular child's interests. Typically (it is alleged) this will be biological parents, but if someone other than the biological parents would do a better job rearing the child, then that person ought to be awarded custody. Richards thinks that this view fails to take into account the intuitive right a person has "to be a parent to a child he or she helped create" (18). But a theory that tried to assimilate parental rights to Lockean property rights over what one had made would be guilty of failing to take the child's interests as a person seriously.

To remedy this problem, Richards wants to understand procreation and rearing as two parts of the single creative project of parenting. He appeals to “a principle of broad appeal, usually traced to John Stuart Mill, according to which we have a right to act as we choose if our actions are suitably innocent with regard to others.” It follows from this principle, he reasons, that we also have a right to *continue* those actions and projects we already have underway, if others are not thereby harmed or wronged. The rights of biological parents to rear their children, then, turn out to be “an instance of this more general right to continue with whatever we have underway.” Parents who have created a child have “a right to continue to raise and look after the child in the way of their choosing, limited only by their obligation to neither abuse the child nor neglect her” (22-23). Individuals can become adoptive parents so long as they take custody of a child without violating anyone else’s prior rights to the child (27). This implies that the courts decided the controversial “Baby Jessica” and “Baby Richard” cases correctly: when a child is adopted without a biological parent’s consent (often the father’s), then, so long as the biological parent can be a fit parent, he has a right to have the child returned to his custody, even if remaining in the adoptive home would be in the child’s *best* interests.

The botched adoption cases raise two distinct issues: the moral basis of parental rights and the question as to how to balance the rights of biological parents with the interests of children and the adoptive parents. I shall say only a word about the second issue. I am persuaded that the violated right of a biological parent trumps the *best* interests of the child, especially if this means the child’s future interests. But removing a child from the only parents she has ever known (Baby Jessica was two-and-a-half) may well cause the child serious psychological harm, and it is not so obvious that the rights of biological parents ought to trump the child’s interest in not being harmed.

Turning now to the moral basis of parental rights, one problem with Richards’s argument is that it seems to depend on a particular – and resistable – way of individuating actions, whereby begetting and

rearing a child are both parts of a single project, "parenthood." But what is to stop us from saying that procreation is one act and rearing a child another? In that case, the argument for a procreator's right to rear falls apart. Or suppose we grant that begetting and rearing are both a part of the more complex project of "creating a child." Richards claims that his argument establishes that parents have a right to rear their children "in the way of their own choosing." This suggests that we have an argument, not only for assigning custody, but for broad parental prerogative. But we can disagree about what is and isn't a part of the project of parental child-rearing. Perhaps we should understand parenting to include living with a child and looking after his daily needs, but no authority over the content of formal education. This suggests that Richards's argument tells us nothing about the content of parental rights.

To deal with this kind of objection, Richards grants that different cultures define the project of parenthood in different ways. What procreators have a right to, he argues, is to continue the project of parenthood, as that is defined in their culture. In *our* culture, he says that "to play the role of a child's parents is to be the ones who see to it that this child's physical and emotional needs are met; who decide where the child is to live and how he is to be disciplined; who define and look after the child's moral and religious education; who determine what education in factual matters and in skills the child is to have, beyond a certain minimum; and who raise the child to become someone who functions acceptably as an adult" (25). But at this point, the argument seems to collapse into conventionalism. Besides philosophical questions about parental rights are interesting precisely because there is *disagreement* in our culture as to the proper authority of parents over matters like education.

At another point, Richards suggests that it doesn't matter just how we individuate actions, because if the individuals are neither harming nor wronging anyone, then no one can object to their initiating new "parental" activities (27). But unless procreation and rearing are a part of the same action or project, we will not have managed to distinguish the rights of the biological parents from those of third

parties. And the still more fundamental objection is that Mill's principle of liberty does not seem well-suited to justify parental rights in the first place. Mill, of course, maintains that "the individual is sovereign" over that part of her conduct that concerns only, or chiefly, herself; we are, on the other hand, "amenable to society [in] that which concerns others" (*On Liberty*, ch. I, ¶19). But rearing a child is plainly not a self-regarding action, as Mill was at pains to point out (ch. V, ¶12). Since we have to consider the interests of both parent and child, we need to say more about the relative urgency of these interests. To appeal only to the parent's interest in continuing whatever she already has underway is too abstract a consideration to make a reasonable assessment of these interests possible.

Let us now consider a different issue. Richards wants to explain why children's choices do not merit the same respect and deference as those of adults. He argues convincingly that most attempts to explain this in the philosophical literature—which either appeal to the imprudence of children's choices or to the faulty reasoning processes they employ—exaggerate how wise and rational normal adults are. For this reason such arguments are hard-pressed to account for the difference between adults and older children—especially adolescents. Instead Richards wants to approach the problem by thinking about the core idea of autonomy, which he takes to be "making one's own way through the world, putting one's own personality and character into action." The child, he argues, typically cannot put her own personality and character into action through her choices, because her personality is not yet really *her own*; rather, she is still too much the creation of her parents and her early environment to be able to be fully accountable for her actions (127).

How *do* we make our traits truly "our own"? The most apparent way we do so is by recognizing our traits and then either accepting them or working to acquire new ones that *are* acceptable to us. In doing so, we "engage in conscious projects of self-construction." Since children do not typically engage in such projects, they do not yet seem to be their own persons (128-129). But Richards realizes that, by

itself, this account too is in danger of exaggerating the mental life of adults. To remedy this, he takes a page out of Aristotle and claims that a second way in which our traits become our own is “by regularly behaving in ways that are conducive to acquiring and sustaining those qualities” (130). But now we are in danger of erring in the opposite direction: might not children acquire traits in this way as well? Yes, Richards concedes, but the important difference is that adults, unlike children, “should have known it would happen”; this is what makes adults accountable for their characters. Of course, young people do not become their own persons in a single leap; it takes place gradually and piecemeal. In general, however, “the younger a child, the better reason we have to think he has not yet made his traits his own.” This explains why we progressively give children more freedom as they get older, even in cases where we do not think they are making good choices (133).

“What if the most honest appraisal is that these desires *would* express some aspect of a self of the child’s own—but an aspect that the parent thinks is highly unfortunate, at least in this instance? If the child were an adult, respect for autonomy would require allowing her to do what she wanted despite the risks that friends and loved ones saw in it. Does respect for the adolescent’s autonomy require the parent to permit it as well?” (136)

“If the child is not yet capable of meeting the society’s reasonable expectations of someone who has become an adult, then the parental obligation is still in place, and so is the child’s obligation not to act in ways that defeat it by parting ways with the parent to this extent. The matter does not turn on whether this particular decision would enact the child’s ‘moral self’ or qualities she has made her own. It turns on broader truths about the child’s stage of development” (137).

After all, Richards reasons, surely we would return a kidnapped child to the biological parents, even if the kidnapper could provide better care than the original parents.