

Freedom for children, a reply

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One of the most interesting problems to face a consistent libertarian must be that of the treatment of children. Are they to be regarded as free and equal citizens, or are they to be put under the care and authority of their elders? These are the alternatives, and, insofar as many libertarians are concerned, they are neither of them very appealing. The first goes against common-sense; the second would seem to undermine the very assumptions of libertarianism based on arguments of natural right.

In *Free Life* Vol.2 No. 1 Brian Micklethwait sets out the case for the first of these alternatives. To argue for the subjection of children, he reasoned, is to argue also for the subjection of adults. For all human beings of whatever age have an equal right to do with themselves as they will, be it for good or ill. We have no right to force young people into the 'arbitrary brainwashing' of compulsory education; nor to compel them to remain under the tutelage of their parents; nor to prevent or restrict their entry to the labour market or determine how they should spend their earnings. To quote from Mr Micklethwait: "They should have the right to travel wherever they can afford to. In a word, they should be free".

Had Micklethwait considered more fully the implications of his argument, he might have been a little less emphatic. For he is not just insisting on the right of a fourteen year old girl to sleep with a man of twenty-three, nor indeed the right of a boy of fifteen to leave school and take a job. He is demanding the right of a child of three to run away from home after being refused a second helping of rice pudding, to fall into 'bad' company and then, scarcely old enough to hold a pen, let alone understand a contract, to sign away his or her labour for twenty or thirty years in advance. To say that no court would ever uphold such contracts is to duck the issue. The very basis of a libertarian society must be the sanctity of contracts: and to prevent children

from selling themselves into slavery is to accept the principle of their right to special protection and hence of their duty to obey their parents or legal guardians.

And what of parents? Quite rightly, Micklethwait believes that, if they have no automatic rights over their offspring, neither have they any automatic obligations toward them. Just as children should be free to leave home, so should their parents be free to 'throw them out'. But again the full implications of the argument have not been considered. If parents should be free to expel adolescent trouble-makers from their homes, so too should they be able to leave babies to starve to death in their cots, or to expose handicapped and feeble children to the elements. For, after all, while everyone has an equal right to life, no one has the right to be fed and clothed at the expense of another. If a child objects to being deprived of food, or to being placed on a cold hilltop at night, there is no legal impediment to its getting up and going somewhere better. And before anyone suggests that this is a caricature of libertarianism, let me say that Murray Rothbard justifies abortion on these same grounds: no foetus has an unquestioned right of residence within the womb; if aborted, it has no cause to complain (*For a New Liberty* - p. 108).

Certainly, there do exist arguments from natural right to justify parental authority. But none is very convincing. There is, for example, the 'contract' argument used by Micklethwait. If parents and children are to be free, they will be free to form voluntary agreements for their mutual advantage. They should be quite free to arrange that, in return for the care and security of one party, the other should give obedience. The argument sounds neat and plausible and accords well with the principle of free bargaining. There are nonetheless problems. It has already been suggested that children are not to be thought of as small adults. And, as it is with indenturing agreements, so it is with family contracts. Such contracts could be understood and explicitly assented to by one of the parties only after most of its provisions had already been put into effect.

I could continue carping in this manner for some time. Instead I will simply say that, when an argument leads to absurd conclusions, one may usually expect it to rest on absurd premises. And the main premise of Micklethwait's argument is that man is of nature a civilised, rational being, and is endowed with certain inalienable rights, which must begin at birth or not at all.

I am not one of those that believe that humanity is no more than a blank sheet upon which society - or its rulers - may scribble what pleases. But I will maintain that no one is capable of living in civil society and enjoying the rights of a free citizen without a long preparation. That the length of this period of preparation - or perhaps socialisation - has varied widely in different times and places is of no account. The principle is the same. Freedom is not a natural right, but a social convention; and it is assumed only by those considered - however arbitrarily - to be adults. Children are 'apprentice adults' and, as such, are entitled to a special status. Nothing could be more obvious or clear. But Micklethwait has demonstrated that belief in natural rights cannot justify these conclusions. It may therefore be asked whether present dislike within the libertarian movement of utilitarianism is altogether wise.