Paternalism, Respect, and Children's Dignity

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In his essay, "Dignity, Respect, and the Personhood of Students: The Educational Importance of Stephen Darwall," Juan Antonio Casas develops a novel account of children's moral status— one that purports to recognize their equal moral status as persons while also accounting for their diminished capacities and specific interests as children.[1] In this response, I raise some doubts about Casas' claim that Darwall's account of dignity from the second-personal standpoint is applicable to children in the manner he suggests. In the last part of the response, I argue that Casas (with Darwall) nevertheless makes an interesting and important contribution to a different philosophical problem about paternalism— namely, the question of under what conditions paternalism is permissible as a means of *developing* children's evolving agency.

Casas correctly notes that most contemporary philosophical accounts of educational paternalism presume a gap or deficit in the moral status of children as compared to adults. The deficit exists because "full" personhood is equated with the possession of highly developed, intellectually sophisticated capacities of rationally autonomous agency, which children have yet to develop to a sufficient degree. In this light, as Gina Schouten has noted, adults' "judgment of the status of a particular student – whether she is more child or more adult – should be moderated in certain ways based on the ends that judgment will serve."[2] In other words, as the "deficit" label suggests, children's *diminished* intellectual capacities are viewed by some philosophers of education as grounds for treating them as having diminished moral status. Nevertheless, contrary to what Casas at times seems to suggest, a deficit view of childhood does not necessarily imply that children must be treated as passive learners, whose (admittedly diminished) agency lacks moral and educational significance. Rather, much like Casas' own account, a deficit-based view of childhood can accommodate the educational significance of children's agency by noting the fact that autonomy is a matter of degree, a set of capacities that is not acquired all at once but instead develops

gradually under the right developmental and educational conditions.

Still, Casas' claim that a deficit view of childhood implies diminished moral status for children seems unassailable. He challenges this assumption about children's deficient moral status on two distinct grounds. First, he argues that children can and should be regarded as having (equal) moral status as persons in virtue of their interest in distinctive "goods of childhood" whose value to children is independent of "the goods of adult life"– that is, goods associated with rational autonomous agency. Goods of childhood are unique to childhood as an intrinsically valuable stage of life, and children's interest in having these goods generates interest-based rights to secure them. On this basis, Casas claims that "Children are endowed with the basic human rights that attach to every person *qua* person." However, he follows up, somewhat contrastingly, by saying that "Children as right-bearers are a *particular kind of person*" in virtue of their vulnerability, dependence, and developmental immaturity. In other words, while childhood goods may justify certain rights to children *qua* children, it's less clear that they justify assigning the same set of human rights to children and adults in virtue of their equal status as persons.

Perhaps Casas would respond to this criticism by moderating his claim so that instead of insisting that childhood goods constitute a basis for assigning children with moral status equal to that of adults, it rather justifies assigning them a limited or reduced *degree* of moral status. As noted earlier, one of Casas' underlying concerns is the way in which some educational programs treat children as "passive targets" of adult educational goals and practices. In this respect, even an argument for assigning diminished personhood to children provides a basis for critical pushback. It does so by clarifying moral grounds for regarding children as persons whose high degree of vulnerability requires educational practices that treat them as persons worthy of certain forms of respect, albeit not precisely the same forms of respect owed to "fully autonomous" adults. On this modified account, although childhood goods serve to justify paternalism in education, the specific forms of paternalism these goods justify would presumably have to include measures that secure a sphere of relative freedom from adult interference within which children can exercise and develop their capacities to actively enjoy certain goods, such as play, fantasy,

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and artistic creativity.

This response, while compelling on its own terms, seems compatible with a deficit view of childhood, which Casas purports to reject. According to deficit theorists like Schouten and others, paternalism is understood as a temporary measure designed to benefit students by facilitating capacities of agency that children cannot develop on their own.[3] For both Casas and proponents of "deficit" based paternalism toward children, the educational effectiveness of paternalism is undermined, at least in many cases, if it disregards children's developing capacities of autonomous agency. As such, it's not clear that Casas' account of childhood goods adds further reasons to avoid or limit educational practices that treat children as passive recipients of adult determined educational aims and practices. Both views seem to require adults to consider children's moral status in light of their diminished but developing capacities of autonomous agency.

Casas identifies a second potential basis for securing children's equal moral status, based on Darwall's "second-personal" account of dignity. I now turn to this aspect of Casas' argument. As he explains, Darwall views dignity as signifying a specific "second-personal" standing within human relationships–namely, the standing that assigns people the authority to make moral claims on one another. In a passage Casas does not quote in his paper, Darwall says that the "dignity of persons consists, not just in requirements that are rooted in our common nature as free and rational, but also in our **equal** authority *to* require or demand of one another that we comply with these requirements."[4] Casas does acknowledge that Darwall's account is formulated with adults in mind, not children. That is, for Darwall dignity-based claims of recognition respect apply within relationships involving "equal free and rational agents." Taken at face value, however, this condition clearly *excludes* children from equal moral status.

Casas anticipates this objection, but his response is insufficient to alleviate doubts about whether Darwall's account can apply to children. According to Casas, the interests that confer dignity to children from the second-personal standpoint "include the interest of developing a sense of self-respect (becoming increasingly aware of themselves as *presently* having the standing to make moral claims), and of progressively developing the agency skills of a mature

moral agent." Is this sufficient to show that Darwall's "definition of respect requires that all children, independently of their level of maturity as rational agents, are deserving of consideration and therefore endowed with the dignity of persons"? It seems to me that the answer is no, at least if we are to think of dignity as involving the "equal authority to require or demand that we comply" with the requirements of respect for others' dignity. In the case of children, as even Casas' own formulation indicates, children are regarded as having dignity to some more or less qualified degree. Accordingly, although children may have a degree of authority to demand compliance with dignity-based claims, adults also have substantial discretion when it comes to determining whether specific preferences or demands constitute dignity-based claims or not.

For example, although children have an interest in developing a sense of self-respect, they often fail to have a well-developed capacity to distinguish self-respect from arrogance. Similarly, they lack the capacity to distinguish appropriate self-doubt from excessive diffidence. The capacity to make such fine distinctions and to exercise them appropriately in particular situations are central to the sense of self-respect that underwrites the "standing to make moral claims" within second-personal relations. At the same time, lacking the capacity to make such distinctions may undermine self-respect, and failing to develop this capacity constitutes a particularly grave threat to children's long-term prospects for self-respect. For this reason, developmental considerations of self-respect that provide reasons for adults to respect children's nascent autonomy and moral authority also provide strong reasons to limit and restrict children's agency in ways that would not be permissible toward adults. Once again, I remain unconvinced that Darwall's conception of dignity provides a basis for assigning children equal moral status. Instead, Darwall's conception seems to reinforce prevailing liberal views that restrict and limit children's agency, reflecting their diminished moral status. To be sure, Casas is right to say that Darwall's second-personal standpoint provides one basis for defending a limited and developmental conception of children's moral status. But as I've argued above, this is quite consistent with prevailing mainstream liberal accounts of childhood.

To summarize, I remain unpersuaded either that Darwall's account of dignity or the notion of childhood goods provides an adequate basis for as-

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signing children equal moral status. Nevertheless, I find some promise in Casas' thoughtful examination of Darwall's ideas as a basis for addressing children's moral status and dignity. In particular, his morally sensitive and psychologically insightful discussion of the forms of respect children are owed is insightful. I want to conclude this response by briefly outlining what I see as the merits of Casas' account.

Schouten argues that certain epistemic limitations raise significant challenges for determining the extent to which children possess capacities as autonomous agents. Ideally, judgments about whether paternalism towards children is justified should reflect a nuanced understanding of the specific characteristics of students, particular contextual circumstances, and the aims paternalism is meant to serve. As she says, "Our judgment of the status of a particular student—whether she is more child or more adult—should be moderated in certain ways based on the ends that judgment will serve."[5] However, adults are epistemically limited in their capacity to discern the relevant factors to make such judgments. For this reason, policies of paternalism are inevitably blunt educational instruments. At the interpersonal level, Schouten herself endorses a principle of conservatism when applying judgments of paternalism. Her principle of conservatism holds that adults "should err on the side of promoting students' development of agential capacities, rather than on the side of respecting agential capacities taken already to be well-developed."[6] In other words, she argues that, when in doubt, which is apt to be quite often, the safest course is to treat children as children and not as adults. It seems to me that Casas' discussion of Darwall's ideas of dignity, recognition respect and appraisal respect presents an interesting Schouten's position. Schouten's defense of the conservative principle relies on the assumption that adults lack adequate epistemic resources to make fine-grained judgments about children's interests, including whether their interests are to be taken as reflecting interest of children's emerging adult capacities or their vulnerability and limitations as children. Importantly, though, the Darwallian second-personal perspective offers some helpful "epistemically corrective" tools— tools that educators may use to make nuanced judgments about children's perspectives, and which may help to justify greater latitude for children's autonomy than the conservative principle

affords. Similarly, the idea of distinctive childhood goods also provides a means by which educators can reflect on when and how paternalism might be relaxed or made less coercive than the principle of conservativism might imply.

Ultimately, while I am dubious that Casas has fulfilled his aim of providing a genuinely distinctive alternative to the deficit-based account of childhood—that is, one in which children must be "effectively engaged as equals in terms of their dignity as persons"— his discussion of Darwall's account of the second-personal nature of dignity and respect makes a useful contribution to philosophical debates about the justification of paternalism toward children.

REFERENCES

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6 Schouten, "Paternalism and Education," 340.

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