Justice for Children: 
The Development of Autonomy

by

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ABSTRACT

Most contemporary theories of justice pertain primarily to the world of adults, and so provide only implicit or vague suggestions as to how various ideals and norms of justice might apply to children. In this dissertation I attempt to remedy this gap or imbalance. To do so, I focus upon the norm of autonomy, and consider how social institutions might be arranged and resources might be distributed so as to allow for due respect— but also, at a prior stage, allow for the proper cultivation— of persons' autonomy. In other words, I systematically argue that it is misguided to be concerned with respecting the (already formed) autonomy of adults, if social arrangements have prevented many adults from developing their autonomy in the first place, when they were children.

Toward this end, I defend a conception of autonomy, in the first chapter, as the complex ability to effectively govern one's life according to one's own capacities and non-adapted preferences. I point out that this ability is one of degrees, whose development depends in large part upon the enjoyment of certain childhood conditions and resources. In the second chapter, I marshall evidence from the most recent empirical research (in burgeoning areas such as Population Health and Life Course Studies, psychoneurobiology, primate ethology, and Social Cognition Theory), to reveal what specific conditions seem to lead, in point of fact, to a greater or lesser development of autonomy. In the third chapter, I argue that children who have been deprived of these various pre-conditions of autonomy have been seriously and wrongfully harmed; and I defend the state as being morally justified, perhaps even obligated, to intervene to redress such harm. The final two chapters are devoted to the ethical evaluation of practical interventions that would feasibly protect children from such "arrested development harm," within their home and school environments, respectively. Accordingly, in chapter four, I provide a model of parental licensing (which includes an analysis of the merits but also risks of compulsory short-term contraception, for cases of extreme parental incompetence or abuse). In the fifth and final chapter, I advocate an Educational Sufficiency Standard that would mandate a certain set of minimally adequate grade school conditions, where these conditions, in turn, would support children's assimilation of essential building blocks (in the form of certain cognitive and self-efficacy skills) of autonomy. In these ways, I argue that any just society will insure that its children are provided with whatever is necessary for their development of at least minimal autonomy.
JUSTICE FOR CHILDREN -
THE DEVELOPMENT
OF AUTONOMY

"What mean ye, that ye use this proverb concerning the land, saying, 'The fathers eat sour grapes, and the children's teeth are set on edge'? As I live, saith the Lord God, ye shall not have occasion any more to use this proverb."
- Ezekiel
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INTRODUCTION

Most systematic theorists of justice, such as Rawls, Barry, Nozick, or Nussbaum, concentrate upon the world of adults, primarily occupying themselves with discussion of institutional and distributional arrangements that would most fairly serve and represent adult citizens. Discussion of arrangements that would most fairly support children’s interests, while not altogether ignored, are usually either kept on an implicit level or else subsumed within discussion of adult interests.

For instance, while Rawls insists that “fair equality of opportunity” must occupy a foundational place within his Second Principle of justice and, more broadly, within the basic structure of a just society (even explaining that “fair equality of opportunity must be underwritten by education for all” [1972, 87]), he does not go into much more specific detail about what a just “education for all” would look like, much less what the specific family arrangements of a just society would look like. Likewise, while Nozick insists that the topic of “the just original acquisition of holdings” must occupy a foundational place within any adequate theory of justice, he discusses this topic primarily from the perspective of what prior historical developments, stakes, and claims serve to qualify any holding(s) as being justly originally acquired; and he certainly does not discuss what early formative (child) developments might serve to give one stakeholder, who owns more or certain very valuable holdings, an unfair advantage over other stakeholders who might (have come to) own less or relatively worthless holdings. Sen and Nussbaum have advanced discussion a little more in the direction that I have in mind. But even Sen and Nussbaum—who emphasize that it is person’s capabilities, and not merely their primary goods or holdings, that should properly be emphasized as the analysandum of theories of (at least distributive) justice—
say very little about how members of a just society should originally (in their early formative years) come to possess these capabilities.

My goal in this dissertation will be to fill in these gaps and to remedy these imbalances; specifically, I will present a theory of justice that lays out the specific “normative formative” conditions and institutional features that any just society will provide for its children. I will thus build upon the claim that no society will be just, and no theory of justice will be complete, unless it carefully and explicitly attends to these fair early conditions that children should grow up in.

The underlying premise that I will build this project on will not be, simply, that “all citizens and civic institutions should respect persons’ autonomy.” Loosely speaking, this might be taken as the central underlying premise of the aforementioned adult-oriented theories of justice (Rawls’, et. al.). Although I endorse this basic claim, I will in this dissertation significantly modify and extend it. Consequently, a central underlying premise of this thesis will be that “autonomy is not an attribute that all adults possess automatically or necessarily, simply in virtue of their being adults (or humans, moral agents, citizens, etc.); rather, autonomy is an attribute that some adults come to possess as an ideal end-product of a contingent process of personal development.” As such, the valid moral imperative to "respect others’ autonomy" only becomes truly valid (i.e., truly coherent, complete and properly action-guiding within the context of theories of justice) when understood as the imperative to "respect the possession, but also development, of persons’ autonomy.” In other words, it would seem to make little sense for any theory of justice to make a great hullabaloo about “respecting all people’s autonomy,” if a significant number of people were not, in fact, truly autonomous, and if hardly any attention were given to how people (as young people and children) should and do develop autonomy, in the first place! (Cf. Arpaly, esp. ch. 5.) Or again, faithful and responsible fulfillment of the former binding imperative (to “respect people’s [already-attained] autonomy”) depends upon faithfully and responsibly fulfilling the latter imperative (to “respect and support the development of people’s autonomy”).
In order to defend and elaborate this “modified” thesis/theory of justice, and to draw out many of its striking moral and social implications, I will use the following plan of organization. In Chapter 1, I articulate the particular conception of autonomy my account will be built upon; and I explain, not only the differing degrees to which people may (come to) possess autonomy, but also why there is a moral mandate to respect and support people’s (especially young people’s) development of at least a minimal, threshold level of autonomy. Chapter 2 is devoted to descriptive empirical questions rather than to moral, prescriptive ones; in it, I explain how, in point of fact, people do and must develop autonomy, from the time they are born to the time they become adults. In Chapter 3, largely through an extension of Mill's Harm Principle, I argue that it is morally permissible, and perhaps even obligatory, for the state to intervene on behalf of children whose development of autonomy is being seriously harmed (or threatened with such harm). In the next couple chapters, I provide models that demonstrate how the state might fairly and feasibly intervene in the family sphere (Chapter 4) and regulate the educational system (Chapter 5), so as to assure that no children will be hindered from being able to develop at least a minimal threshold level of autonomy. Finally, in Chapter 6, I conclude by recapitulating the main points established throughout. (And in the Appendix, I show how child injustice, qua wrongfully crippled autonomy development, might be measured within any society.)
CHAPTER ONE - AUTONOMY

1.1 Autonomy

Autonomy (from the Greek auto, for self, and nomos, for law or rule) is the complex ability to effectively govern one's life according to one's own preferences and capacities. In filling out this conception of personal autonomy, one can hardly begin better than by citing Isaiah Berlin's characterization (albeit of what he called "positive liberty"):

I wish my life and decisions to depend on myself, not on external forces of whatever kind. I wish to be the instrument of my own, not of other men's, acts of will. I wish to be a subject, not an object; to be moved by reasons, by conscious purposes, which are my own, not by causes which affect me, as it were, from outside. I wish to be somebody, not nobody; a doer—deciding, not being decided for, self-directed and not acted upon by external nature or by other men as if I were a thing, or an animal, or a slave incapable of playing a human role, that is, of conceiving goals and policies of my own and realizing them... I wish, above all, to be conscious of myself as a thinking, willing, active being, bearing responsibility for my choices and able to explain them by reference to my own ideas and purposes.¹

As many have noted, such a conception trades on analogy with the self-governing rule of a political body. To say that some such body or state rules itself autonomously is to say that it is substantially free of two general kinds of disorder. First, the state must be free of inordinate dissension and civil strife. No state can be said to autonomously rule itself if it is in a state of deadlock, internally divided or disorganized to the point of being incapable of decisive action and legislation. Second, the state must be substantially free of external domination and control. No state can be said to autonomously rule itself if it is merely the pawn of a foreign power, if its policies are the result of foreign interests and manipulations more than its own interests and will, or if, in essence, it functions like a colony or puppet regime as much as a self-determining, independent republic.

The autonomous individual governs herself in a parallel fashion, along these same "internal and external" dimensions. Along the internal dimension, an individual possesses autonomy only
insofar as she is free of such internal hindrances as inordinate ignorance, akrasia, and anomie.  

With *ignorance*, the agent lacks true or important relevant information, so that she cannot make accurate or adequately informed choices. With *akrasis*, or a weak will, the agent's effective choices (those choices which the agent ends up acting upon) are in discord with her preferred volitions (those choices she most strongly identifies with, all things considered). In Harry Frankfurt's terminology, this agent's effective first-order desires are at odds with, or come to override, whatever considered, second-order volitions she may have.  

(I deal with such weakness of will in more detail below, in 1.2.2.) And with *anomie*, the conflicted agent's desires and preferences are in a chaotic state of disarray, with none being predominantly identified with, so that she cannot even say which of these desires or preferences are really her own. Along the external dimension, an individual can *express* her autonomy only insofar as she is free of the external hindrances of manipulation and coercion by others, and insofar as she has an adequate range of options to choose from. With *manipulation*, the agent likewise cannot make accurate or adequately informed choices; but in this case, the problem is not rooted in any lack of the agent, but in the guile or underhanded influence of others. With *coercion*, someone else forcefully imposes his will on the agent, so that she either may no longer actualize her will, or else may do so only with dire consequences. And when confronted with an *inadequate range of options* to choose from, an agent will also be hindered from governing her life autonomously, since someone can do so, and exercise truly autonomous preferences, only if she is able to make choices from among a decent variety of options, with these representing more than a ubiquitous uniformity or narrowness of choice. For example, a "vote" for some candidate—if this candidate is the only "representative" on the ballot, or if his agenda is virtually identical with the only other "representative" on the ballot—cannot necessarily be considered as representing the voter's autonomous preference. Or again, if my only real career options are between being a janitor, a dishwasher, or a garbage collector, and I "choose" to be a janitor, the autonomy of my choice will be dubious.
The conception of autonomy I will use in this work thus sees it largely as what Joel Feinberg calls "the actual condition of self-government and its associated virtues" (number [2] below). Feinberg has performed the helpful task of cataloging and describing various conceptions of autonomy that theorists have used. Most of these can be seen as boiling down, in one form or another, to four conceptions in particular. As Feinberg explains,

> When applied to individuals the word 'autonomy' has four closely related meanings. It can refer either to [1] the capacity to govern oneself, which of course is a matter of degree; or to [2] the actual condition of self-government and its associated virtues; or to [3] an ideal of character derived from that conception; or to . . . [4] the sovereign authority to govern oneself, which is absolute within one's own moral boundaries (one's 'territory,' 'realm,' 'sphere,' or 'domain').

In what follows, I will elaborate upon these fourth, third, and first conceptions of autonomy, in order to establish why, in contrast, this second conception is most appropriate for a theory like mine that emphasizes the actual development of autonomy.

The fourth is essentially that conception which holds autonomy to be an inalienable right of all adults. In particular, this is the right "to have one's autonomy respected," to have one's life and personal space and especially one's own self-regarding choices, treated as inviolable, as off-limits to encroachment by others. It is in this sense that biomedical ethicists speak of physicians' and caregivers' obligation "to respect a patient's autonomy," by honoring whatever medical decisions that (competent) patient makes concerning her own health and welfare (cf. Buchanan & Brock). One of the main reasons I will not primarily be using this conception in what follows is in order not to gloss over the following problem, as is so often done. It is somewhat misleading to gesture at "respecting the autonomy" of adults when, in many cases, these adults substantially lack autonomy (in the sense of number [1] or [2]). Theorists have perpetuated this fourth conception of autonomy largely in order to enforce a hedge of protection around citizens, to protect them from the excessively paternalistic interference of Big Brother-types who "know"—supposedly better than citizens themselves know—what is really in these citizen's (or patient's) best interests. Although this is obviously a serious concern, it does not seem ultimately constructive to address
this concern by using the language of "respect for persons' autonomy"—since this serves to obfuscate the fact that persons and person's choices oftentimes substantially lack autonomy (qua [1] or [2]). Can we respect what is actually not there? Does it make sense to respect someone's autonomy if that person is fairly incapable of making autonomous decisions? In lieu of these problems, I think it is more reasonable, on the one hand, to eschew such misleading language and, on the other hand, to concentrate upon whatever measures (as enacted proactively, in childhood) will lead to greater actual autonomy among adults. The mandate to respect the autonomy of all adults will become truly coherent only if or when society takes steps to insure that all these adults—when they are children—are actually on the path of becoming autonomous.

The third conception, as a moral "ideal of character," represents a constellation of virtues that constitute and undergird autonomy. These would include the virtues of self-discipline and self-control, and whatever virtues are conducive to critical acumen, personal organization, and independence. Although I will partially assume such a virtue-ethical usage, I will not employ it as my primary conception of autonomy, since this tends more in the direction of a decidedly moral autonomy than what I intend here (in this politically-oriented treatise). For I do not want my conception to be too heavily insinuated with, for instance, Kant's notion of "moral autonomy," or with a particular model of virtue ethics, or with comprehensive liberal conceptions of the good which, in their more extreme and imbalanced versions, prioritize atomistic, individualistic, purely self-regarding constellations of virtues and independence. What I mean to emphasize here, in contrast, is more of a personal autonomy, which is a more generic ideal that any just regime should be able to support as a public standard of justice, and that many persons holding widely varying conceptions of the good should be able to accept as compatible with their doctrines. Such a plan seems appropriate here, since persons ranging from Marxists to liberals to libertarians to many religious types all give considerable lip service, in one form or another, to the value of personal autonomy (while much less of these will be enthusiastic about attesting to the value of moral autonomy, or any very specific ideal of character).
Finally, I will admit to employing the first version of autonomy ("the capacity to govern oneself"), although this will comprise only part of my overall conception. It will comprise only a part and not the whole because, as Feinberg notes, someone may fully possess this kind of autonomy (his [1], which is generally equivalent to my "internal dimensions of autonomy"), and yet lack actual effective autonomy (his [2])—if he is a slave, or has to endure very stifling social conditions. For instance, we might imagine the prophet Daniel as he was led away in chains towards Babylon, fully possessing autonomy [1] and yet fully lacking autonomy [2]. Since examining such social conditions (which are generally equivalent to my "external dimensions of autonomy") is an integral part of my overall plan, and since autonomy [2] presupposes autonomy [1], I will thus employ this second version as my primary conception of autonomy in what follows. Only this second version ("the actual condition of self-government") makes it clear that, for a person to be considered as truly governing her life autonomously in an all around sense, she must possess certain (internal) capacities and virtues and also enjoy certain (external) social conditions and freedoms.

1.2 The Necessary Conditions of Autonomy

In this section, I hope to take this conception of autonomy (as the actual condition of self-government) and, as if it were a beam of light, pass it through a kind of analytic prism, to see what individual colors or components it is composed of. As it turns out, it is composed of three primary components: a set of cognitive skills, a set of volitional attributes, and non-adaptive preferences. In much of what follows, I will use these three things, combined together, as a regulative ideal and normative goal, to clarify what children should be developing (and developing towards), in their process of becoming autonomous.

1.2.1 First, agents may be said to govern their lives autonomously only if they are able to employ a certain set of cognitive skills. They need to be able to consciously deliberate between alternatives, effectively weighing and comparing the pluses and minuses of different options.
They need to be capable of some level of critical reflection, viewing their lives not only in the moment or according to the given assumptions and prejudices of their peers and culture, but with some degree of detached objectivity. They need to be able to exercise functional means-ends reasoning, calculating with some degree of reliability which means will and will not accomplish which ends, and what current actions will have what future and long-term effects. And they need to be able to organize their beliefs and reasons for action with a fair degree of consistency. Truly autonomous agents, in other words, cannot be grossly irrational, uncritical, imprudent, or inconsistent.

To illustrate, if someone is a staunch environmental activist and yet regularly litters and wastes natural resources, he needs to be able to recognize this inconsistency and eventually resolve it, or at least to have some good reason (if there be such a thing) for his inconsistency. Otherwise, such marked inconsistency suggests that the person is more rationalizing than rational, and more disorganized, self-deceived, misinformed, confused, or anomic than autonomous. (I am thus not talking here about more trivial inconsistencies—such as that between a desire for healthy teeth and an occasional failure to brush—which even very autonomous persons can have.) In such a case, it seems that, rather than governing his life by any clear or consistent standard, his life is governed by happenstance or inconsistent whims.

We should also consider here cases wherein there is significant inconsistency between a person's native capacities and her career or personal ambitions. Imagine a "math-compromised" person who—despite having repeatedly failed to master basic algebra and trigonometry—yet plans on becoming an accomplished physicist. Or imagine someone who is intent on becoming a major league pitcher, despite his inability to throw more than a 60 mile per hour fastball (which is really not that fast, and certainly not fast enough to get big league hitters out). If such persons stubbornly maintain their plans long enough, beyond adolescence and into adulthood, and in the face of longstanding evidence to the contrary, then we may safely assume that they lack real effective autonomy because of demonstrating a certain type of cognitive failure. In particular,
persons with such personal incoherence seem to lack our aforementioned functional means-end rationality; that is, although they might properly reason that certain ends (being a physicist or big league pitcher) would make them happy, they irrationally assume (or rationalize) that they can avail themselves of certain necessary means (mastering algebra or throwing at least 80 miles per hour) towards these ends. Such persons will thus demonstrate their lack of autonomy to the degree they base their lives upon irrational plans, pursuits, or calculations, upon "hopeless hopes." It is one thing to be determined to chase a dream (many autonomous people do this). But it is quite another thing to be living in a dream; and few if any truly autonomous people will be caught doing this.

1.2.2 Secondly, agents may govern their lives autonomously only if they possess certain volitional attributes. Persons lacking these attributes are those whom we think of as typically lacking self-control, especially who are enslaved to various impulses, appetites, or addictions. One cannot be autonomous if one's will and choices are determined largely by the beck and call of "heteronomous inclinations," as Kant would say, or by cravings for immediate gratification. Persons cannot beCOME autonomous if they cannot learn to delay gratification, and make and execute plans for long-term, rather than only immediate or short-term, fulfillment. In more moralistic terms, we could say that a reasonable degree of self-control and temperance are necessary conditions of autonomy. Such a condition is especially pertinent in terms of standards for a child's development of autonomy, since, as is commonly noted (and as we will see in Ch. 2), a major hurdle of adolescence is learning how to delay impulses for immediate gratification, and learning how to plan and act according to long-term considerations.5

To be considered autonomous, each person needs to be able, not only to desire or wish for certain things (virtually any animal can do this), but to hold second-order desires about these first-order desires and wishes—in such a way that the first-order desires reach some state of coherence with the second-order ones. In other words, truly autonomous people will not entertain just any
desires or wishes that pass through their heart, but only ones that they validate as being worthwhile. Such a claim may be understood through the standard example of desire for drink. No one (besides perhaps a fanatical tee-totaler) would say that such a desire, in itself, disqualified anyone from being autonomous. But if someone with a history of intemperance had a higher-order desire not to have that first-order desire (i.e., he wished that he did not want a drink)—and yet seemed powerless to act on this second-order desire, so that his first- and second-order desires were often in conflict and he all-too-often ended up getting drunk—then these factors would indicate that the person was not autonomous. This would especially be true, of course, if this person was enslaved to these cravings for alcohol to the point that they spilled over into other areas of his life "outside the tavern," adversely affecting, say, his work and family life.

Most theorists agree that some such volitional attributes—self-control, temperance, an ability to delay gratification, or congruence between one's first- and second-order desires—are necessary for autonomy. What distinguishes Harry Frankfurt's Conative Theory of autonomy is that (at least in his earlier formulations) he takes such volitional congruence to be sufficient for autonomy. That is, Frankfurt claims that autonomy (and also "freedom of the will") is operant whenever an agent's first-order, effective desires are in accord with her second-order desires or volitions. In such a case, the first-order desire may be seen as free and autonomous insofar as it is identified with, and has been validated by, a second-order desire (a considered desire for the first-order desire). But as various critics have objected, there are many serious problems with claiming that such a volitional state of affairs is sufficient for autonomy, all by itself. Are there no cognitive or other elements that are necessary for autonomy? In what special way do these second-order desires establish autonomy? What, if anything, lends validity to these second-order desires? What are we to say about persons like inveterate gamblers and alcoholics (so-called "happy drunks") who strongly identify with their destructive first-order desires, whose second-order preferences are perfectly consistent with, and even validate, these first-order desires? Do these kinds of persons fill the bill of being autonomous? And might not second-order desires themselves need to
be validated, in turn, by some other feature, or by third-order desires, and so on, leading to an infinite regress? To be sure, Frankfurt hints at such problems: "There is no theoretical limit to the length of the series of desires of higher and higher orders; nothing except common sense and, perhaps, a saving fatigue prevents an individual from obsessively refusing to identify himself with any of his desires until he forms a desire of the next order." But this does not squarely address, much less solve, these problems; a "saving fatigue" is an inadequate answer to what ultimately grounds autonomy, or what establishes truly autonomous preferences. I will thus conclude that, although consistency between one's first- and second-order desires might be necessary for autonomy, it is not sufficient for it.

Together, these cognitive and volitional components of autonomy comprise what some have called "responsiveness to reasons." Even together, however, these components do not tell the whole story of what autonomy must consist in; together, they are still not sufficient for autonomy. Since the autonomous person does not respond to just any arbitrary reasons, we will need to specify what kinds of reasons he responds to in governing his life. As I show in this next section, these reasons (values, goals, interests, desires, etc.) must align themselves not only with these formal cognitive and volitional features, but also with (what some have called) the formation of non-adaptive preferences.

1.2.3 Thirdly, agents may lead autonomous lives only if they are not governed by adaptive preferences. These are not true or authentic preferences of the agent, but ones she holds largely because of her rationalization that other choices—which the agent should realize or admit would satisfy her more—would, in her distorted judgment, not satisfy her more. This rationalization usually follows a numbing period of disappointment or deprivation, after the agent has long experienced frustration with a subpar range of choices. Jon Elster refers to this phenomenon as "sour grapes." As he explains it, this adaptive process exhibits a certain kind of "fox-and-grapes structure": The fox really would enjoy and prefer a certain bunch of grapes hanging from a vine,
if they were available. But since he has let himself believe that they are beyond his reach, or since he let himself forget how sweet and satisfying they really are, he adjusts his preferences to go without, telling himself, "I wouldn't like them anyway, for they would be sour." So the fox adapts his preferences in this way, "learning" to content himself with lesser fare (worms and grass, we may imagine, instead of the grapes), largely so as not to be over-burdened with discontentment.

Considering this process through the following all-too-common scenario may help us to understand why the formation of such adaptive preferences is, as Elster insists, *inimical to autonomy and autonomous preferences*. (Cf. Arneson; Sher 1983). Consider the thirty-five year old Harriet. Harriet has formidable native intellectual gifts and, in her youth, had a passion for science and strong hopes of becoming an astronaut or astrophysicist. But because of the constraints of a stultifying environment (going to schools with pitiful math and science programs, living in areas without decent museums or libraries, etc.), the influence of unsupportive parents (who pooh-poohed her scientific aspirations and encouraged her instead to "realize her place" as a good homemaker), and the pressures of a domineering husband (pressures to be a submissive, fecund, and busy-at-home housewife), Harriet has never been able to cultivate her prodigious natural gifts or, for that matter, to enjoy much intellectual stimulation or growth. Somewhere along the line, after tiring of the tension behind her youthful aspirations, Harriet "came to terms" with these developments (or lack thereof). Now, although spending all of her days at home with menial chores and stultifying routines, she has become contented and, in fact, (has come to think that) she actually prefers this domestic way of life—thinking it more satisfying than the "hustle-and-bustle" alternative she dreamed of as a girl.

What should we say about Harriet (who, need I add, represents more than a few women in the world)? May we say that she is living or governing her life autonomously, or that her current preferences are autonomous? Certainly not, I think, for the following reasons. Harriet's current preferences are quite specious, because of: a) having been formed, or rather distorted and malformed, through a background of manipulation and deprivation (if not outright coercion),
b) being uninformed, based on comparisons between alternatives when she was largely unfamiliar with one important set of these alternatives (the set representing the pleasures, attractions, and achievements of the intellectual, scientific life), and perhaps, c) being based on a very tentative, if not simply false, assumption, namely, that she is happier and more fulfilled now than she would have been if she were pursuing a scientific career. (I will not be adamant about this third factor since it is based on a counterfactual that would be hard to confirm conclusively; but inasmuch as her native capacities and gifts are simply atrophying and lying fallow, it is hard to see how she could really be more fulfilled now.) Some might think that Harriet is better off because of her adapted preferences, insofar as they help her to be happier, and more adjusted to her admittedly sub-optimal circumstances. But this seems like a backwards way of thinking since, if anything, these preferences are keeping her from realizing better possibilities and from taking any action towards those possibilities. Essentially then, Harriet is not governing her life autono-mously because her significant life preferences are rationalized, having emerged through a prototypical process of adaptive preference formation. If she had been enabled to pursue a scientific career, so that this was really a live option, if she had not been manipulated away from this option, if she was adequately familiar with such other options, and if, through all this, she still preferred the domestic life, then perhaps we could say that her current domestic preferences were truly autonomous and authentic (i.e., non-adaptive), and that she was governing her life autonomously. But as it stands, we have no grounds for saying this.

Because of the rationalization inherent in Harriet's thinking, and in such adaptive preferences, some might be tempted to want to include this third condition of autonomy under the first necessary condition, as a merely cognitive failure. But this would be ill-advised, I think. For adaptive preferences do not represent a merely cognitive lapse, concerning only the agent's errant judgment that some option would not satisfy her so much. Adaptive preferences also embody a type of volitional lapse, whereby agents seems to distort their will, coming to prefer something "most" strongly that, with greater circumspection and less rationalization and restrictive
conditions, they would otherwise not have preferred so strongly. The formation of adaptive preferences thus seems to involve some combination of these cognitive and volitional inadequa-
cies, but also, in most if not all cases, **excessive restrictions in one's environment or range of viable options**.\(^1\) For these reasons, it seems that this adaptive-type undermining of autonomy is too complex, important, and paradigmatic in its own right, to mention only as an instance or sub-
category of a cognitive and/or volitional deficiency.

Together, these seem to be the three necessary conditions of autonomy, then: One must possess these aforementioned cognitive and volitional attributes and, also, one's significant preferences in life must not have been adaptively formed in response to unjust social conditions. To merely resign oneself to one's circumstances—without any real fight and without a healthy measure of critical reflection and resolve of the will—falls short of what it means to govern one's life autonomously. Such resignation marks the life of a passive object, as Berlin would say, or even a tragically dispirited animal, more than that of an active, dignified, and autonomous subject.

**1.3 The Degrees of Autonomy**

Admittedly, each of these three conditions of autonomy lend themselves to a range of generality. It was mentioned, e.g., that autonomous persons "need to be capable of some level of critical reflection"; that "a reasonable degree of self-control and temperance are necessary"; and that autonomous agents cannot look at less fulfilling options as being "so satisfying". Such generality is unavoidable in any sober account of autonomy, for the simple reason that autonomy is not an all-or-nothing affair, but one that admits of degrees. Some persons will be highly autonomous in certain areas of their lives but largely non-autonomous in other areas, and different individuals will possess different degrees of autonomy overall. The following "Autonomy Scale" is offered with these considerations in mind, to serve as a set of six ideal types ranging from Zero to Five—with Autonomy Level Zero (AL0) representing absolute non-
autonomy (i.e., the lowest level of autonomy that humans are capable of while still being alive) and AL5 representing the highest level of autonomy that persons are capable of attaining.

**AL0 - Fully Non-Autonomous Humans** - this type of human isn't even conscious, and has intentional control, at most, over some subconscious thoughts. (E.g., the comatose, and those suffering from serious brain damage.)

**AL1 - Substantially Non-Autonomous Persons** - this type of dependent person would die soon, or at least fare miserably, if not under others' or institutional care. (E.g., infants and the severely mentally retarded, most young children.)

**AL2 - Moderately Non-Autonomous Persons** - these persons have so little maturity and wherewithal that they are not able to stand on their own two feet. In lacking the stability and independence that mark effective self-governance, they aren't currently capable of "forging their own way." (E.g., many early adolescents, the mildly retarded, recidivist criminals who seem incapable of rehabilitation, persons with out-of-control psychological problems or neuroses, and serious drug addicts.)

**AL3 - Ambiguous Persons** – these persons seem to lie in the gap between autonomy and non-autonomy. Their lives are not a total mess, but neither are they running smoothly or free of significant frustration. While seemingly effective at some areas of self-governance, these people nevertheless have other significant personal and financial struggles, hurdles, or challenges to overcome; and it is not clear whether these people have, or are able to follow, a clear plan to emerge from these struggles, et. al. Also, to a large extent these people seem to be products of their social setting, rather than critical perusers of this setting; they don't seem able to significantly transcend the assumed norms and behaviors of their culture and immediate peers (cf. pp. 24-5). (E.g., many late teenagers; phlegmatic types who want only to be able to fit in; prostitutes; occasional hard drug users [as opposed to addicts] and persons in recovery from
addictions or mental disorders; those who, though "free and living on the outside," are leading a life of crime; many illiterates; and persons with other very hard-to-manage medical or personal problems.)

AL4 - Moderately Autonomous Persons - governing their lives with functional effectiveness, these persons possess a secure measure of autonomy. Despite various obstacles, they stick to their plans and chase their dreams with a fair measure of circumspection and perseverance. While it isn't clear whether these persons can significantly transcend the assumed norms and behaviors of their culture and immediate peers, at least they can independently determine their own personal goals and plans of action. And they are able to reflect upon the assumed norms and practices of their culture and peers with at least some degree of critical detachment. (E.g., many in their mid-twenties or older, and those set upon entering or maintaining mildly preferred, if not extremely fulfilling, careers.)

AL5 – Highly Autonomous Persons - these people are governing their lives very effectively. Despite various obstacles, they have stuck to their plans and achieved their dreams with a high measure of circumspection and perseverance. They have capitalized on abundant intellectual, psychological, and material resources, so as to be able to critically assess and actualize options from among a wide range of alternatives; and they have enjoyed a good degree of social mobility. (E.g., Leonardo DaVinci, Ben Franklin, Thomas Jefferson, Frederick Douglas in his post-slave years, Benjamin Disraeli, John Glenn, Arnold Schwarzenegger, etc.)

It is important to note the following six points about this Autonomy Scale. First, this is undoubtedly a controversial Scale (perhaps especially as it tries to demarcate the upper reaches of autonomy); and much of this will stem from various individuals who might seem to lie at the borders of these levels. But just because some degree of vagueness will obtain with such borderline individuals should not the obscure the fact that, nevertheless, we should be able to
generally assess the majority of individuals, especially who are far above or below the threshold of AL3. To deny this would be to insist, unreasonably, that people's overall autonomy simply cannot be measured at all. Some of the controversiality of this Scale might also stem from its inclusion of multiple dimensions. In this sense, we might wonder how to accurately assess someone who exhibited, say, a high degree of cognitive awareness with a relatively low degree of volitional control (like Sherlock Holmes or Sigmund Freud on one their opium or cocaine binges, respectively). But here, too, these multiple considerations should not prevent us from being able to derive an all-things-considered judgment, of person's overall level of autonomy. And this leads to the second point.

Second, the main criteria running throughout this scale is the degree of agency and control, including self-control, that any person has over her life. One might view this same criteria from a negative perspective, by asking: What limiting conditions or forces fence in and inhibit the person, rendering her relatively more powerless, dependent, and not-in-control of her life's course?

Third, as might be obvious, persons' autonomy will normally blossom from Levels One to (at least) Three as they grow from birth and infancy, through childhood and adolescence, on to adulthood. As children learn to support themselves and take control of their lives more and more through these successive (st)ages, parents and caregivers should impose their paternalistic support and control less and less. In this way, the agent's autonomy and the caregivers' paternalism should have an inverse relationship: as the former waxes, the latter should wane. Concerning this process, Feinberg notes that "there is a series of stages in a child's growth between total helplessness and incapacity at the beginning and near self-sufficiency at the threshold of adulthood. Blameable 'paternalism' must consist in treating the child at a given stage as if he were at some earlier, less developed stage."[11] The opposite problem, however, may be even more common and blameable. That is, it may be just as or more pernicious to treat anyone at a given stage as if he were at some later, more developed stage—by providing him with less support and nurturance than he really needs. Such irresponsibility—consisting of the twin wrongs of overestimating a
person's capabilities and especially of providing inadequate support for their development of autonomy—constitutes the paradigmatic injustice that I will be critiquing in this work.

Fourth, Level Three (AL3) represents a critical threshold below which persons cannot be considered even minimally autonomous. In much of what follows, this Threshold will comprise a crucial normative standard, marking out what all young adults (who are not genetically indisposed) should, at a minimum, be able to attain.

Fifth, any assessment of person's autonomy will be indirect and cumulative, based on a combination of many of these signs, characteristics, and indices. To accurately classify anyone, we would need to know the following types of things. What conditions and limitations are they bound to/by (e.g., bad habits or addictions, neuroses or phobias, diseases or dysfunctions, etc.)? What opportunities, concrete freedoms, and live options have been available to them? What skills, talents, and abilities do they possess (or lack)? What significant preferences, plans, goals, and hopes do they have, and how satisfied do they seem in relation to these? What kind of schedule do they conform to, and how do they feel about this schedule? What is (or has been) the shape and direction of their life's trajectory? What kind of things do they feel especially fulfilled or frustrated about? Etc. It will also help to know about persons' life histories: what are their class and family origins? What kinds and levels of material resources have they had at their disposal? What kinds of education have they received? And what behavioral models, influences, and lifestyles have they had exposure to?¹²

Even such detailed information will tell only a partial story, however, about what level of autonomy a young person may ultimately attain in the future. For some persons, like Frederick Douglas or Louis Armstrong, will have had the worst of imaginable origins, and yet, through being extraordinarily gifted, resourceful, and self-motivated, end up attaining substantial autonomy. (In such cases we should nevertheless contemplate what such exceptional individuals might have achieved with privileged backgrounds: perhaps achievements of even greater magnitudes!) Conversely, some "fortunate sons," despite the most privileged, autonomy-
supporting backgrounds, will come to manifest exceedingly dull and herd-like, non-autonomous characters.

Finally, it will be important to be explicit about the role that genetic factors play in the development of autonomy: *The innate capacities anyone is born with determine the upper bounds, or maximal level, of autonomy that s/he is capable of attaining.* Tragically, some with serious birth defects (e.g., anacephaly) will be born with the capacity to attain an Autonomy Level of Zero at best! Others (e.g., those with severe Down's Syndrome), even with the best current medical intervention and most supportive family environments, will be able to attain a level no higher than One or Two. At the other end of the spectrum, only a limited number of gifted individuals will be able to attain the level of effective self-government that AL5 represents. Not everyone will have what it takes to live life so substantially on their own terms, in such a way as to successfully maneuver through all the obstacles and "troubles, toils, and snares" that sooner or later threaten everyone's plans and preferences. Undoubtedly, though, the far majority of humanity lies in between these extremes, having enough of what it takes to surpass an altogether dependent and lemming-like existence (non-autonomy, below AL3), but not so much as to attain the level of incisive free-thinking, self-determined action, and "Übermensch autonomy" that AL5 represents. Accordingly, I will assume that, unless persons are born with serious natural handicaps, they will be capable of attaining (at least) AL3. Furthermore, I will infer from this that, if non-handicapped persons do *not* attain Levels Four or (especially) Three, we must then look to environmental/social factors as lying at the root of their non-autonomy. And looking ahead, I will argue that *a most pernicious injustice occurs whenever a child is prevented—through various forms of social deprivation—from attaining the maximal level of autonomy s/he is naturally capable of attaining.*
1.4 The Value of Autonomy

Before examining various social and political implications of this scale and this "pernicious injustice," though, it will be important to elucidate the value of autonomy, or what its value consists in. For if the value of autonomy is rather limited, or rooted in some merely idiosyncratic view or way of life, then the moral imperative to support all children's development of it will likewise be limited. Some might look upon autonomy as a narrowly Western notion, having no appropriate place or value in traditional non-Western societies. Others might view it as a reified concoction of liberal philosophies, that ultimately serves to perpetuate the atomizing and overblown values of individualism and independence. In this section, I hope to dispel these kinds of concerns, by showing that the value of autonomy lies not merely within any local, cultural or ideological boundaries, but that its value runs much deeper, being a fundamental component of any dignified and distinctively human life.

Perhaps the clearest way to establish the value of autonomy is to imagine a life without it. If the value of autonomy is only superficial and does not run that deep, then someone who is not governing his life autonomously will be lacking nothing of real deep or universal significance. But surely this is not the case; surely a life without autonomy is grossly unacceptable and subpar, and perhaps even in some ways subhuman. For what would a life lacking autonomy look like? Since it is a complex ability, comprised of each of the three necessary (sets of) conditions mentioned in 1.2, this implies that a life without any one of these conditions would thereby lack autonomy overall. There are at least three ways, then, that we may conceive of a person as living without autonomy.

First, we might imagine someone living without employing the cognitive qualities and processes that are requisite for autonomy. This life would essentially resemble Socrates' "unexamined life" (which, of course, he famously says is "not worth living"). A person living this kind of non-autonomous life would not closely examine non-obvious alternative directions that his life might go in, and he would not make very substantial critical comparisons between
different possible lifestyles and perspectives. This kind of short-sighted person would not seriously contemplate various "What ifs?"; and he would not notice the various means available to him that, with a little more imagination, planning, and determination, could open up vistas for him that extended far beyond what appeared in his immediate line of vision. Would such a life be perfectly acceptable, lacking nothing of substantial value? No, even if such a person was lucky enough to find some satisfaction with his lot, this type of life still seems incomplete. In lacking the self-reflective, critical, and proactive (rather than merely reactive) components of autonomy, it seems to resemble a dumb sheep's life as much as a prototypically human and self-aware life.

Or we might imagine a life devoid of the volitional qualities that are requisite for autonomy. This would essentially be Kant's state of heteronomy (which he also compares with the life of a non-human animal), i.e., a life ruled or inordinately influenced by one's inclinations, appetites, or compulsions. In Frankfurt's terms, persons living this akatic kind of non-autonomous life would all-too-often succumb to their first-order desires, without considering whether, or making sure that, these align with their higher-order desires (the volitions embraced by their "authentic selves"). In this case, we would not be able to say that "the person was governing her life" (according to her own higher-order preferences) as much as that "the person's life was governed" (by her unvalidated, first-order desires). Would this kind of life be perfectly acceptable, lacking nothing of real value? Certainly not. For it seems to resemble the life of an addict or even a dog in heat as much as the life of a dignified and self-possessed human.

Finally, let us imagine a life governed by adaptive rather than non-adaptive preferences. Such a life would be marked by what Nietzsche calls "resignation," by passive adaptation of one's desires and preferences to what (one assumes) is "given," rather than by active attempts to re-mold the given by changing one's circumstances, so that these come to fall in line with one's preferences. Similarly, we could say that such a life would be marked by what Marx calls an opiated or false consciousness: in the face of serious injustice and deprivation, this person would adapt himself through various rationalizations ("My master could be worse") or utopian future hopes ("I will
enjoy pie in the sky by and by”), rather than fighting for a better life now. This kind of person would dreamily accept whatever flow of circumstances he found himself in, drifting along like a piece of wood in a stream—all the while managing to tell himself how contented he was in doing so, however putrid the stream might be. Here again we must ask, Would such a life be acceptable, lacking nothing of significant value? By no means. Contentment is one thing, but self-deception and complacency are another. When faced with real hardship or privation, it seems like more of an honest and courageous reaction to acknowledge the extent of these and to strive to correct them, rather than to merely adapt one’s responses towards them—by fooling oneself into thinking that things aren’t so bad after all, or that some truly better life really wouldn’t be that much better. The value of a life governed by non-adaptive preferences, then, consists in the greater truthfulness, courage, and again dignity, that these preferences entail.

Autonomy is valuable, therefore, insofar as lives governed with critical reflection, self-control, and non-adaptive preferences are valuable. It makes no sense to ask whether autonomy is valuable apart from these things, since these are essential components of autonomy. To have the former is necessarily to have the (set of the) latter, and vice-versa. A critic could be persistent here and demand to know, in turn, what the value of these things lie in. Although such a demand borders on the Pyrrhically unreasonable—in being skeptical about things whose value and justification appears self-evident—I will nevertheless offer one more response. The value of critical reflection, self-control, and non-adaptive preferences lies in the way that these distinguish a life as being distinctively human. I have not contrasted these things, and the autonomous life overall, with the lives of animals (sheep, dogs in heat, and earlier, lemmings and herd-animals) for merely rhetorical effect. A good case can be made that these components of autonomy are, as much as anything else, what set us apart from such animals and distill us with a distinctively human type of dignity. In imbuing their possessors with a qualitatively higher level of both conscious awareness and personal agency, these things mark out the ideal of what it means to lead a dignified human, as opposed to merely animal, existence.
It is worth noting that this dignity is an *actual* dignity, based on qualities of character that will be actively manifested by whoever possesses autonomy. This is not simply an *imputed* dignity, based on mere inclusion in the human species. According to various moral philosophers, that is, all humans bear an imputed dignity insofar as, being members of the species *homo sapiens*, they are supposed to have the *capacity* for such things as rationality, free choice, a moral will, etc. (cf. Kuflik). As such, each and every human is supposed to be worthy of respect based on these capacities and this imputed dignity—regardless of the degree to which an individual *actually* realizes these capacities, or is *actually* dignified in character. In this sense, a fool or an insensitive slob both demand respect *qua humans*, even though they may otherwise be quite lacking in terms of rationality or autonomy or actual dignity of character. It is not my desire to jettison this idea of imputed dignity, since, for one, it has undergirded many moral advancements such as imperatives to show at least minimal or civil respect to all persons, regardless of their race, gender, class—or character. And this has obviously been a good thing. But what is not so good, and what I wish to call attention to, is the way that this idea can lead to inadequate emphasis on the possession of actual dignity. In other words, it is not implausible to consider that, as moral philosophy has so emphasized *our duty to respect all person's imputed autonomy* and dignity (particularly by non-paternalistically honoring whatever non-harmful choices they make), it may have simultaneously underemphasized *our duty to nurture all person's* (acquisition of) *actual autonomy* and dignity (by insisting, albeit somewhat paternalistically,\textsuperscript{14} that certain childhood conditions, which are essential for the development of autonomy, be provided to all)! It would be getting ahead of myself to try to fully defend this latter duty now; the reason I raise it here is to suggest that, if autonomy were viewed in terms of actual, developed abilities, it might well help to engender more of an actual, concrete type of dignity, rather than a merely imputed or purported dignity. As such, the value of this concrete, developed kind of autonomy may be compared to (the undeniable value of) actual cash in hand, as opposed to (the contingent value of) mere IOUs or promissory
notes. For, we might ask, what good is it to have one's "imputed autonomy" or "imputed dignity" respected, if one is nonetheless an ignorant fool?

It is in this sense—in constituting various qualities of real and concrete human dignity—that these three components of autonomy seem to have intrinsic value. For regardless of what benefits flow from them, it just seems valuable, in itself, to be critically reflective, self-controlled, and honestly sober-minded. These seem to be some of the main things that make human life—as opposed to mere animal life (or what Marx called "species-existence")—so distinctive and valuable. As Mill might insist, "It would be better to be an autonomous Socrates, even if he were dissatisfied, than a non-autonomous pig, even if he were altogether satisfied."

Apart from the issue of whether or not autonomy holds such intrinsic value, there should be no doubt that it holds significant instrumental value. To the extent that someone is leading an autonomous life, she will be able to enjoy a proportionate level of resultant benefits: As someone exercises more and more critical reflection and circumspection in her life, she will, to this extent, be able to perceive a broader range of options and achievable plans, that would otherwise have gone unnoticed. As someone exercises greater self-restraint, and comes to gain greater overall personal coherence (between her first-order desires and her higher-order desires and long-term goals), she will, to this extent, be able to achieve a greater net balance of fulfillment in the long run. And as someone fosters non-adaptive, as opposed to adaptive, preferences in her life, she should, to this extent, be able to realize those interests that are really in her best interests. Would a slave do best by growing accommodated to her chains, by adapting her preferences away from her own real interest in freedom? Or would she not rather do better by continuing to resent her chains, thereby persisting in trying to figure out how to break them? Although continuing to resent them might not result in the greatest subjective preference-satisfaction in the short run, it would surely lead to a greater level of freedom and well-founded happiness in the long run—if not to the slave herself then at least to her posterity (which, we may assume, will more likely
become free through continued resistance rather than through continued accommodation). It is in these ways that a train of concrete advantages will follow those who are autonomous.

On top of this, autonomy seems to be an enhancer or validater of other values. Take other valuable things such as aesthetic beauty, community, or health. As a father, I could consistently *force* my son to listen to beautiful classical music, or to be active in neighborhood associations, or to regularly work out and eat healthily. If I did, he might or might not come to appreciate the values that these activities fostered and represented (beauty, communal relationships, and health, respectively). But either way, there is no doubt that, at least in the long run *when he is older*, more overall value will come if my son embraces these activities autonomously, by his own free choice, than if I have to continually goad and coerce him into them (even into his late teen years, by, say, punishing him if he didn't get a “proper diet of Bach, Beethoven, and Brahms”). In the former autonomous situation, he would likely gain a deeper appreciation of these values and activities, in addition to reaping greater benefits from them. Conversely, it would not be surprising at all if, in the latter (and later) coerced case, he not only failed to appreciate some of the delights, subtleties, and benefits of these things, but also came to resent, resist, and ignore them. (In the latter case, we might easily imagine him developing a serious *distaste* for Bach, et. al., if I continued to paternalistically coerce him even as he was becoming a man.) In these ways, autonomy and autonomous choices seem to have a way of enhancing the value of whatever things or activities are already valuable. This implies, not that autonomy necessarily makes valuable things or ways of life more valuable but, more precisely, that autonomy enables its bearers to appreciate the value of these things to a higher degree. Conversely, we might say that, unless people embrace superior goods and ways of life autonomously, they will not be able to maximally appreciate the value or superiority of these things.

In all these ways, autonomy will arguably be of great intrinsic and ampliative value, and certainly of great instrumental value, to all who possess it. It imbues its possessors with an actual, rather than merely imputed, human dignity; and it entails qualities and capabilities that seem
valuable in themselves, in addition to the many benefits they provide. If autonomy does not always yield the greatest immediate satisfaction, it nevertheless leads to other more abiding benefits, such as better-conceived plans and goals, greater long-term fulfillment, and deeper appreciation of other valuable things. Insofar as autonomy is constitutive of the most fundamentally human of qualities and integrally tethered to these basic human capabilities, then, its value seems to hold irrespective of whatever social context it appears in, extending beyond the bounds of any merely local culture or ideology. As such, every society should recognize a duty to insure that none of its children grow up without developing this highly and universally valuable complex ability. Or so I will argue in this next section.

1.5 The Moral Priority of Children's Development of Autonomy

Let us recapitulate several of the main points made so far, and then consider what implications these have concerning a child's development (as opposed to an adult's exercise) of autonomy. We saw that:

(1) Autonomy is the complex ability to effectively govern one's life according to one's own preferences and capacities.

(2) A person will attain this ability contingent upon her development and employment of certain cognitive and volitional qualities, and of primarily non-adaptive preferences.

(3) In part because of differences in their native endowments and capacities, persons will be able to develop these three (sets of) things, and so become autonomous, to very different degrees.

An important corollary needs to be attached to 3 here:

(3') Every (non-handicapped) child should be capable of attaining at least Autonomy Level Three, i.e., of developing at least a minimal threshold of autonomy.

(4) Autonomy will be of great intrinsic and ampliative, and certainly great instrumental, value to all who possess it.

Putting these claims together, we might logically conclude (as mentioned earlier) that:
(5) A most pernicious injustice occurs whenever a child is prevented—through various forms of social deprivation—from attaining at least a minimal threshold level of autonomy.

My goal in this section is to elaborate and defend this fifth claim.

So as not to build upon unsound foundations, I will start out by discussing premise 3' (since 1 and 2 are definitional, 3 seems obvious, and I have already defended 4). If 3' is not plausible, it can hardly follow that there is a moral priority (to try to insure) that all children develop autonomy.\(^{15}\) To be sure, 3' makes an empirical claim. If this premise is not true, this will mean that many persons—not only those who are born with serious natural defects but also many so-called "normal" and non-handicapped children—are naturally incapable of achieving any real autonomy. In terms of David Riesman's work in *The Lonely Crowd*, this will mean that many people are naturally suited to being only non-autonomous conformists, or what he calls "the adjusted."\(^{16}\) "The adjusted are those who reflect their society, or their class within the society, with the least distortion (278)." As Riesman explains, these natural conformists are capable only of going along with the flow of their peers and social setting; they are capable of adapting to others' values, behaviors, dictates, and directions but hardly capable of adopting their own. Riesman defines "the autonomous," on the other hand, as "those who on the whole are capable of conforming to the behavioral norms of their society . . . but are free to choose whether to conform or not (278)." These two ideal types are contrasted in this way:

Whereas the adjusted person was driven towards his goals by a gyroscope over whose speed and direction he hardly had a modicum of control and of the existence of which he was sometimes unaware, his autonomous contemporary was capable of choosing his goals and modulating his pace. The goals, and the drive toward them, were rational, nonauthoritarian and nonconformist for the autonomous; for the adjusted they were merely given (287).

An implicit suggestion here—that many otherwise "normal" people are naturally incapable of being autonomous—is not entirely implausible. As Riesman says, "When someone fails to become autonomous, we can very often see what blockages have stood in the way; but when
someone [else] succeeds in the same overt setting in which others have failed, I myself... am tempted to fall back on constitutional or genetic factors (282)." It appears, in other words, that Reisman believes that many people are incapable of attaining AL4 (or, at the very least and perhaps less problematically, that many are incapable of attaining the level of autonomy that AL5 represents).

This belief is one that I will reject, or at least qualify, however. For whereas, admittedly, many people might be naturally incapable of achieving a very high level of autonomy (AL5), all (non-handicapped) persons should be capable of attaining at least a minimal threshold of autonomy (AL3). It makes more sense to assume this, and so to accept 3', than to assume otherwise—first and foremost because there is simply no evidence that I know of to the contrary of 3' (despite Riesman's hunches). And if Reisman's suggestion were accepted—so that we assumed many people were not capable of attaining even a minimal level of autonomy—then this would have radical, and radically disturbing, implications for many of our central and most firmly held moral beliefs. For starters, it would imply that autonomy, far from being a central moral norm applicable to all, is rather a particularistic and specially attained quality applicable to only a gifted few, akin as much to amoral qualities like intelligence as to central moral qualities like freedom. (Would we then be obligated to "respect the autonomy" of only the very gifted or intelligent?) Similarly, it would implausibly imply that we have no, or certainly much less of a, moral duty to respect all (competent) persons' autonomy.17 For how can we, or why should we, try to respect persons' autonomy, if they simply cannot possess it or are incapable of manifesting it? This implication would bode ill for our aforementioned imputation of autonomy, which moral philosophers are strongly inclined towards. If true, this conjecture would also suggest that authorities would be justified in exercising far more paternalistic care of the "hopelessly non-autonomous" than is currently believed acceptable.18 Although, as I will argue, I think that much more thorough care of not-yet-autonomous children is justified, I do not think that so much more paternalistic care of such "hopelessly non-autonomous" adults would be justified (cf. Scoccia,
Carter, Douglas, & Van DeVeer). These are radical implications which I think it is best to reject, since, again, psychology has as yet not given us strong enough warrant to believe that many persons are incapable of autonomy. Also, our social institutions have not as yet proven efficient and benevolent enough as to warrant trust in being so much more paternalistic in their treatment of the (purportedly) many "hopelessly non-autonomous persons." As coherentists like Quine rightly point out, it is advisable to revise our more central beliefs only when we have strong warrant to do so. For these reasons, it seems preferable at the present time to accept 3', as a working assumption, rather than to perform the far-reaching revisions in our central moral theories and systems of law that would have to come as a result of rejecting 3'.

Assuming that 3' is true, then, most children will fail to become autonomous only for social/environmental reasons, and not for genetic reasons. Considering the great value of autonomy (premise 4), this, in turn, suggests that these tractable social reasons will be prima facie illegitimate and demanding of change. For if autonomy is so vitally important and valuable, and if children are naturally capable of attaining autonomy, there would, on the surface, seem to be no justifiable reason for children's (socially inhibited) failure to attain autonomy.

Such reasoning hearkens back to the well-known distinction between natural and social causes of injury. If a child becomes malformed due to being struck by lightning or being born with a serious defect (assuming that the parents were not irresponsible by, say, neglecting prenatal care or using hard drugs or smoking during pregnancy), then we would say that this child has been the "victim," figuratively speaking, merely of natural causes, of bad luck. In these types of cases, there is little or nothing that anyone could have done to prevent such misfortune. If someone can act so as to prevent such malformation, however, then, by definition, this scenario fits into the second case: In this case, if a child becomes malformed due, say, to being physically abandoned or mistreated, we say that this child has been the victim, literally speaking, of social causes, of some form of injustice. When there is something that people can, and indeed should, do (or
refrain from doing) to prevent an injury, a moral component, an obligation, is introduced into the situation. And this component gains priority in accordance with the extent and probability of the injury; the greater or more likely the injury or suffering, the greater is the moral priority to address or prevent these (cf. Mayerfield). Accordingly, there may be no more vital moral priority than to protect and support a child's development of autonomy. This claim may be understood in terms of persons' interests.

In his paper "The Interest in Liberty on the Scales," Joel Feinberg explains that everyone possesses a hierarchy of four sets of interests, where these increase from least to most important to a person's overall welfare. These are a) trivial interests (e.g., my interest in not losing this button on my shirt); b) significant interests (e.g., my interests to have a happy family or to grow and excel in my career); c) basic welfare interests (Feinberg includes here "interests in one's own physical health and vigor, the integrity and normal functioning of one's body, the absence of distracting pain and suffering or grotesque disfigurement, minimal intellectual acuity, emotional stability, the absence of groundless anxieties and resentments, the capacity to engage normally in social intercourse, at least minimal wealth, income, and financial security, a tolerable social and physical environment, and a certain amount of freedom from interference and coercion" [1980, 32]); and d) the interest in be(com)ing autonomous (which, with some minor differences, Feinberg calls "the interest in liberty"). There are several points especially worth emphasizing about these four sets of interests.

First, the last interest (d) is of overriding importance since, without its realization, a person will be hindered from being able to organize, utilize, or realize any of her other prior interests. Lacking (d) will resemble the frustration of having a full orchestra without a conductor, or of having a cacophony of sounds and instruments without any overriding harmony. Second, this last interest (d) will be built, in part, upon combinations of met welfare interests; and, conversely, set backs to (d) will oftentimes consist of prior frustrations or set backs to various welfare interests. (For instance, someone will hardly be able to become autonomous if their development is consis-
tently hampered by, say, malnutrition and physical or emotional trauma.) The third thing to note is how these personal interests properly connect with state involvement: In terms of John Stuart Mill’s Harm Principle, the state is generally taken to be justified in interfering with someone’s life when, and only when, that person has harmed, or very probably will otherwise harm, someone else. (Feinberg defines “harm” here as “wrongful set-back[s] to another’s non-trivial interests”). Fourth (and this follows from the definition of harm), if parents and those having duties towards children allow these children to be substantially deprived of basic welfare interests, this allowance constitutes serious harm. As Joseph Raz has argued, “A person who fails to discharge his autonomy-based obligations to others is harming them (1986, 417).”

Combined together, these four considerations imply the following penultimate conclusion: If it is a moral priority to intervene (when necessary) to protect a person’s significant and basic welfare interests from being set back, then it is just as much or more of a moral priority to intervene (when necessary) to protect a child’s interest in becoming autonomous from being set back. Similarly, this chain of reasoning suggests that the state has as much or more business getting involved with the protection of this child interest (d)—by intervening to prevent any child from following a trajectory that would otherwise ultimately land him below the Threshold of Autonomy Level Three— as it has with the protection of adults’ significant interests (even if this latter protection is more commonly acknowledged).

We might also view the preeminent moral priority of a child’s development of autonomy (to at least AL3) through a comparison between setbacks to a child’s development along our Autonomy Scale with equal setbacks (in absolute terms) to an adult’s development along this Scale. In other words, I will now try to show that it is morally worse for a child to be hindered from becoming autonomous in the first place than it is for an adult to be hindered from growing upwards on the Autonomy Scale after s/he has already attained autonomy—even if these two hindrances are equivalent in absolute terms. To see why this is so, consider the following scenario, involving a child C and an adult A. A is minimally autonomous, but never grows or progresses beyond this
point through the years. Because of a certain amount of wrongdoing (W) suffered at the hands of others during her fourth decade (e.g., mistreatment by her sexually-harassing boss, abandonment by her unfaithful husband, etc.), A basically stagnates through life, not suffering especially much, but not experiencing the heights of life's possibilities, either. So A never attains more than AL3. C, on the other hand, through the same amount of wrongdoing suffered at the hands of others, but suffered during her second decade (but in this case in the form of, say, sexual abuse by her stepfather, abandonment by her father, etc.), never becomes autonomous. As it turns out, C grows up to live on public assistance, remains essentially dependent, and never buds or branches out on her own, never realizing (what could have been) "her own" dreams and aspirations. So she never attains more than AL2 on our Autonomy Scale. (To keep the absolute magnitude of wrongdoing equivalent in both cases, we can thus stipulate that, whereas W has prevented A from moving from AL3 to AL4, W has prevented C from moving from AL2 to AL3.)

What can we conclude about these two scenarios? It seems to me that, although the wrong meted out (W) in both cases was equal, that the effects—in terms of the all-things-considered damage that came in the wake of W—were disproportionate. In not attaining even minimal autonomy, we could that say C suffered a greater moral wrong, or more overall disvalue, than A.

Why this disparity? Part of the answer seems to lie in the fact that C has suffered a qualitatively, and not only quantitatively, worse set back than A. Granted, A's experience—in not being able to advance much beyond a minimal level of autonomy—was bad enough. But at least A was able to enjoy some degree of functionally effective self-government, critical competence, non-adaptive preferences, etc. Arguably, however, C's experience—in not being able to achieve even a minimal level of autonomy—was much worse; for, by definition, C was not able to enjoy even a minimally acceptable degree of functionally effective self-government, etc. And these things, as explained above (p. 25), seem to be essential ingredients of any truly dignified and distinctively human, versus subhuman or animal-like, life. It is one thing to have to struggle through a difficult human life, but it seems like quite another thing—like a qualitatively worse
fate—to have to live like a virtual animal. In many ways, if we do not sugarcoat the realities involved, this is just what it is like to live life non-autonomously (assuming that one cannot enjoy luxurious or commodious institutional care). Or again, it is like the difference between having to live on a poor diet if one is young and already thin and, in the process of development, might easily develop a crippling disease, as opposed to living on the same poor diet for the same length of time when one is older—but a little plumper, tougher, and less vulnerable to developmental impairments. In the former case, the deprivation thus seems more wrong because it is so much more pernicious in its effects, even though the deprivation is equal, in absolute terms, in both cases.

So children's greater relative vulnerability—since they are delicately passing through deeply influential formative periods in their lives—seems to be part of the reason why insults to them seem morally worse, all things considered, than the same insult to adults. A verbal, psychological, or physical insult (e.g., a 50 psi blow) to a seasoned or callused adult might well leave him unharmed and unaffected, like "water off a duck's back"; but the very same insult to a child might easily break a bone or a spirit, thus harming him a lot more.

Such greater neediness and vulnerability may not comprise the only reasons why, given equivalent insults, the ensuing harm to a child nevertheless seems to be more wrongful. Another reason seems to involve a child's greater relative innocence. When an adult suffers an injury, it is not unusual for our sympathies to be rather limited, perhaps sometimes because we think the person was not so innocent or undeserving of the blow. (At least if s/he wasn't too saintly or virtuous, we might easily think that such injuries represented a kind of cosmic balancing for whatever bad kharma the person had built up.) But when a child suffers an injury, other things being equal, we commonly respond with much more sympathy, regret, or indignation, as if the injury somehow constituted a crueler injustice in the overall scheme of things. According to such intuitions (and, perhaps, parental instincts), there just seems to be something more wrong, more immoral or unjust, about a child's victimization or deprivation.
But even in a less sentimental and more coldly calculating frame of mind, we can reason that, when a child is seriously harmed, this can ruin a good five or six decades of human life, whereas, if an adult suffers the same serious harm, this will usually ruin, at most, a few decades of life.

For all these reasons, a greater injustice seems to occur when a child suffers a certain amount of insult or deprivation in her social environment, than when an adult suffers the same absolute amount of insult or deprivation. Similarly, greater moral disvalue results when a child is hindered from becoming autonomous (<AL3), than when an adult who is already autonomous (≥AL3), and has already become fairly confirmed in her level of autonomy, is hindered from attaining even more. In turn, these claims imply that the state has as much or more of an obligation to support and protect children’s interest in developing autonomy—at least to the Autonomy Threshold of AL3—as it has to support and protect adults’ interests, even if these are rather significant. But before considering what specific social and educational implications these claims have for state intervention (in Chapters 3 and 4), we need to examine in more empirical detail how children normally develop autonomy, and so reach the Threshold of AL3. Filling in these details will be the purpose of Chapter 2.
FOOTNOTES

1 Berlin, p. 131. Although, to be sure, there are differences between Berlin's "positive liberty" and the notion of autonomy, this passage, taken in isolation at least, may serve as an apt description of the latter.

2 For an account of autonomy in contrast to such internal limiting conditions as akasias, neuroses, self-deception, compulsiveness, and anomie, see Robert Young, pp. 81-87.


6 Ekstrom (pp. 601-3) provides an especially pointed criticism of this problem; see also Kristinsson, pp. 101-9.


8 E.g., George Sher defines autonomy in terms of "responsiveness to reasons" (1997, pp. 46-56).


10 It is possible to imagine someone who comes to exercise adaptive preferences without any environmental inadequacies, but who comes to prefer an inferior, and ultimately less fulfilling, option, through only these cognitive and volitional lapses. For example, we might think of someone who, due to laziness and a fearful calculation of the effort and diligence that would be required, comes to prefer an option that, in all ways except the lower level of effort required, will prove roundly inferior. Notwithstanding, it is reasonable to assume that adaptive preference formation usually occurs against the backdrop of some type of environmental deprivation, when some reasonable option has been denied the agent (rather than when the agent denies himself this option). For what the non-autonomous preference, properly speaking, seems to adapt to is some external lack, not merely or originally to some internal cognitive miscalculation. In the case of a mere cognitive error, it is more appropriate to say that the agent's resultant preference is misguided, rather than adaptive.


12 In mentioning these questions, I do not mean to suggest that certain bureaucrats or statisticians in any just state must be able to learn all this information, in order for the state to be able to justly support person's autonomy. Perhaps many of these items can be ascertained only through unacceptably intrusive or costly measures. My intention here is only to show, on a theoretical rather than practical level, what kinds of considerations must come into play with an ideally thorough assessment of a person's level of autonomy.

13 In opposition to this conclusion, one might reason that a non-handicapped person might not achieve level Five, not due to others' or society's injustices, but because of their own moral flaws. Profligates and profligals stand as the paradigmatic counterexamples here: these are persons who suffer no real crippling injustice or deprivation when younger, but nevertheless, because of personal moral degeneracy and lack of self-control, end up living quite non-autonomous lives, "groveling for the husks that the swine have left." In such cases, however, it seems that we are still very much in the dark as to why someone would abjure a self-standing autonomous life, in 'preference' for a life of such dependence and indignity. That is, it still seems like a dogmatic and simplistic leap to assume that such dramatic cases involve merely moral flaws, and that significant influence secondary to genetic flaws and/or early familial dysfunction are not equally contributing factors. We must note the general trend that, as psychology is learning more and more about people and what makes them tick, resort to simplistic moral explanations (e.g. "he is an alcoholic or a
homosexual solely because of immoral choices he has made") are proving less and less tenable. I mention all this, not to establish my own claim (that social injustices are behind non-handicapped persons' failure to achieve autonomy), but to expose the inadequacy of such moralizing objections to my claim.

14 In this way, I recognize "paternalism" as a morally neutral relation, which may, depending upon the specifics involved, manifest itself in either a legitimate or illegitimate form. For a defense of this neutral conception of paternalism, see David Archard's "Paternalism Defined."

15 In what follows, when I say "all children" or "every child," I will be referring to the set of all non-handicapped children, who are not afflicted at birth with obvious genetic defects or abnormalities.

16 Riesman, along with Nathan Glazer and Reuel Denney. I will thus be referring to all three of these when I mention "Riesman's" work.

17 To be sure, respecting someone's autonomy and respecting someone's autonomous choices may be somewhat distinct matters. For it is certainly possible that, although a person might be non-autonomous overall, that he is nevertheless capable of making autonomous choices. So, the reasoning might go here, we might still have a duty to respect a person's choice, although the person himself is non-autonomous. But this would still effectively undermine our original notion of 'respect for persons,' since the criteria for respect would shift away from being a property of the person to being a (supposedly) objective, or person-independent property, viz. a choice whose consequences would issue in what was really in their best interest (as viewed from the specious viewpoint, of course, of an 'objective' outsider, rather than of the person herself).

18 There is a strong consensus among contemporary moral philosophers of many stripes that paternalistic intervention into the lives of adults is justified only when evidence of the person's gross incompetence, or of likely harm to others beside that person, is at hand. Cf. Kleing, Sartorius, Buchanan & Brock, and Beauchamp & Childress.

19 Such ongoing "basic welfare interest standards" could be systematically fleshed out in terms of what Amartya Sen and Martha Nussbaum refer to as "basic human capabilities." (When construed as the specific practical skills and abilities essential to adequate human functioning, these capabilities may be taken as loosely equivalent to Feinberg's "basic welfare interests"). In their attempts to lay the foundations for a more sophisticated theory of distributive justice, Sen and Nussbaum have noted the way that a capabilities approach has significant advantages over a Rawlsian "primary goods-type approach." (Sen, esp. 1987 & 1992, and Nussbaum, esp. 2000; and for a more detached commentary and critical response to this capabilities approach, see Crocker, and Daniels.) In essence, the chief advantage of this former approach lies in (what Sen calls) its greater "informational richness." That is, according to Sen, focusing upon persons' capabilities (in addition to keeping needed resources in mind) will provide us with more details about their specific needs and welfare, and so will allow for more sophisticated public welfare support, than focusing merely upon what primary goods (e.g., money and, in Rawls' rather vague terms, "liberties, opportunities, and self-respect") persons at their disposal. To illustrate, as is often heralded, a welfare system that merely gives needy people money may still be grossly ineffective—by allowing the recipients to use this money unwisely, or by making them even more dependent upon aid. But a welfare system that bolsters, say, these persons economic capability to support themselves will be much more effective, in enabling them to become independent. As sages have noted since ancient times, if you merely "give a boy a fish," he may nevertheless starve to death because of not being able to scale or cook it, or because of having greater than normal caloric needs. But if you teach him the ability to fish and scale and cook, he will do just fine even if you have not provided him with the fish itself (cf. Sen, 1980). This latter capabilities support will have bolstered the boy's autonomy to a wholly greater extent.

Rather than being a list of things or resources that persons are supposed to have, then, the capabilities represent a list of competencies and abilities that persons are supposed to learn how to do. As Nussbaum says, if someone lacks any of the basic capabilities, some fundamental competencies seem to be missing from that person's life (qua a "decent and distinctively human life"): "The intuitive idea behind the approach is twofold: first, that certain functions are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of [minimally decent]
human life; and second—that is what Marx found in Aristotle—that there is something that it is to do these functions in a truly human way, not a merely animal way" (Nussbaum, 2000, p. 72). Because of its emphasis on being able to do, rather than merely having, a capabilities approach thus seems much better suited for a theory of (children's development of) autonomy than do more traditional approaches to autonomy and social justice.

Along these lines, a capabilities approach, if properly extended empirically, could provide a quantifiable basis for assessing and supporting (albeit indirectly) children's development of autonomy—that is, by supporting them not just with "fish," but with the "abilities necessary for fishing." Although the state will be incapable of measuring or promoting autonomy directly, since this is obviously not a fungible resource or property that citizens wear on their sleeves, it may do so indirectly, in terms of the following types of measures. Does some population have, e.g., a high illiteracy or innumeracy rate? If so, then the children among this population will more likely come to lack autonomy in certain cognitive respects; and the state will be able to indirectly bolster their autonomy by promoting better literacy and educational programs. Does a certain region's population evidence poor health, in terms of, say, widespread obesity, premature heart attacks, and shorter life spans? If so, then the children in this region will more likely come to lack autonomy in these physical respects (it will be difficult to autonomously plan one's life if one has to worry about premature death); and the state will be able to indirectly bolster their autonomy by mandating certain nutritional standards, health education programs, and exercise training when they are in grade-school. Etc., etc. The main point here is that these basic welfare interests, or capabilities—when used as indirect indices of autonomy and autonomy-development—may provide the theoretical tools to enable states to assess, at any given stage of a child's development, whether or not she is falling above or below the Threshold of adequate development. And if she is falling below it, we will not be clueless about how to correct her development, how to get her back on a proper trajectory towards her eventual achievement of autonomy.

20 We might think of the counterfactual development and superior later lives that a children would have enjoyed (if they had been able to become autonomous, or if their parents had not failed them) in terms of what George Sher (1979) calls "transworld personal identities." Imagine that, in my current identity at time \( t_1 \), someone harms me by stealing a manuscript for a book I have written, and then publishes it in her name. This would certainly harm me, in the sense of setting back my interest in publishing it. But now imagine that, after being sent back in time to \( t_{1-m} \), someone makes my childhood so miserable that I can never even develop the capacities to be able to write a book, so that I end up with a "transworld identity" at \( t_1 \) as a bum on skid row. This latter harm would be a far greater and more comprehensive harm to me than the former harm. Although this is not exactly the tack that Sher takes, his article is nonetheless instructive in allowing us to conceptualize the differences between person's counterfactual identities when we talk about, e.g., their frustrated-versus-fulfilled autonomy.
CHAPTER TWO – THE DEVELOPMENT OF AUTONOMY

We know very little about how, as a matter of fact, personal and moral autonomy is developed in children, or, for that matter, in adults... What is needed is an extensive research programme investigating the conditions which facilitate the development of autonomy. This investigation could not avoid dealing with the extensive empirical considerations involved.

- T.H. McLaughlin (1985, 126)

Consider the following argument:¹

[1] Upon reaching adulthood, no one should be considered autonomous unless she is well able to pursue some set of "life-goods" (on an abstract level) and a chosen career or line of work (on a concrete level) that are consistent with her non-adapted preferences, plans, and capacities (2.2).

[2] Moreover, these life goods and careers will not be truly viable options to young adults unless they have previously (largely during adolescence) developed a broad and effective set of cognitive, self-management, and social skills (2.3).

[3] In turn, an adolescent's acquisition of these vital skills will be supported and successful only to the degree that, from birth onwards, her development has not been retarded by various forms of deprivation, disadvantage, and unmet needs (2.4).

∴ [4] Therefore, the autonomy that any adult possesses and exercises is not automatically guaranteed, and does not arise spontaneously through some mysterious ex nihilo process; rather, it is a contingent product that arises in proportion to the degree that the adult, throughout her childhood, had enjoyed the development of certain basic skills and capacities and also the fulfillment of certain basic needs.

The purpose of this chapter is to defend this argument, by filling in the many empirical and conceptual premises that inform it. After explaining how the Autonomy Threshold (AL3) should apply to each (st)age of child development (2.1), I will devote a separate section to expanding each of the top three premises (premise [1] in section 2.2, etc.). In this way, I hope to fill in the vacuum or gap of knowledge that T.H. McLaughlin mentions above.
2.1 Child Development and the Autonomy Threshold

In this section, I must modify one feature of the "Autonomy Threshold" (AL3). Up until now, the Threshold has referred to a static level of autonomy achievement, often reached after adolescence by the time persons enter adulthood, in their early- to mid-twenties. But whether a person was 20 years old or 120 years old by the time she reached this Threshold was irrelevant, as in either case she either did or did not possess this level of autonomy as a matter of fact. If we are to be able to use this Threshold as a normative standard applicable to all (st)ages of a child's development, however, this static reading will not suffice. For how would we know, if a child is, say, five or ten or fifteen years old, whether she is meeting the standards of the Threshold (and so developing in at least a minimally adequate way), or is falling below the standards that the Threshold marks out (by experiencing a subpar, inadequate level of "arrested development")? As it stands now, we have no way of knowing. For our purposes, then, the Threshold must be modified so as to refer to an ongoing standard of development that can apply continuously from birth to adulthood. This amended version of the Threshold must be more comprehensive, taking into account the general standards required for minimally healthy development in (if one uses, say, the Piagetian model of child development) a child's sensorimotor period (birth-2 years old), pre-operational thought period (2-7 yo), concrete operations period (7-11 yo), and formal operations period (11-15 yo). In other words, the Threshold must be amended to allow us to be able to check—and then respond with appropriate intervention, if necessary—whether or not a child is developing adequately at every (st)age along the way.

There are two potential problems here, though. The first is that, as is well known, different children manifest many different tempos of development. Some children will be precocious, some late bloomers, some will grow consistently, some in leaps, etc. So it might prove difficult to measure, at any particular time, if a child is really falling below the Threshold (and so demanding intervention). This should not be an insuperable problem for an "ongoing Threshold," however,
because we could focus on general inputs rather than specific outputs. That is, we could make our
standard set relatively less to how much, or at what pace, a child is actually responding to care
and nurture, and set relatively more to if she is receiving adequate care and nurture—as gauged by
whether or not she is being adequately nurtured in her basic developmental needs and welfare
interests. In terms of Feinberg's conception of these (p. 34), for instance, we could ask, Is she
being provided with adequate nutrition and exercise, so as to attain a decent level of physical
health and vigor? Is she being protected from various forms of physical and emotional abuse and
neglect? Is she receiving adequate training in regard to her intellectual faculties, and various
social and economic skills? Etc. Since each basic developmental need and welfare interest is an
essential building block of a child's development, inadequate nurture of any one of them would
thus indirectly stymie his/her development of autonomy. In principle, then, application of an
ongoing Threshold would reveal when a child was undergoing inadequate development, so as to
allow for intervention before this arrested development led to long-term or permanent problems.

The second potential problem with an "ongoing Threshold standard" is that there is among
psychologists as of yet no consensus or consensus models regarding what constitutes healthy
child development, much less development of autonomy. Instead, there is a cornucopia of
competing empirical models, each concentrating on different aspects of development and each
displaying different theoretical vices and virtues (Cf. Thomas, 1996 & 1999). Consequently, no
particular model of child development can safely be used now as if it were an absolute or non-
revisable anchor for our Threshold. With this proviso in mind, I will use noted psychologist
Albert Bandura's Social Learning Theory (also known as his Social Cognitivist Theory) and, in
particular, his conception of self-efficacy, as an empirical backdrop for much of what follows (in
my elaboration of the Threshold standards of children's development of autonomy). I will use this
model, not because of a supposed overall superiority to other models of child development, but
because of its ideal correspondence with the concept of autonomy.
In a nutshell, Bandura's theory operates on two fundamental insights. First, Bandura points out that most of the abilities that children assimilate arise through their active imitation of behaviors they observe other people performing. As a result, the repertoire of skills and abilities that any adult amasses, which she uses to maneuver through various challenges in life, derive largely from the behaviors and influences that were prominently modeled in her early environment. The behavioral models and influences (be they constructive or detrimental) that a child is exposed to earlier thus become the source of the personal skills and abilities she assimilates later, with these skills and abilities comprising the building blocks of whatever autonomy, or lack thereof, she develops as an adult. Second, through his conception of self-efficacy, Bandura also points out that a child will especially come to assimilate and practice those skills and techniques she believes she has special aptitude for. Accordingly, a child will hardly become able to effectively govern her life in certain areas and directions, unless: one, she has confident beliefs (based on a fairly reliable self-awareness of her own talents, capacities, and limitations) that she can do so and, two, she has grown up in an environment that has fostered, rather than undermined, these self-confident "self-efficacy" beliefs.

This is how these Banduran insights will apply to our ongoing Autonomy Threshold: At each stage of a child's life, we may assess whether or not she is developing according to these input parameters and self-efficacy processes—that Bandura claims a child must develop in if she is to become autonomous (or "self-efficacious"). And if the child's development of self-efficacy is being impeded at any point along the way, we should have an idea of what adjustments or interventions will be needed, so as to place the child (back) on a healthy developmental path towards "self-efficacious autonomy." It is within this theoretical context that I will employ the Autonomy Threshold as an ongoing standard for children's development of autonomy.
2.2 Young Adulthood and the Signs of Autonomy (The Commencement of A Life Path)

Ideally, persons will be autonomous by the time they emerge from the last phases of their adolescence and become adults. We have seen what this means in general, in terms of the necessary conditions of autonomy. Now we must examine what this means more specifically, in terms of the concrete manifestations of autonomy that should emerge at this stage of the life course, during persons' early- to mid-twenties. My plan here will be to establish the ideal end-product of a process of development, and then to backtrack from adulthood and infer what earlier formative conditions must be presupposed in adolescence and then in childhood if adult autonomy is to emerge.

To establish whether or not someone is autonomous upon becoming an adult, it would be tempting to use the following strategy. One could consider each of the individual decisions that a person makes and each of the individual preferences that she holds during this period. If some preponderance of these decisions and preferences were autonomous, then one could conclude that the person led an autonomous life. By proceeding in this way, however, it would be easy to lose sight of the forest by getting lost in the trees. Since the details and calculations of such a strategy could easily prove too elaborate or unwieldy, I will use the following more global strategy instead. I will consider the most significant and overarching preferences that any person holds (preferences for what I call "life-goods") and the most significant decisions that a person makes (decisions to pursue certain career paths or lines of work) during their twenties. If these two central sets of preferences and decisions are autonomous and not inconsistent with each other, then we will be warranted, I will argue, in granting this person as leading an autonomous life overall. So first, let us consider what are arguably a person's most significant preferences in life, concerning these so-called life-goods.

All individual preferences occur within a certain domain (viz., a certain category of similar, competing preferences), where such domains have at least two members, $m_1$ and $m_2$, so that it can be said that the agent prefers one member to the other(s). If I have a preference for jazz, for
instance, it is understood that I am referring to the domain of music. And while it would make
perfect sense to say that I prefer jazz to country-western, it would simply be incoherent, or
involve a category mistake, to say that I prefer jazz to nothing, or to broccoli (which is obviously
not a member of the domain “music”). Furthermore, certain domains are more relevant than
others in what they imply about particular aspects of person's lives. For instance, the domain of
my dietary preferences will have much more significant implications about my health status than
the domain of my music preferences: If I strongly prefer, say, fresh fruits and vegetables to greasy
processed food, this implies much more about my physical health than does my preference for
jazz.

Accordingly, we might ask, what domain is most relevant and significant as the domain of
preferences within which people express their overall life autonomy? That is, what domain of
preferences reveals the most about, or bears the strongest implications towards, a person's status
of being autonomous or not? In answering this question, we may safely set aside people's more
trivial preferences (for, say, paisleys over polka dots) and focus upon their weightier preferences,
upon those things which they invest the greatest concern, effort, or hope in. It is precisely this
"weighty" domain that, as I stipulate, consists of these “life-goods.” I define these as the
gerchered ends (qua raison d’être) that people yearn most for, which instill their lives with
meaning, purpose, and perspective; in short, these are the basic existential values that ultimately
govern people's lives. I will thus be assuming that an autonomous person's life-goods organize
and motivate her life, providing it with its priorities, directions, impetus, and meaning (cf.
Ekstrom, 1993).

Establishing this preference domain of life-goods provides perspective against which the many
less significant preferences, decisions, and features of a person's life may be assessed. These life-
goods should help to facilitate and economize our assessments of persons' autonomy in the
following ways, and according to the following three exhaustive possibilities.²
First, it is possible that a person may prefer certain overarching life-goods but do so non-autonomously, i.e., as a result of manipulation by others, sheer thoughtlessness, or a process of adaptive preference formation. In these cases, we should be able to conclude that the rest of his life, to the degree it is centered on these life-goods, is also substantially non-autonomous. For if a person non-autonomously prefers certain ends, and consequently makes a broad set of decisions as means to facilitate these ends, it seems that these decisions themselves must be substantially non-autonomous. Or again, if the main motivating forces, aspirations, and valuations of a person's life are non-autonomously held, or were non-autonomously formed, this would seem to greatly delimit the degree to which he could still be autonomous overall.

Secondly, it is possible that a person may autonomously prefer certain life-goods, but live in such a way that his day-to-day acts and decisions are inconsistent with, or even counterproductive to, these preferences. (Imagine a young man who, as much as anything else, wants to become a star bodybuilder, but spends his days lounging around instead of training, and eating junk food.) In such cases, the person’s life seems to be characterized more by *akrasia*, confusion, or disorganization than by autonomy; and as explained earlier (1.2), these things are inimical to autonomy. In these cases, too, we seem justified in concluding that this type of person leads a non-autonomous as much as an autonomous life.

Thirdly, it is possible that a person has come to autonomously prefer and cherish certain life-goods, and also lives in such a way that his day-to-day acts and decisions are consistent with, and supportive of, these preferences. In this last type of case, we seem warranted in concluding that, overall, the person is leading an autonomous life.

If these life-goods are to serve as the ultimate reference domain against which persons’ autonomy or non-autonomy will be assessed, then, we will need to consider both *how* persons came to acquire these life-good preferences, and also *if* their concrete day-to-day decisions and actions are consistent with these overarching preferences.
So what does this domain of preferred life-goods actually consist of? What are the things that people ultimately live for and govern their lives according to? At least these “Top 20” things:

1) Pleasure (i.e., the general ability to have pleasurable experiences)
2) Sex and physical intimacy
3) Love
4) Friendship (this and 3 might include a successful marriage)
5) Health (physical, mental and/or emotional)
6) Security and peace of mind (including a place to call home, and freedom from violence and from worry about undue death or catastrophe)
7) Success at parenting/well-raised children
8) Satisfying, fulfilling work
9) Spiritual enlightenment
10) Deep community involvement and belonging
11) Virtuous character
12) Wealth (which, of course, may be merely a means to the other life-goods)
13) Knowledge
14) Wisdom
15) Social esteem or prestige
16) Fame
17) Beauty (be it in a natural, man-made, or imagined form)
18) Altruism (strong concern for other's benefit and improvement)
19) Achievement
20) Power

(Admittedly, some of these life-goods will overlap each other; it is not assumed that these are aseptically distinct, and certainly not mutually exclusive.) To the degree that a young person has lacked exposure to, and thereby never become familiar with the value of, many of these life-goods, he is, to that degree, less autonomous. For in such cases, the preferences for whatever life-goods and -plans he ends up embracing will not be informed preferences and plans, being based as much on ignorance or narrowness of vision as on any kind of informed authenticity. So if he (thinks he) greatly prefers, say, a life replete with sexual satisfaction over a rich intellectual life—but only because he has never been exposed to the allurements of the intellectual life and the pursuit of knowledge—then his “preference” for the former would seem to stem as much from narrow vision or happenstance or what Kant calls "heteronomy," as from an informed autonomy. Similarly, to the degree that a young adult has been consistently denied access to, and justifiably feels that he has little hopes of attaining, many of these goods, he is also, to that degree, less
autonomous. For in these cases, the life-goods he ends up embracing will be the result of a typical process of adaptive preference formation. Such compromise and compromised autonomy will be evidenced not simply by whatever life-goods a person ends up preferring, then, but rather by the prior and background circumstances against which the person formulated his preferences.

Let me illustrate these claims. It would be one thing for a young man, upon reaching his adult years, to circumspectly foreswear the possibility of future wealth and (romantic) love and parenthood for himself (as many new priests do when they assume vows of poverty and celibacy). Such choices, if made in carefully deliberated ways and with the knowledge that one might well have enjoyed the foresworn alternatives, are fully compatible with, even expressive of, autonomy. But it would be quite another thing for that young man to foreswear these things (LGs 12, 3 & 7) because he had seen so little of them, and seen so few from his background attain them, that he had honestly come to think that they were unattainable, beyond his reach. (It takes little effort to imagine this type of young man, through a process of deepening rationalization, cynicism and callousness, resigning himself to a life of using and abusing women and of “just getting by”—with no real effort expended but with no real wealth or security or happy family life emerging, either.) Considering how this kind of resigned preference conforms to the sour grapes pattern, it seems anything but autonomous. And surely a young person's life “plans” should not be considered autonomous in the more extreme cases of such ignorance and deprivation—if these persons have long been denied access to (and even information about how he could gain access to) most of the last 15 or so of these life-goods. Such a scenario, in fact, constitutes the prototypical sour grapes pattern. For how could one begin to govern his life autonomously if he had to forge his hopes and plans from among a pitifully narrow range of values, ideals, or life prospects?

As one might guess, non-autonomy stemming from such a narrow range of background information and life options is not a rare phenomenon, but is all too common. As Alasdair MacIntyre would say, it is represented by all those "unscripted, anxious stuttersers" who have been so deprived of inspiring ideals, instruction, and role models that they do not have much of an idea
how they should "compose their own life narrative." These "unscripted, anxious stutterers" include all those who—because of lacking the ideals, information, and long-term foresight and aspirations that are requisite for such self-governance—end up unprepared to effectively govern their own lives. In particular, this group includes all the drop-outs, derelicts, drug addicts, and young homeless persons and petty criminals who would "prefer" nothing more in life than a quick fix (LG1, in essence) or a warm, safe place to call home for a while (LG6).

At this point, some might object that I am painting an unrealistic or overly melodramatic picture of these deprived young adult types. They might insist that any human being who spends 20 years in society must be exposed to a far wider range of these life-goods than I am letting on to. "Unless they are raised among a pack of wolves," so the objection might go, "they must be exposed here and there to a good number of these 20 values, allowing them to formulate their major preferences and life plans with a wide enough awareness of the possibilities that life offers. Accordingly, even severely deprived youth should be able to formulate some kind of autonomous preferences and life plans." But this is, I think, a far too rose-tinted and out-of-touch view of what life "offers" for many. It loses sight of the fact that, for many youths, there is a not only a steady day-after-day and year-after-year non-exposure to most of these life-goods, but also a steady exposure to the opposite of these goods (poverty instead of wealth, disease and dysfunction instead of health, disrespect instead of social esteem, stultifying labor instead of fulfilling work, etc.). As Bandura explains,

*Impoverished, hazardous environments present harsh realities with minimal resources, models, and social supports for culturally valued pursuits but extensive modeling, incentives, social supports, and opportunity structures for antisocial pursuits. Such environments severely tax the coping efficacy of youth embedded in them to make it through adolescence in ways that do not irreversibly foreclose many beneficial life paths (Bandura, 1997, 183; hereafter cited as SE).*

As such, these youth's developing autonomy will become stunted in proportion to how many of these valued pursuits and beneficial life paths are foreclosed to them.
At this point, such a critic might stick to his guns by pointing out the success stories—those persons who, despite a background of real deprivation, yet manage to forge successful and autonomous lives, coming to enjoy a wide range of these life-goods. Don’t these resilient cases show that none are so deprived as to not have exposure to at least some decent range of these life-goods? In other words, don’t these persons show that early deprivation is never really bad enough that it must cripple one’s adult autonomy? No, not exactly; but it is worth considering these types of individuals to clarify exactly what they do not and do show. Such exceptional individuals do not imply that any are infinitely resilient or resourceful. They do not imply that there is not some level of deprivation that would have crippled anyone’s autonomy. And they do not imply that everyone doesn’t have his own personal threshold of deprivation that, if experienced, would have crippled his autonomy. All of these claims remain untouched by such “counterexamples.” What these successful underdog-types do reveal, when we examine their lives closely enough, are the various skills and resources that enable persons to persevere and become autonomous when the hardship and deprivation, although formidable, are not of some critical or crippling magnitude. Metaphorically speaking, this magnitude is like the variable critical perimeter of a black hole, which may have a little shorter radius for those particular spaceships that, upon hovering near it, have a little stronger engine to escape its gravitational pull.) For surely there is some critical magnitude of environmental deprivation that, once suffered, would cripple any youth’s development of autonomy, along with (what would have been) his autonomous goals, hopes, plans, and self-governing abilities. (Sections 2.3 and 2.4 will lend support to these claims.)

It will remain difficult to assess the truth or weight of such arguments while remaining on this abstract level of (young adults’ preferences among the domain of) life-goods. Subsequently, and in order to examine that other domain of choice most significant to young adults’ autonomy status, we now need to consider what career choices people make, and are able to make, upon becoming adults. For it will only be after seeing how life-good preferences work in conjunction
with this more concrete domain of preferences and choices (to launch into particular types of
careers or work) that a more comprehensive and empirically robust picture of young adults' autonomy will emerge.

There are a few salient ways in which young persons' career choices will significantly constrict or expand their ability to enjoy various life-goods and, thereby, constrict or expand their emerging autonomy. First, the choice of persons' careers will have enormous implications for the material bases of their lives: Their salary will largely determine what level of financial resources they will have available through life. Their work benefits (or lack thereof) will largely determine what kinds of health insurance and retirement benefits they may expect. Their work environment will determine what kinds of immediate physical and psychological stresses and strains they will have to endure, and what overall health dangers or benefits they may experience. Similarly, their work routines will determine what kinds of daily and weekly rhythms, and what allotments of leisure and vacation times, they may have to grow acclimated to. Etc.

Second, a person's work will take up a large portion of his waking hours, sometimes more than his family life takes up. If he spends all this time doing things he dislikes or would prefer not to do or never really planned on doing, this suggests he possesses relatively less autonomy. For how autonomous can a person's career choice be if it commits him to spending the majority of his waking life in personally distasteful or non-preferred uses of time? Doesn't it make more sense to say that a truly autonomous person, more often than not, will set out in a career that is personally gratifying and fulfilling (if not pleasurable), that involves activities and uses of time which are harmonious with his dispositions and preferences? This is not to say that the autonomous person will always simply enjoy the ways he has chosen to use his time, but only that, given other alternative careers and uses of time, he still prefers those he has chosen. This view is compatible, then, with the autonomous author, e.g., who agonizes over every page of her writing, and in one sense feels the creative process to be painfully tortuous—but who, nonetheless, cannot conceive of herself contentedly living any other other life or career than that of a writer's.
Third, a person's workplace will provide many of the peers and social influences that she is around in life. We must consider here the degree to which one's (social) company can influence one's behavior and character. To the degree that one's work-peer influences end up subverting or conflicting with one's preferred self-image, ways of behaving, and character ideals, it seems that, other things being equal, these influences will undermine rather than undergird one's autonomous preferences (viz., preferences for a certain personal identity). (For instance, if a woman especially preferred to find spiritual fulfillment and to enjoy a satisfying family life, it would be unlikely that her ending up as, say, a nightclub stripper could have resulted from autonomous choices.)

Finally, there is another (in some ways more fundamental) way in which young persons' career choices will significantly reflect, but also impact, their emergent autonomy—this time via a means-ends relationship to the life-goods they eventually find themselves able or unable to enjoy in life. *Considering that life-goods serve as the ultimate ends of people's lives, persons' careers often serve as the practical means to achieve these ends.* Sometimes, this means-end relation is so tightly knit that an engagement in the former (an appropriate career) automatically entails some achievement of the latter (life-goods). For example, becoming a politician implies exercising some degree of power (LG20), becoming a professor requires mastery of some sphere of knowledge (LG13), becoming a business executive often brings some measure of wealth (LG12), becoming an artist often assumes intimate familiarity with some type of beauty (LG17), etc. The thought here is that, after someone decides which life-goods she especially values and wants to enjoy in life, she will then pursue a career that will appropriately facilitate the enjoyment of these preferred life-goods (under ideal circumstances).

In accordance with such overall life coherence, the following three general stages provide a paradigm for an ideal process of autonomy development. During *the first stage*, a late adolescent will come to prefer a particular set of life-goods (prioritized according to the differing values she
assigns them), as the fruit of a long and thoughtful sampling, weighing, comparing, and also self-assessing process.\textsuperscript{5}

During the second stage, this person will make sure, as she approaches adulthood, that she is able to learn and assimilate whatever skills are necessary for success in a career that will support and facilitate the attainment of this set of life-goods. But she will only come to settle upon a career which requires skills she has the native capacities to be able to learn and assimilate, i.e., she will not settle upon a career path which she lacks the native capacities to be able to succeed in (cf. pp. 12-13). Neither will anyone who is becoming very autonomous settle into career work that leaves her highly frustrated and bored, because of wasting her native gifts and capacities. For, by definition, autonomous persons tend to supercede rather than long continue in these kinds of dead ends, frustrations, and mismatches (between one’s “true self” and one’s activities.)

During the third and final stage, and upon becoming an adult, this person will diligently apply herself to enter and succeed in her chosen career path, thus helping to assure that she will be able to long enjoy her preferred set of life-goods.\textsuperscript{6}

It seems safe to say that, ceteris paribus, persons who start out their adult lives according to this three-stage process are thereby forging highly autonomous lives. What is required for autonomy here is thus not the agent’s enjoyment of all the life-goods, or her ability to enter into a large number of different careers. All that is required is her having a good opportunity to enter some career that fits into the overall life plan she has developed, where this career serves as a platform or channel for her enjoyment of as much of her preferred life-good(s) as her talents and capacities will allow.

In contrast, those who are not autonomous by adulthood will fail to successfully negotiate this third stage. Young adults who fail here will be non-autonomous insofar as they prove unable to "leave the nest, take wing, and fly out on their own." As demonstrated by their ill-preparedness to launch out in some promising and preferred line of work, these non-autonomous persons, by definition, will simply lack the foresight and planning, the self-management skills, and/or the
overall wherewithal that it takes to govern their lives effectively. The question that naturally arises here is "Why?" Why would some be so ill-prepared for effective self-governance at this stage of life? In most cases, as we shall see, failure at this third stage is rooted in various kinds of failure during previous stages of development.

As an illustration of this claim, and of young adults at this juncture, we might imagine someone like James. It should prove instructive to consider James because he occupies an ambiguous, hard-to-diagnose position between obvious autonomy and obvious non-autonomy. That is, if a young adult governs his life any more effectively than James, we should be able to conclude that he is clearly autonomous; but if someone governs his life any less effectively, we should be able to conclude that he is clearly non-autonomous. If we can thus gain clarity about such ambiguous cases, then it should become easier to categorize others’ more straightforward autonomy status.

James is fairly smart, and has thought long and hard about what he wants out of life (thus successfully completing the first stage). He has decided that, more than anything else, he wants to become wealthy; and he correctly reasons that if he achieves this (LG12), it will greatly facilitate his ability to achieve a number of other life-goods as well. The only problem with James is that he comes from a very rough background, has gone to very poor schools, and so has become intimately familiar with the ins and outs of really only one "line of work" that has a good chance of making him wealthy, namely, drug-dealing. So he finds himself faced with these three "career options": 1) he may work at an unskilled service sector job (which he will be able to do, finding only the monotony and boredom challenging, but without acquiring any real wealth); 2) he may deal drugs (which he will be quite good at and earn lots of money from, while, as he reasons, incurring only a 33% chance of getting arrested); or 3) he may commence a career as a doctor or lawyer or business executive (although these are not really live options for James since he has learned so little about their prerequisite means, such as getting into pre-med programs, doing well on the LSATs or GMATs, etc.). Using the language of rational choice theory, we might say that
James envisions his three options according to the following schema (with the prior number being his expected yearly income and the latter number being his assumed probability of success at that option):

Option 1: \((17,500) \times (.95) = 16,625\).

Option 2: \((100,000) \times (.67) = 67,000\).

Option 3: \((100,000) \times (.15) = 15,000\).

James ends up acting as any rational utility maximizer would when faced with these options and plunges diligently into the second one, saving up a good deal of profit as he goes, at least for a while.

What should we say about James at this crucial point in his life? Is he commencing his adult life, and pursuing a “preferred” line of work, in an autonomous fashion? Is he really rational in the way he is trying to achieve his preferred life-good? It is not easy to say. On the one hand, he has thought about and knows what he wants in life, has a plan to achieve it, and is diligently carrying out this plan. These are features that tend to indicate autonomy. If he had less idea of what he wanted out of life, had no real plans for his future, or was intent only upon inertly accepting whatever line of work was most easily available to him, then we might be warranted in viewing him as relatively non-autonomous. But as it stands, we do not seem so warranted. On the other hand, should someone be considered autonomous if he has few if any socially and legally acceptable options? And we wonder about the long-term implications of his choices and plans (not to mention the people he might be harming). How reliable is his calculated 67% chance of avoiding arrest? Won’t this probability decrease each year that he continues in this criminal endeavor? Should he be considered autonomous even if he stashes away troves of money for a decade, but then ends up in prison for as long or longer? Don’t we thus need to consider the long-term trajectory of his life and plans when assessing his overall autonomy? It seems so. So this
question (Is James or anyone autonomous?) can apparently be answered only from a wide
temporal perspective, with the person's future prospects, current capabilities and options, and also
prior childhood experiences and opportunities, all firmly in mind.

Our answer to the related question of James' rationality likewise depends upon the
opportunities and information he had available and was using, and upon the way we define
"rational." If James did have other opportunities to develop skills and pursue a career that might
well have led to wealth, but rejected these (ultimately less risky) opportunities, then this suggests
that his choice was not rational. But if he was never really exposed to alternative opportunities to
become wealthy, and drug-dealing appeared to be far and away his best shot at achieving this,
then this suggests that his problems lie less with his rational decision-making faculties than with
the background information he was able to make decisions from. In other words, if "being
rational" requires only prudent and well-calculated decision making, irrespective of the
background information one has available, then James might be considered perfectly rational; but
if "being rational" requires the additional condition of having a wide range of relevant
background information, then perhaps James should be considered irrational. And this confirms
our earlier point: that many young adults are ill-prepared for effective self-governance, and end
up failing, at this stage of life, because of various kinds of failures and lacks of adequate
information and background training that they suffered through—through no fault of their own—
during previous stages of development.

According to psychologists of the Social Cognition school of thought, the most immediate or
proximal reason that some people's prospects at the third stage (where they apply themselves to
enter and succeed in their careers) are blighted is because of their holding greatly diminished self-
efficacy beliefs about their work capabilities. (Self-efficacy beliefs, as social cognitive theorists
define them, are the assessments people have of their own capacities to perform specific tasks or
to achieve specific goals.) In other words, the reason why some people don't launch into (non-
adaptively) preferred and personally fulfilling lines of work is often because they don’t believe they have the requisite abilities to do so. Bandura (SE, 188) explains this self-limiting process as follows:

Beliefs about one’s capabilities are influential determinants of vocational life paths (Betz & Hackett, 1986; Lent & Hackett, 1987). Young adults forgo vocations they see as providing valued benefits and rewards if they believe they lack the efficacy to fulfill the entry requirements and occupational demands (Wheeler, 1983). A low sense of efficacy thus forecloses considerations of vocational options despite opportunities and attractive incentives. Beliefs of occupational efficacy are largely the product of socioeducational experiences and prevailing cultural attitudes and practices. The adverse experiences associated with low socioeconomic status breed a low sense of occupational efficacy regardless of the prestige level of the vocation. Efficacy beliefs are diminished by experiences arising from gender barriers as well as social class barriers (Hannah & Kahn, 1989).

Along these same lines,

Hackett and Betz [1981] provide a conceptual analysis of career development in which perceived self-efficacy functions as a key mediator. Most occupational pursuits depend on cognitive and social competencies that require years to master. Hackett and Betz document the diverse ways in which institutional practices and socialization influences contribute to developmental paths by the types of competencies and self-beliefs they promote in childhood. Experiences during this formative period leave their mark on personal efficacy, which, in turn, sets the future direction of a life course by affecting the career choices made and the successes attained (SE, 161).

Females in the context of scientific and mathematical endeavors well illustrate these patterns. Up until high school, girls display equal natural aptitude for excellence in math and science as boys, not differing on their standardized test results (Betz & Hackett, 1983). But because of numerous negative social influences, girls eventually come to much have much lower self-efficacy beliefs about their capacity for mathematical, scientific, and technical endeavors than boys do. (These influences include cultural biases that women are less capable in quantitative and technical fields [Matsui et al., 1989]; similarly, parents who perpetuate stereotypic beliefs that boys are superior to girls in their capabilities for these fields [Eccles, 1989]; teachers and school counselors who encourage boys but discourage girls in these vocational directions [Betz & Fitzgerald, 1987; Fitzgerald & Crites, 1980]; etc.) Later on, during but especially after high school, girls' achievements in these areas start to lag behind those of boys. But it is crucial to note that this lag is not due to girls having less natural aptitude in these areas than boys have; rather,
this lag emerges because, as their self-confidence wanes, young women take less interest in, prepare themselves less for, and decrease their pursuit of (thus adapting their preferences towards), careers in these fields (Steele, 1996). Socially rooted impairments of their self-efficacy beliefs thus create a kind of self-fulfilling prophecy, in which (originally unfounded) self-efficacy beliefs about their inferiority eventually lead to actual inferiority in these areas! As a result, women have pursued careers and made achievements in these fields much less than men (up until now, although this trend is decreasing). To the extent that individual women have been discouraged by these social influences from achieving careers and life-goods in these areas (LGS 19, 13, 12 and 8—achievement, knowledge, wealth, and fulfilling work in the context of these fields), their autonomy has been relatively diminished. In contrast, we can say that, for all those women who have more recently become able to pursue and enjoy these life-paths as real and accessible options, their autonomy has been relatively expanded.

One point to note from this gender-aligned scenario is that impaired self-efficacy beliefs alone do not usually explain persons' impaired autonomy and ill-preparedness for adult success. Rather (and especially in scenarios drawn along socioeconomic and racial lines), impaired self-efficacy beliefs are usually mere signs and offshoots of impaired self-efficacy. To explain this process, we will, in the next section, examine the “self-efficacy skills” that must be developed in order to insure that, when young adults emerge from adolescence, their autonomy will not be so impaired.

2.3 Adolescence & the Building Blocks of Autonomy (The Acquisition of Self-Efficacy Skills)

Bandura describes the general importance and priorities of adolescence as follows:

Adolescence is an important transitional phase in the life course that presents a host of new challenges. It is a crucial formative period because this is when the roles of adulthood must begin to be addressed in almost every dimension of life. Adolescents must begin to consider seriously what they want to do with their lives. During this time, they have to master many new skills and the ways of adult society. . . As adolescents expand the nature and scope of their activities into the larger social community, they have to assume increasing responsibility for conduct that plays a more decisive role than do childhood involvements in fostering or foreclosing various life courses. The way in which adolescents develop and exercise their personal efficacy during this period will play a key role in setting the course their life paths take (italics mine, SE, 177).
The purpose of this section is two-fold. First, I will specify the "many new skills" that adolescents must master if they are to "develop and exercise their personal efficacy" (which I will take here as roughly synonymous with their personal autonomy). And secondly, I will point out various background environmental conditions and sources that will largely determine whether or not, or how much, these skills are mastered. I will organize these skills into the three categories of cognitive (2.3.1), self-management (2.3.2), and interpersonal (2.3.3) skills. As we will now see, the non- or arrested development of any of these skills will seriously diminish whatever overall autonomy a young adult ends up possessing.

(2.3.1) (Cognitive Components of) Life Course Rationality Skills - Every adolescent must develop at least a high school level of literacy, reasoning skills, and numeracy (basic quantitative skills) if they are to become able to confidently and effectively maneuver through society as adults. This much should be fairly obvious. Above and beyond this, adolescents must also develop cognitive skills that are prerequisite for what I call "life course rationality," whose three components may be described as follows.

First, such rationality consists of a set of self-assessment skills. These skills are what enable people to accurately assess their own strengths and weaknesses, and prominent native talents, capacities, and handicaps (if any). In particular, these skills will lend adolescents a reliable sense of what type(s) of intelligences they excel most in. I say "intelligences" in the plural case because, according to Harvard psychologist Howard Gardner,
Children hone these self-assessment skills mainly through comparisons of themselves with their peers (SE, 170-2). Likewise, children’s assessments of their own capabilities profit the most from comparisons made with others who are similar to themselves and yet who excel, or at least are slightly better than them, in regard to whatever capabilities are being assessed (Morris & Nemcek, 1982). In addition, as children grow more proficient in these skills through adolescence, they learn that greater expenditures of effort can compensate somewhat for deficient ability, but also that greater effort expended necessarily can signify lower ability in the areas being appraised (Kun, 1977; SE, 171). These findings suggest that children’s self-assessment skills will grow relatively more in environments where they are exposed to peers and role models that excel in different capabilities and intelligences, and also in environments that offer incentives for trying to apply effort in various endeavors (Arnold, 1976; Pretty & Seligman, 1984).

The second component of life course rationality, which builds directly on the first, consists of a set of self-development skills. This set consists of an acquired mastery of the actual procedures, operations, and informational content that correspond with whichever of these intelligence(s) a child discerns she excels in most. For example, a child who particularly excels in “musical thinking” (intelligence type #4) will especially want to master, say, the knowledge connected with music theory, composition and arrangement, the skills connected with performance on an instrument, etc. Or again, it will be rational for an adolescent who perceives that she is particularly gifted in intelligence type #2 to strive to master the operations and content of areas like algebra, geometry, and calculus. Ideally (in terms of what educational conditions will foster autonomy for the greatest variety of children), schools will thus find ways to stimulate and strengthen children’s skills not only in traditionally recognized areas of intelligence (types 1 & 2), but in these other areas as well (cf. Gardner, 1991, 1995).

It is worth discussing these self-development skills because, as it stands, many schools are structured around a two-track system that separates out children who are gifted mainly in
intelligence types 1 and 2 from those who are not. While these separations or distinctions might be advantageous in some ways, they too often engender avoidable side effects in other ways. More specifically, it is common for students who are not tracked as “fast learners” in terms of types 1 and 2, but who might be gifted in the other types of intelligence, to become demoralized; as their academic efficacy beliefs slowly wither, these students increasingly come to view themselves as second-class citizens (Peterson, 1989; Raudenbush, Rowan, & Cheong, 1992; SE, 245-7). As such, I would criticize so-called "multi-track curricula" if this was organized in such a way as to demoralize some students into thinking of themselves as slow and un gifted second-class citizens, rather than as potentially adept, equally valuable citizens, gifted in their own unique ways or types of intelligences. Where such demoralization and withering occurs, it can only serve to undermine these student’s overall sense of self-efficacy, and occlude alternative ways that they might have otherwise gained excitement about, developed, and pursued their own unique potentialities through.

_The third cognitive component_ of life course rationality consists less of skills, per se, than of possession of information about the nature, requirements, challenges, entrance pathways, and benefits of a wide range of careers and post-secondary schools, especially those for which adolescents develop strong inclinations and demonstrate strong aptitudes. Possessing such information is not a given for many students. As Bandura points out, “students from low-income families are much less likely than more advantaged ones to receive informative guidance on what they need to master to gain admission to college and to realize occupational aspirations. Deficient information leads to poor academic preparation, which can foreclose entire classes of pursuits requiring advanced competencies (SE, 65).” Similarly, “Dornbusch (1994) presents disconcerting evidence that most students are grossly uninformed about the academic [and career] realities they will face (SE, 65).” Psychologist Gail Hackett, who has spent the last two decades studying self-
efficacy in the context of academic and career development, emphasizes the importance of this informational preparedness in no uncertain terms:

It is especially vital that career exploration begin in the elementary years instead of in high school. Effective career education at this level includes self-exploration (e.g., of interests and work values), cultivation of career decision-making skills, and information about and exposure to a wide range of occupations. In order to make informed and satisfying career decisions, students must understand both themselves and the world of work, and have the necessary skills to obtain information about relevant career pursuits (Herr & Cramer, 1988) . . . Furthermore, although academic-track students usually receive some guidance in college selection, little career exploration occurs. College course work does serve as a sort of mechanism for career exploration but does not usually provide the sorts of experiences that will maximally enhance career decision making and eventuate in satisfying career choices. Although carefully planned career education programs can be effective in easing the school-to-work transition, they have too often been limited in crucial ways (Hackett, 1995, 251).

The way that these three cognitive components contribute to an adolescent's developing autonomy may be understood as follows. (One might also note that these components correlate loosely with our aforementioned three stages of autonomy development; cf. pp. 49-50). Through these components, an adolescent should, first, gradually gain a sense of what personal strengths, weaknesses, and salient gifts and abilities she has (along with a sense of which life-goods she prefers and hopes to pursue). As she gains these things, she should then acquire a much better sense of the specific cognitive and practical skills she wants to especially cultivate—so as to "play her best hand with the cards that Nature dealt her." Finally, when approaching adulthood, an adolescent should then have well-informed plans about how she will apply these skills towards the college (in many cases) and career of her dreams—with the final product emerging as a self-standing autonomous adult. Once again, I am obviously painting an ideal progression here. But this is in order to provide a clear standard to measure against, for all those other cases that fall short of such a clear-cut and ideal development of these rational building blocks of autonomy.

This progression can be illustrated through a simple scenario with teenager Tammy. If Tammy learned that she had a powerful intellect but hemophilia, she might prudently plan to pursue an academic career (thus focusing primarily upon the attainment of LG13 [knowledge] and/or LG19 [achievement-based, in this case, on intellectual accomplishments]) and to exercise in her leisure
time (thereby assigning much less priority to the attainment of LG5 [health]). In contrast, if Tammy learned that her native intellectual gifts were limited but that she had an incredibly strong physical constitution and frame, she might plan with equal prudence to pursue an athletic career (thus focusing primarily upon the attainment of LG5 and perhaps LG16 [fame] or LG12 [wealth] or LG19, in these cases based on athletic accomplishments), and to read during her leisure time (thereby assigning relatively less priority to the attainment of LG13).

The degree to which adolescents become able to master these life course rationality skills and bodies of information will obviously depend in large part upon the quality of grade schools they attend. In many if not most cases, poor quality schools will assure poor cognitive development. It is worth noting, however, why and how exceptions to this rule occur. When these exceptions (viz., adolescents who develop substantial self-awareness, cognitive skills, and foresight, despite poor schools and backgrounds earlier on) do arise, it is usually because of the presence of exemplary role models in their personal lives. Bandura explains the pattern of these exceptional "success-against-the-odds" cases:

The way in which peer affiliations can affect the entire course of intellectual development is shown in studies of children from impoverished backgrounds who went on to college and professional careers at a time when it required overcoming daunting barriers to do so. In these families, the parents themselves could not provide the necessary resources and preparatory academic skills because of their limited schooling. However, a parent or a family acquaintance who valued education highly usually played a key role in setting the course of these children's intellectual development during their formative years. The valuation of education they instilled was further developed by teachers who took special interest in the children's talents. These evolving value preferences led to selective association with college-oriented peers who, by their interest and example, promoted attitudes, achievements standards, and sociocognitive skills conducive to intellectual pursuits (SE, 235).

So the quality of one's cognitive development and, thereby, one's emergent autonomy, will not be merely a product of the quality of one's schools. The role models and caring individuals that one is (or is not) exposed to, and the tenor of one's home life, will also play significant roles in this development.

I should also point out some of the other salient non-curricular influences upon adolescents' general cognitive development. Centrally, the socioeconomic circumstances of their families
strongly influence their educational opportunities and achievements (Douglas et al., 1968; Wadsworth, 1991), where these, in turn, strongly correlate with their eventual occupation and income (Wadsworth, 1991; Montgomery et al., 1996). And as Wadsworth notes, "parental concern for and interest in the child's education are also powerful factors in determining educational attainment" (Wadsworth, 1999, 48). Likewise, "poor family cohesion and accord, poor parenting, low parental self-esteem," and also parental divorce and separation are often accompanied by "children's poor educational attainment, and increased risks of poor self-control and aggressive behavior" (Wadsworth, 1999, 48; Ely et al., 1999). Finally, ill-temper edness, low self-control, and lack of emotional preparedness for the school environment, which can be associated with adverse experiences at home (Pulkkinen & Hamalainen, 1995), also often predict academic failure, delinquent behavior, and early school exit (Caspi et al., 1991; Trembley et al., 1995).

According to these last findings in particular, it should be apparent that adolescents' developing self-efficacy will not be merely be a product of whatever cognitive skills they develop. On the contrary, the growth of self-efficacy will also depend significantly upon whatever behavioral and self-management skills adolescents develop (or fail to develop) in their school and home and neighborhood environments.

(2.3.2) Self-Management Skills - Even if young adults have developed all of the aforementioned cognitive skills, then, along with whatever specific expertise they need for their chosen careers, they will still not be ready to live autonomous lives or to succeed in these careers unless they have also developed certain sets of personal self-management skills. These are skills that lend dependability and fortitude to persons' lives, and enable them to successfully avoid or weather various forms of risk and adversity (such as health problems, unplanned pregnancies, engagement in substance abuse, and unexpected layoffs). As Bandura explains,

Although much emphasis is being placed on the need to develop higher cognitive skills, the capability to manage one's motivational and interpersonal functioning is another set of foundation skills that largely determine success on the job. Hence, in preparing youth for the world of work, the
development of self-management skills is crucial. It comes as no surprise that hiring decisions are based more on employers' judgments of dependability of work habits than on potentiality for vocational learning (SE, 186).

So even if someone gets hired in a preferred job, because of possessing the relevant explicit abilities required for it, this provides no guarantee that the person also possesses the implicit personal abilities to succeed at the job in the long run. Young adults will not be very autonomous if they have personal deficiencies, stemming from various undeveloped self-management skills, which make them vulnerable to derailment from their careers and preferred life paths.

In what follows, I will examine a few of the most salient sets of these skills, namely management of: one's health (2.3.2.1), one's sexuality (2.3.2.2), and substance abuse (2.3.2.3). In each case, I will explain how these skills relate to a person's developing autonomy, and also what background environmental conditions usually determine whether or not these skills, or their correspondent deficiencies, are developed. As it turns out, having a stable social bond with a competent, caring adult may well be the most crucial factor in developing each of these self-management skills (Egeland et. al., 1993). And as Bandura notes, "such care-givers offer emotional support and guidance, promote meaningful values and standards, model constructive styles of coping, and create numerous opportunities for mastery experiences. Enabling caretaking builds trust, competencies, and a sense of personal efficacy" (SE, 172). ("Mastery experiences," as psychologists define them, are training routines which, through guided instruction and practice, enable the practitioners to master certain skills and situations.)

(2.3.2.1) To a large extent, lifelong health skills and habits are formed during childhood and adolescence. In relation to physical health, children may or may not acquire nutritious eating patterns, recreational and exercise routines, and self-maintenance habits that facilitate lifelong fitness, decreased morbidity, and increased longevity. And in relation to psychological health, children may acquire habits of emotional coping that will lead to greater or lesser levels of depression, ill-temperedness, and maladjustedness; they will also learn, when faced with life's inevitable
letdowns and misfortunes, to respond either with perseverance and emotional buoyancy or with undue anger and despondency (cf. Hamburg, 1992; Millstein, Petersen, & Nightingale, 1993).

Granted, peak health and long life may not be altogether necessary for autonomy. But to the degree one has to be sidetracked or preoccupied with aggravating forms of sickness, debilitation, or dysfunction (and certainly premature death!)—especially when these could have been prevented by healthier self-maintenance—it seems that, to that degree, a person's autonomy will be relatively diminished. Immanuel Kant's life serves as a case in point here. He did not write the majority of his groundbreaking works until he was in his sixties. As is well known, he kept to ruthlessly consistent daily waking, walking, dining, and working habits. It seems likely that his longevity and productivity were largely facilitated by these consistent health habits. So, while we cannot infer that he would have been non-autonomous without these habits, it does seem that we are warranted in inferring that, without these habits, the overall character, tenor, and achievements of his life and work (not to mention the course of philosophy) would have been radically diminished. Arguably, then, these health habits significantly bolstered his autonomy. On our Autonomy Scale, we might say that they raised him from being an AL4 to an AL5. Sometimes it takes just a few more years or a little more vigor to become what one really wants to become or to achieve what one really wants to achieve.

Whereas schools are the primary learning ground for our cognitive skills, homes are the primary learning—or, more precisely, assimilating—grounds for these health skills (along with the other self-management skills) and their correspondent dysfunctions (Wadsworth, 1999). To illustrate, we know that family conflict is significantly related to reduced health in adolescence and, later on, to lower self-esteem and psychological well-being (Sweeting & West, 1995). In contrast, children's long-term enjoyment of a close relationship with a stable parent or adult yields significant protection against being depressed, even into adulthood (Bifulco & Moran, 1998). On a broader level, we have in recent years become increasingly aware that numerous gradients exist between the background socioeconomic circumstances of parents and the health
status of their children, even when these children pass through adulthood (Keating & Hertzman, 1999; Power & Hertzman, 1999; Kawachi, Kennedy & Wilkinson, 1999; Tarlov & St. Peter, 2000; cf. my pp. 69-70). These findings suggest, as we might expect, that whatever health and health skills adolescents acquire or fail to acquire largely depends upon factors in their early home environments. It is here that they come to bear the imprints of whatever health habit models, whether salubrious or deleterious, they have exposure to.

(2.3.2.2) Some of the most turbulent challenges that adolescents face involve learning how to successfully manage their budding sexuality. During this period, they begin to feel the rush of newly emergent urges and hormonal effects and, in many cases, the push of peer group pressure to engage in sexual behavior. If they do not learn how to manage these newfound sexual feelings, experiences, and exposures properly, adolescents can reap consequences that irretrievably alter their plans and foreclose various life options, and thereby stunt the growth of their emerging autonomy. In particular, adolescents may contract sexually transmitted diseases, which range in virulence from the merely irritating to the lethal. Or they may have unplanned pregnancies, in which case they will choose either to abort or abandon the baby (usually maternal and paternal decisions, respectively, which, in themselves, can leave lasting psychological scars), or else carry the fetus to term and then care for it. If they make the last choice, the heavy strains and responsibilities of parenthood may easily impede their own personal development, by tightly constricting opportunities for continued education and career development. As Bandura explains,

Teenage parenthood imposes socioeconomic hardships and jeopardizes certain life courses for young mothers and their offspring. Young childbearers are more likely to drop out of school and find it harder to secure gainful employment or achieve stable marriages than do late childbearers (Hayes, 1987; Hofferth & Hayes, 1987). [So] providing opportunities for continued education is an important vehicle for minimizing the cumulative adverse effects of early childbearing. . . Early childbearing restricts the types of life options that are considered and pursued. Moreover, many of the women continue to be plagued by marital instability, and their offspring exhibit relatively high rates of behavior problems, academic failures, and early pregnancies (Furstenberg, Brooks-Gunn & Morgan, 1987; SE, 181-2).
Unfortunately, these dangers and burdens are especially pronounced among those already weighed down with other hardships. "Early sexual activity is more prevalent among adolescents from disadvantaged backgrounds and those who have low educational aspirations, [while] much of this sexual activity is unprotected by regular contraceptive use" (SE, 179).

(2.3.2.3) Adolescents and young adults will also need to learn how to maneuver through the dangers of substance abuse. They will need to learn which especially harmful substances are better left completely alone, and also what personal limits (in terms of amounts and times consumed) apply to their consumption of less harmful substances; of course, they will also need to become adept at behaving consistently with what they learn. The relationship between (lack of) these abstinence skills and developing autonomy is straightforward here: If adolescents do not learn these skills, they will prove vulnerable to periodic bouts with loss of self-control, addictive behaviors, and the other detrimental effects to their lives, health and even personality, that these entail (Newcombe & Bentler, 1988). And as explained earlier (1.2.2), these things are inimical to the volitional conditions that are essential for autonomy. In his studies on addictive and compulsive behaviors, Jon Elster has often made this clear: that addictions, including their various forms of irrationality, entail a clear and dramatic forfeiture of personal autonomy (Elster 1984, 1999a, 1999b).

Despite grade schools that sometimes offer helpful programs in sex and drug education, it appears that, here again, one's peer and family environments play the primary role in determining what self-management skills (or plain bad habits) adolescents acquire in relation to these dangers. But it isn't clear which of these two social environments plays the stronger role. For although peers play an undeniably strong role in influencing these behaviors, parents play a role in influencing both these behaviors and, on a prior level, what peers their children hang around (Jessor, 1986; Jessor, Donovan & Costa, 1991). Notwithstanding, it is certain that if an adolescent lives amidst a social environment that combines peers who encourage sexual activity and
substance abuse along with caretakers who do not discourage—and do not provide guided mastery experiences to prevent—such things, this will make for a particularly virulent combination of influences (Pentz, 1985).

Young adults' susceptibility to substance abuse is also influenced by the prospects they have in their lives for work and social activities, where these offer more satisfaction and lasting fulfillment than that which they can receive from a quick high (Stall & Biernacki, 1986). Bandura explains that

those who lead bored or aversive lives are quick to seek escape in addictive substances. They need to find involvements in activities that provide some satisfaction and meaning in their lives. These broader changes enable them to realize a satisfying life without alcohol or drugs. Engrossment in meaningful pursuits contributes to the exercise of control over substance abuse (Gossup et al., 1990). Meaningful work provides structure to one's daily life, a sense of purpose, and a set of communal relationships, and it contributes to one's sense of identity. Joblessness and vocational drudgery foster substance abuse (SE, 294).

These patterns imply that the best way to save young adults from problems with drug abuse may be to act proactively, by providing them—when they are adolescents—with the skills and resources to live autonomous lives, so that, more often than not, they will end up not even wanting to use drugs. Putting this in terms of life-goods, we can say that, to the extent they are given real prospects for enjoyment of (their preferences from) the last 19 or so life-goods, young persons will not become fixated upon, or adaptively settle for, the bare enjoyment of Life-good #1 (pleasure).

I should briefly mention still other factors that significantly influence whether or not these appropriate "drug-management skills" are acquired. We know: that children who grow up with poor or smoking parents are themselves more likely to smoke when older (Mann et al., 1992; Wadsworth, 1991, 1996); that children who are frequently beat are at a much greater risk for alcoholism (McCord & Ensminger, 1997); and that abused or neglected children much more frequently end up engaging in substance abuse, during both adolescence and adulthood (Widom & White, 1997). Conversely, studies show that adolescents who have been instilled with strong
self-efficacy beliefs (concerning their ability to successfully manage exposure to various substances) are much more successful in controlling addictive behaviors, resisting unwanted social pressures, and avoiding slips or relapses (Marlatt, Baer & Quigley, 1995; DiClemente, Fairhurst & Piotrowski, 1996).

These three sets of self-management skills—involving persons' health, sexuality, and the (non-)use of drugs—outline some of the most important things that adolescents will need to learn and assimilate if they are to achieve the highest level of autonomy that they are capable of. But it will also behoove adolescents to acquire other more mundane self-management skills and abilities, including the skill of knowing how to prioritize their activities and commitments, the abilities to make short- and long term plans (and to stick to these unless they find good reason not to), and the "skills" of industry, self-discipline, and proper organization. We might also include so-called "versatility and resilience skills," which are skills that enable people: to become lifelong self-taught learners, to keep abreast of their fields of work (including major technical or socio-economic trends and changes that affect these fields), and to stay prepared for reemployment in case they are laid off or experience disruption in their work (cf. Kanfer & Hulin, 1985; Clifford, 1988; Vinokur et al., 1991; SE, pp. 186-90).

(2.3.3) **Interpersonal Skills** - Any list of skills that are developmental building blocks of autonomy would be incomplete without including **interpersonal skills**. For all those adolescents who do not plan to lead some kind of hermitic existence, they will have to spend a lifetime maneuvering through a world of people. If they are to successfully pursue their own hopes and plans, then, most adolescents will have to learn how to get along well with others, communicate with and understand others clearly, and avoid unnecessary conflict and hostility. To whatever degree they do not learn how to do these things, their autonomy in life will be needlessly checked and impinged. This holds true as much in the context of work as in social and family contexts. For success or failure in this work context, and not only in these overtly social contexts, often
stems as much from interpersonal strengths or weaknesses as from any other causes. As Bandura attests,

success on the job rests partly on self-efficacy in dealing with the social realities of work situations, which is a crucial aspect of occupational roles. Betz and Hackett have identified a number of skills that subserve this broader function (Betz & Hackett, 1987; Hackett, Betz, & Doty, 1985). They include the ability to communicate well, to relate effectively to others, to plan and manage the demands of one's job, to exercise leadership, and to cope with stress effectively. These are the types of skills that enable people to create and take advantage of opportunities for their occupational self-development. Depending on its strength, a sense of personal efficacy in these skills aids or impedes career advancement quite apart from the technical skills one possesses. Indeed, interpersonal and self-regulatory skills contribute more heavily to career success than do occupational skills. Technical job skills can be learned readily, but psychosocial skills are more difficult to develop and often even more difficult to modify if they are dysfunctional (SE, 430).

Charles Sanders Peirce's life may serve to illustrate these points. In light of his intellectual stature and accomplishments, one might assume that he must have been autonomous, to a fairly high degree. But if we look beneath the surface, by considering his social persona and interpersonal "skills," assessing Peirce's level of autonomy becomes a much more complex matter. He was vain and offensively arrogant, irascible and uncivil, aggressive and ill-tempered, and a notorious womanizer. These traits, in themselves, do not necessarily connote non-autonomy. But largely because of these traits: his first marriage ended in divorce, and he was rumored to have physically abused his second wife; he was fired from Johns Hopkins, prevented from teaching at Harvard as his father had (because his manners irritated the administration so), and then permanently blackballed from the academy; he spent the remainder of his days living in obscurity in rural Pennsylvania; and, after reportedly wrestling with starvation, he died in poverty and isolation. Surely he had hoped and planned for better for himself. However "autonomous" his life was, then, it was far less so than it would have been had he not been so lacking in various interpersonal skills, and in these social graces. And if such social deficiencies diminished the autonomy of one so prodigiously gifted, how much more might such deficiencies diminish the autonomy of others not so gifted?
The main determinants of undeveloped social skills and antisocial behavior (when genetic or physiological factors are not to blame) seem to lie, once again, in a child’s early family and peer environments. Neglected or abused children, and those from lower socioeconomic backgrounds, are at significantly increased risks of engaging in antisocial and criminal behavior (Widom & White, 1997; Gottfredson & Hirschi, 1990; Tremblay, 1999, esp. pp. 61-6). Children, and especially boys, who are not taught or modeled alternatives to physical aggression when young, are much more likely to exhibit aggressive behavior when older (Tremblay et al., 1991; Vitaro & Tremblay, 1994). And as Richard Trembley documents, “learning to wait for something you want (delay of gratification) (Mischel, Shoda & Rodriguez, 1989) and learning to use language to convince others to satisfy your needs may be the most important protective factor for chronic physical aggression and antisocial behavior” (Tremblay, 1999, 69).

As we saw in each of these three sets of cases, then, adolescents’ acquisition of these skills was not simply decided by the quality of their schooling or by their own personal initiative or moral vices and virtues. These would be altogether simplistic ways to view these developments. Rather, the development of all these self-efficacy skills was influenced in large part by what early social environments and role models these adolescents were exposed to, and by what resources they had or did not have access to. But these claims should come as no real surprise; although I have tried to document their veracity, I do not expect that they will be taken as altogether revelatory. As Bandura admits, “proclamations that human development and functioning are socially situated are no longer newsworthy. Significant advances require moving beyond this truism to verification of the paths of influence through which these various sociocultural practices exert their effects” (italics mine, SE, 227). The purpose of this next section is to do precisely this: to verify—in more specific, systematic, and developmentally prior terms than I have provided so far—the earlier pathways and preconditions (operative this time between birth and adolescence) that determine whether or not, and to what degree, children will be able to develop these self-efficacy skills.
2.4 Childhood and the Foundations of Autonomy (The Early Pathways of Development)

The autonomy that young adults end up exercising will flow directly from the sets of these skills they develop (or fail to develop) through adolescence. Their emergent autonomy, we might say, will be an immediate product and manifestation of these self-efficacy skills. But our “genealogy of autonomy” cannot stop here, since this would simply remove the problem one step further. That is, it would provide only half an explanation if we explained adult autonomy in terms of the adolescent development of these skills, but did not take the final step of explaining what earlier childhood pre-conditions make such skill development possible in the first place. As we will now see, the pre-conditions that influence such development stretch all the way back to the earliest moments of infancy, through (what David Blane calls) “accumulating chains of advantage or disadvantage.” Indeed, according to the "life course perspective" that Blane and other social scientists take, and that I am taking here, later accomplishments or failures in personal development (including the development of these self-efficacy skills) are inextricably linked to very early conditions of advantage or disadvantage, respectively.

In what follows, I will explicate these developmental chains, or pathways, primarily through an analysis of the latter (the conditions of early socioeconomic disadvantage); and in doing so, I will continue my procedure of backtracking from later to earlier periods of development. In section 2.4.1, I will identify and describe these pathways of childhood disadvantage. In section 2.4.2, I will explain how these pathways are ultimately linked to processes of “neural sculpting” and “biological embedding” that occur during the first years of life. And in the final section (2.4.3), I will use three organizing principles to recapitulate the ground covered, and to provide an overview of the relationship that these pathways of disadvantage have with the development of adult autonomy. Gaining a precise empirical understanding of these developmental pathways will be a prerequisite for doing the normative work of later chapters. For without such an
understanding, we will not have a precise enough grasp of the structure of childhood injustice (qua the impairment of the development of autonomy), and so will not be able to see clearly enough when and how and why the state should intervene, to address and prevent such injustice.

(2.4.1) Immediately when a child comes into the world, she must experience through no choice of her own a whole host of psychological, cognitive, and physical conditions that are more or (sometimes much) less conducive to her overall healthy development. The far majority of these conditions will be set by parents (or whatever caregivers are present): they will establish what emotional and nurturing conditions the child will or will not enjoy; they will provide for whatever intellectual stimulation the child has available; and for the most part they will determine what material resources will be brought to bear to meet the child's needs. So if parents are experiencing economic and personal struggles, it should be apparent how these struggles will often translate into less effective childrearing. The more difficulty they have in effectively governing their own lives, the more difficult it will be for them to effectively help anyone else get along with her life. And as children are raised less effectively (given less careful attention, provided with less nurture, resources, and skillful guidance, etc.), this in turn can only serve to retard their development, so that they become able to govern their own lives less effectively, or at a slower pace, as they advance toward adulthood. In a nutshell, this describes the transmission of social disadvantage; and when repeated across generations, this process defines self-perpetuating cycles of disadvantage.

Glen Elder, Jr., Professor of Life Course Studies at Chapel Hill, UNC, describes these pathways of transmitted disadvantage as follows:

Th[is] analytic model assumes that economic hardship (low income, unstable work, and income loss) has adverse consequences for marital relations and the well-being of parents when they sharply increase the level of economic pressure. The effect of such pressure may be expressed through emotional depression and/or more conflict in marriage. In the second phase, marital discord and individual distress serve as a master link between economic pressure and ineffective parenting. Marital conflict, depressed feelings, and hostility among parents increase the risk of destructive parenting. In the third and final phase, destructive parenting links marital and individual distress with child outcomes. The assumption here is that marital conflict and ill-tempered parents have consequences for
children, primarily by undermining the quality of parent behavior (italics mine, Elder, 61; cf. also Conger et al., 1992, 1993).

Elder and Conger and their colleagues found these patterns operative among rural Midwestern families during periods of economic downturn (ranging from the Great Depression to the 1980's). But similar patterns can be observed across the spectrum of kinds of families experiencing socioeconomic hardship, whether rural or urban, black or white, native or immigrant. From studies of impoverished urban British families, for example, Blane reports that

Analyzes of the 1958 British birth cohort suggests a plausible chain: parental disadvantage and low birthweight; some or all of, financial hardship and poor nutrition, crowded residential accommodation and disrupted sleep patterns, and delayed growth during childhood. . . Slow childhood growth may identify a particularly disadvantaged subgroup within each social class, who obtain lower educational qualifications and grades. . . These educational disadvantages subsequently weaken their labor market position which, in turn, exposes them to the health hazards of unemployment and casual employment in the poorly regulated secondary labor market. It is probably unusual for any of these factors on their own to have a major impact on health, but an effect on health becomes plausible when these factors are assembled into an accumulating chain of disadvantage. Social mobility provides a further mechanism by which health and social factors can accumulate across the life course. Parental socioeconomic position influences many aspects of childhood which, in turn, influences the chances and direction of social mobility into a different social class where further advantage or disadvantage accumulates (italics mine, Blane, 68).

When these patterns are viewed through the lens of socioeconomic gradients, it becomes apparent that, statistically speaking, children from disadvantaged backgrounds have significantly higher chances of achieving bad social outcomes, regardless of the specific social outcome variable considered (cf. Brooks-Gunn et al., 1999; Kawachi et al., 1999; Tarlov & St. Peter, 2000). (A "socioeconomic status, or SES, gradient," as used here, refers to the commonly observed pattern of a monotonic increase or decrease, among a defined population, in an outcome variable related to children's eventual well-being or achievement, in association with an increase or decrease in some input measure of parental socioeconomic status such as income, education, and occupation; cf. Keating & Hertzman, pp. 5-7.) And as developmental psychologist Daniel Keating notes, these "gradients are pervasive; they are virtually always found" (1999, 10).
I will now provide a short litany of these gradients and bad outcomes. Children who are born to parents from lower SES backgrounds are more likely: a) to be born with low birthweight (Drever & Whitehead, 1997) and to be born but also end up with shorter height (Kuh & Wadsworth, 1989; these two indices are reflective of poor pre- and post-natal nutrition and care); b) to have their basic needs go unmet (Currie, 1997); c) to have behavioral problems and engage in crime (Tremblay et al., 1992, 1995, 1999); d) to work at semi- and unskilled jobs, and to experience insecure employment and long-term unemployment (Walker et al., 1985; Montgomery et al., 1996; Bartley et al., 1999); e) to earn low incomes (Kuh & Wadsworth, 1991); f) to be chronically ill, and to suffer more from strokes and stomach cancer (Davey Smith et al., 1997, 1998); g) to have worse morbidity and mortality rates (Marmot & Wadsworth, 1997, pp. 4-12; Rodgers, 1999; Wilkinson, 1999); etc, etc. And, it should be noted, these early gradient effects are in addition to all those mentioned in section 2.3, which included many instances of lower academic achievements and diminished personal skill attainments. These are the sad facts that show that early disadvantage and deprivation, rather than merely temporarily inconveniencing children, often permanently distort their life paths.

Jeanne Brooks-Gunn and her colleagues at the Center for Young Children and Families, at Columbia University, have organized the myriad influences that these gradients operate through into fourteen specific "micro-pathways." (The first seven of these operate through the family and the last seven through the community.)


If adequate nurture and resources are provided through these fourteen micro-pathways, or channels, then the relatively advantaged children who enjoy them should be able to develop into
healthy, well-adjusted, and self-standing, or autonomous, adults. But to the degree that adequate nurture and resources are not provided through these channels, the relatively disadvantaged children who are deprived of them will find it difficult, if not impossible, to become such adults. It is through these developmental pathways and gradients that early (dis)advantage will extend out through a child's whole life course.

(2.4.2) Although the account in 2.4.1 provided a description of these pathways and gradients, however, it only implicitly suggested an explanation of how or why these earlier influences are linked to these later outcomes in these ways. (As Hume famously argued, the fact that B follows A does not necessarily mean, or constitute an explanation, that B is caused by A.) In this section, I will offer more of an explanation of these pathways, by briefly reviewing recent groundbreaking research that sheds light on the early causal mechanisms underlying them. (For a more detailed account of these mechanisms, see Power et al., 1991; and Keating & Hertzman, 1999, esp. Pt. II and pp. 25-9.) In particular, I will explain how very early family conditions and social interactions predispose children to different developmental trajectories, through processes known as "neural sculpting" and "biological embedding." Depending upon which trajectory a child is on, s/he may either end up mastering the aforementioned self-efficacy skills with great proficiency or else have trouble attaining them with any real degree of proficiency at all. In turn, her success or failure in mastering these skills will directly affect whatever level of autonomy or non-autonomy she attains as an adult.

Daniel Keating and Fiona Miller explain how a crucial early link in these pathways is infants' and preschoolers' development of various "regulatory capabilities":

The developmental pathway that captures these patterns may be described as follows. Infants who have developed good emotion, attention, and social regulatory capabilities are more likely to have habits of learning that contribute to their subsequent cognitive and behavioral development. They are also more likely to continue to acquire other developmentally appropriate regulatory capabilities. Preschoolers with good emotion, attention, and social regulation are likely to perform better in [school and] challenging situations, have better perspective taking skills, and [have] fewer behavior problems. If patterns of competence and coping present at school onset have their roots in earlier development, as
our preliminary findings suggest, there are [serious] implications. One is that improving the prospects for success across the whole population of children requires attention to the quality of the social environment before children even get to the school door (Keating and Miller, 1999, 231).

The successes (or failures) that school age children experience thus depends significantly upon various self-regulatory capabilities that they developed (or, again, failed to develop) during their pre-school years. This makes sense especially if we take these "emotional, attentional, and social regulatory capabilities" as being early prototypes of, and laying neural templates down for, the cognitive, self-management, and social self-efficacy skills that develop later. Although these early regulatory capabilities help to explain another prior step in our genealogy of auto-nomy, they still do not provide "the first domino," the original link in our developmental chain. For the question of "What explains the development of these regulatory capabilities?" still lingers. That is, we will still want to know why some children rather than others develop these capabilities, and why gradients exist even at this pre-school level (cf. Keating & Hertzman, esp. chs. 7-9).

The answer cannot be merely that some children come into the world equipped with better genetic profiles and gifts than others. Although this is obviously true, it provides only a part, and not the whole, of the explanation of these differing regulatory capabilities and early gradients. Environment plays a major explanatory role here, too, even during infancy. This can be seen through studies that isolate these genetic variables. In studies of programs that provided extensive mentoring to the pre-school children of parents with socioeconomic or cognitive deficiencies, the children who underwent the mentoring went on to achieve normal, or even superior, cognitive and academic gains, whereas the control group children (who had identical parental profiles but did not undergo the mentoring) achieved consistently low cognitive and academic gains (cf. footnote 10). Robert Case et al. (1999, 140) explain the relationship between these genetic and early environmental influences:
The presence of these gradients does not mean that children from low-SES homes have some sort of neurological handicap. It does not even mean that they have some sort of psychological handicap. It simply means that their early home environment has not had such a strong [learning or nurturing] emphasis as has been present in middle class homes, and that they come to school with a knowledge base and a set of . . . capabilities that are less well developed. On the other hand, however, it seems clear that children from low-SES homes are at considerable risk that these early differences will be reified and that they will develop into a handicap. . . . There is great danger, therefore, that what starts out as a mere difference in knowledge may be misidentified as a difference in native ability and eventually converted into a difference of a much deeper nature—perhaps even one that includes some sort of biological component.11

The importance of these findings cannot be overemphasized. And these early “biological components” bring us to the final link in our developmental chain. In what follows, we will see how certain early social conditions become biologically embedded, or hardwired, into the neural architecture of infants’ and young childrens' developing brains.

During the last decade, Clyde Hertzman and his colleagues in the Population Health Program at the Canadian Institute for Advanced Research were preoccupied with certain related questions about the early developing brain. They had begun to be convinced that very early family conditions have many dramatic and far-reaching consequences, affecting biological pathways and structures of brain development throughout childhood and, in turn, affecting outcomes throughout adulthood. As Hertzman worked in conjunction with various neuroscientists at the Population Health Program, “the hypothesis began to emerge that the conditions of early life influencing brain development could set coping skills for life, and that the emerging fields of psychoneuroendocrinology and psychoneuroimmunology [and nonhuman primate ethnology] might explain the biological pathways by which an individual’s competence and coping skills set health risks throughout life” (Keating & Hertzman, 1999, p. x). This hypothesis builds upon the seminal twin notions of "neural sculpting" and "biological embedding."

For millennia, thinkers have hypothesized that conditions of early childhood, and even infancy, might affect human development in various ways; this hypothesis is anything but radical. What is radical about Hertzman’s much more fine-grained hypothesis may be described as follows. According to it, certain conditions of early childhood (especially those concerned with the
emotional support and cognitive and verbal stimulation that infants receive) serve to fundamentally influence, and even sculpt, various neural and cognitive pathways, on a fairly permanent basis. "Neural sculpting," as Keating and Hertzman thus define it, is the process "whereby the social and physical environments of the infant and young child organize the experiences that shape the networks and patterns of the brain" (1999, 3). In this fashion, the way that people later process and store information, use language, handle stresses of different kinds, relate to others, react to various antigens and pathogens, etc. will have been substantially influenced by the neural pathways they developed earlier, during certain critical periods of growth in their first years of life. Hertzman describes this process specifically in relation to disadvantaged children:

Spending one’s early years in an unstimulating, emotionally and physically unsupportive environment will affect the sculpting and neurochemistry of the central nervous system in adverse ways, leading to cognitive and socioemotional delays. The problems that children so affected will display early in school will lead them to experience much more acute and chronic stress than others, which will have both physiological and life path consequences. . . . This process, whereby human experience affects the healthfulness of life across the life cycle, is herein called ‘biological embedding’ (Hertzman, 1999, 31).

To illustrate, this biological embedding process may seem more familiar if viewed in the context of early language acquisition. Persons may learn new languages at any age. But as they grow older, it usually becomes increasingly difficult for them to master new languages, at least with the same facility and precision of nuance and articulation that marks original language acquisition, during one’s early years. And even if persons do manage to learn new languages later on with much facility, they often betray their originally acquired language with a skip of intonation here, or an inappropriately accented syllable there. These familiar patterns should help to illustrate that children have early critical and sensitive periods when their brains are especially receptive for being linguistically imprinted (cf. Cynader & Frost, 180-1; hereafter C&F).12

It is crucial to note that these critical periods are prevalent not just in reference to language acquisition, but also across a wide range of other types of skill acquisitions and bodily activities. For instance, “there appears to be a critical period for gaining effective neural control over the
stress response” (C&F, 182-3); for enjoying healthy visual development (C&F, 157-65); for gaining facility with certain quantitative skills (Case et. al., 1999); for acquiring nurturing, affiliative, and emotional bonding capacities (C&F, 171-4); for learning how to assess others’ emotional reactions and facial expressions (C&F, 177-9); etc. There are thus certain early periods (qua windows of special opportunity) when the brain’s neural circuitry is especially receptive and primed to be sculpted and developed in certain ways, along certain pathways and for certain functional purposes. As ophthalmologist Max Cynader and neuroscientist Barrie Frost explain,

what is not generally appreciated is that high-probability events such as what young organisms typically see, hear, touch, smell, taste, and experience, through interactions with their particular physical and social environments (their ecological niche in other words), also contain critically important information that is presumed and required to sculpt and mold their brain and nervous system in very lawful and specific ways. These sources of information may be essential . . . for building members of a species that can successfully and competently cope with all aspects of their physical and social environments. . . Likewise, there appear to be ‘critical periods’ when specific high-probability information from the physical or social environment is required, in addition to genetic information, to build adult brain structures and processors to produce and control adult behavior (C&F, 1999, 154).

Up to this point, we have been considering developmental processes and pathways that—whether sooner or later, directly or indirectly, or to a greater or lesser degree— influence the development of persons’ emergent (non-)autonomy. Although these critical periods occur in the very first months and years of life, then, they are for that reason no less influential and important. If young children or infants experience arrested development through these periods, then, as Cynader and Frost explain, they will not be able to later “successfully and competently cope with [their] environments”; and if they cannot later successfully and competently cope with their environments, then it is doubtful what autonomy, if any, they will ultimately be able to possess and demonstrate!

This brings us to the end, or actually origin, of our genealogy of autonomy. An important fruit of our labor is this: Now we should be able to gauge what autonomy trajectory any young person is on at any age. That is, by looking at a young person's life and ascertaining various sets of markers (their [dis]advantages throughout, along with profiles of their early development, self-
efficacy skills, career prospects, etc.), we should be able to estimate the future direction of their lives—in terms of the level of autonomy they are developing and most likely heading towards (assuming they don't experience widely disparate marker characteristics at later ages). In turn, this knowledge should provide the foundation for enabling us to determine what interventions, if any, will be necessary for placing children on developmental trajectories that will eventually land them at or over the AL3 Threshold of autonomy. (Examining these determinations and interventions more closely will be the subject of Chapters 3 and 4.)

(2.4.3) Looking back, there are three characteristics, or effects, of these pathways of (dis)advantage that are particularly worth noting. I designate these as the "Clustering of (Dis)advantages Effect" (CODE), the "Snowballing of (Dis)advantages Effect" (SODE), and the "Autonomy Impacting Disadvantages Effect" (AIDE).

According to the Clustering of (Dis)advantages Effect (CODE), socioeconomic advantages and disadvantages are not distributed randomly or evenly across any nation's population of children at any given time; rather, the children of those better off experience (the benefits of) a whole cluster of social advantages, while the children of those worse off, i.e., those born to parents from lower SES backgrounds, experience (the burdens of) a whole cluster of social disadvantages. Although some nations display a milder pattern of this distributional clustering than others (with the northern Scandinavian countries displaying the mildest disparities and contrasts and shallowest SES gradients, and the U.S. displaying the sharpest) than others, every nation displays this effect to some marked degree. CODE is an expression of patterns that Amartya Sen has drawn attention to, in relation to those growing up in poverty. Contra more simplistic economic approaches, Sen has argued that poverty should not be viewed as an experience only, or even primarily, of very low income, but rather as an experience of (what he calls) "multi-capability deprivation." According to his perspective, children from lower SES backgrounds have to contend, not only with lower parental incomes and therefore less access to
material resources, but also with a wide range, or *cluster*, of many other crippling deprivations and stymied basic capabilities (cf. Sen, 1992, ch. 7; 1999, ch. 4).

According to the Snowballing of (Dis)advantages Effect (SODE), the (dis)advantages that any child experiences early on (at $t_i$) will tend to lead to accumulating and compounding (dis)advantages at later times (at $t_{i+n}$). Cynader and Frost provide striking illustrations of SODE, and its "deleterious cascades":

If a child cannot see well early in life because of uncorrected astigmatism, then later on there may well be reading difficulties in that same child. A child who cannot read is disadvantaged in learning relative to other children in his/her peer group. This can lead to low self-esteem and to a child who is very turned off to school. Such a child is more vulnerable to a large variety of poor outcomes including early pregnancy, low-wage employment, or unemployment. . . Similarly, early auditory defects caused by transient episodes of otitis media may result in poor language acquisition. [And] poor verbal skills can lead to the same sort of deleterious cascade that is described above. (italics mine, 1999, 183).

Rather than working separately, these two effects usually work in conjunction with each other. Blane explains the mutually reinforcing way that (the synchronic effects of) CODE and (the diachronic effects of) SODE work together in this way:

The life course may be regarded as combining biological and social elements which interact with each other. Individual biological development takes place within a social context which structures life chances so that *advantages and disadvantages tend to cluster cross-sectionally and accumulate longitudinally*. Exposure to one environmental hazard is likely to be combined with exposure to other hazards and these exposures are likely to accumulate over the course of life. . . The elements of the life course appear to be interdependent; educational attainment is a major transmission belt for the long-term effects of childhood circumstance; and family assets are a major component of the effects of adult occupation. Finally, the general advantage or deprivation associated with a social class position would appear to have a sizeable long-term influence, over and above the effect of the [specific] risk factors (italics mine, Blane, 1999, 65, 76).

Finally, the Autonomy Impacting Disadvantages Effect (AIDE) ties CODE and SODE in with the main focus of our inquiry, persons' achievement of autonomy. AIDE highlights the following: *in statistical terms, portions of child populations that experience certain clusters of disadvantage earlier, and for longer periods, will find it exponentially more difficult to achieve autonomy when they are older.* (These "clusters of disadvantage" should be understood not just generally, but in the specific terms of the aforementioned 14 micropathways; p. 78.)
The following represents one provisional method whereby fairly accurate levels of these AIDE effects could be ascertained. First, one would target a specific non-autonomous population for analysis (e.g., a number of Autonomy Level Two types who are American, born between 1970 and 1980, and sentenced to prison terms of five or more years). Then, one would backtrack and obtain profiles of certain micropathway characteristics that this population had experienced at earlier ages. For example, one profile might focus on micropathways 2, 3, 4, 7, and 12, and determine retrospectively that, of this population, 80% of them had as children suffered through: a) home environments run by caregivers having at best an eighth-grade literacy level (one indicia of mp 2), b-c) 10 or more years of absentee fathers, conjoined with caregivers who were emotional unstable (indices of mps 3 & 4), d) mothers earning poverty level wages (an indicia of mp 7), and e) grade schools that produced performances falling in the lowest 30th percentile of their corresponding state- or nationwide-school group (one indicia of mp 12). In other words (after controlling for population size and other variables), if given these hypothetical results, we could come to the AIDE conclusion that children who experience this particular set {2, 3, 4, 7, & 12} of disadvantages run a high 80% risk of ending up as non-autonomous adults. (Although this backtracking method of ascertaining these types of AIDE effects and correlations seems feasible, it is admittedly provisional in its finer details; so I invite social scientists to build on these methodological suggestions and develop them further.)

Notwithstanding the details of this methodology, we should not lose track of the forest here; what needs to be emphasized is the following three-tiered chain of implications. First, such AIDE correlations could be and are being established, being thoroughly conducive to empirical verification.13 Second, if equipped with statistical accounts of these types of correlations, we would then have a fairly reliable scale of the autonomy risks involved with being born into an early environment with this or that specific pattern of disadvantages and micropathway characteristics. In other words, we could assign any child, depending upon the profiled set of characteristics that s/he was born and raised in, one of our aforementioned autonomy trajectories.
(For instance, we could assign privileged little Johnny an Autonomy Level Five (AL5) Trajectory if, given his background data set at a certain age, he had the highest probability of ending up as an Autonomy Level Five adult; whereas we might have to assign poor little Janey an AL2 Trajectory given her data set.) And finally, once equipped with some such statistically sound model of these AIDE risks and trajectories, we would be in a position to determine proper policy responses. For instance, we might justifiably mandate special early child training and parental counseling programs for Janey and her household (if her AIDE profile and autonomy trajectory indicated a high risk for her eventual non-autonomy), but no intervention at all for Johnny. (For more on these policy responses, see pp. 134 ff.)

To reiterate, then, AIDE points out that certain clusters of early but ongoing disadvantages will undermine childrens' later development of autonomy, in proportion to the severity and duration of these disadvantages—unless high risk children are helped onto different autonomy trajectories early on, through some type of intervention(s).
FOOTNOTES

1 With some minor adjustments, this argument can be schematized as follows:
Let p = the attainment of autonomy; q = the ability to pursue one's preferred life-goods and career work;
r = the acquisition of a broad set of self-efficacy skills; and s = the enjoyment of development that is
unimpeded by serious forms of deprivation. Then,
[1] ¬q ⊃ ¬p
[2] ¬r ⊃ ¬q
[3] ¬s ⊃ ¬r
:. [4] ¬s ⊃ ¬p

2 There is, to be sure, a fourth logical possibility, namely, that someone might non-autonomously come to
embrace a certain set of life-goods, but make many major decisions and actions in life that are themselves
autonomous, and thereby inconsistent with their overarching preferences—with the final consequence that
her life, overall, is autonomous. But if this is logically possible, it seems practically impossible, or at least
so odd or unlikely a state of affairs as to be not worth considering.

3 MacIntyre, p. 216.

4 For an account of the features that are common among these "underdog" children who successfully
escape severe early deprivation, see Marmot, 54-5 and SE 193.

5 I am not assuming that adolescence is the only time that persons can or should decide which life-goods
they prefer and will pursue. Obviously, this is a process that is continued and iterated throughout life. But
this doesn't negate the truism that young adults should have embraced at least some provisional values and
goals by which to guide their lives and plans. For having some overarching values and goals, even if these
are not necessarily permanent or absolute, will surely be more crucially helpful than having none at all.

6 Although diligent entrance into career work is usually a sign of autonomy, it need not always be. Some
might choose to forego the normal life progression into career work by design, because of an autonomous
decision to take life easy. We might think here of an early Beat or Jack Kerouac type, or a cynic Diogenes
type, who after careful consideration embrace a bohemian lifestyle of "carefree" living, low industry, and
spontaneous travel, deliberately spurning such a career-oriented life path. (Of course, they will often be
unable to remain carefree for long without steady work, unless they have inherited resources to draw from.)
But relatively few of those who do not work hard or apply themselves very much when becoming adults, I
suspect, do so in a truly autonomous way, for such principled and carefully considered reasons.

7 These cognitive skills are fairly distinct from Chapter One's cognitive conditions of autonomy. Whereas
the latter were necessary and constitutive elements of the expression of autonomy, these skills are essential
building blocks for the development (in addition to the expression) of autonomy. And while no one of these
cognitive, or the other self-efficacy, skills may be absolutely necessary for the development of autonomy,
we can be sure that there is some preponderance of them which, if left undeveloped, will issue in eventual
non-autonomy for any person whose development is so lacking and stunted.

8 From Thomas (1999), p. 36.

9 Admittedly, some of the skills that will be acquired during this phase, as I am describing them here, will
not be purely cognitive skills, being as much kinds of somatic or coordinational skills. But even in these
cases, it seems that enough learning and cognitively-coordinated growth occurs during such periods that
including (the acquisition of) such "impure" skills in this section isn't inappropriate.

10 In his "Population Health and Human Development," Clyde Hertzman offers six of the most prevalent
causal explanations of these developmental gradients (1999, 25-9). The first two are explanations of "health
selection" and "differential susceptibility." These two positions seek to explain away the gradients as artifact effects. That is, these positions basically state that most of those who end up with worse outcomes in life do so because they are genetically predisposed to. Supposedly, since they are born with more inheritable (not acquired) weaknesses, their later lesser achievements serve as mere reflections of these weaknesses. Hertzman explains how these types of explanations miss the mark. In essence, they are refuted by those children born to poor and even cognitively challenged parents who, when undergoing certain preschool developmental programs, end up achieving quite normal or even superior academic and cognitive outcomes, compared to other control-group children with the same family backgrounds, who did not undergo these programs, who did achieve the expected lower outcomes. (Cf. Power & Hertzman, 1999, 52-4; Case et al., 1999, 132-43; Wadsworth, 1999, 54-6. These studies highlight the effectiveness of such programs as the Carolina Abecedarian project, various Head Start Projects, and the HighScope Perry Preschool Programme.) Such findings thus imply that these two explanations give too much weight to heredity, and too little weight to the effects of the early nurturing environment.

The third causal explanation focuses upon "individual lifestyles," and states that the personal habits and behaviors of different subgroups lead them into different social and economic outcomes. In particular, health-promoting behaviors tend to be practiced more by those who are from, and end up in, higher SES groupings. The fourth explanation emphasizes persons' "physical environment," and states that differential exposures to various pollutants, hazards, and detrimental agents lead to differential health and well-being outcomes. The fifth explanation centers upon the "SES conditions" that children have access to; here, greater or lesser access to various material resources and psychosocial outlets and functions lead to better or worse personal and psychological outcomes, respectively. The last explanation, similar to the fifth, focuses upon "differential access to health care services and resources." As some children enjoy more access to higher quality early health support systems, their eventual health and personal well-being tends to increase, and to enable them to function and perform more effectively.

After reviewing these causal explanations, Hertzman then discusses each of their relative weights and explanatory power. As it turns out, they (and especially, according to Hertzman, the third and fifth explanations) do explain a lot but are still incomplete, even taken together; to more fully explain the pathways of SES gradients, they need to be supplemented by explanations of "biological embedding" processes that occur largely during infancy.

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11 This last proviso explains why some studies, such as Jencks et al. (1978), and Herrnstein & Murray's controversial Bell Curve reports, must be interpreted very carefully. Even if, for example, many young members of certain races achieve lower intelligence scores at a very young age, this does not mean that they are necessarily less innately gifted intellectually. It might simply mean, rather, that these members experienced environmental conditions that, from very early on, stunted their cognitive development.

12 To be precise, language acquisition may be viewed more accurately as a sensitive, rather than a critical, period—since persons are able to learn and assimilate languages at later times in their lives (albeit with more difficulty). Technically speaking, critical periods are defined by being the only times when certain neural pathways and functionalities can be laid down. As Keating and Miller explain, "Some of the effects of early development may occur as critical periods, when the presence or absence of particular experiences makes a biological system functional or nonfunctional. Others are better described as sensitive periods, during which the quality of particular experiences shapes developmental outcomes, but in less absolute ways than in critical periods" (1999, 220).

13 Much of the burgeoning scientific literature on birth cohorts, along with longitudinal studies on child development, provide the material for derivation of such long term AIDE correlations. For salient examples, see the many groundbreaking studies in Tarlov & St. Peter (2000), Kawachi, Kennedy & Wilkinson (1999), Keating & Hertzman (1999), and Marmot & Wilkinson (1999).
CHAPTER THREE - CRIPPLED AUTONOMY
DEVELOPMENT AND STATE INTERVENTION

There are other ways of doing violence to a person than by physically harming him... We can do violence to a person not only by harming his body, but also by physically or psychologically eliminating or diminishing his autonomy; under this heading would come all kinds of psychological violence and coercion. The parents who, in order to get their children to be passive and obey commands mechanically, constantly berate and scream at them, can do much more violence to their children in not respecting them as free persons, than would be done by even a considerable amount of physical violence. Psychological violence is often far more damaging than mere physical violence.

- John Morreall (1976, 37)

In light of evidence in the last chapter, we saw that children will develop autonomy at different paces, to greatly varying degrees, and with different material, familial, and social resources at hand—with the most unfortunate ones not developing autonomy at all. So as to ameliorate such disparities and dangers, would the state be justified in intervening in certain family situations? The purpose of this chapter is to answer this questions.

3.1 Crippled Autonomy Development and the Harm Principle

In this section I reconsider a particular legal principle, the Harm Principle, that has significant implications upon whether or not the state is justified in intervening to prevent (the harm of) non-autonomy. I will extend here an argument alluded to earlier, namely that, in accordance with this Principle, the state is justified in preventing wrongful and serious harm, that children suffer such harm when their development (including their development of autonomy) is crippled under certain circumstances and, therefore, that the state is justified in intervening to prevent children from suffering such crippled or arrested development.
John Stuart Mill's Harm Principle, recall, essentially asserts that "the state is justified in interfering with a person's life when s/he has harmed, or will very likely otherwise harm, someone else." Without defending it at length, I will assume that this Principle is itself justified. If the state may legitimately involve itself in any kinds of coercive or intrusive activities, I assume it should be at least in those activities that are aimed at the prevention or correction of harm. To deny this—by insisting that the state is not allowed to intervene to oppose harm (even assuming that such intervention does not itself cause or perpetuate more wrongful harm)—would ultimately condone self-contradicting and anarchic, or at least ineffective and unstable, states.

Since much turns on our understanding of "harm" here, we also need to recall its specific meaning (per Feinberg), as "a wrongful setback to a person's non-trivial interests." Finally, in order to finish setting the table, we need to recall a centrally important conclusion derived in Chapter 1, namely, that "the state has as much or more business getting involved with the protection of children's development of autonomy (by intervening to prevent children from following trajectories that would otherwise land them below the threshold of Autonomy Level Three) as it has with the protection of adults' significant interests (35)." A state should respond to these moral priorities through its laws and policies, we saw, precisely because it is such an absolutely vital interest of these children that is being harmed, or threatened with harm. In the face of this realization, the extent to which a state's laws and policies have historically reflected these priorities dwindles in relative importance.

We should note the implications of this conclusion for those theorists who typically allow the most limited space for state intervention. In particular, libertarians have traditionally advocated a minimal night-watchmen type state, a state which is supposedly justified in exercising only those types of intervention that redress the most obvious or direct threats to life, limb, and liberty, especially including infringements upon citizens' property rights and interests. In opposition to such limited claims for state involvement, we must ask: Does it make sense to see the state as obligated to protect, say, a person's already-acquired property, but to deny the state any role in
protecting a person’s ability to be able to acquire property in the first place? More broadly, on what basis can the state be seen as obligated to protect the already-formed interests of adults, while it is simultaneously denied as properly protecting the ability of children to develop interests that they may even call "their own"? As Charles Lockhart and Gregg Franzwa have argued, "If liberalism [of any stripe] represents a commitment to the right to pursue one's own legitimate interests without interference, then by implication it must represent a commitment to the opportunity to develop legitimate interests in the first place." If any legal or political theory (such as libertarianism) accepts the Harm Principle, then, but simultaneously denies that the state may properly intervene to protect these children's interests, then this theory seems guilty either of gross inconsistency or some morally specious bias, or both.

At this point, someone advocating only very limited state intervention might object that I have proceeded too quickly. It would be one thing for the state to intervene if, say, Sam has been robbed. But it would be quite another thing, they might argue, if Sam had merely grown up poor and had to suffer some material deprivation. Whereas the first case clearly merits state response (viz., police attempts to track down and punish the robber and to return Sam’s belongings), the second case does not merit response with any such mandate or moral force. This difference is rooted in the fact that the presence of wrongfulness in the first case is so clear, so much more specifiable, focal, and direct. The robber was obviously at fault in committing the robbery and firmly deserves to be punished, while the person robbed is clearly a victim deserving some type of compensation. (The limited interventionist continues:) But such wrongfulness is absent in the second case. No one has done wrong, and no one is at fault, for Sam's merely growing up poor, are they? Isn't such deprivation merely an unfortunate and unavoidable—but not wrongful—part of life? Subsequently, although state intervention would not be mandated in the second case, in order to redress Sam's early deprivation, it would be mandated in the first case, in order to redress Sam’s straightforward victimization.
In response to such an objection, I will argue that, if a child not only grows up poor, but also has his/her interest in becoming autonomous wrongfully set back (for that set-back, and not only mild economic adversity, is the relevant type of injury that needs to be addressed here), that an element of wrongfulness is often present. (From here on, I will refer to this crippling of a child’s autonomy development, i.e., this wrongful set-back to his/her interest in becoming autonomous, as CAD.) The precise wrong that is being opposed here is not mere poverty, but woefully irresponsible and inadequate parenting, that is stunting and distorting the child's normal course of development so that, without intervention, the child will very likely not achieve autonomy by the time s/he reaches adulthood. This means that, under her current conditions and her current trajectory of (arrested) development, she will likely achieve Autonomy Level Two or less (≤AL2). Recall what characteristics of debilitation and immaturity these low levels entail (18): AL2 persons have "so little maturity and wherewithal that they are not able to stand on their own two feet. In lacking the stability and independence that mark effective self-governance, they aren't currently capable of 'forging their own way’"; and these AL2s are defined by the same levels of dependence and non-autonomy that characterize, e.g., "many early adolescents, the mildly retarded, recidivist criminals who seem incapable of rehabilitation, persons with out-of-control psychological problems or neuroses, and serious drug addicts." So we are not talking here about (the common phenomena of) merely slow blooming twenty year olds, who still act or live like adolescents in some ways or are not yet truly independent. Rather, we are talking about twenty year olds whose development has been so stunted (largely by abuse, prior serious neglect, and/or lack of adequate care) that they will need extensive help when they are adults even to become minimally functional and self-supportive citizens.

To support these points, I need to establish that CAD (crippling of one’s autonomy development) can and often does result from others’ (especially but not exclusively the biological parent’s) wrongful actions, and not just from mere misfortune or bad luck. For admittedly, the
Harm Principle and state intervention would not necessarily apply to cases of CAD if it resulted from non-wrongful causes. To establish this, my strategy will be, first, to describe a scenario (i) wherein a youth suffers CAD as the result of clearly wrongful human action. Then I will consider similar scenarios involving specific, isolated differences in the action(s) causing the CAD: I will consider, in turn, scenarios wherein: (ii) the acts causing the CAD are ones of omission rather than commission, (iii) the acts causing the CAD are many and committed over long periods of time rather than single and committed at one instance, (iv) the acts causing the CAD are perpetrated by many persons rather than by one person, and finally, (v) a combination of all these variables (from ii through iv) cause the CAD. In each case, I will show that these circumstantial differences do not amount to significant moral differences, i.e., that since CAD is in each type of case caused by wrongful human action, it therefore remains a quite wrongful—and so legally and publicly addressable—type of harm.

(i) Imagine this enactment of a crippling of a child's autonomy development (CAD):

One evening, a "bright-eyed and bushy-tailed" sixteen year-old boy—let us call him Joe—sits down at the dinner table with his mother and younger sister. Joe is well-behaved and emotionally well-adjusted, has maintained an A- average in school, is a hard-worker with a part-time job, and is looking forward to some prospects after high school that are, to him, pretty exciting. On this particular evening, he falls into a bitter and heated argument with his mother, who has had an off-and-on addiction to crack cocaine. Joe has found a stash of her drugs and is waving them in front of her, threatening to throw them away. This confrontation comes on a particularly bad evening, since she has had a hard day at work and is in a particularly foul mood. Her felt "need" for a fix, and all her desperate emotions about feeling trapped in (what she feels are) her lousy job, her lousy relationships, and her lousy dead-end life, are welling up within her. Joe and his mother begin to shout at and jostle each other over the drugs, until she becomes truly hysterical. She lashes out with a storm of pent-up rage and smacks her son in the head with a frying pan. Joe suffers mild but permanent brain damage as a result. He is never quite the same. As time reveals, Joe develops behavioral and emotional problems, his grades drop abysmally, and he has difficulty carrying out even relatively simple jobs and tasks. He spends the rest of his life only partially self-supportive, moving in and out of semi-dependent relationships with various family members, charity organizations, and welfare agencies—until at last he dies a forlorn death.

How should we interpret this scenario, specifically in reference to the wrongfulness of the harm suffered? Obviously, Joe's interests have been set back: his welfare interests have been severely thwarted and, like dominos, these have derailed and delimited whatever significant and
autonomy-developing interests he (would have) had. (We could say that Joe's autonomy trajectory changed dramatically immediately after receiving the blow on his head.) Just as obviously, these interests have been set back wrongfully. His mother committed a violent and unconscionable act, and so is clearly responsible for the ensuing CAD caused by this act. Furthermore, the harmfulness of her action properly transferred her and Joe's welfare from the purely private sphere into the public legal sphere. That is, after the blow on his head, the state became justified in intervening somehow in Joe's family affairs. This much should be obvious.

I will now use this more straightforward case of CAD as a reference, in order to compare it with variations having particular circumstantial differences (but with equivalent set backs of interests), so as to be able to see whether or not these circumstantial differences amount to significant moral differences (i.e., whether or not the CAD remains wrongful and thus appropriate as a target of state intervention).

(ii) In this case, Joe's harm is caused by an act of omission, rather than commission, on his mother's part:

It is the same fateful evening, around the same dinner table. But this time when Joe confronts his mother he starts coughing, apparently from getting something stuck in his throat. His mother's anger is again ignited, except that this time her anger leads in another direction. Instead of lashing out at Joe, she grabs the drugs from him as he starts to choke and marches off towards the back door (on her way to get a fix)—even as Joe seems to be choking and gasping worse and worse. She pauses on her way out and notices that he is turning red and gagging at the table, making clutching signs towards his throat. But no matter—she is so angry and so self-absorbed with her cravings that she doesn't care. She storms off and leaves her son in his precarious condition. As it turns out, neighbors come over when they hear the younger sister shrieking. They call 911 but by the time the ambulance arrives and intervenes, Joe has suffered brain damage (from partial asphyxiation), to an equivalent degree as in scenario (i). He then goes on to live the same later life as in (i).

The mother's actions (or lack thereof), as should be obvious, are wrongful here, too. In the first case, her anger expressed itself through a brutal act of commission, whereas in this case it expresses itself through a cruel act of omission (walking out on her desperately needy son). This omission amounts to gross, even criminal, negligence in her parental duties (not to mention any "good Samaritan" duties she might have towards her son). The person she walked out on was her
own flesh and blood, whom she brought into the world and thereby owed at least her parental care 
towards.\textsuperscript{8} So the wrongfulness and the injury of CAD in cases (i) and (ii) seem equivalent. It is 
thus not a necessary condition of CAD that it be caused by an act of commission.

This scenario emphasizes that the wrongfulness of harms that come to children through their 
parent’s (in)actions often stems from the parents’ breaches of caregiving duties. It is not as 
though the needed care that parents give to their children consists of merely supererogatory acts. 
On the contrary, as Onora O’Neil and others have argued, the needed care that parents (who are 
ever, save in cases of rape, forced to bring their children into the world) give is more properly 
viewed as consisting of obligatory acts, required by duty in response to their procreative acts.\textsuperscript{9} For 
it simply lands us in absurd conclusions (cf. section 3.2.2) to allow that parents, having brought 
their children into the world, do not have substantial duties to care for their children’s needs.

(iii) In this case, Joe suffers the same CAD, but only after it has accrued slowly over a long 
period of time rather than from a single incident:

Joe is born with the same natural capacities and, in his earliest years, everything seems to proceed as in 
(i). There is only one difference here. In this case, his mother (whom we may imagine as a stout 
woman) has a terrible habit of shaking the boy or smacking him in the head whenever she is irritated or 
frustrated or angry (which isn’t infrequently, because of her drug withdrawals). As a result, Joe’s 
progress by the time he is eight years old begins to slow (his speech begins to slur, his thought 
processes become a little less efficient, etc.) After eight more years of this abuse his condition is 
similar to that of an old boxer, so that, by his sixteenth year, Joe has gained as serious a mental 
handicap as he had in (i), and with an identical later life.

Here again, the setbacks are the same and the mother’s actions are just as deplorable. Although 
no one of the insults is as severe as in case (i), they still accrue and ultimately cause just as much 
damage to his mind and developing autonomy.\textsuperscript{10} (Also, it is worth noting that we need not 
imagine the woman harming her son only through periodic acts of violence. She might cause him 
just as much wrongful injury through gross neglect, ignorance, or incompetence, as if she let him 
eat lead chips or undergo severe nutritional deficiencies for years on end.) So here again, the 
wrongfulness and the injury between this type of case and case (i) seem equivalent. In turn, it is
not a necessary condition of harm that it come via one dramatic or patently criminal act; ceteris paribus, long strings of less severe or more subtle abuses may serve just as properly as instances and causes of harm, and so of publicly addressable criminal actions.

If there is any real difference in case (iii), it is an epistemic one. That is, the longer the period of time over which the harm ensues, the less we will often know about its precise causes or etiology. But just because we might know less about such etiologies does not necessarily make the CAD any less injurious or wrongful. And if there are regular patterns of children suffering from CAD—even if the etiology or perpetration of these harms is more diffuse and less focal or specifiable (than, say, when Colonel Mustard shoots Miss Peacock in the head with his revolver), this does not necessarily imply that the state is less warranted in intervening. If anything, it may imply that the state is warranted in intervening more, say, through various increased information gathering activities and family counseling programs. (As I explain in sec. 4.1, in such cases, where the harm is serious and widespread but has longer or more complicated histories, we will have to balance the costs of intrusion into high risk families [in order to gain needed information early enough to prevent crippled development] against the developmental costs to children that will come if the state doesn’t “intrude.”) But to simply dismiss crippled development as beyond the proper bounds of state action, on the grounds that it is too diffuse, indirect, or longstanding, or that we can know too little about its exact whens, whys, and wherefores, would constitute too crass and negligent an approach.

(iv) In this scenario CAD (the crippling of a child’s autonomy development) comes at the hands of many persons rather than through only one parent:

Same evening as in scenario (i) except that here Joe leaves school late on his way home for dinner. Just before he gets home, he runs into a gang of twelve hoodlums who proceed to jeer him, rob him, and beat him senseless. Joe then suffers equal set backs as in (i).
Here again, Joe's interests are clearly set back wrongfully; so it should be equally clear that it isn't a necessary condition of CAD that it come through only one person or one person's act. A more feasible qualification about CAD, when some group of agents is responsible, is to say that the action of any one of the collective agents might not be as wrongful or as causally efficacious as the action of someone who perpetrated CAD by himself; one of a collective number of agents might not play as great a role in the CAD as a single agent acting on his own. But regardless of this, or of how difficult it proves to determine the causal role of any one agent among a responsible collective, the damage to the victim remains the same.

(v) In this final scenario, CAD results from a combination of the previous conditions:

Joe grows up in poverty with no father, a neglectful and drug abusing mother, unhelpful extended family, schools that do not adequately educate him, and neighborhoods and peers that demoralize and corrupt him (not to mention the citizens and legislators that do nothing to help him). After 16 years of such deadening influences and conditions, Joe (who, we might stipulate, would have been no less moral, autonomous, or successful than any of us under better conditions) goes on to suffer equal set backs as in (i).

In this case, there is no one agent or event we can point to that is clearly and solely responsible for causing Joe's crippled development of autonomy. Rather, a whole host of agents and events are responsible, even if each one of these agents and events is only a fraction as causally responsible as was Joe's mother and head blow, respectively, in scenario (i). And while Joe has suffered social, psychological, and intellectual damage in (v) rather than physical damage, he is enough of a shell of his "counterfactually unharmed self"\(^{11}\) so that, as we said, his eventual set backs are the same. In these ways, CAD is paradigmatically an accruing or emergent harm, i.e., a harm that usually results from a long and sordid history of many agents' insults and irresponsibilities. As Coleridge and Henry Shue might say, children who suffer CAD are victims who "die so slowly that none call it murder."\(^{12}\) So whether a child suffers CAD at the hands of one parent—or at the hands of a whole “gang” of distant and deadbeat dads, overwrought and neglectful mothers, dysfunctional family members, uncaring neighbors, ill-prepared teachers,
burned-out and inept social workers, self-interested and out-of-touch legislators, and an apathetic and ill-informed public—makes no difference to the child, whose interests are set back just as much, and just as critically, in each case.¹³

The bottom line, therefore, is that CAD can remain a quite wrongful and deadening harm even when it is caused by inaction rather than action, by incompetence or neglect rather than malice, over long periods of time rather than all at once, and by many agents rather than only a single agent. But the manner in which CAD comes about should not affect whether or not society addresses it. From whatever etiology or cause (except perhaps purely unlucky or natural causes), then, society should seek to prevent and redress CAD—precisely because of its wrongfulness and virulence and, therefore, its appropriate inclusion under the Harm Principle. The purpose of the next section is to defend two closely related claims, namely, that it is certainly permissible, and perhaps even obligatory, for the state to intervene to prevent and redress CAD.

3.2 Crippled Autonomy Development and State Intervention

3.2.1 The Moral Permissibility of State Intervention - There are two claims that one might make to describe the relation between the state and children who are at risk for having their autonomy development thwarted. The first claim, and the weaker of the two, is that it is morally permissible for the state to redress such harm. The second stronger claim is that the state is morally obliged to redress such harm. I will attempt to defend this weaker claim first.

In the previous section, I argued that crippled autonomy development is often both a wrongful and a vitally serious harm; and I also embraced the fairly uncontroversial belief that one central role, if not always an overriding role, of the state is to redress wrongful and serious harm. (By "redress" here, I will be referring both to the rectification and, where it is feasible, the prevention of such harm.) From these considerations alone, one might conclude straightway that it would be morally permissible for the state to intervene on behalf of children whose autonomy development
has been, or very likely will be, undermined. But this conclusion might be premature without first considering whether there are other countervailing reasons, that indicate why it would be impermissible for the state to intervene so. I will now consider a number of these possible reasons.

The most prominent reason of this type may well be the following: Allowing the state to intervene to address the "arrested development of autonomy" would be impermissible because it might unacceptably disrupt family integrity and family autonomy. Such intervention, that is, could easily become stifling and damage the delicacy of family life, so that parents found themselves looking over their shoulders, hesitant to exercise their normal routines of family order, leadership and discipline in any "improper" way, lest the Nanny State intrude. Such intervention could too easily lend itself to merely meddlesome and even coercive intrusiveness, disrupting family's dynamics, intimacies, securities, plans, and privacies, and, thereby, causing more harm than good in the process. And such intervention would clearly be impermissible.

But must a policy of intervention geared to protect children's developing autonomy necessarily have to be so disruptive or inordinately intrusive? No, this need not be the case: The state would not necessarily have to intervene in families where such intervention wasn't warranted, and it wouldn't have to intervene too intrusively or heavy-handedly in families where some help was warranted. Surely having some policy of ready intervention in place would be preferable to having no such policy in place, on the assumption either that intervention on behalf of children's developing autonomy was never warranted or that such intervention must do more bad than good. And such claims on behalf of intervention hold even if it might not be applied in a perfect way, without any inordinate intrusiveness. For why should concern to prevent the one harm (to family integrity) take absolute precedence over concern to prevent the other harm (to children's development)? Likewise, why should concern to guard parental autonomy have absolute precedence over concern to guard children's developing autonomy? (I am not, after all, advocating intervention among parents who have merely idiosyncratic or religious or "non-liberal" parenting styles, but only among parents who are egregiously failing in the most basic
parental duties.) Wouldn't it be better to try to faithfully address each of these concerns, rather than to let concern for the former totally occlude or exclude concern for the latter? To reject such intervention in blanket fashion, then, for fear of its intrusiveness into undeserving families, would thus be akin to rejecting the criminal justice system, for fear that innocents would be punished. So fear of a crudely applied harm-preventing policy offers no real excuse for scrapping that policy, when scrapping it thereby allows the initial harm to continue to proliferate. This is particularly so, since, as I envision it (the details of which will be spelled out in Chapters 4 and 5), the state would not "stick its nose" into private family affairs in all cases or to an unwarranted degree, but only in those cases in which there were clear signs of risk, and then only in proportion to the risks or harms clearly present.

This last comment may be seen to raise a second, more specific concern, that may get closer to the heart of the matter. Perhaps the fear is that such autonomy-protecting intervention, to have a chance of being effective, would require sweeping information-gathering mechanisms, among all families, to determine which isolated children were indeed at risk in (only some) deleterious family environments; in this way, the intervention I advocate would be impermissible because it might involve too great a balance of intrusion into decent families (where such mechanisms would be unwarranted and disruptive) over against intrusion into a relatively few damaging families (the only families where such mechanisms would not be unwarranted and counterproductive). But this concern overestimates the amount of intrusion into (all) homes that would be necessary to effectuate such a policy. Most of the relevant information here, that would serve to mark out those children whose development was really being impeded because of deleterious home conditions, could be garnered through school. For those children who were progressing quite normally, and especially exceptionally, in their academic and behavioral development at school, there would be no need for any "further investigation." We could safely assume that such children were becoming sufficiently autonomous, at a sufficient rate, so that no
further intervention besides this routine monitoring of their progress was mandated. It would be only those schoolchildren who were having clear academic and behavioral problems, then, that offered grounds for further investigation. In such cases, it is already standard practice among some teachers, guidance counselors, and schools, that low-key "information-gathering" appointments be set up with the parents or guardians of such children, to ascertain from these what problems might be present at home and/or what services might be able to assist these struggling children and families. As should be obvious, such appointments in these cases are far more potentially helpful than they are hurtful to the overall dynamics of the families involved. So the interventions I advocate need not be much more radical, intrusive, or disruptive than those sometimes implemented in schools now—with the exception that, as I envision them, these interventions would be more standardized and prioritized, so that the development of all high-risk children would be protected, and not only the development of those children who were lucky enough to be around especially capable, perceptive, conscientious, and initiative-taking teachers. This is as much detail about the specific information-gathering and implementation practices of these interventions as I should get into here. (I spell these out in much greater detail in Chapter 4.) In light of these general considerations, then, it does not seem that autonomy-protecting interventions should be seen as impermissible because of these concerns about disruptiveness to families.

Thirdly, and along similar lines, some might object that this intervention would be impermissible because it would be illegitimately paternalistic. There are a few different forms this criticism might take. In order to be able to clearly address each of these various forms, I will use David Archard's illuminating and neutral definition of paternalism. (It is illuminating because it lays bare just what the relationship is between two parties who share in the paternalistic act. And it is neutral because it does not automatically assume that all forms of paternalism are either legitimate or illegitimate; rather it lets this be determined according to other relevant background
conditions. As Archard stipulates:

P behaves paternalistically towards Q iff: (1) P aims to bring it about that, with respect to some state(s) of affairs which concerns Q's good, Q's choice or opportunity to choose is denied or diminished; (2) P's belief that this behavior promotes Q's good is the main reason for P's behaviour; and (3) P discounts Q's belief that P's behaviour does not promote Q's good (Archard, 36).

Having said this, the critic might mean, first, that P's (here the development-protecting state) intervention is illegitimately paternalistic because it denies or diminishes Q's choices or opportunities, where Q is a parent. But this objection does not hurt, or actually even address, my account because, as I intend it, P aims to bring about a state of affairs which protects R's (the child's) good, not Q's good, so that the paternalism is not properly relevant to, or directed towards, the parent. In other words, I am obviously not advocating intervention here for the parent's sake; I am advocating intervention only for the child's good, where the child is at serious risk of harm because of being denied essential developmental needs. When the critic charges that the state is improperly paternalistically concerned with the parent's good, then, this criticism simply becomes misguided, incoherent, or simply false. And even if parents' choices or freedoms must be restricted as a result of this child-directed intervention (in order to allow for an adequate expansion of children's choices and freedoms), then so be it: for, as I have already argued, it is legitimate for the state to deny or diminish someone's choices or opportunities when they are substantially harming another. If parental choices and "freedoms" have the effect of fatally nipping their children's opportunities and development in the bud, then these parental choices and freedoms do not necessarily demand respect in the first place. As Kant, Rawls, and many other theorists of freedom and liberty typically argue, we should expand and respect people's sphere of freedom (including their choices and opportunities) as much as possible, *up to the point* where these start to constrict and violate others' freedom.

Subsequently, the (coherent) critic would more likely mean that P's intervention is illegitimately paternalistic because it denies or diminishes Q's choice or opportunities, where Q is
the child. This version of the objection does not hurt my account because children's choices (say, to eat all the candy in the jar) and opportunities (to be able to stay up all night watching TV) are often routinely and legitimately denied and diminished. They are legitimately denied or diminished when these denials or diminishments result in preventing the children from harming themselves. And such denials and diminishments are not illegitimate, as they would be in most adult cases, because the children often have little or no autonomy to violate, especially in those cases where they are oblivious to how they would be harming themselves. (I thus assume that this critic locates the illegitimacy of denying or diminishing Q's choices precisely in its inhibition of, or interference with, Q's autonomy.) Of course, as adolescents get older, they normally come closer to becoming autonomous; and as this happens, my account allows for gradually diminishing intervention—unless they are clearly not yet autonomous and they or their family are making choices that are significantly harming them (viz., choices that are consistently impeding their development of certain basic capabilities). So I thoroughly allow for the fact, as Feinberg says, that "blameable 'paternalism' must consist in treating the child at a given stage as if he were at some earlier, less developed, stage (1980, 141)."

Finally, and more broadly, the critic might mean that P's intervention is illegitimately paternalistic because it denies or diminishes Q's choice or opportunities, where Q is the overall family unit. This criticism presupposes the norm of family autonomy, and recapitulates our initial concern that the state may not legitimately interfere with this. Concerning this norm of family autonomy, James Fishkin notes that "Consensual relations within a given family governing the development of its children should not be coercively interfered with except to ensure for the children the essential prerequisites for adult participation in society (37, italics mine)." So the final possible version of this objection does not hurt my account, either, because I advocate intervention only within this "except clause," that is, only when the child is being deprived of essential prerequisites (qua basic developmental needs) for adult participation in society.
In any case, then, such development-protecting intervention would not be impermissible because it would not be illegitimately paternalistic; and it would not be illegitimately paternalistic, in turn, because it would have the effect, ultimately, of supporting and enhancing, rather than denying or diminishing, the choices, opportunities, and autonomy of the relevant group targeted. In this way, the intervention I advocate represents a legitimate, empowering, and sometimes needed type of paternalism, rather than an illegitimate, stifling, or unnecessary one.

Fourthly, some might object that this intervention would be impermissible because, in throwing its weight behind the norm of autonomy and supporting all children's development of this, the state would be violating its proper role of neutrality. According to this way of thinking, "autonomy itself is not some neutral or universal norm demanding respect from all quarters; and it is not compatible with all ways of life or essential to all conceptions of the good. Rather, autonomy is a decidedly particularistic, and especially liberal, norm, that even in some ways conflicts with other worldviews. As such, the state, which should be neutral, would overextend its proper bounds by supporting this merely ideological norm through coercive intervention." We can imagine communitarians objecting here, on the grounds that universal state support of autonomy would wrongly lead children to overvalue and overdevelop individualistic and independent traits, while simultaneously undermining traits connected to solidarity, communal feeling (esprit d'corps), and interdependence. Or again, we can easily imagine religious parents objecting here, insisting that they believe it is right, and reserve the right, to raise their children according to the twin goals of faith (rather than "autonomous reason") and dependence on God (rather than "auto-nomous independence").

In response, I should point out, first, that autonomy is a much less particularistic norm than these criticisms allow for, even having a unique kind of meta-value, in the sense that it can be taken as a prerequisite to the appreciation of other values. Can I really appreciate the value of, say, "my" religion or cultural heritage, "my" favorite genre of art, "my" particular profession or
way of life, etc., if I do so non-autonomously, e.g., without my own preference for it, without my own reasons for valuing it, without some awareness of, or access to, alternative heritages, art-forms, life-styles, etc.? Only by stretching what "real appreciation" means; it seems to take the substance out of appreciating or "valuing" to insist that one can consistently value something in a non-autonomous way. Or, at least, doing so would seem to leave one's appreciation relatively blanched and impoverished. For in these cases, when one values or prefers any of these things non-autonomously, one would, by definition, have to do so as a result of things like coercion, manipulation, ignorance, adaptive preferences, or being exposed to only a too-narrow range of alternative or competing options. (Might not my appreciation of wine, for instance, be relatively limited, if I had never experienced the exquisiteness of a fine wine like Lafitte Rothschild, or had only become familiar with, or accustomed to, Boone's Farm or, for some strange reason, was addicted to Boone's Farm?) These things are not the stuff, or the grounds, of real appreciation or valuing, at least in any robust sense. I should specify what I mean here within the context of child development. Admittedly, children may come to value many things (ranging from wine, to the health benefits of vegetables and toothbrushing, to the inspiration of great literature, to the sublimity of classical music, to the richness of their cultural and religious traditions) in an initially non-autonomous way, as the result of chiding, pressure, or paternalistic coercion on the part of their parents. ("Johnny, you'll never get another bite to eat until you finish those lima beans!") But unless they eventually come to embrace these things in their own right, as the result of their own free choice and autonomous preference, it is likely that their "valuing," their actual appreciation, of these things will be relatively limited, if not ape-like. These comments complement the points I made earlier (in section 1.3), about the unique and overarching value of autonomy. Without reiterating all those points here, it should suffice to say that, far from being just another idiosyncratic or particularistic value, autonomy seems to be an essential element of any minimally decent, dignified, and circumspect human life, as well as an enhancer or validator of people's ability to value things.
Even so, it is not as if I am insisting that the state should push children towards a very high attainment of autonomy (≥AL4). Rather, I am concerned only with the more modest project of insisting that the state prevent "negative attainments" (whereby children stay on trajectories towards non-autonomy [≤AL2]), and thus only with intervention that would prevent children from having to endure terribly subpar and stultifying childhood conditions.

As for the communitarian objection, this seems to represent an overreaction to what I advocate. For there is no reason why early autonomy-protecting intervention, as I see it, need cultivate atomistic or selfishly individualistic citizens; rather, young citizens will have been prepared, at least to some minimal degree, merely to be able to function as self-supporting, but also socially competent and engaged, members of whatever communities they choose to bind themselves to. The fact that independence may be inordinately fostered or emphasized should not blind us to the twin facts: that dependence (in the sense that one needlessly and irresponsibly becomes a burden to others) is an ill best avoided, and that the ability to support oneself and the ability to enjoy a rich communal life need not be mutually exclusive.

Now comes the religious objection. To consider this complex issue, we might use the *Wisconsin v. Yoder* court decision (wherein the state ruled on behalf of Amish parents who requested not to have to submit their children to post-eighth grade public academic standards, on the grounds that these standards effectively served to inculcate their children with various unwanted secular values), as a dividing line between two possible responses here. In many ways, this objection and this court decision locate the exact interstices between legitimate and illegitimate state intervention: If these Amish parents acted so as to resist any more development of their children's cognitive faculties and educational enrichment, it seems easier to say that the state would be justified in intervening. And if the parents acted so as to support any more development of their children's cognitive faculties and educational enrichment, it would seem easier to say that the state would not be justified in intervening. In addition, there are two more
factors that should be considered. Whether or not the state should intervene depends upon what level of cognitive preparation we specify as determining when a child can be autonomous, when she will have her faculties developed enough to be able to function as an autonomous adult. Concomitantly, it also depends on which society we are using as a reference point, to determine if these children will be able to function as autonomous adults. For instance, if we use only Amish society as our reference point, these children, if not coerced to attain more than the public eighth grade standards, would still be able to function adequately as adults "in society." And this implies, in turn, that the state would not be justified in intervening. But if we use the wider national society as our reference point, these children, if not coerced to attain more than the public eighth grade standards, would likely have a hard time being able to function adequately as adults "in society." And this implies that the state would be justified in intervening.

Putting these considerations together, what should we say that Yoder implies overall, about where this line (that demarcates justified from unjustified state intervention) should be drawn? I am inclined to conclude that children should be given a mandatory twelfth grade education rather than only an eighth grade one, and that they should be prepared to live in their nation's broader society rather than only in some narrow cultural microcosm of it. For the one danger (of children being simply unprepared, and thus later unable, to function within a broader cultural context) seems more noxious and virulent than the other danger (of children being exposed to and prepared for alternatives earlier on, with the chance that they might later choose these over "their" more native traditions). Mill's "competent judge test" applies here: Wouldn't it be better for someone to be able to make an informed decision about which of two (or more) alternatives they prefer and will choose, rather than to be practically forced to "embrace" one alternative, only because they lack (or, really, have been denied) familiarity with any others? More specifically, which would be better: a young adult "choosing" to follow her parents traditions simply because she was incapable of (or incapacitated from) doing otherwise; or this same young adult, although she had become (and thus was allowed to become) familiar with alternatives and had become
capable of pursuing these, choosing to follow her parents traditions because she truly thought they were superior to these alternatives? Any honest and conscientious parent would have to admit the latter as being the better outcome.

Regardless of one's particular inclinations here, however, I must point out that such complex borderline cases would comprise only a very small number of all the cases where intervention was called for. In the vast majority of cases that would meet my criteria for intervention, the parents would be straightforwardly incompetent, derelict, or malicious, in blatantly harmful, development-arresting ways. In these cases, then, the problem would not be that parents cared too much, or in a misdirected way, about their children (as might be the case with the Amish), but rather that they simply cared too little, or were doing too little, for their children. So while I insist that intervention is clearly justified in these latter kinds of cases, I realize and admit that, in the former kinds of cases (where parents merely have strong and well-intended, but somewhat non-liberal, convictions that drive their childrearing methods), state intervention might sometimes cause as many problems as it prevents. While I am inclined to defend the state as justifiably imposing somewhat stricter standards in regard to all children's schools, then, it seems that the state should take a more lenient, hands-off approach in regard to intervening in children's homes—specifically when it is dealing with parents who merely hold strong and well-intended, albeit somewhat non-liberal, convictions (in contrast to its dealings with parents who are simply abusive or neglectful of their children). These might seem like rather quick conclusions to draw about these complex issues; but, as I deal with them much more thoroughly in the next two chapters, this is all I will say about them here.

Fifthly, and on a more practical note, the concern might arise that this intervention would be impermissible for purely fiscal reasons, because of its prohibitive costs. If the state entered the business of insuring that children became autonomous, might not this require ballooning bureaucratic expansion and budgetary allocations and, thereby, exorbitant costs to maintain? Not
likely: this concern should not be seen as invalidating intervention on behalf of children's development, since, if anything, such policies would likely be highly cost efficient (assuming that these were not enacted in a grossly incompetent or fiscally irresponsible way. And using these two negative possibilities as a criteria for permissibility would be overly stringent, since this would disqualify any social policy from being enacted.) To understand why such intervention would be cost effective, one merely has to consider how much public resources—in the form of costs for the criminal justice system, carceral institutions, drug treatment and rehabilitation programs, etc.—currently go towards the care or guardianship of adults who never had a real chance to become autonomous citizens. While all of these costs would not be erased if such intervention was enacted, there is no question that a large portion of these costs would become unnecessary—as children who are now practically abandoned and would otherwise become the non-autonomous derelicts, addicts and criminals of the next generation, instead would be equipped with the tools to lead self-respecting, self-supporting lives. In other words, it is undoubtedly more cost effective and more rational, not to mention more humane, to allocate a certain amount in the first decade or so of a child's life, to enable him to support himself, rather than to neglect him on the cheap early on, after which the state will be forced to allocate a relatively greater amount later on, to support him or keep him out of trouble for the remaining decades of his life. As the old proverbs say, "an ounce of prevention is worth a pound of cure," and "it is easier to build the boy than to fix the man." For these reasons, autonomy-protecting intervention would not seem impermissible because of such fiscal concerns.

Similarly, the concern might arise that this intervention would be impermissible inasmuch as it would require the growth and support of a huge and ballooning bureaucratic apparatus. It seems that, for this objection to really have bite, it is not the size or extent of the bureaucracy, in themselves, that would necessarily be the problem, but rather the combination of exorbitant costs, inefficiency, and even potential for abuse, that these would entail. As for these costs, these merit
my aforementioned response (in the previous paragraph). As for the inefficiency, this is admittedly a danger of any large-scale public program. Such programs, aimed at protecting or supporting person's welfare, seldom have the same built in incentives and organizational mechanisms for efficiency and productivity that private enterprises have. But it seems plausible that the enormous waste in human capital that would otherwise continue, in the form of so many children who would not develop adequately (at least to become productive members of society), would far exceed the bureaucratic waste and inefficiency that might come through the implementation of these programs. This does not seem like a sufficient reason, therefore, not to try to implement such programs, especially with the possibility that, in due time and after necessary trial runs, we could learn how to implement such programs with increasing effectiveness. And as to the potential for abuse, the logic behind this concern also seems inadequate as a reason not to implement these programs. If it were, by the same logic we should also do away with the military, the CIA, the Budget Appropriations Committee, and many other branches and agencies of government. For these public arms and agencies, since their inception, have proven time and again to be extremely conducive to corruption and abuses of power, that have trodden over the rights and interests of countless people(s) in the process; and there is no reason to think that an agency geared towards the protection of children would necessarily be any more conducive to abuse, or any less amenable to protections against such abuse. I am not actually advocating the disintegration of these public bodies, of course; I merely mean to point out that fears of abuse do not provide sufficient reason to do away with, or not establish, various public bodies, if there are other very good or necessary reasons for the existence and establishment of these bodies. In each case, we should try to accomplish the good or meet the needs, while consistently trying to watchdog, and implement various checks and safeguards against, abuse; and this is preferable to letting the fear of abuse cause paralysis or surrender, so that attempts at achieving the good or meeting needs are never even attempted.
Finally, from a similar but more principled perspective, one might object that protecting children's development in these ways would be impermissible because it would amount to granting them a set of positive rights, which would exceed the state's proper concern with (and only with) negative rights. According to this line of reasoning, if the state got integrally involved in, and assumed various responsibilities for, the raising of children and the meeting of their needs, it would essentially be assuming for itself a set of positive duties and provisions; and this activity, in turn, would take it outside of its proper and permissible sphere of activity, namely, the protection of citizen's negative rights (i.e., protection against blatant violations and encroachments of citizen's life, limb, liberty, and property).

I will not here thoroughly defend the state as being properly concerned with positive (i.e., subsistence, or social and economic) rights, and not only negative (i.e., security, or civil and political) rights. Others, like Henry Shue, have already provided such a defense, largely by showing that these supposedly fundamentally distinct kinds of rights are, after all, really not that distinct\(^{14}\) (by showing that, in both cases, the state must: avoid depriving, protect from deprivation, and aid the already deprived, and that both entail basic rights to have one's essential needs met). To address this aforementioned objection, it should suffice to point out how it falls short on two counts. First, it obscures the fact that the relevant intervention here is significantly negative, insofar as it would protect children (at least as future citizens) against violations and encroachments of their life, limb, and liberty (or developing autonomy, if not property), or, as I argued in 3.1, protect them against vital and wrongful harms. Such intervention would not merely provide the recipients with some positive goods, simpliciter, but would protect them against critical negative deprivations, against having the ability to live their own lives and support themselves critically undermined. Again, we might ask which is worse here: robbing someone of a thousand dollars, or robbing them of their very livelihood, their ability to make a decent living? And if the state may justifiably concern itself with the former violation (as we all agree it may), may it not just as justifiably concern itself with the latter? Second, this objection misuses some of
the theoretical force against social rights in an inappropriate way, in a way that does not properly apply to children. That is, much of the force of arguments against positive rights trades on their weakening of (adult) citizens' abilities and incentives to fend for themselves. When the state provides people with various social goods (food, income, etc.), this provision may weaken the recipients' ability and motivation to provide these goods for themselves, creating "welfare dependency" and thereby worsening, rather than improving, various social lacks. This plausible worry provides a central reason, besides that of mere resource scarcity, why the state should supposedly occupy itself with negative protections, rather than with positive provisions as well. But—and here is the crucial point to notice—this worry does not apply to children as it does to adults. For, contrary to some adult "positive" or welfare provision, the child intervention I advocate would cultivate rather than weaken the recipients' abilities and motivations, make them more rather than less independent, and less rather than more burdensome!

For all of these reasons, the claim that "it would be impermissible for the state to intervene in order to protect children's development" does not hold up. This only confirms suspicions that we might have had intuitively from the start, namely, that any claim to this effect, that "protecting children in these ways would be impermissible," is morally misguided and socially self-defeating. All these reasons and intuitions, in turn, imply that it would be permissible for the state to intervene so on children's behalf. There are other arguments, however, which lead to an even stronger conclusion, namely, that it is obligatory for the state to intervene so. I now turn to these arguments, concerned as they are with proper duties of the state towards children. (Although technical distinctions between the two concepts might be made in other contexts, I will take duties and obligations as fairly equivalent in what follows.)

3.2.2 The Moral Obligation for State Intervention - Regarding children whose normal development (including their development of autonomy) is being seriously thwarted or threatened, is the
state morally obliged to intervene, to redress this arrested development? To answer this question, I will start by assuming that biological parents who act (through procreation) to bring a child into the world have, through those acts, themselves acquired duties to care for, and meet the needs of, that child. (For a defense of this assumption, see O'Neill, 1988; also, exceptions might include rape, or cases in which previous arrangements, as in the case of surrogacy or IVF, had been carefully made so that others would assume these duties.) Neither intention nor explicitly articulated plans, however, are necessary for acquisition of these duties. If a couple conceives by accident, or even against their intentions, they are still responsible to execute these duties (at least until they successfully pass on their duties, as by giving the child up for adoption). Why is this? What are the bases for these duties? The three-pronged answer seems to involve a combination of: the causal complicity of the biological parents in the child's existence, the gravity of the child's needs (deep needs constituting substantial, though not always overriding, duties on the part of others who are best situated to meet these needs), and the basic moral injunction to take responsibility for one's actions, when these significantly affect others. Positing biological parents as incurring child-rearing duties, then, makes more sense than assuming that no one has duties towards the newborn, that no duties towards the child exist, or (again, barring special cases like adoption, surrogacy, etc.) that others besides the parents immediately have such duties. This much seems straightforward.

But what about the situation of parents who are or would very likely be derelict—through incompetence, abandonment, neglect, or abuse—in their duties towards their children? Who should assume the duties, and what should be done, then? It is implausible to simply assume that no others acquire these duties, in the case of such dereliction; for if absolutely no secondary parties attain such duties, then there would be nothing wrong, nothing immoral, with our (whoever "we" may be) abandoning needy babies and children to starvation, serious maldevelopment, or even death, whenever their immediate parents fail them. But this is unacceptable, at least for any society that wishes to call itself a decent, just, or civil one. For any society that held this
dismissive view, and subsequently allowed a significant number of "their" children to be cruelly abandoned, we can be sure that this would not only be a cold-hearted and inordinately self-absorbed society, but one that, somewhere along the line, harbored morally irresponsible citizens. In lieu of these irresponsible and immoral alternatives, some appropriate party (or parties) should be determined.

As to this question of who these should be, or what secondary parties should assume responsibility when the primary caregivers prove derelict, however, there can be no a priori answer. Different societies, within different cultural and environmental contexts, will always arrive at different solutions. Spartan city-states, Iroquois nations, Pygmy tribes, Israeli kibbutzim, etc., have each developed their own conventions of distributing child-raising duties and of caring for neglected children (cf. Douglas). Apart from the moral requirement that the basic developmental needs of children be met, it seems that only local ethical norms (Sittlichkeit), and not universal moral norms (Morality), can determine how and by whom these needs will be effectively met and these secondary duties will be fairly allotted. In determining who has duties towards children of derelict parents in our society (that of industrialized democracies), then, it seems that the most that can be hoped for, at least as a provisional starting point, is to logically reconstruct our ethical intuitions and convictions about this question, and then decide how our institutions might fairly and effectively apply these.

This reconstruction may be captured, I think, by what I call the "Concentric Spheres of Duty" view. According to this view, biological parents carry the primary set of caregiving duties towards all children born to them; if these parents prove derelict in their duties or incompetent to perform them, then immediate family, then extended family and friends, then near and local communities, and finally, if all others have failed, the state should assume responsibility. Each of these latter parties should take up duties towards the child when but only when the prior parties have failed to adequately care for the child. And taking this baton of duties entails, as a crucial first step, trying to get the prior party to responsibly care for the child (through various means of
assistance, accountability, chastisement, sanctions, alimony and payroll deductions, etc). John Stuart Mill gave general expression to this view, in a more compact form (deleting the middle spheres), when he said that

to bring a child into existence without a fair prospect of being able, not only to provide food for its body, but instruction and training for its mind, is a moral crime, both against the unfortunate offspring and against society; and . . . if the parent does not fulfill this obligation, the State ought to see it fulfilled, at the charge, as far as possible, of the parent (1975, 132).

A couple qualifications to this Concentric Spheres model need mentioning (and these, perhaps, explain Mill's deletion). The first is that, despite the efforts and protestations of various communitarians and traditional ethnic and religious groups, the middle tier of community (Gemeinschaft) has increasingly been missing in action the last century. For better or worse, it has become a historical fact that, when family members are in need, they often have nowhere to go except directly to the state, which has increasingly taken up many of the welfare and assistance functions previously assumed by extended family, community bodies, and private charity and religious organizations. E.g., the "babies taken in at the doorstep" that in times past were often raised and cared for by private orphanages and clergy must now, on a mandatory basis, be reported to, and cared for through, public foster care and adoptive agencies. Second, and more obviously, it is the state, rather than immediate families and communities, which has come to bear the primary responsibility for providing "instruction and training for young minds" in our society. But even here, the reasons behind much recent growth in home-schooling suggest that a model of many concentric and graduated spheres of responsibility offers many advantages over the barer model of only two spheres (comprised by only the parents and the state) mentioned by Mill. The bottom line to see, however (regardless of how many intermediary spheres there might be), is that it is often the state which needs to take ultimate responsibility for children's developmental needs being met—if not directly meeting these needs itself, at least insuring that others fulfill their duties to meet these children's needs.
From these considerations alone, one might conclude that the state has secondary duties to insure that parents (and then feasible others, if necessary) fulfill primary caregiving duties towards children, or, in other words, that the state is morally obliged to protect children's development so. But rather than relying solely upon such relatively straightforward or categorical claims, consisting of purported duties that these various parties have towards children, I will also add the following auxiliary set of arguments. These should serve to reveal, from a somewhat different perspective, the moral rationale behind the state's duty to intervene on behalf of children.

Since at least the time of Plato, political theorists have debated what the proper functions and duties of the state are. As mentioned earlier, some, of a more minimalist or "negative" bent, have argued that the state (qua "night watchman state") may properly be concerned only with, or only possesses duties which concern, the maintenance of order and the protection of the most basic civil liberties. Other theorists, of a more expansive or "positive" bent, have argued that the state (qua "welfare state") may also properly be concerned with, and possesses duties which concern, the protection and/or provision of certain forms of well-being. In the context of this contentious, long-standing and probably interminable debate, however, it is doubtful whether there is any "truth of the matter," as to what the proper and absolute (set of) functions and duties of the state really are. It is not as if the state is some static external entity, whose properties we may simply read off objectively, as we read off the properties of a piece of ore we find and test. Rather, the state seems largely to be an intersubjectively constructed entity, whose properties (including so-called "proper functions and duties") we determine on an ongoing basis, according to the exigencies and values recognized by each successive generation.

Largely for these reasons, my argument here will not take a categorical form—trying to persuade the reader that the state in fact possesses (or should be recognized as possessing) this or that duty towards children. Rather, my argument will take a hypothetical form, in the following way: Consider what is currently a widely accepted and fairly uncontroversial duty of the state,
namely, its *duty to enforce contracts*. I will try to establish that, as there are sufficient important similarities between the duty of contractor (e.g., a seller towards a buyer) to fulfill the conditions of his contract and the duty of a parent to fulfill the conditions of care-giving towards his/her child—the following conditional claim holds: *If the state has a duty to enforce contracts, then it also has a duty* (and should be recognized as having a duty) *to enforce certain care-giving standards towards children*. This argument implies, by modus tollens, that the consequent cannot be rejected without thereby also rejecting the affirmative, i.e., we will not be able to deny that the state has duties to enforce caregiving standards without concomitantly denying that the state has duties to enforce the conditions of contracts. This is a reasonable position to hold, in particular, since the interests at stake in the parent-child relation are as, and often more, important as the interests at stake in contractual relations.

At this point, we might note a couple similarities between this approach and the Concentric Spheres View. Here also, a couple different levels of duties are operative. At the basic level, there are what we might call primary or immediate duties, such as promisers have towards those who have been promised something, parents have towards children, and contractors (like sellers, who have presented their product in a certain light) have towards "contractees" (like buyers). Then, at a higher level, there are what we might call secondary or enforcement duties, which the state has. In the case of these secondary duties here, too, the state assumes the task of acting as a background enforcer, to insure that parties who have assumed or undertaken certain (primary) duties, through contracting themselves out or committing certain duty-generating acts, fulfill the conditions of these contracts and duties. Of course, this does not imply that the state is dutiful to itself care for abandoned or threatened children, any more than it implies that the state should itself pay for all the compensatory damage costs incurred by broken contracts. In both cases, the state duty will be only either to enforce conditions of contracts or to arrange proper compensation for victims of broken contracts. In this way, my argument may be taken as an extension of the logic behind paternity suits, whereby the state is commonly seen as having a (secondary) duty to
coerce otherwise deadbeat dads into responsibly fulfilling their (primary) duties to care for, or at least support care for, children they have sired. In such cases, the state may take whatever actions are necessary to insure that the children (qua "contractees owed certain services") are given adequate care, if not directly by the dads, at least by mothers or surrogate caregivers who can raise the child with his support.

Having said this, the rationale behind contractual relations, and also the state's role in enforcing the terms of these contracts, must be made explicit. (I will assume that enough has already been said about the rationale behind, first, parent-child relations—involving parental duties to provide much-needed care for their children—and, second, the state's role in enforcing the terms of this caregiving—to protect children from the harm of having their developmental interests wrongfully and woefully set back.) As with the duties that parents have towards children, it should be fairly obvious why contractors have duties to fulfill the conditions of their contracts with each other. Not doing so would have disastrous effects, not only immediately for the contractors themselves, but also more broadly for society. Lying about the quality of their products; changing the terms of their contracts midstream; giving false credit reports; making promises for services that they don't intend, or aren't able, to deliver; stopping payment under a schedule they've agreed to; etc.: all of these things would undermine our abilities to make plans, promises and transactions, and to conduct the normal business of social life. And as to the rationale behind the state's role in enforcing the terms of these contracts, we might ask, along with Marvin Chirelstein (Professor of Contract Law at Columbia), "Why should the law—as of course it does—go to the trouble of enforcing contract obligations between private parties? Why should our costly legal apparatus be used to compel people to keep their promises (Chirelstein, 2)?" The answer that Chirelstein gives, in brief, focuses on the need to get parties who have agreed to terms that they thought were in their best interests at an earlier time, to live up to these at a later time, if or when they realize that (keeping) these terms would not be in their best interests. Since many contracts (such as ones based either on agreements to pay out fees later, or on later provision of services after payment
has already been made) thus extend over longer periods of time, this creates a need for some kind of background assurance, assuring parties that the others will freely perform their end of the bargain, or else be made to perform it (or be made to pay compensatory damage costs) through the arbitrating force of some impartial outside party. In its role as background enforcer, then, the state serves as this outside party that allows contracts to be reliably struck in the first place.

Admittedly, there are some differences between the details of this contractual relation and that of the parent-child relation: Parents usually don't commit, explicitly or otherwise, to care for (or "render their services to") the children born to them, especially during the initial "consummatory act"; and when this procreative act is performed, later and longstanding performance of caregiving services is often the last thing intended. Likewise, babies and children never sign "caregiving contracts" in expectation of these services; and they usually don't or can't sue for breaches, etc. Also, whereas parties in breach of their contracts may be fined or punished to achieve compensation, fining or punishing parents who were derelict in their caregiving duties can seldom achieve real compensation for the adversely affected children. (I discuss what kinds of coercive measures could be effective in Chapter 4.) Finally, the very nature of contracts (conceived as they are in more precise monetary and legal terms) lends itself quite conducively to public intervention, much more, it seems, than the nature of family relations (conceived as they are in various vague emotional and psychological terms). These are indeed important differences between contractual and parent-child relations. But, it must be asked, are these morally relevant differences, implying specifically that, whereas the state should enforce the terms of the contract relation, it should not or need not enforce the terms of the parent-child relation? No; just because parents don't "sign agreements on the dotted line" towards children born to them does not mean that they shouldn't be held responsible to perform duties they have acquired through their procreative acts. If people are not allowed to carelessly sign any business agreement with impunity, but are held legally responsible for this commitment-generating act, should people who bring a child into the world but do not adequately support his/her development be allowed to do
so carelessly and with impunity, without stricter public or legal accountability? Is this a rational or consistent policy to hold—in effect, to recognize the state as having a duty to enforce the terms of business contracts, but to deny the state as having any duty to enforce the conditions of child development? No; for with both the contracting and parent-child relation, it remains true that: i) parties commit acts that generate certain duties (whether this is done explicitly or not); ii) the other parties acquire needs or expectations as a result of these acts; iii) breach of the acquired duties may well cause serious losses and damages to the other parties (although these losses and damages will often be more harmful in the parent-child relation); and d) these breaches, if regularly condoned and not redressed, would cause extensive social problems (e.g., inability to effectively make exchanges and transactions, and child abandonment, delinquency, etc.). For these reasons, it seems reasonable to conclude that, if the state is recognized as properly having a duty to enforce the fiduciary conditions of contracts, then it should likewise be recognized as having a duty to enforce the equally (or more) important developmental conditions of child-rearing.

In conclusion of this section, consider what the denial of the above consequent entails. Assume, that is, that the state is not obliged to protect the development of at-risk children. In this case, its citizens (or at least its public officials and those who are supposed to represent its citizens) recognize no obligation towards these children, to provide them with autonomy-respecting benefits that they themselves have undoubtedly enjoyed. In doing so, they have allowed these endangered children to be denied the benefits of essential ingredients to a decent life and social inclusion. And, in thus recognizing no obligation to share in a decent distribution of the benefits and burdens of social life (a property that characterizes just societies) with these at-risk children, this society is essentially treating them as fringe members or, really, non-members and non-citizens. In this way, this society essentially shows itself to bear a state-of-nature relation towards these children. For, as John Simmons notes, "The moral condition that the
state of nature describes is simply the moral condition of non-citizens—the condition of not being a member of the same legitimate society as another (1993, 34)." (And, surely, "being a member of the same legitimate civil society as another" means not merely living within the same borders as others, but, as mentioned, sharing the benefits and burdens of this society with those who are recognized as fellow members.) But if this is so—if this society refuses to acknowledge any obligation towards these at-risk children, by sharing no vital protections and benefits with them and, thereby, assuming a state-of-nature relation towards them—then why should these children (whether or not they prove lucky enough to grow up and attain some measure of autonomy on their own, despite their abandonment) later be seen to have any obligations to this society, or to its laws?! Why, that is, should abandoned cast-outs ever be seen as beholden to the society which abandoned them? These considerations and questions (have ramifications that) are best avoided, I think, by accepting my initial hypothetical argument, concerning the state's obligations towards these at-risk children. In recognizing these obligations, we will, at the very least, enable all our children to become upstanding citizens of our (civil) society; and this will be far better than refusing to recognize and protect them and, thereby, engendering what Hobbes called "wild beasts of prey" in our (uncivil) midst.

3.3 Possible Types of State Intervention

In this section, I will explain the four possible types of intervention that states might use to prevent the arrested development of autonomy. Although much of what I mention here simply explains the current state of social work, it will be important to briefly provide this information in order to situate my own account, within a broader institutional context. In order to prevent arrested development, and so to prevent children from ending up as non-autonomous adults, states might: a) provide training and counseling to parents who, unless helped, will very likely fail in their parental duties (i.e., provide such inadequate care that their children will very likely end up as non-autonomous adults); b) provide development-supporting treatments and counseling
to the children themselves (who live with such failing parents); e) remove children from homes in which the parents or "caregivers" are failing, and then place them into foster- or adoptive homes; or d) prevent children from being born into such deprived homes, through such means as parental counseling and licensing, and incentive- or compulsory contraception. (Analyzing this last option will be the subject of section 4.4.) As may be evident, these types of intervention are listed here in order of increasing intrusiveness.

As to various practical questions arising here that are more germane to the context of psychology and social work (e.g.: "What types of intervention and programs have proven most effective?"), I will not discuss these at any length. What I will do is point out several practical principles and guidelines, regarding intervention types a) through c), that have emerged by consensus in recent decades (cf. Wald 1037-40; Lane 240; Garbarino ch. 8; Trickett chs. 17-9). These principles and guidelines may be summarized as follows. 

i) Parental autonomy should be honored unless there are strong reasons to suspect negligence or incompetence; ii) helping parents to fulfill their duties is generally preferable to taking over these duties; iii) the seriousness of intervention should be commensurate with the seriousness of harm or risk of harm to the child; and finally, iv) considering: that the history of state intervention into family life is largely a history of failure, that we have "limited knowledge of the nature, causes, [and cures] of psychological harm (Wald, 1016)," and that we do know what long-term psychological trauma the separation of parent and child can cause, coercive separation should be performed only if we have good reason to believe the child will fare better afterwards. (Note: whereas a) through d) comprised a list of types of intervention, i) through iv) comprises a list of guidelines for intervention.)

Although I generally accept these four principles, I should point out various qualifications of them, which point in the direction of relatively heightened intervention. Regarding iv), for instance, a history of failed intervention does not necessarily imply that the state should intervene less, but rather that it should intervene more effectively. And, as science and medicine inevitably continue to progress, our knowledge of how to intervene effectively should progress as well.
Assuming such progress, too little intervention might easily become more of a problem than too much intervention; at least this might prove to be the case if society does not lack the knowledge of how to help effectively, but merely the collective will to do so.

Regarding iii), we do need to develop more effective monitoring and information gathering systems, that accurately convey what risks of harm are really present. But such increased effectiveness and accuracy need not entail increased intrusiveness, at least of an unwarranted or disruptive nature. Sociologists and developmental health experts are continuing to learn much more about these signs and predictors of early harm—especially through their fast-growing data from longitudinal studies—so that real progress in our ability to make more accurate assessments of these risks is occurring. And there are basic informational sources about parents (like their tax, medical, and criminal records) and children (that can be gleaned from their school settings, pertaining to consistently failing performance and behavioral disorders) that child agencies could avail themselves more of now, that would require no more disruption of family's lives, and that would allow these agencies to make more accurate risk assessments. These heightened information-gathering trends and sources seemed justified (against the possibility of heightened abuses or disruptiveness coming through these) because, as it stands now, the fear of excessive intrusiveness has often prevented needed intervention until it is too late, when the harm has already been suffered or taken an irremediable toll.

And regarding i), I should reiterate that many parents, whose children are at serious risk for serious harm, are not themselves autonomous (by any conservative estimate)—so that concern about violation of parental "autonomy" is not even a real or valid concern here. (To illustrate this with something of a caricature, e.g., should we respect the "autonomy" of the crack-addict who continues to choose to use her money on drugs rather than on her baby's food and diapers?)

Through these provisos, I want to suggest that much of our caution against intervention is based upon practical, rather than principled, reservations, i.e., based upon our limited knowledge of how effective intervention can be accomplished, rather than upon the intrinsic or necessary
wrongness of this intervention. (Considering children's needs for stable relationships and emotional support and intimacy, in particular, we need to make more headway in discovering how, when parents do not meet these needs, surrogate provisions can effectively suffice.) In other words, since we have a good enough idea of what morality requires, what we should try to do (namely, save children from various harms so that they can enjoy healthy development), the real challenges seem to be mostly practical, inasmuch as we often simply do not know how to accomplish this. And this implies, in turn, that as we do gain more knowledge about this, intervention should become increasingly effective, and thereby increasingly justified. While I generally embrace these more traditional types of, and guidelines for, intervention, then, my own account leans towards more heightened intervention.\textsuperscript{15} To really understand the distinctive elements of my approach, though, we need to examine my models both of parental licensing (Ch. 4) and of educational justice (Ch. 5).
FOOTNOTES

1 I define "legal principles" here, in the spirit of Ronald Dworkin's "Model of Rules I," not as actual laws but as "standards that are to be observed, not because they will advance or secure an economic, political, or social situation deemed desirable, but because they are a requirement of justice or fairness or some other dimension of morality," and because they are helpful in revealing whether particular laws and policies are or would be justified in terms of such dimensions of morality. See Dworkin (1977), p. 22.

2 For Mill's original formulation and defense of this principle, see On Liberty, esp. pp. 15 & 69. Feinberg formulates this principle as follows: "It is always a good reason in support of penal legislation that it would probably be effective in preventing (eliminating, reducing) harm to persons other than the actor (the one prohibited from acting) and there is probably no other means that is equally effective at no greater cost to other values" (1984, p. 26). Along with Mill and Feinberg, most liberals have tended to see this Principle, sometimes conjoined with the Offense Principle (cf. Feinberg's Offense to Others), as exhausting the set of principles governing state interference and, in particular, the proper extent of the criminal law.

3 Harm to Others, p. 36; also, see my p. 28.

4 This response might not be warranted if it were merely harmless or trivially harmful moral issues that were at stake. For analysis of such harmless wrongdoing, see Feinberg (1988).


6 Isn't any such imbalance in our society and legal system due to the mere fact that property-holders, especially those who own substantial property, have long enjoyed substantial legal and political representation, whereas the "unproportioned class," especially including children and the poor, have long lacked correspondingly substantial representation?

7 Lockhart & Franzwa (1990), p. 166.

8 See Blystein, 1977.

9 See O'Neil [1979], pp.25-38.

10 Cf. Mayerfeld (1999), esp. ch. 5. Also, it should be emphasized, "damage" and "injury" are meant here and in what follows in comprehensive and not only physical ways, as including injuries to one's mind, character, interests, psychological integrity, etc.

11 We might think of the counterfactual development and superior later lives that a children would have enjoyed (if they had been able to become autonomous, or if their parents had not failed them) in terms of what George Sher (1979) calls "transworld personal identities." Imagine that, in my current identity at time t1, someone harms me by stealing a manuscript for a book I have written, and then publishes it in her name. This would certainly harm me, in the sense of setting back my interest in publishing it. But now imagine that, after being sent back in time to t1, someone makes my childhood so miserable that I can never even develop the capacities to be able to write a book, so that I end up with a "transworld identity" at t1 as a bum on skid row. This latter harm would be a far greater and more comprehensive harm to me than the former harm. Although this is not exactly the tack that Sher takes, his article is nonetheless instructive in allowing us to conceptualize the differences between person's counterfactual identities when we talk about, e.g., their frustrated-versus-fulfilled autonomy.

12 Cf. Slue (1980), p. 58. And of course, what dies here is not the youngster's physical life, but his or her developing autonomy and character. Although I have said and can say little about this latter topic—the social genesis of character—here, it deserves much more philosophical attention than it has hitherto received. In addition, the fact that CAD is often an emergent harm explains why, in this work, I envision
the state as seldom if ever accusing or prosecuting parents with the charge of "CAD" directly, but rather with more traditional charges such as parental abuse or neglect, where these crimes indirectly lead to (comprise the destructive building blocks of) CAD. I see the state as being justified in taking more significant action to prevent these more "traditional, straightforward" harms, then, because they so integrally lead to this less-noted, but more virulent and emergent, harm of CAD.

13 In his "The Community as Child Abuser," Harold Lewis (1986), a dean of the School of Social Work at Hunter College, makes a compelling case that, when children are harmed under their parents' care, it is often the outlying community (including these "fellow neighbors, citizens, and legislators") that is also culpable and responsible for this harm, insofar as they often provide little or no help to such needy families.


15 In addition, the standard I advocate (of intervening when we have good reason to believe it will effectively support an otherwise deprived child's autonomy-development needs) may be seen as is superior to two other competing and traditionally accepted standards (which are supposed to provide criteria for determining when the state should intervene). The first of these is known as "The Best Interest Standard" and the second as "The Clear and Present Danger Standard." It might be argued, in essence, that the former allows too much state intervention, that the latter allows for too little or too late state intervention, but that my standard (which we might call the "Adequate Development Standard") provides a more informationally-sensitive and balanced standard for state intervention. (Cf. Brennan & Noggle; Kopelman.)
CHAPTER FOUR - DEVELOPMENT OF AUTONOMY IN THE FAMILY

The fact itself, of causing the existence of a human being, is one of the most responsible actions in the range of human life. To undertake this responsibility—to bestow a life which may be either a curse or a blessing—unless the being on whom it is to be bestowed will have at least the ordinary chances of a desirable existence, is a crime against that being.

- John Stuart Mill (1975, 132)

There are some conditions under which it would have been better for a person not to be born at all. Under such depriving conditions, one is, in effect, harming a person by bringing him into existence to lead such a life. [So] the harm principle can be extended to include regulation by the state of parental actions when sufficient harm to the child is in question.

- James S. Fishkin (1983, 41)

This chapter provides the nuts and bolts of my proposals for state intervention in the family, for the purpose of protecting children from serious harm, in particular, from serious set backs to their interest in developing autonomy. I lay some important groundwork in section 4.1, by explaining why a proactive, forward-looking approach to these harms is highly preferable to a merely reactive approach, that (re-)acts only after significant damage has already been done. In section 4.2, I provide a model of parental licensing; although this model is founded upon arguments already made by Hugh LaFollette, it extends significantly beyond these preliminary foundational points. And in section 4.3, I give careful consideration to that most proactive, and perhaps most controversial, form of family intervention, namely, compulsory contraception (CC).

4.1 The Proactive Management of Risks

Recall these two horrific and widely publicized events. In November 1995, Susan Smith buckled her two sons into their car seats and proceeded to drive her car into a lake, killing them both. In June 2001, Andrea Yates methodically killed her five children, taking them one by one into her bathtub and drowning them. Unfortunately, these events are not altogether anomalous.
(In the state of Texas alone, as of 2002, there were 70 women serving time for killing their children. And of course, this doesn't include men who are similarly guilty and all the parents who harm their children in less detected and less lethal ways.) One aspect of these ghastly events in particular that was disturbing was that, despite early warning signs (including histories of mental disorder and suicide attempts), nothing was really done to act on these signs to prevent these crimes. A common question that arose around these two episodes was thus "Why wasn't something done to prevent these things from happening?" The answer, in short, seems to be that society had not sufficiently accustomed itself to the idea of "intrusion" into private family lives (such as would have been necessary to limit the chances of these things happening) and, correspondingly, that measures were not in place to coordinate information about Ms. Smith's and Yates' instability and parental unsuitability with intervention on behalf of their children. But in lieu of the harm to children that will otherwise continue, as I will argue, society should accustom itself to such ideas and measures.\(^1\)

Another question that may be seen as arising from events such as these is "How severe or probable must the (potential) harm to a child be for the state to be justified in intervening?" In what follows, I will respond to this question via the principle that "the state is warranted in intervening in proportion to the probability and severity of the harm to the child." I will elaborate and defend this principle in the next section, through a certain model of parental licensure.

Before offering this model, however, I need to establish an antecedent claim—that proactive interventions (aimed at preventing harm from occurring in the first place) are a far more appropriate and effective response to CAD and other childhood harms than merely reactive interventions (aimed at punishing those responsible and redressing those who have been hurt, after the harm has already occurred). There are several reasons why this is so.

First and foremost, once someone has suffered CAD (crippled autonomy development) and emerged as a non-autonomous adult, the damage will often prove difficult if not impossible to rectify or reverse. This is due to the vital importance of critical periods in a child's development.
As explained earlier, children are not infinitely adaptive or resilient. If a child undergoes restricted development of various competencies during earlier critical periods, s/he may be able to develop these competencies during later periods, if at all, only to a very limited or refractory degree, and with extreme difficulty. It is thus a myth that, if someone suffers arrested development during an earlier stage, they can always be assisted at a later stage to develop whatever is lacking—with this assistance comprising adequate rectification. As Cynader and Frost have shown, arrested development may sometimes remain significantly or permanently arrested. As such, it will often prove difficult if not impossible to provide truly adequate rectification for crippled autonomy development after damage to the child has been done early on.

Second, to give equal attention to the punishment of wrongdoers here seems like an inappropriately vindictive response, since in many or most cases these wrongdoers are themselves non-autonomous individuals, already highly burdened with more than enough personal problems of their own, and who thus harm their children more out of incompetence or desperation than intentional malice. To such persons, certain forms of treatment or “therapeutic punishment” (like personal and parental counseling, vocational assistance, or self-management training) would be a much more appropriate, humane, and effective response than retributive punishment. If purely retributive punishment is ever called for against such wrongfully harmful parents, then, it would seem to be in only those cases wherein the child would not be made worse off by such punishment (viz., by extended incarceration of the parent) and prospects for enabling the parent to more responsibly fulfil his/her caregiving duties seem slim.

Third, after children have suffered CAD set backs through their parent’s wrongfully and woefully inadequate care, this will seldom be rectifiable in a court of law. This is not only because the harm will often be difficult to historically verify, but also because assessing the harm will often involve the assumption of counterfactual courses of development. To illustrate, try to imagine this “wrongful parenting suit,” brought about by “Wolfgang” against his parents when he
is twenty-five years old. Wolfgang, let us stipulate, actually had the prodigious innate gifts of a Mozart, and might well have become a musical prodigy and recording artist if only his parents had, as he often begged, let him go to a nearby School for the Performing Arts on a scholarship, or let him receive free tutoring from a talented and willing music instructor. But because of their uncaring self-absorption and cruel neglect, they never supported him in this endeavor, so that Wolfgang never developed his talents and achieved any real success. Certainly if Wolfgang had been able develop his talents and achieve success, and his parents had then simply stolen his music money (in the amount of m), they would have been liable to a lawsuit. But in our no-development scenario, if Wolfgang had sued his parents for wrongful damages suffered (let us say for the same amount m, *that he never made*), could we imagine him winning the case? Almost certainly not, for the simple reason that counterfactual damages and courses of development do not seem amenable to reasonable standards of proof and are not the stuff of hard legal evidence. How could we know, the defending attorney might reasonably object, that Wolfgang really *did have* such innate "Amadean" potential, that he *would have* developed his talents so, or *would have* earned m, if his parents had not done such a poor job raising him? And how could Wolfgang's liability damages, in the amount of m or whatever, be reliably assessed?

The conclusions we may draw from this illustration are these. While some children like Wolfgang undoubtedly have their significant and autonomy interests (b and d) wrongfully set back (or "crushed in the egg"), by the neglect, incompetence, and/or callous irresponsibility of their parents—so that their later lives are vastly worse than they would have been if their parents had provided any kind of decent care—it nevertheless seems doubtful that we could tell who these "Mozarts in waiting" really were, or (even if we could tell) reliably determine what compensation was really due them (cf. footnote 11, ch. 3). (And of course, this logic applies to normal children as much as to exceptionally gifted children, even if the latter might sometimes have ended up deserving relatively greater compensation.) In turn, it seems doubtful that ex post facto legal redress (via "wrongful life or parenting" suits, as another form of such reactive
responses) could be an effective type of remedy for CAD. Such redress could at best mitigate, but certainly not eliminate or fully or accurately compensate, CAD.

Lastly but along similar lines, proactive interventions should be more of a priority than merely reactive interventions because of the latter’s greater overall inefficiency. If children become autonomous adults, by definition, they will require relatively little resources from others, being able for the most part to carry their own weight. But if this doesn’t happen and the children end up as non-autonomous adults, they will require extensive resources from others, both to help them become self-supporting (if still possible) and to keep them out of trouble during this process. The public funds and resources that will be necessary to support adults who are non-autonomous (during the last twenty to sixty years of their lives, as they travel through various welfare agencies, courthouses and halfway houses, treatment clinics, jails and prisons, etc.) can easily exceed the funds and resources that are necessary to help them achieve autonomy in the first place (during the first five or fifteen years of their lives, through schools and family centers). So for any concerned with the costs of early proactive intervention, there is strong reason to believe that this intervention would be much cheaper, requiring much less overall tax revenue (especially in the long run), than later merely reactive intervention. (This logic does not even begin to take into account what would be the great potential benefits of proactive intervention. That is, do we have any idea how much greater the [per capita and overall] productivity could be of a society that engendered very few non-autonomous adults?)

For all these reasons, it will be preferable to concentrate upon proactive intervention, to prevent CAD and other virulent developmental harms from occurring in the first place. In adopting this forward-looking stance, it becomes absolutely essential that some fairly reliable system of risk assessment be in place. If the state does not have such a system in place, without enough commensurate relevant information at hand, it will not be able to reliably gauge when a child (or potential child) will be at high risk for being born into a certain household, or raised by a certain
set of parents. In turn, *if the state cannot accurately gauge these things, it will invariably fail to intervene in many cases when it should, and intervene in other cases when it shouldn’t.*

### 4.2 A Model of Parental Licensing

In view of such dangers (and particularly the danger of CAD), what if anything should be done? Hugh LaFollette (1980), among others, has advocated a system of *parental licensing* as an appropriate and needed proactive response to the various serious risks that befall children. (See also de Ruyter & Spiecker [1994], and Hedman [2000].) His rationale for such a licensure system is as follows. Society already regulates and licenses a whole host of activities such as driving vehicles, operating dangerous equipment, and practicing law, medicine, and psychiatry. Society does so and is obliged to do so, he argues, since activities like these are “potentially harmful to others, safe performance of the activity requires a certain competence, and we have a moderately reliable procedure for determining that competence.” (Notice the implicit appeal to the Harm Principle here.) Since parenting is just as potentially harmful, requires various competencies, and is amenable to determination of these competencies, then, by extension, parenting too should be licensed. It makes no sense, by these reasonable criteria, to regulate the ones and not this other.

LaFollette's logic here is quite plausible. But since he does not go into much detail about the types of licensing programs he envisions, and since his proposals were not drawn up specifically in relation to children's development of autonomy, I will provide a more specific picture of the model of parental licensing I have in mind. I will do so not to work out the practical details of a public policy proposal but, rather, to see if some of the details I envision, in relation to the prevention of the harm of CAD (crippled autonomy development), remain ethically defensible in addition to being feasible. For the devil is often hidden in the details.

In the following steps (a) through (c), then, I outline my parental licensure model:
(a) Let us assume that we could assign all potential parents as belonging to one of three categories: (i) those posing *low or no risks* to their (potential) children (in terms of these children suffering CAD later on), (ii) those posing *moderate risks* to their (potential) children, and (iii) those posing *high risks* to their (potential) children. (I say "potential" parents and children here because, as will become evident, the state might be warranted in intervening with some very high risk persons before they conceive, or are conceived.) The risks here are to be understood in statistical terms, according to my methodological AIDE guidelines (pp. 85-87). Let us thus say that, of a certain population of parents with some set $s$ of micropathway characteristics, that $x\%$ of this population raised children that ended up as non-autonomous adults (falling below Autonomy Level Three). If John Doe shares set $s$, then I will assume that John also has an $x\%$ chance of harming his child so that s/he suffers CAD or, in other words, that any child parented by John runs an $x\%$ risk of suffering CAD under John's care.

(b) A central theoretical challenge here involves the precise percentages we should set as demarcating "low" from "moderate" to "high" risks. I suggest that we use the following percentages as guidelines (but, admittedly, see these as being somewhat provisional guidelines). Let "low risk parents" be all those who, based on data profiles of the background micropathway characteristics that they share with other previous parents, show a $\leq 10\%$ chance of harming their children by (allowing them to suffer) CAD. Why $10\%$ or less? Because parents who present such chances of harming any children born to them just seem to pose a low danger; the case seems different, however, if we think of sets of parents who, for every 100 children that they raise, will end up seriously harming, say, 15 or more of them. Greater than $10\%$ risks for serious harm seem no longer to be low or trivial. So I suggest that "moderate risk parents" include all those who have between an 11 and 49% chance of harming their children by allowing them to suffer CAD. For at this point or range, the dangers seem no longer low, and so seem to merit more than a low degree of attention and concern. And I suggest letting "high risk parents" be all those who have a $\geq 50\%$
chance of harming their children by allowing them to suffer CAD. For if parents are more likely than not to cripple their child's development through their inadequate care, this seems like too great a risk for the state not to intervene significantly. Even extensive intervention in such dangerous, CAD-more-likely-then-not environments seems warranted. (I discuss possible modifications of these risk boundaries below.) These two (a and b) points serve as preliminaries to the following important conclusion (c).

(c) According to this trichotomy of risk categories, I envision the state as being justified in imposing only trivially invasive intervention upon the low-risk parents of category (i), only moderately invasive intervention upon the moderate-risk parents of category (ii), but significantly invasive intervention upon the high-risk parents of category (iii).

I define "trivially invasive intervention" as including (no more than) some form of screening or testing, whereby potential parents could be assessed for their parental competence and any high risk factors (such as serious drug abuse or severe psychological problems such as Andrea Yates possessed) that would predispose them towards parental failure or incompetence. The kind of screening I envision at this point need be no more inconvenient and intrusive than the driving tests that people periodically endure at the Motor Vehicle Administration, and/or the loan application background credit checks that people endure at their bank or real estate agencies. The tests at this stage need not even be as exhaustive, then, as those which potential adoptive parents undergo through adoption agencies. These types of adoptive background checks do, however, represent the types of relevant information that the parental licensing agency would gain access to.¹ This would include information about the potential parent's history (if any) of violence, criminality, drug or child abuse, and mental and economic instability (in short, information about many of the same markers that would indicate parental incompetence and non-autonomy).

I define "moderately invasive intervention" as including everything in the previous stage of intervention, but also (although no more than) forms of mandatory classes, tutorials, counseling,
and monitoring programs. In relation to the parents involved, these might include periodic evening child development classes, health and nutritional classes, and family or self-management counseling sessions. In relation to the children involved, these types of intervention might include the assignment of case workers who would follow the progress of the child and schedule occasional medical and psychological check-ups with him/her, to check for indications of neglect, abuse, or arrested development. The most dramatically helpful and important interventions at this level might be mandatory Head Start-type programs, introduced within the first couple years of life. (Such programs have made striking differences in the past; cf. ch. 2, footnote 10.) These would help to safeguard children's earliest and critical periods of cognitive development, and thereby prevent various "deleterious cascades and SODE patterns" (p. 85) from getting a chance to start snowballing in the first place.

And I define "significantly invasive intervention" as including everything in the previous stages of intervention, but also (potentially) including adoptive or foster care intervention (if the high risk parents have already conceived) and compulsory contraception (if the high risk parents have not yet conceived). As for adoptions or foster care, I advocate intervention only according to traditional criteria: for those parents who have already seriously neglected or abused their children and whose behavior shows no signs of imminent improvement, so that the only safe alternative for the child seems to be removing him/her from her parent(s)—at least until improvements become evident. (For a review of the practical and ethical issues related to these traditional types of criteria and interventions, see Wald [1975].) And as for compulsory contraception, I discuss it on its own merits in the next section, since it is such a non-traditional and complex issue.

This completes a nutshell account of my parental licensure model. As mentioned, I offer the model's risk boundaries somewhat provisionally, since some borderline parents, who exist at the edges of the boundaries I have set, might deserve a little less or a little more intervention than initially indicated. For all those who do not completely reject this model (for more fundamental
reasons which I shall shortly respond to), then, the main bone of contention may be the placement of these boundary lines of risk demarcation (at ≤10%, 11-49%, and ≥50%). I realize that some conservative critics, who advocate less intervention than I have, will ultimately want to increase these numbers—e.g., by insisting that significant intervention is called for only with parents running at least, say, an 80% chance of causing CAD, and that moderate intervention is called for only with parents running at least, say, between a 40 and 80% chance of causing CAD. Conversely, some aggressive critics, who advocate more intervention than I have, will ultimately want to decrease these numbers—e.g., by insisting that significant intervention is called for with parents running even, say, a 33% chance of causing CAD, and that moderate intervention is called for even with parents running between, say, a 5 and 33% chance of causing CAD.

If these risk categories are adjusted either way, it should be in response to a certain kind of public responsive equilibrium (not to be confused with Rawls' reflective variety). Remember that, in the face of inadequate information or faulty risk assessments, the state will err in either of two directions. It will either fail to intervene in cases when it should or else intervene in cases when it shouldn't. If it turns out that the first kind of problems (of what we may call "under-intervention" or state aloofness) come to predominate—so that cases of CAD (continue to) occur much more than cases of wrongful or overly intrusive state intervention—then we should respond by swinging in the aggressive direction. This would mean adjusting the risk boundaries downward, so as to achieve more intervention in risky family situations. But if the second kind of problems (of what we may call "over-intervention" or state meddlesomeness) come to predominate—so that cases of CAD come to occur much less than cases of wrongful or overly intrusive state intervention—then we should respond by swinging in the conservative direction. This would mean adjusting the risk boundaries upward, so as to achieve less intervention in family situations.

Such potential adjustments to my risk boundaries do not reflect a weakness in my overall model. If anything, it seems to be an attribute of my model that it can accommodate such adjustments. As we gain more reliable information (from the growing number of longitudinal and
cohort studies that are being conducted) about these risk factors, it is to be expected that we will simultaneously gain a more precise picture of what types of traits and parents pose serious (as opposed to only moderate or low) risks to children. But it would be ethically prefer-able to apply such an intervention model now (considering the reliable information on risk factors, gradients, etc., that we already have) and then to make any needed fine adjustments later, rather than to forego such intervention, thereby continuing to allow so many children to slip through the cracks (as so many "Yates children," "Wolfgangs," and ghetto youths are already doing).  

I realize that some will have deeper theoretical objections over my model than the mere placement of these risk boundaries. (For discussion of more practical objections to my type of proposal, see section 3.2.1, and LaFollette [1980], pp. 190-193.) Probably the greatest objections will be that, if implemented, my proposals would violate parent's rights to procreate (also called "reproductive autonomy") and, similarly, rights to family privacy. But few if any rights are absolute, being conditional upon the faithful execution of certain duties, or the possession of certain properties, connected with these rights. For instance, my "right to worship" as I choose does not mean that, if I worship Molech, I may thereby take your child and offer her up as a human sacrifice to my god. Likewise, my "right to procreate" does not mean that I may sire as many children as I like—if I plan to, or in all probability will, leave them at your doorstep or out in the forest. So we must make sure that, among other things, the exercise of our prima facie rights does not infringe or trample upon other persons' rights and interests. Onora O'Neill, among others, has provided a similar rebuttal to these types of concerns:

Jean-Jacques Rousseau and his mistress had five children, whom they took to the foundling hospital and abandoned there. If we believe that persons have an unrestricted right to procreate, then Jean-Jacques and Thérèse acted within their rights. But plainly, most people, when they speak of a right to procreate, don't have in mind a right to do as they did, but rather a right to become a parent, where being a parent includes rearing as well as begetting or bearing children, and is sometimes confined to rearing without biological reproduction. [So] the right to beget or bear is not unrestricted, but contingent upon begetters and bearers having or making some feasible plan for their child to be adequately reared by themselves or by willing others. Persons who beget or bear without making any such plans cannot claim that they are exercising a right (italics mine).  

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In the same way, parents who are abusing or seriously neglecting their children, or who pose a high risk for doing so, do not have an absolute or unlimited right to "family privacy." If I hear bloodcurdling screams from my neighbor's child next door—especially if I hear these screams on regular occasions and see the child with welts and bruises—this gives me the moral "right" (and arguably the moral duty!) to go and knock, to see what is happening in order to make sure that no harm is befalling the child. If I do not go and knock, then far from doing something morally commendable in respecting my neighbors' "right to family privacy," it seems that I am actually doing something morally condemnable, in failing to act to save a vulnerable child from (at least the risk of) serious harm. (Cf. Blustein [1980], Archard [1990], and Brennan & Noggle, [1997], for accounts of others' duties towards children, in correlation with children's rights to adequate care.)

The duty to respect other's family privacy should thus be counter-balanced by mention of the non-trivial duty to respect the interests of others' children when they are seriously threatened. As such, this raises the question of levels of caregiving duties towards children. Let us say that, within the confines of a family's "private" home, a child is being seriously neglected or abused, so that the parents are thereby failing in their caregiving duties towards the child. In such cases (and let us assume that others can or do know about these failures), do no others have any moral or caregiving duties towards this child? As I argued earlier, in any just society (or "decent society," as Avishai Margalit would argue), fellow family members, neighbors and community members, and then distant citizens, if necessary, would have and accept some moral responsibilities towards this child. (As explained in sec. 3.2.2, these responsibilities could be expressed according to a concentric sphere pattern of duty, whereby citizens would fulfill their "secondary duties" to aid these children through their tax and legislative support of various child-protective agencies.) For, again, it leads to absurd ethical and social conclusions to deny that others besides the biological parents—specifically in cases where these parents are failing—have any moral duties towards such needy and vulnerable children. What motives, besides mere apathy, selfishness, or "adult
bias," could motivate the denial of such duties? Far from non-family members (neighbors, community members, and fellow-citizens) having a sole moral duty to respect other family's privacy, then, it seems reasonable that non-family members have an additional counter-balancing moral duty to intervene in other family's affairs—when but only when these other family's parents are seriously harming (or at great risk of harming) their own children.

A slightly different variant of this "family privacy" objection is that my licensing proposals, as suggested earlier, might violate parental autonomy, or the prerogative of parents to run their families as they see fit. Granted, such parental autonomy should be carefully guarded and respected. But is it necessarily more important or hallowed than the latent autonomy of a parents’ child? Should the child's developing autonomy be disregarded in relation to the parent's? If so, why and to what degree? And, more to the point, should the parent's "autonomy" be respected if it involves the undermining or sabotaging of the child's developing autonomy? In such cases, shouldn't these parent's (really overreaching or illegitimate) autonomy be curbed somewhat, so as to allow their children to blossom and develop their own autonomy?8

On top of this, there is a sense in which this familiar concern is misleading, in that it obscures an important and fundamental distinction. There is a significant difference between (a) parents who fail in their caregiving duties to support even their child's basic development—out of serious neglect and incompetence, and (b) parents who fail in their caregiving duties to support their child's development of autonomy—out of too inhibiting and constrictive a home environment, a smothering lack of freedom, or too forceful an imposition of their own "autonomy" (or really their own narrow plans and prejudices). In the former case (a), the parents simply do far too little for their children, while in the latter case (b), in a sense, the parents do too much for their children. As illustrations of this latter (b) kind of failure, I have in mind the father in Arthur Miller's Death of a Salesman (who demands that his son live out his own, and not the son's, career dreams), the white racist mother who refuses to allow her baby to adopt any "damn nigger-loving ideas," the fundamentalist homeschoolers who won't allow their children to even look at
biology textbooks containing any "evolutionist heresies," and the Muslim (or Catholic) parents who won't tolerate the thought of their daughter marrying a Jew (or Protestant) whom she happens to love. These all seem to represent unduly restrictive (and not only patently immoral) ways of parenting. Even so, the former more basic type of parental failure (a) is the main target of this chapter. But with this (a) type of failure, it is not the parent's autonomy that is the problem—for many of the parents I advocate intervention towards here are not autonomous to begin with, themselves existing only on Autonomy Level Two—but rather it is, again, simply the parent's incompetence, abuse, or neglect that is the problem. Another way to put this is to say that I advocate firm state intervention not against parents who just happen to have idiosyncratic worldviews or parenting styles and insist on simply “raising their children as they see fit,” but against parents who are egregiously failing in basic caregiving duties. Or again, I advocate state intervention not so much for the promotion of (admittedly contentious positive levels or conceptions of) autonomy above Level Three, as much as for the prevention of non-autonomy, below AL3. So this last criticism—that my proposals would violate parental autonomy—is based upon both a misreading of my intentions and a misapprehension of the situations to which my proposal would relevantly apply.

4.3 Compulsory Contraception

The types of intervention I have advocated up to this point concerned the prevention of CAD and other severe developmental harms when the child is alive and growing or, more simply, when the child exists. What I will advocate in this next section is a temporally prior kind of intervention—concerning prevention of the child's very existence through compulsory contraception (CC) when s/he, if conceived and born into a certain environment, would most likely suffer crippled development. To address this issue, I will offer various arguments for CC
(section 4.3.1), defend against various objections to CC (4.3.2), and discuss one particular Parfitian-type response to CC (4.3.3).

Before commencing the main discussion about CC, though, I should say a few words about compulsory sterilization, in contrast. As I will use the terms, forms of "contraception" will refer to procedures that are temporary (ranging anywhere from a few months to a few years) in their effects and thus reversible, while "sterilization" will refer to procedures that are permanent and irreversible.

I will also assume that surgical procedures to reverse sterilization, like reverse vasectomies, are unreliably effective. If medicine learns how to implement reliable reversals for sterilization, then what I have to say about CC might apply also to cases of sterilization. (For discussion of some of the medical, practical, and ethical aspects of, and distinctions between, sterilization and various types of long-term contraceptives such as Depo-Provera, Norplant, and ParaGard, see the many helpful articles in The Hastings Center Report on Long-Acting Contraceptives [Jan., 1995]. And for legal precedence of CC, set by the Wisconsin Supreme Court, see Lewin [2001].)

I will assuredly not defend the use of compulsory or state sterilization here (such as have been disastrously or ruthlessly used in, e.g., India and China), then, for the following reasons. In the face of the reversibility and availability of contraception, sterilization becomes simultaneously an unnecessary and heavy-handed type of intervention. For it generally assumes that the potential parent who is now ill suited to bring a child into the world and to raise him/her in a healthy environment will always be so ill suited. But it would be presumptuous and overly coercive of the state to make someone permanently incapable of conceiving children when, at some future point, they might otherwise be capable of rearing children in a quite competent and healthy way. Since there is always the chance, however small, that a person will develop the qualities and resources to become a good caregiver, then, sterilization assumes too much about the future and acts too forcefully on the basis of these assumptions. And even if someone never developed the
appropriate caregiving qualities and resources, CC, if repeatedly applied, would accomplish just as much as sterilization.

4.3.1 *Arguments for CC* - The very thought of CC (wherein the state coercively but temporarily prevents certain adults from being able to conceive) might strike some as part of an Orwellian and morally reprehensible nightmare, whereby helpless innocent subjects would be tied down against a ruthless and irresistible state power. In opposition to this criticism (or fear), I will argue that this certainly need not be the case, and that the state will in certain situations be justified, if not morally obligated, to perform CC. To show this, my strategy will be to describe a certain type of "worst-case scenario parent" and argue that, surely in this case, CC is called for. (Although I could make these points as above, in the statistical terms of my AIDE methodology and licensure model "high risks," it should make my case more transparent here to present it in terms of this scenario.) Having established that CC should not be ruled out in all cases, or on grounds of necessary or intrinsic immorality, I will then offer criteria that demarcate who proper candidates for CC should be. In other words, after first establishing that CC must *sometimes* be justified, I will then establish *when* it is justified.

Consider this scenario. "Terry" is an unmarried 17 year old who already has a child, a history of drug and child abuse, the equivalent of only an seventh grade education (with corresponding job skill and literacy and numeracy levels), and kin who would prefer not to help with child-raising. We might further stipulate that Terry is promiscuous and untrustworthy to use self-administered contraceptives. In such cases, the administration of CC would seem to be warranted for at least four salient reasons. (Also, we should note, yhis "administration," as threatening as it might sound, need consist of little more than Terry having to receive a shot in the arm once every six months or so, until her situation and parental competence improved.)

First and foremost, CC would prevent a(nother) child from being born into a very unsupportive and deleterious environment, in which many of his/her basic needs would go unmet so that, in
turn, s/he would very likely suffer crippled development. And note the differences here between (the moral dilemmas attached to) the administration of abortion and the administration of CC. Unlike the abortion case, which entails tendentious questions about the moral status of fertilized ovum and embryos, etc., there are no embryos, persons, lives, or even fertilized ovum that are being terminated in the case of CC, since it is the conception itself that would be prevented here.

Second, CC would help to insure that relatively more time, attention, and resources could be devoted to Terry's first child, who is already at risk for inadequate care. By freeing Terry up from (what would otherwise be) even greater pressure and responsibility, CC would thus decrease the chances that this already-conceived child will end up suffering from various forms of neglect, abuse, and arrested development.

Third, CC would help to prevent Terry from being any more irresponsible, by bringing another child into the world whom s/he would be ill prepared to adequately raise. And CC would be of great benefit in helping Terry to become autonomous and get his/her own life on the right track. When a late teenager or immature young adult is about to start pursuing his/her own dreams and life plans, but has only very limited experience or conception of these pursuits, the last thing s/he needs is someone else's life to be responsible for.

Someone might object here that some teenagers might autonomously want to begin their young lives as parents. Granted, some teenagers—perhaps those who are precocious and have achieved a good degree of maturity early, who are otherwise well off and well-prepared for life and parenting, or who come from a culture where early childbirth is an integral and respected part of life—might make such a decision autonomously. But the degree of "autonomy" of such preferences, even in these exceptional cases, will be rather doubtful. For how good an idea can teenagers really have of the implications of such a choice—of the weighty commitments and self-sacrifices that will be necessary for adequately caring for another human life? These "possibly-autonomous" cases would not only be rare, but also significantly different from those I have in mind, where the conception would come (not as the result of autonomous preferences and plans.
but) as an unplanned and inconvenient surprise. Since it will be a challenge for people like Terry to acquire the skills that are necessary for autonomy and self-sufficiency (not to mention the skills of being a good parent), even if s/he had only him/herself to worry about, it is certain that these things will be more challenging to attain with a needy child, and especially two or more needy children, to have to worry about.

Finally, CC would allow others to carry a relatively lighter burden than they would otherwise have to bear, in helping Terry with his/her responsibilities. Other family members would have at the most one, rather than two or more, child(ren) that they would need to help all the Terrys raise. And the low cost of CC would be cheaper on balance to taxpayers than the cost they would likely have to pay (without CC) for supportive services (various welfare, child protective, and justice system services) to help raise and support Terry's otherwise-not-conceived child. Moreover, the relevant welfare and child protection agencies, along with the whole criminal justice system, would have markedly fewer non-autonomous persons to have to work with, thanks to CC. (This kind of practical reasoning does not even begin to take into account the benefits of CC that environmentalists and those worried about excessive population growth might notice.)

There are many good reasons, therefore, why the state would be justified in administering CC to people like Terry, and no valid reasons that I am aware of why the state would not be so justified. (I will discuss some potential negative reasons below.) I could be melodramatic here and paint Terry as an even worse candidate. What if s/he already had two or three children, but was promiscuous, unmarried, and not yet twenty years old? What if s/he was very similar to Andrea Yates or Susan Smith, before any children had been murdered (or born), but nevertheless showing signs of serious psychological instability? What if s/he was a cocaine addict or, for that matter, a serial axe-murderer?! The point is that, surely, there are some persons for whom CC would be appropriate, even if this had to be applied on a coercive basis. (I should point out, though, that many suitable recipients would not even need real coercion, agreeably responding to simple requests to receive it.) Denying this appropriateness drives us to the absurd conclusion that
it is morally acceptable, even obligatory, for us ("us" being citizens and agents of any state that has the technological means to apply CC in a safe, physically painless, and relatively inexpensive way) to allow anyone and everyone the freedom to procreate whenever and however many times they want to, regardless of how responsible they would be in caring for their offspring.

In part so as to avoid this implausible conclusion, the line should surely be drawn somewhere. But where? That is, what principles should demarcate who the appropriate candidates for CC are? The following necessary criteria, which systematize various points already made about “high risk parents” like Terry, serve as distilled answers to this question. First, as explained throughout, it must be the case that the child, if born, would enter a seriously deleterious, high risk environment. Second, it must be the case that the potential parent is non-autonomous, existing below the specific criteria of Autonomy Level Three (p. 19). For since non-autonomous persons, by definition, cannot adequately manage their own lives, they would find it even more difficult, if not impossible, to adequately manage their children's lives and to equip them to become autonomous. Third, it must of course be the case that the potential parent has a decent chance of becoming or making pregnant, and also demonstrates neither competence nor reliability in being able to use self-administered contraception. Fourth and finally, it should be the case that the potential parent does not have family members who are able and glad to help raise the potential child. Family members should not have to be forced to help to raise young children, out of necessity, because of the irresponsible, selfish, or unthinking procreative acts of other family members. But if a family has mutually and gladly agreed to help raise someone’s children, especially if everyone has planned on this before that someone conceives, then the state would no longer be warranted in intervening with CC. (My illustration with Terry might suggest a fifth condition—that the unfit parent already had a child whom s/he was inadequately raising. But this seems more appropriately a sufficient, rather than necessary, condition for CC. For why wait until someone’s life was already being ruined to apply CC?) If, but only if, each of these four necessary conditions hold, I see no plausible reason why the state should not apply CC.
I will offer one final argument in support of CC, before I address objections to it. In a politically ideal world, no child would be born into a seriously disadvantaged environment, or, at least, the state in such a world would be benevolent and efficient enough to help all children overcome such disadvantages. Of course, our world is far from ideal, offering many children only horrendous environments to be raised in. Faced with far-from-ideal conditions, then, any state that has the capability to administer CC must face a choice about the use of CC as a tool against these non-ideal conditions. Either it can responsibly support those children whose parents are failing in their parental duties (a responsibility which, so far, states have shown both an unwillingness and incompetence to perform) or it can responsibly enact a system of CC for all those parents who would very likely fail in their parental duties (a responsibility which, since the medical advent of various forms of contraception, it now has the competence to perform). To not take the first course may be understandable, for various practical reasons (e.g., having limited resources, and limited competence to “fix kids from broken homes”). But to take neither of these actions becomes an irresponsible and unjust course, inasmuch as it relegates thousands of children—now needlessly, with the option of CC available—to a destitute, less than fully autonomous and, thereby, usually degrading and demeaning, existence. In other words, it would be one thing for the state to allow children’s development to be crippled because it did not know how to prevent this. (This would imply a mere lack of technical ability.) But it would be a far different thing for the state to allow this because, although it knew how to prevent this (via CC), it decided not to do so. (And this, in contrast, would imply a lack of moral resolve, and irresponsibility.) When the remedy costs a pound or cannot be attained at all, there is no excuse for not paying for an ounce of prevention. And by not paying for this ounce of prevention (by applying CC), the state is essentially failing in its obligation to prevent serious and wrongful harm, in this case to (those would will otherwise be) the most innocent and defenseless of victims.
4.3.2 Objections against CC - I will now address several anticipated objections to CC. First, some might object that CC would simply be too intrusive and heavy-handed an intervention. But this obscures the heavy-handed, or at least firm, treatment and punishment that some people deserve and bring upon themselves. Is a three-year probation, requiring close monitoring and regular counseling, too intrusive? Is a sentence of twenty years of incarceration too heavy-handed? Is the quarantining and even coercive treatment of a medical patient unwarranted? It should be clear that these questions cannot begin to be answered until we first answer specific prior questions about the recipients of such actions. Have they harmed anyone or done anything to deserve such treatment? And what risks, if any, do they pose to others? If someone has a highly contagious strain of Tuberculosis or SARS, for instance, it would not be unreasonable to insist that he be quarantined and given treatment (assuming he did not plan to live on a deserted island). According to such Harm Principle provisos, again, persons who ordinarily possess certain rights (including the basic right not to be coerced or interfered with by others) are commonly understood to forfeit these rights, if they have harmed or might likely harm others. For our specific context, then, we could derive from this truism the important principle that "persons do indeed possess the right to procreate unimpeded—unless (there is strong indication that) they would be unable to adequately care for any child born from their procreative acts (and have made no prior arrangements with competent and glad others for this care)." In light of this principle, CC would not be too intrusive or heavy-handed unless the recipient did not fit the other-regarding criteria I have provided.

Second, some might object that CC would be unacceptable because it would likely be applied in racist ways, or ways counterproductive to minorities. Clearly, minorities have suffered disproportionately in the past from illegitimate forms of state intervention, specifically in relation to public health and “correctional” systems (e.g., think of the Tuskegee syphilis trials or sterilization programs of the early- to mid-20th century). These systems have often applied biased standards of judgment, treatment, and punishment to minorities compared to whites, and have
thus been grievously racist and unjust (cf. Massey & Denton [1993], and Tonry [1995]). But this tainted history does not imply that CC should necessarily be abandoned; rather, there are reasons for believing that CC might actually be helpful to minorities. Why? Because a significant part of the injustice of these past interventions was rooted in their ineffectiveness (and not only their prejudice)—their tendency, far too often, to "keep minorities down." Correctional institutions have seldom corrected, rehabilitative programs have seldom rehabilitated, welfare programs have sometimes not improved welfare but only increased dependency, etc. So these previous forms of intervention have often done as much to perpetuate cycles of racial disadvantage as to break them. In contrast, one undeniable feature of CC would be its effectiveness. If administered with a fair degree of impartiality and discretion, it would be relatively much less likely that minority children would have to suffer serious deprivations and crippled development, since these children would not even be conceived in the first place (if the environments which they would be born into presented high enough risks for these things). If CC were administered thusly, a relatively much higher proportion of children born to minorities would then be born into environments that would approach the less disadvantaged environments of many non-minority children. (Admittedly, a perfectly fair and impartial administration of these measures might be a utopian hope, here; but even with imperfect administration—as any and all real programs will be administered—there is still strong reason to believe that a much greater net balance of harm over good would be avoided.) So instead of there being a continuing relatively high proportion of minorities who suffer from inadequate living conditions and arrested development, CC, if implemented, would contribute to the following: A much higher percentage of minorities would be guaranteed decent life-chances and starting positions from the outset, being born only into conditions conducive to their flourishing and healthy development. CC would thus help struggling, underprivileged minority adults to realize their own autonomy more easily (by not having to bear the additional burdens of raising children until their own lives were no longer a struggle); and it would help to prevent minority children from having to be born and raised in extremely sub-optimal conditions.
in the first place. In the long run, on both an individual and group scale, therefore, CC might very well help these minorities to emerge out of, rather than continue in, the stultifying living conditions and cycles they have too long suffered under. Furthermore, who would gain more and be able to command more respect: members of a racial group who had a few more fellow members, but where proportionally many more of these led miserable and non-autonomous lives? or members of that same group who had a few less fellow members, but where proportionally many more of these could hold their heads up high, being clearly the equals in stature and attainment of any others? The latter, I think. With the implementation of CC, therefore, it is likely that, after a number of generations, any currently oppressed or disadvantaged minority would have proportionally many more members who would be better off, rather than the same relatively high proportions of members who are worse off.

Incidentally, we could extend this reasoning to whole national and global populations, rather than only to the populations of minorities. That is, we might ask: Which of these following two possible worlds would be better? One, very much like our own, which did not administer CC and which contained proportionally more destitute children and, thereby, also proportionally more adult misery and non-autonomy? Or one which used CC and thus (though having a slightly smaller overall population) contained proportionally fewer destitute children but, thereby, also a much higher per capita level of adult health, well-being, and autonomous self-realization? Surely the latter “CC world” would far outshine the former, and this without anyone’s rights being violated.

Thirdly but similarly, some might object that CC is unacceptable because it would be applied in sexist ways. Here too, it must be admitted that, historically, women have suffered disproportionately from illegitimate violations of their sexuality and procreative liberties. But this suggests, not that CC is inherently sexist or wrongful or that it should not be administered, but rather that it should be administered only to appropriate recipients, where these are chosen on a fair, gender-impartial basis. As it turns out, this non-sexist condition might prove challenging to
apply for medical reasons. One of the reasons that sterilization and contraceptive measures have been disproportionately applied to women in the past is because of women's physiology: it just so happens, as Ellen Moskowitz et. al. explain, that "the male reproductive biology is more difficult to interrupt."\(^\text{10}\) One aim and fixture of CC policy, then, should be to see that it is not solely or disproportionately women who are recipients of this kind of intervention. This would mean continuing and finalizing medical efforts to find a safe, reliable way to administer CC to men. But it does not seem that, even if this disparity of administration to women continues for a while due to current medical limitations, that CC should be discontinued until later (viz. until forms of CC that are as safe and effective for men are developed). Although it might be somewhat unfair that the appropriate male candidates cannot receive this intervention now, it would be more unfair on balance—considering the children harmed in the interim—if we did not administer CC at all. The one apparent injustice (of not administering CC to certain men who merit it, when women with the same criteria are receiving it) should not preclude, and does not excuse, the other injustice (of continuing to allow children to be born into grossly substandard, deleterious environments). I say "apparent injustice" in the former case because, if we view this dilemma in terms of methodological individualism rather than holism, there may be no injustice to any individual woman here. For if applied with discretion according to my aforementioned criteria, there would be no woman who is not a proper candidate for CC who received it and, conversely, there would be no woman who is a proper candidate for CC that did not receive it. According to this standard, the fact that some men (who are proper candidates for CC) are not receiving it, may present no injustice to any individual woman in particular. If there were truly an injustice towards women here, it would seem to be only towards the group of women, taken as a whole gender. But since this claim (that the delivery of CC only or disproportionately to women, even for purely medical reasons, would comprise an injustice to women in general, although to no individual woman in particular) does not seem altogether coherent, I will assume it lacks sufficient weight to warrant the current rejection of CC (until male forms of it are developed).
Fourth, some might object that CC is unacceptable because it would be classist, that is, because it would disproportionately target the poor while leaving the better off relatively unaffected. This disproportionality would thereby add further burdens upon those who already struggle with social burdens, and so would exacerbate rather than ameliorate burdens upon poor individuals and inequitable distributions of burdens in society. The general response given in the previous case (that a fair application of CC would be unjust to no poor person in particular) is appropriate here as well. The only poor persons who would be "burdened" by CC would be those who merit it, viz., those who would likely conceive and inadequately raise a child. In preventing such persons from conceiving when they would be incompetent to adequately raise a child, CC would function to decrease, rather the increase, their burdens—by allowing them to more easily overcome their own struggles and poor conditions, without (or before) having to worry about also bringing others through these. So CC would actually serve to do the opposite of what critics fear here: in the long run, CC would serve to ameliorate, rather than exacerbate, distributional inequities in society. For without CC, many children of the poor (especially those whose parents are poor and largely non-autonomous) will more likely continue to remain poor and non-autonomous themselves, when they grow up. But with CC, relatively many more children of the poor would be able to escape poverty, by being born only into environments where mild material adversity is all they would have to overcome to become autonomous and, conversely, by not being born into more crippling environments where material adversity is combined with other disadvantages. By extension, CC need not be "classist" because class alone (i.e., mere poverty or material deprivation, unaccompanied by other risk factors) is not, in itself, a sufficient condition for the application of CC. Since a fair number of children emerge from such "mere poverty" to become successful and autonomous adults, CC would not be warranted in these purely economic cases. For CC to be warranted, it must be the case that the poor person would bring the (potential) child into an environment consisting of some crippling combination of disadvantages (per my CODE, SODE, and AIDE guidelines)—such as an environment combining deep poverty with non-autonomous
parents and emotional instability and intellectual stultification. So even if CC might be disproportionately applied to impoverished (potential) parents, this would not necessarily mean that CC would be “classist” in a pejorative sense. Rather, this pattern might simply emphasize the unfortunate fact that poverty—qua what Amartya Sen calls “multi-capability deprivation”—is often tethered to a host of other disadvantages and risk factors besides mere material deprivation (such as psychological, intellectual, and cultural forms of deprivation) and, equivalently, that “pure poverty”—poverty as solely material deprivation unaccompanied by other forms of deprivation—is somewhat rare (Sen, 1992, esp. ch. 7). Many graduate students serve as an illustration of such rare purely materially poor people; and, it should be noted, the fact that these students seldom remain in poverty for long (after their graduation) demonstrates the purely material nature of their poverty, accompanied as it is by relatively fewer other forms of deprivation and undeveloped capabilities.

The main conclusion to draw from these four sets of objections and fears is that CC would mark an improvement of these social conditions that critics worry about, and a lightening of the burdens of, and insults against, the individuals involved, rather than an exacerbation of these.

Finally and perhaps most notably, though, some might object that CC is unacceptable because it might inaugurate a slippery slope of excessive state intrusion. That is, enacting CC might allow the government to get its foot into the door of our homes and family lives to the point wherein we would end up with one more “Big Brother” to contend with.\(^\text{14}\) Although this worry might be more plausible than the previous ones, it is still not weighty enough, in my mind, to warrant the unequivocal rejection of CC. Let me explain why. While this argument appears to employ some form of probabilistic reasoning, like my assignment of CAD risks, it is based on shakier empirical grounds. For what is the probability that things will progress so, and what evidence shows that these fears will be so probably realized? Does some hidden historical calculus indicate that such excesses would come to override the safeguards of a constitutional democracy? Isn't it episodes within twentieth-century fascist states (in particular, those with shameful histories of
eugenics and forced sterilization programs) that fuel these fears and predictions about excessive state intrusiveness?\textsuperscript{11} I think so. But the evils and excesses of these past programs need not necessarily continue in the present. To deny this is to operate under an all-or-nothing assumption—that either we must have excessively intrusive or fascist types of procreative programs and policies or else we must have no procreative programs and policies at all. But this assumption is simple-minded and, if accepted, would immobilize us from being able to move forward and improve upon the past. The ignorance, bad science, and racism that accompanied past programs can and should be replaced by the better informed science and impartiality of the progressive type of program I am advocating; these past wrongs should not merely be replaced by a void, or a vague better-to-do-nothing-than-to-do-too-much policy. Just because it might prove a challenge for the courts to make prudent judgements about persons' character or likely other-regarding behavior (which they must always do anyway) does not mean that it would be better to allow the courts to continue to do nothing, or to make no judgements about such risky persons or situations. It seems better to eradicate a grievous and certain wrong (viz., the droves of innocent children who continue to be born into horrid conditions) that is already with us, than to tolerate it because of being immobilized by the fear of other past wrongs possibly revisiting us. And if it is valid to use such historical reasoning (as this Big Brother objection is based on), I can respond in kind. People had the same types of fears and objections when, say, mandatory education policies and "coercive" immunization programs were enacted; but the fruit of these policies has been overwhelmingly beneficial, on civic, health, and intellectual levels.\textsuperscript{12} So (why) might not my CC and parental licensure proposals inaugurate similar types of benefits and boons, rather than such overly intrusive banes?

Furthermore—and this important comment applies to the four previous objections as well—the abuses that any program is subject to should be distinguished from the program itself, and do not necessarily delegitimate the program unless the abuses are necessarily entailed by them. For instance, the fact that carceral institutions might sometimes be abused (as when judges give
unfairly harsh sentences or wardens and guards mistreat criminals) does not imply that incarceration itself is a bad idea that should be rejected. Rather, this fact merely shows that systems of oversight and standards of accountability should be in place that minimize such incarceral abuses. So, absent the presence of patently corrupt and overly intrusive administrations, CC might well lead to a more humane society with a lower proportion of destitute children and non-autonomous adults, rather than to a less humane society with an excessively intrusive state.

Having said this, I should nevertheless admit one qualification here. Obviously, my policy proposals (both for parental licensing and CC) will have to be considered within contexts of the particular states and administrations that would apply them. If, especially recently, a state has shown strong trends towards inordinate intrusiveness and the meddlesome infringement of basic civil liberties, this would change things. In this case, there would obviously be a much greater danger of abuse of any such policies. We might easily imagine such quasi-fascist states applying CC in an immorally biased way, mostly towards, say, blacks or Middle Easterners or political radicals—merely on the basis of these person’s race or political views rather than on the appropriate bases I have outlined. In such corrupt contexts, I admit that adoption of my proposals might well lead to more bad than good results, all things considered, so that they should not be adopted. But here again, we should distinguish between policies that would be intrinsically or necessarily bad (e.g., slavery, coercive sterilization, research on unconsenting subjects, etc.) from policies that would be quite morally defensible and practically beneficial, if kept from abuse. In this light, it doesn’t seem that my proposals would be intrinsically wrong, or that they would necessarily have to be abused or misused, being amenable to application with impartiality and discretion. And again, I should emphasize the hope that, without anyone’s rights being violated, they could well lead to future populations that contained much higher proportions of autonomous, fulfilled, self-supporting and self-respecting citizens.
4.3.3 A Parfitian Response to CC - In this last section, I will consider one more objection to CC, this time of a Parfitian variety. This objection sets itself against the following logical distillation of the pro-CC argument:

1) M₁ and/or f₁ (a high risk mother and/or father) will bring c₁ (a child) into the world through a₁ (an act of procreation).

2) (Def.) A harm is a wrongful set-back to a person’s non-trivial interests.

3) The crippled development of autonomy constitutes a severe form of harm (1.5).

4) As a result of a₁, the development of c₁’s autonomy will likely be crippled (since, by definition, m₁ and/or f₁ are “high risk” parents).

5) C₁ will thus probably be severely harmed by m₁ and/or f₁.

6) (Def.: The Harm Principle states that) The state is justified in interfering with someone (in this case m₁ and/or f₁) when but only when that person has harmed, or will likely otherwise harm, someone else (in this case c₁).

7) (Def.:) CC is the prevention of (what would likely be) harmful types of a₁ acts.

8) Therefore, the state is justified in interfering with m₁ and/or f₁, by preventing a₁ through CC.

Against this argument, the Parfitian-type objection I have in mind would respond (notoriously) as follows. “Granting that all the other premises are relatively unproblematic, the questionable premises here are 4 and 5 (and the validity of 8 seems to hang on the validity of 4 and 5). As it turns out, a fatal problem emerges out of 4 and 5. Consider: If m₁ and/or f₁ had not committed a₁, then c₁ would not even exist. So, had it not been for a₁, c₁ would have had no interests to set back. And surely having some interests, even if these are set back, is better than having no interests at all—through not even be(com)ing alive. Therefore, it is just incoherent or false to say that m₁ and/or f₁ have harmed c₁ by a₁. This implies, in turn, that the state would not be justified in interfering with m₁ and/or f₁, by preventing a₁ through CC.”
I will not attempt to resolve all the philosophical twists and turns of this paradox here. What I will do is show that this objection is flawed in such a way that it does not discredit my advocacy of CC. So I will stick to points directly relevant to that end. First, it must be pointed out that it is not $a_1$ alone that harms (or will harm) $c_1$. Rather, we may assume (since they are by definition high risk parents) that $m_i$ and/or $f_i$, through great incompetence, lack of resources, and/or criminal selfishness or neglect, would perpetuate a whole series of abuses and neglected duties against $c_1$, so that, without substantial luck or intervention, the development of $c_1$'s autonomy would likely be crippled, so that s/he would end up a non-autonomous adult. As such, $m_i$ and/or $f_i$ would most likely harm $c_1$ by way of a whole series of acts, $a_1$, $a_2$, $a_3$, . . . $a_m$, and not just through $a_1$ alone. Accordingly, the state would seem to have sufficient reason to implement CC—to prevent a long train of severely harmful abuses and neglects.

At this point, the Parfitian critic might stick to his guns and insist that I have not really addressed his point. That is, he might insist that, all things considered, the child still cannot properly be considered "harmed" since even a non-autonomous or deprived life (assuming that it is not so bad as to be "a life not worth living," that has no bright points or enjoyments, or that contains intense and unremitting pain) is better than no life at all.

But, crucially, here is where we should notice that this objection operates from an inappropriate perspective. What do I mean by this? Consider the key but contentious underlying claim that "a life characterized by non-autonomy or deprivation is still better than no life at all." Granted, this claim may seem acceptable from the perspective of an already living person, largely because any living person, even a neglected, abused, or non-autonomous one, might still come to experience something better. (E.g., a non-autonomous pauper might someday become an autonomous prince.) But is this the perspective we should be considering this question (about the justifiability of CC) from? No; we should be considering this question from the perspective of future, prospective lives, not from the perspective of currently existing lives. In other words, the crucial comparative question before us is not "Would a current miserable life be better stamped
out, in mid-cycle?" but, rather, "Wouldn't it be better not to conceive someone if that someone would (most likely) go on to live a miserable life?" In considering the justifiability of CC (and so the prevention of the conception of substandard lives), we are assuredly not considering the justifiability of procedures like suicide or euthanasia (and so, the eradication of substandard lives), or even abortion (the eradication of zygotes or incipient lives). This Parfitian objection thus seems to blur or spuriously intertwine these considerations and perspectives together. For a proactive, before-any-life perspective (as is assumed with CC) is significantly different from a reactive, in-the-midst-of-life perspective (that CC does not assume). The latter perspective advocates trying to preserve life, even perhaps life that is non-autonomous or barely worth living, since there is always hope for improvement. It is not that I disagree with this perspective (for I wholeheartedly agree with it); rather, this perspective is simply irrelevant here. On the other hand the former CC perspective, which is relevant here, advocates trying to engender only those lives that have at least a fighting chance for a decent life (at least a minimally autonomous life). I am not, after all, advocating execution or euthanasia for non-autonomous persons who already exist! Rather, I am only advocating the prevention of persons from coming into existence (viz., from being conceived), and then only if these persons would likely end up living non-autonomous, and thus demeaning and animal-like, lives (cf. 1.4).

Finally, the misguidedness of this type of such objection may be seen from the following "repugnant conclusion": If there is no harm in conceiving children who will likely end up living non-autonomous lives, and if it is better for such high risk children to be alive rather than not to exist at all, then it follows that it would be better for non-autonomous persons (including all drug addicts, hardened petty criminals, mentally deranged persons, and any other high risk parents) to reproduce as much as they can or want, with our allowance or even encouragement. For by such logic, the world would only gain in value! But such logic is surely flawed; and where it breaks down can be traced back precisely to its rejection of (the more reasonable logic of) CC.
This concludes my discussion of how, and to what extent, the state might be justified in involving itself in the private sphere, in order to prevent children (and even "future persons") from be(com)ing non-autonomous. In the next chapter, I will focus upon a particular issue which, although of crucial importance to children's development of autonomy, has hitherto been addressed only indirectly, namely, children's education. So I will continue to examine what obligations the state might have towards children, but this time regarding standards that should govern the provision of public education.
FOOTNOTES

1 This highlights the need for the state to have enough information about (potential) parents to be able to fairly reliably anticipate, and then predict, such harms. The downside of this is the danger that this would require an excessive amount of state prying into the lives of even those potential parents (in order to garner enough information to be able to tell who is and is not a “high risk” parent) who do not and would not pose any real risks of harm to children born to them. Perhaps, even more than this, there is the danger that the state would misuse this (plethora of?) information somehow, against the interests of citizens. What these dangers highlight is this: as governments gain greater technological capacity to learn more and more about the private lives of citizens, these citizens need, step for step, to make sure that there are laws to protect them from “information abuse” by, and “excessive surveillance” and intrusion from, their governments. Such laws would codify and protect, for instance, rights to know who knows what about you, rights to be protected from secret and non-disclosed (to the citizen) surveillance and information acquisition, rights to have information kept confidential (unless absolutely needed for, say, criminal proceedings), etc.

2 Wrongful life suits have had little success in the recent past. And it is hard to imagine any greater success for suits that would be bought against parents accused of perpetrating "CAD." It is because CAD is a more abstract and emergent harm (arising out of the setting back of the prior welfare interests of children), and so a harm that would not likely be targetable in a court of law, that I have in this work advocated holding parents responsible for more tangible and prior harms, specifically, for the abuse and neglect of children's basic developmental needs and interests. Notwithstanding, for helpful philosophical discussion of these wrongful life cases, see Jeff McMahon's "Wrongful Life: Paradoxes in the Morality of Causing People to Exist" (1998), and Seana Valentine Shiffrin, "Wrongful Life, Procreative Responsibility, and the Significance of Harm," Legal Theory 5 (June 1999).

3 For some idea of the varying costs involved in these different types of public support, see Statistical Abstracts of the U.S. (1997), sections 4, 5, and 12.


5 For information and statistics on these pitiable children who are "slipping through the cracks," see Garbarino et. al. (1992), and Trickett & Schellenbach (1998), esp. chs. 5 & 6.

6 O'Neill (1979), pp. 25-26, and Steinbock (1994). For similar rebuttals, but from population, global, and environmental perspectives, see Bayles' (1979).

7 Cf. Margalit (1996), esp. pp. 201-211.

8 Morris Lipson and Peter Vallentyne (1991, 1992) make just this point—that parental autonomy is not absolute, but must give way at least in some form or degree to accommodate the developing autonomy and interests of children. See also Bigelow et. al (1988), for an attempt to balance the autonomy of parents with the (developing) interests of children.

9 An advocate of sterilization might object that we may have apodeictic knowledge that certain persons, such as the severely mentally retarded, will never have the qualities necessary to provide a child with a decent upbringing—so that sterilization is in these cases justified. I admit that sterilization might be justified in such cases, but will not discuss them here since they are somewhat tangential to my main concerns, i.e., since this work primarily concerns persons who are, and might become, non-autonomous through social, rather than through such congenital or physical, processes. For discussion of ethical questions regarding sterilization of the retarded, see Annas; Blank; Petchesky; Walters; and the (other) Hastings Center Report on Sterilization (1978).

11 For an historical and philosophic overview of these illegitimate programs, see Pence (1990), pp 286-302.

12 See Urban & Wagoner (1996), esp. ch. 6; Spring (1997); and Johnson (2002), esp. ch. 4.

13 For a more thorough discussion of (various aspects of) this paradox, see Kavka (1981); Parfit (1984), esp. pp. 351-79; Hanser (1990); and Covey (1993). Melinda Roberts' "Present Duties and Future Persons: When are Existence-Inducing Acts Wrong?" (1995) is especially helpful in sorting through some of these complications.
CHAPTER FIVE - DEVELOPMENT OF AUTONOMY IN THE SCHOOL

The state may require that children be educated up to a certain standard; and this coercive interference, when necessary, is justified in order to prevent severe harm both to the child and to others in society at large.

- James S. Fishkin (1983, 41)

As was noted in Chapter Two, children’s education will be almost as crucial as their family life in expanding or constricting the level of autonomy they eventually come to possess. The quality of their education will largely determine the degree to which they will: a) assimilate various cognitive skills, b) develop career skills and pursue careers well suited to their unique talents, plans, and preferences, c) become aware of the world’s opportunities, challenges, and complexities, etc. With a good education, the range and quality of life-goods a child eventually becomes able to choose from will be limited only by her ambition and innate potential, not by ignorance, incompetence, or undue compromise;¹ but with an inadequate education, ceteris paribus, this range of life-goods will be severely limited, as will the child’s commensurate and emerging level of autonomy. By now, this much is old news.

In this chapter, I extend these claims by proposing a standard of educational justice that, I will argue, any just and decent society will embrace in support of all its children’s developing autonomy. (A corollary here will be that societies that do not embrace some such standard will be substantially unjust, with this injustice gauged by the percentage and distribution of children who are inadequately educated and, thereby, left ill-prepared for adult independence and autonomy; cf. Appendix A.) To introduce the need for this standard, I begin by using arguments similar to those of the previous chapter: in section 5.1, I argue that, since the state already strictly regulates such enterprises as hospitals, restaurants, and many worksites—because of the risks and serious interests at stake—the reasons for such regulation also apply, and should be applied, to schools. In section 5.2, I specify the content of this "Educational Sufficiency Standard" as consisting of
five independent but mutually supportive conditions; and, as I explain, mandatory provision of these five educational conditions will give children the resources they will need to stay on developmental trajectories aimed towards their attainment of at least a minimal level of autonomy (≥AL3) by the time they become adults.

This will complete my account of justice for children, based as it is on the normative end of providing children with what they will need to attain at least this minimal level of autonomy. But in an Addendum (5.3), I discuss a further consideration that, logically speaking, goes beyond the framework I have maintained throughout. That is, I consider whether it might be fair to prepare children for more than this minimal, threshold level of autonomy, so that they attain a less tenuous and more robust autonomy (≥AL4), that would enable them to actualize options from a much wider range of life-goods (wider than that suggested by AL3). Although I think my account up to 5.2 stands on its own as a coherent whole, then, I broach this possibility in 5.3 in order to suggest some of the implications my autonomy-based account might have in relation to other, more egalitarian social norms (including, in particular, equality of opportunity).

5.1 The Need for Educational Justice

Inadequate schools can have deadening effects upon children and can stymie their developing autonomy every bit as much as abusive parents and dismal home environments. The following scenarios may serve to bring this point home (in a way that the more statistical information of Chapter 2 did not). In his book Savage Inequalities, Jonathon Kozol allows insiders to inform us of conditions prevalent in many contemporary American grade schools. Christopher, a seventh grader from Clarke Junior High School (which is, supposedly, the premier junior high in East St. Louis), has this to say about his school:

"Don't tell students in this school about 'the dream.' Go and look into a toilet if you would like to know what life is like for students [here]." Before I [Kozol] leave, I do as Christopher asked and enter a boy's
bathroom. Four of the six toilets do not work. The toilet stalls, which are eaten away by red and brown corrosion, have no doors. The toilets have no seats. One has a rotten wooden stump. There are no paper towels and no soap. Near the door there is a loop of wire with an empty toilet-paper roll. "This," says Sister Julia, "is the best school that we have in East St. Louis."²

Kozol lets Smokey and Serena, two nine-year olds from another "less-than-premier" East St. Louis school, tell us about the environment of their school:

Smokey says his sister was raped and murdered and then dumped behind his school. Other children add more details: Smokey's sister was 11 years old. She was beaten with a brick until she died. . . . Serena describes this sequence of events: "They told her to go behind the school. They'll give her a quarter if she do. Then they knock her down and told her not to tell what they had did." I ask, "Why did they kill her?" "They was scared that she would tell," Serena says.³

And Kozol allows the Chicago Tribune to recount another anecdote, this time about Lathrop Elementary School on Chicago's South Side:

There are no hoops on the basketball court and no swings in the playground. For 21 years, the school has been without a library. Library books, which have been piled and abandoned in the lunch room of the school, have sprouted mold. Some years ago the school received the standard reading textbooks out of sequence: The second workbook in the reading program came to the school before the first. The principal, uncertain what to do with the wrong workbook, was told by school officials it was "all right to work backwards."⁴

Although similar depressing scenarios could be provided ad nauseum, these few should suffice to highlight our central concern: that, without better regulation, inadequate schools such as these will undermine, rather than sufficiently contribute to, children's developing autonomy. In the case of Smokey's sister, not only her budding autonomy but her life itself was cut short, due in part to inadequate security on the school grounds. But in the less scandalous and more typical cases that are relevant here, children's autonomy will be cut short merely by an inadequate cultivation of various cognitive and self-efficacy skills. As I detailed earlier (sec. 1.2.1 and 2.3), these skills are necessary components of autonomy, in that, without at least some minimal cultivation of them, young adults will not be able, for example, to exercise certain means-ends rationality (including the ability to discern what steps are necessary to achieve one's adult and career goals). On a more basic level, it is hard to see how young adults who haven't even acquired basic literacy and
numeracy skills could be considered truly autonomous members of their society (assuming that their society is not a pre-industrialized one). Admittedly, these claims might not be fully apparent in relation to only this first set of necessary conditions of autonomy (these cognitive and self-efficacy skills); to more clearly understand the way that a decent education is essential to the development of autonomy, then, we should also consider another central necessary condition of autonomy, namely, an "adequate range of options."

I argued at the outset (p. 8) that, "when confronted with an inadequate range of options to choose from, an agent will be hindered from governing her life autonomously, since someone can do so, and can exercise truly autonomous preferences, only if she is able to make choices from among some decent variety of options, with these representing more than a ubiquitous uniformity or narrowness of choice. For example . . . if my only real career options are between being a janitor, a dishwasher, or a garbage collector, and I 'choose' to be a janitor, the 'autonomy' of my choice will be dubious." (One should also recall my arguments, from section 2.2, that no one qualifies as being autonomous unless they have a decent range of life-goods available, from which they can feasibly and non-adaptively actualize some of their preferred choosing.)

At the time someone is entering young adulthood, then, there are two distinct ways that he might be confronted with an inadequate range or paucity of life options, so as to render him non-autonomous. First, he might be an eminently competent young adult, possessing the capacities and abilities for a wide range of careers, enjoyments, and life prospects, and yet be denied access to these because of, say, racial discrimination. We might imagine a young George Washington Carver-type in a Jim Crow regime here, who, despite being suitably qualified and possessing the relevant skills, cannot get accepted into his preferred colleges or fields of work (so that only unsteady, menial and demeaning jobs are available to him, along with the low wages and financial and social struggles that will accompany them) merely because of the color of his skin. Second, and in contrast, a young adult might have the same paucity of life-goods and career prospects to choose from, not because of any such racism or blatantly unjust exclusion, but
simply because he lacks the skills to manage his own life and financial affairs competently, and because he has never cultivated the tastes to enjoy any but the most crude "life-goods" (such as come only from the pleasures of, say, sex, TV, and cheap alcohol). In the first case, we can say that the Carver-type person possesses autonomy but is unjustly prevented from exercising it; whereas in this second case, we can say that, insofar as this incompetent and stultified person lacks many basic cognitive and self-efficacy and self-actualizing skills, he lacks even the possession of autonomy.

There is one additional distinction with this second case that bears pointing out: if this virtually non-autonomous person never attained essential cognitive and self-efficacy skills because, although he went to exemplary schools, he was simply very lazy and did not apply himself at all, we need not suspect any systemic or institutionalized injustice as the root problem. But, in contrast, if the incompetent person never had a decent chance to attain various cognitive and self-efficacy skills—largely because of attending only deplorable "East St. Louis-type" schools, so that only Carver-like prodigies could endure that environment without becoming stultified or having their autonomy nipped in the bud—then we could be sure that some type of systemic or institutional injustice was a real problem here (albeit a different type of problem than the blatant racist one).

It is this last pattern of injustice, in particular, that I will target in what follows—that is, a pattern whereby society, although it does not necessarily prevent many young people from exercising their newly developed autonomy, nevertheless, at a prior stage, prevents them from developing their autonomy, by denying them needed training and education that would equip them with important building blocks (various cognitive and self-efficacy skills) of autonomy. In this way, society may come to function as an inexcusably negligent parent, that harms its own by not providing for their developmental needs, by essentially abandoning them to a process of arrested development and maladjustment.
A natural response here might be to say that parents bear the primary responsibility for building these cognitive and self-efficacy skills into their children, so that i) a public system of education is meant, or should be meant, to serve only as a secondary supplement to this building process rather than as a replacement of it, and that, in turn, ii) society-at-large should not be seen as responsible, or as "harming its own," if some children fail to be properly prepared for adult autonomy. While this response might appear to offer a more balanced perspective on the responsibilities of parents and states to adequately train their children and future citizens, respectively, it nevertheless obscures a couple important factors.

First, this response obscures the fact that many, and probably the wide majority of, parents are simply unable (with too little time, money, and academic resources) to adequately equip their children with the knowledge and cognitive skills that will be required for these children to survive on their own later, as free-standing autonomous citizens in our complex, technological age. Yes, parents should be expected to model and instill a variety of virtues to and in their children; but it is unreasonable to expect that parents should also equip, or be able to equip, their children with all the cognitive skills and training that they will need to be able to effectively branch out later, on life paths of their own autonomous choosing.

Similarly, this response (that "parents bear the primary responsibility . . .") obscures the fact that modern society has adopted a public system of education as the most efficient way to prepare children for their future self-supporting lives. After having shed (the strictures of) the feudal system of apprentices and journeymen, where for the most part children were expected to learn and resume their parents trade (or else prepare for life as beggars or adventurers), we "enlightened moderns" have come to realize both that early family circumstances should not limit children's range of future options and careers and enjoyments, and, concomitantly, that the most efficient way to prepare children for a decent range of life-goods is through a public system of education, that surpasses (in terms of gains in freedoms and effective training) what any paternal system of apprenticing could pass on. Gesturing towards a more parent-based and less publicly-
provided system of education, therefore, seems like an insensitive, regressive and counter-productive, rather than progressive and pragmatic, reaction to my earlier claim.

My earlier claim, remember, was that whenever society denies children decent training and education (that would equip them with some of the necessary building blocks of autonomy), through providing them with grossly inadequate schools, it functions like negligent parents, who harm their own by not providing for their crucial developmental needs. Assuming that this is a reasonable stance, then, the next question becomes: What kind of social or legal action would be appropriate, even morally mandated, to redress such deleterious school conditions, to prevent children from ending up as "arrested," non-autonomous adults (or, as Alasdair MacIntyre might say, to prevent them from "stepping onto the adult stage as anxious, unscripted stutters")?

Our common resort, in cases where innocents are harmed, is to criminal and tort law. But such stultifying school conditions do not seem amenable to these remedies. This is in contrast to the sorts of stultifying home conditions that were discussed in the previous chapter, where (we saw how) criminal law applications could be derived straightforwardly from the Harm Principle, to hold irresponsible caregivers accountable for their vital responsibilities towards children. Although children's development may be stunted and harmed just as much from bad schools and educators as from bad homes and parents, however, the criminal law is ill suited to address the former causes of harm. A central reason why is that it would seem rather inappropriate to indict or arrest on criminal charges those legislators and citizens whose actions were causally responsible for children's poor school conditions. (We can imagine a "Senator Stoneheart" here, who blocks legislation that would bring much needed resources to a run down school or school district; and, on a more mundane level, we can imagine tax-paying citizens who are simply so self-absorbed and caught up with their own adult interests that they do not back candidates and policies that would improve terribly sub-par schools.)
Likewise, tort law seems to offer no better prospects for addressing the harms that children suffer through inadequate schooling. How could we assess what reparations were due a (grown-up?) child who attended shoddy schools? Could we rely upon children to defend their own interests in a court of law? And how, and to whom, could we assign fault? As might be apparent, the direct fault that abusive parents often have towards children is substantially different from the indirect or complicit fault that apathetic or ineffective legislators and citizens have towards children. Even when the latters' acts and votes squarely set back children's interests, it seems that their fault—in terms of mens rea culpability, liability, or irresponsibility—is no greater, or no easier to establish, than the fault of abusive and neglectful parents. (And the "fault" of these parents, if indeed they are to blame, is itself, as I have suggested, hard enough to establish.) More broadly, then, as Bill Keller notes, "It's hard to apportion individual blame for a dysfunctional system."

Even if the criminal law and tort law are ill-suited to address the harms that children suffer through terribly subpar schools, though, some legal principles and social interventions should serve to remedy these systemic disorders. For the central, unshakable concern here is that, without such intervention, the harm to this one set of children (whose minds, dreams, and imaginations wither at school, at the hands of underfunded, overworked, or incompetent educators) will continue to be every bit as deadening and autonomy-impairing as the harm that comes to that other set of children (whose brains and bodies are damaged at home, as a result of "shaking" or other forms of abuse, at the hands of cruel or neglectful parents).

So whereas parental licensing (geared to regulating the competencies of individual parents) might suffice to redress those harms that come to children at home, a more basic form of licensing or regulation will be needed to prevent the harms that would come to children through bad schools. However complex homes are, schools are more complex, in the sense of operating on more extensive and inter-coordinated levels of organization. Problems with bad schools stem not only from "bad teachers" (as would be the parental equivalent of the roots of bad homes), but
from a vast array of additional disorders, including incompetent, unaccountable, or inefficient personnel and management structures (which will be more complex than the simple husband-wife and parent-child relational structures), run down facilities and equipment, inadequate resources and curricular materials, etc. Consequently, forms of licensing and regulation having to do with more complex establishments—like workplaces, hospitals, and restaurants—might serve as helpful and appropriate models here.

Consider the justifying principles for OSHA (the Occupational Safety and Health Administration) and JCAH (the Joint Committee for the Accreditation of Hospitals) regulations, along with regulations that impose standards of hygiene and cleanliness for food selling businesses: Because of the risks (connected to outdated and ineffective equipment, inadequately trained personnel, fire hazards, food poisoning, etc.) that arise in these and other public sites, and because employee(r)s at these sites may not consistently be relied upon to maintain decent standards of risk and quality management, the state has rightly reasoned that it may send out behind-the-scenes inspectors to determine whether or not certain standards are being met.⁶ If standards are not being met, then sanctions, reallocation of funds, or replaced or improved management result, where such changes, in turn, provide incentives, but also resources if necessary, to help these enterprises come into compliance.

Why should schools not operate according to regulatory standards and mechanisms that are just as strict and effectively managed? Surely not because the risks or interests involved are any less substantial. Of course, educational boards already gesture at systems of accreditation to accomplish similar purposes. But, since so many children and schools and districts (especially in the inner cities) "fall through the cracks" of these systems, they should, I suggest, be modified towards the more stringent and highly prioritized guidelines I will offer here. For are our children’s minds so much less important than our own bodies? Is it fair to insist that all those doctors who treat our bodies be competent, while allowing teachers who train our (children's) minds to be any less competent? Is it rational to demand that all our workplaces be safe, while
allowing so many of our children to not attain the skills necessary to work in these places? Is it reasonable to insist that all our food servers—who prepare our meals for us—have adequate facilities, while so many of our teachers—who prepare our children for us (or for their own futures)—do not have adequate facilities? Or, perhaps more to the point, is it morally defensible for adult citizens to continue to order their budgets and public affairs in such a way that the exercise of their own autonomy remains a high priority, while the development of children's autonomy remains a relatively low priority? For any morally responsible generation of adults, would not the latter be at least as much of a priority as the former? For all these reasons, a more aggressive and systemic solution—perhaps drawn along the lines of Civil Rights or Equal Employment Opportunity legislation—is called for, to address the pervasive problems that continue to plague so many of our schools and school districts.

(Incidentally, my proposals here would apply primarily to public schools, since there are relatively fewer private schools and home schooling programs that offer dangerously subpar "problem conditions." These regulations need only be applied to particular private schools, then, that provided such deleterious conditions that they actually threatened to undermine children's eventual attainment of even minimal autonomy. And these cases would be rather rare. So, although I personally think that liberal, multicultural educations best foster children's attainment of a very robust autonomy, I assume that the far majority of private, religious, and home schools provide conditions that are not inimical to children's attainment of at least minimal autonomy.)

It is not my intention to offer practical proposals as to how such educational regulations could be effectively implemented. Rather, my intention is to expose the indefensible lack of stricter regulations for schools, and to suggest that there are no insuperable practical or moral obstacles to their implementation. When any society as affluent and technologically advanced as ours allows so many of its schools to operate below decent standards—and, thereby, essentially neglects the developmental needs of so many of its children—it seems to me that this happens not because
society simply "cannot figure out how to do better," but, rather, because it unjustifiably lacks the will, the moral resolve, to do better and to organize its priorities more responsibly.  

5.2 The Educational Sufficiency Standard
(To Support At Least Minimal Autonomy, ≥AL3)

Let us assume, then, that some kind of broad Educational Standard—that would lay out a set of legally enforceable educational standards and regulations, that all grade schools would have to meet or be brought up to—would be morally justified, even morally mandated. I have said nothing so far about what such individual standards or regulations would look like, or what the content of this overarching Standard would be.

To fill out this content, we might start by looking back at the kinds of horrid school conditions that Smokey and Christopher et. al. had to endure. As a provisional answer to this "What content?" question, we might say that such conditions are unacceptable and inadequate because, even if they would not positively subvert children's development, they would yet likely place all children (except perhaps the exceptionally gifted or resilient) who were subjected to them on a developmental trajectory that would land them below the autonomy threshold (<AL3) by the time they became adults. In lieu of such dismal projections, Amy Gutmann and Harry Frankfurt have offered hints as to how a minimal standard of educational adequacy or "sufficiency" could be substantively filled out.

Gutmann has argued that

the content of children's right to education will depend upon what is adequate for living a full life within their society—for being capable of choosing among available conceptions of the good and of participating intelligently in democratic politics if they choose. I have no doubt that this criterion imposes substantially greater obligations upon us than we fulfill by our current educational practices.  

In this light, the Educational Standard I have in mind would entail whatever educational conditions would be necessary to give children a fair and decent chance to live rational, self-supporting, socially-involved, and autonomous lives.
Along similar lines, Frankfurt has contended that, in regard to questions of the just distribution of social (including educational) resources, what really matters is not whether people enjoy an equal or near equal share, but whether they enjoy a sufficient share, that meets their vital needs and so enables them to live decent and tolerable human lives.

Those below a utility threshold are not necessarily benefited by additional resources that move them closer to [us]. What is crucial for them is to attain the threshold. . . What I believe [egalitarians] find intuitively to be morally objectionable, in the types of situations characteristically cited as instances of inequality, is not the fact that some individuals in those situations have less than others but the fact that those with less have too little. . . What directly touches us in cases of this kind is not a quantitative discrepancy but a qualitative condition—not the fact that the resources of those who are worse off are smaller in magnitude than ours but the different fact that these people are so poor. . . In the doctrine of sufficiency the use of the notion of 'enough' pertains to meeting a standard.10

Let me elaborate this last suggestion. In the context of grade school educational resources, insufficiency carries a temporal implication. It is implied that educational insufficiency can easily have permanent repercussions for children, preventing them from living decent and autonomous lives not only in the present, but, perhaps even more importantly, in the future, when they become adults. As Frankfurt explains,

The lives of those who are stuck on the short ends of socioeconomic and political [and educational] inequalities are often severely and sometimes irreparably impaired. . . The hardships that such disadvantaged situations inescapably impose may seriously damage a person's character. The deprivations and injuries that people suffer may be so penetrating that they go beyond merely making it hopelessly difficult for them to conduct decent and fulfilling lives. Far more drastically, those people may be psychologically impaired in ways that render them incapable even of understanding what it would be for them to try to live such lives. The catastrophically unfavorable circumstances that people in radically inferior positions must endure may not only cause them to live badly. Those circumstances may play a more harshly destructive role, by causing them to become defective people. . . [So] let us suppose that substantial inferiority with respect to certain kinds of initial prospects does—if not in strict necessity then as a matter of overwhelming empirical fact—make it practically impossible for a person to [later achieve] even a minimally tolerable life. If the inferior prospects really do condemn people to [this], it would certainly not be unreasonable to regard them as an evil (italics mine).11

Taking these suggestions as general guidelines that the Educational Sufficiency Standard should cohere with, then, the next question becomes, "What specific educational conditions will provide children with 'what is adequate for living a full life within their society' (per Gutmann), or with 'sufficient conditions for (at least) a minimally tolerable life' (per Frankfurt)," or, in
accordance with my account, with 'what is necessary to enable them to become at least minimally autonomous, self-standing adults'?

In response to this question, these specific conditions might be spelled out further in terms of "educational resources provided." As such, the Standard would mark out whatever resources will provide children with decent chances of attaining tolerable and autonomous lives as adults. Unfortunately, this move is still too vague to suffice. For even if a school had the resources of, say, many millions of dollars at its disposal, to spend in whatever way it deemed best for students, administrators could still spend the money ineffectively, allowing the students to end up, say, with marvelous gyms, lunchrooms, and playgrounds, but still inadequate instruction and preparation for adulthood. So even more specificity is needed.

Accordingly, the Standard might be defined as "that level of educational resources (understood in a broad and not just financial sense) sufficient to prepare all educable students to be able to have some decent range of college- or career options at the post-high school starting gate to make feasible choices from, thereby showing themselves to have attained at least a minimal threshold of young adult autonomy."

Kozol's negative anecdotes, such as were mentioned at the outset, provide suggestions as to how the first part of this formulation (a "sufficient level of educational resources") might be elaborated. Christopher, recall, had to endure loathsome bathroom and sewage facilities; Smokey and Serena had to maneuver through a dangerous, even murderous, school environment; and the students at Lathrop Elementary lacked proper library books and textbooks, and competent or caring administrators. We might systematize these resources (or lack thereof) as follows, by saying that all students require, and so should be provided with: a) adequate facilities (clean and functional bathrooms, lab equipment, lunchrooms, etc.), b) an adequate (safe, non-threatening, and decently maintained) environment, c) adequate materials (up-to-date textbooks, a variety of 'non-moldy' library books, etc.), and d) adequate personnel (competent administrators, teachers, counselors, security guards, etc.). Each of these should be acknowledged as necessary conditions of the Educational Sufficiency Standard; for without any
one of them, children would thereby lack an essential part of a decent education, i.e., an essential ingredient to a (decent chance for a) tolerable and autonomous adult life.

Are these four conditions enough for educational sufficiency, and for preparation for an autonomous life? Not quite; for unless a child also receives a certain amount of intellectual preparation, she will still not be on a secure path towards the attainment of autonomy. As I suggested earlier, if a child is not trained to master the basic "Three R's" (reading, writing, and 'rithmetic), along with a moderate level of grade school curricular content, we may safely assume that (there is too great a chance that) she will end up falling below the autonomy threshold by the time she reaches adulthood (or that she will not be able to actualize options from a truly decent range of adult life-goods). For instance, if someone is illiterate, or can hardly do the math to keep his budget in order, or (as Albert Bandura et. al. would insist) is largely ignorant of the workings of his culture and job market, it is hard to imagine him maneuvering through life in a very autonomous or self-efficacious way. Consider persons who have received less than a middle-school level of intellectual preparation and curricular content: More often than not, such people will have only menial or service-sector lines of work to choose from; and considering that the hardly livable wages attached to these kinds of work will often make it difficult, if not impossible, to support themselves financially (as after personal mishaps or bouts of bad health and costly medical bills) and to enjoy many of the finer things in life (with a commensurately narrow range of life-goods), it seems reasonable to forecast these people's lives as being charac-terized as much or more by non-autonomy as autonomy. If I am right here, this means that one of the most important prophylactics against a non-autonomous future will be the intellectual training and cultivation that comes from at least a middle-school level of curricular education.

To recapitulate, then, these seem to be the five necessary conditions of an Educational Sufficiency Standard: All children should be provided with adequate facilities, an adequate environment, adequate personnel, adequate materials, and adequate intellectual preparation (where "adequacy" is defined, in each case, as I have above). If but only if children enjoy these
five conditions at school (other things being equal in relation to their native capacities, personal
diligence, and home environments), they should be able to achieve at least minimal autonomy by
the time they become adults.

This essentially completes my account of justice for children. In a nutshell, I have argued that
all children should be equipped with the building blocks that are necessary to enable them, by the
time they become adults, to become at least minimally autonomous citizens (Chs. 1 & 2), that
they are seriously and wrongfully harmed whenever these essential building blocks are denied
them (Ch. 3), and that a number of interventions should be in place, in homes and schools (Chs. 4
& 5, respectively), to prevent these harms from occurring.

5.3 (Addendum) Educational Support for More than Minimal Autonomy (≥AL4)?

Up to this point, I have argued that the state should support children's development by providing
(or requiring relevant caregivers to provide) whatever is necessary for them to end up with at least
a minimal level of autonomy by the time they become adults, i.e., so that they achieve at least a
threshold (≥AL3) of autonomy. Recall what kind of life, and what level of self-governance, this
bare threshold marks: people characterized by AL3, I said,

seem to lie in the gap between autonomy and non-autonomy. Their lives are not a total mess, but
neither are they running smoothly or free of significant frustration. While seemingly effective at some
areas of self-governance, these people nevertheless have other significant personal and financial
struggles, hurdles, or challenges to overcome; and it is not clear whether these people have, or are able
to follow, a clear plan to emerge from these struggles, et. al. Also, to a large extent these people seem
to be products of their social setting, rather than critical perusers of this setting; they don't seem able to
significantly transcend the assumed norms and behaviors of their culture and immediate peers.
Examples of this type of person would be many late teenagers; phlegmatic types who want only to be
able to fit in; prostitutes; occasional hard drug users (as opposed to addicts) and persons in recovery
from addictions or mental disorders; those who, though "free and living on the outside," are leading a
life of crime; many illiterates; and persons with other very hard-to-manage medical or personal
problems (18).
On the one hand, this bare threshold marks out a quite progressive standard, insofar as it requires society to do far more, and be more consistent, in its protection of children than is already the case. (In contemporary America, there are currently far too many thousands, even millions, of non-autonomous young adults who are below this threshold, who are languishing in prisons, trapped in poverty, and mired in drug addictions—with no idea of how to get out of these dire straits and govern their lives effectively—who have ended up in such straits largely because they were never equipped with the skills and resources to do otherwise.) On the other hand, some might feel that my standard marks out too conservative a compromise, and that justice requires preparing children for a far more secure and effective level of autonomy than what this threshold marks out. After all, might it not be too unambitious, even morally lax, to aim only for children attaining the level of effective self-governance that, as I mentioned, many prostitutes might possess?! Consistent with this way of thinking, a more aggressive normative requirement would be to provide children with whatever is needed to enable them to achieve at least a moderate—rather than minimal—level of autonomy (designated by ≥AL4). Recall what kind of life, and what level of self-governance, this moderate level of autonomy marks: people characterized by AL4, I said,


govern their lives with functional effectiveness, and so possess a secure measure of autonomy. Despite various obstacles, they stick to their plans and chase their dreams with a fair measure of circumspection and perseverance. While it isn't clear whether these persons can significantly transcend the assumed norms and behaviors of their culture and immediate peers, at least they can independently determine their own personal goals and plans of action. And they are able to reflect upon the assumed norms and practices of their culture and peers with at least some degree of critical detachment.

We can view this raised teleological bar in terms of the three necessary conditions of autonomy. If children must be prepared to enjoy a moderate, rather than only minimal, level of autonomy, then they will need to acquire, first, a set of more acute cognitive skills, and second, a greater measure of self-discipline, or of volitional skills; and, third, they will need to be able to actualize preferred, non-adaptive options from among a wider range of life-goods. The
modification in regard to the first two (sets of) conditions is more straightforward; here, we can take a description of the relevant attributes (see sections 1.2.1 and 1.2.2) and merely increase them in magnitude, so as to determine what heightened level of autonomous maturation is now appropriate to aim for a as the goal. The case is not nearly as straightforward, however, in relation to this third necessary condition (a wider range of realizable life-goods). For here, when we ask "What would a wider range of actualizable life-goods look like or entail?", we must of necessity introduce a host of other, more complex factors related to the life-goods themselves (including career options, types of enjoyments, and various kinds of personal and communal values).

In terms of children's development, then, a more extensive training program would become required, if we were to prepare them to (be able to) effect options from a wider range of life-goods. For instance, we might not have to prepare children who were on a trajectory towards mere minimal autonomy (≥AL3) to be able to actualize options from among the life-goods of, say, wealth (LG #12) and achievement (LG #19) and power (LG #20); by comparison, if we were supposed to place children on a trajectory towards a more robust level of autonomy (≥AL4)—where this heightened adult end goal must, by definition, offer a relatively wider range of life-goods to actualize options from—then we might indeed have to prepare children to be able to actualize options from a range of life-goods that included, say, wealth or achievement or power.

At some point, as we continue to raise the bar on what level of autonomy we are preparing children to achieve, it will cease to suffice to say that they may merely actualize options from among, say, only the first several basic life-goods (namely, LGs 1-4: pleasure, physical intimacy, love, and friendship, which, arguably, even inmates and advanced primates are able to enjoy and choose from). Having only such basic life-goods to choose from and actualize, we could say, would represent too narrow a range of options to allow that person (who could actualize only these life-goods) to qualify as being very autonomous. In other words, if having some "decent range of realizable life-good options" is a necessary condition of being minimally autonomous,
then having some relatively expanded range of these options would seem a necessary condition of being markedly more autonomous.

Consider the implications of these claims in relation to children's educations. If our normative goal is no longer only that children come to achieve minimal autonomy, but now that they achieve a more robust autonomy, then we could conclude that, in addition to the five previous conditions of our Educational Sufficiency Standard, we need to add a sixth condition, namely, that children be prepared to compete for various kinds of socio-economic success (where "success" here is understood in a broad and personally fulfilling, and not just financial, sense). In accordance with this modified way of thinking—including what has been said about autonomy entailing the ability to actualize preferred, non-adaptive options from some decent, or even wide, range of life-goods—it would not be inconsistent to insist that the (newly amplified) Educational Standard contain something like the following requirement: All students (and perhaps especially the disadvantaged ones) should be exposed to a wide variety of higher pursuits, life values, and career opportunities. They should all be taken, by textbook and by imagination if not by bus, to the Oval Offices, the Wall Street board rooms, the Ivy League groves, the great art museums and concert halls, the space centers and cockpits, the surgery rooms, the Supreme Courts, and other sites that represent attainment of the various life-goods, and taught that these are not entitlements only of the privileged. In this amplified form, the Education Standard would now aim to prevent disadvantaged children from seeing these things as "reserved only for advantaged or wealthy children," and so from adapting themselves to an inordinately narrow range of viable life and career options. Correspondingly, students would be taught in some respectful way that the careers of their parents and neighbors need not mark the boundaries of their own possibilities. In sociological language, this means that poor students would be given similar chances of achieving high Duncan scores (a scale of occupational status ranging from 0 to 96) as wealthy children.16

Should this feature, or something close to it, also be seen as a necessary component of the Educational Standard? Arguably so. For consider again disadvantaged children like Christopher
(without a dream), or Smokey (without a sister), or Serena. If such children were not provided with the additional kind of socio-economic (or, in some sense, compensatory and hope-inspiring) preparation I speak of here, the following might likely result. They might likely continue to think, in so many words, "What difference will my schooling make? Why should I spend so much time and effort learning my A, B, C's and 1, 2, 3's, when all that is waiting for me beyond these school walls are the same old depression, deprivation, and degradation I have always known?" If they were inspired with visions of hope that went beyond what they experienced in their poorer homes and neighborhoods, however, these visions and insights might make all the difference in their ability to persevere, to utilize their education to escape from their deadening environments. But as it stands now, without something like this sixth condition being required, how many underprivileged children do not cultivate their own plans or effort(s) or ambitions (these being nascent components of autonomy) simply because they cannot conceive of other or better or inspiring ways of life? In this way, this sixth, socio-economic condition might usher in an additional needed component to the perhaps previously incomplete Standard, insofar as it would start to prepare children (especially the otherwise disadvantaged ones) to be able, when they became adults, to actualize options from a significantly wider range of life-goods.

Another way to conceive of the possible incompleteness of the original five-pronged Educational Standard—that was built solely upon the concept of "Sufficiency" and that lacked much hint of these positional or egalitarian values—is through the following thought experiment. Imagine that, in a society I will call "Pleasantville" at time t₁, there is educational justice. By definition, this means that all (educable) children here enjoy each of the five aforementioned conditions (p. 170), and so are able to achieve at least minimal autonomy when they reach adulthood. Notwithstanding, at some future period t₁+n, a change occurs in Pleasantville. The wealthiest parents gain access to a new, innovative, and expensive technology (we might call these "computers" or "neural synapse enhancers" or anything else, since it isn't the exact nature of the
technology that is important here), which they use to supplement their children's educations with. This technology allows their children to learn at relatively accelerated and previously unprecedented rates. As a result, these children of the very wealthy (c5s) begin to learn more and faster, do better on curricular and placement tests, and win an increasingly disparate number of positions in the top graduate schools, law and medical and business schools, etc. And then, predictably, in comparison to children of the less wealthy (c1s), they go on to win a highly disproportionate number of positions in all "high attainment careers" (perhaps with the exception of sports and pop media careers, which require less intellectual development to attain); and they practically never end up in stultifying or "unprestigious careers," such as those of janitors or garbage collectors. In the long run, then, Pleasantville becomes not so pleasant (being characterized by gross class divisions and social inequities) and not so fair (failing James Fishkin's "delivery ward social fairness test," whereby the eventual attainments of newborn infants should not be accurately predictable based on morally arbitrary features such as their race or parents' economic class). Using Nozick's terminology, we could say that, in these ways, Pleasantville loses its earlier pattern of educational fairness, so that the children not born into privileged homes either lose their previous assurance of becoming fully autonomous adults or, at least, end up with prospects of becoming relatively much less autonomous (secondary to a diminished range of life options that they come to be able to choose from and compete for effectively) than they did at the earlier—and more egalitarian—period in Pleasantville.

What should we say about this change in Pleasantville? In particular, what does this familiar thought experiment demonstrate about disadvantaged children's opportunity to become autonomous (in more than the most minimal or tentative sense)? For starters, it raises the possibility that sufficiency alone, contra Frankfurt, cannot serve as an adequate basis from which to support all children's developing (moderate) autonomy—but that some egalitarian variable must, after all, also be factored in. True educational sufficiency, in other words, might also contain or need to entail some element of equal opportunity, that is tethered to the allotments and
attainments of the better off. In Frankfurt's terminology, this means that having "too little" might, after all, be properly assessable (at least in this context of educational justice) only by considering "how much less" some have than others have. Or again, this suggests that there might not be any valid "absolute assessments," as Frankfurt says, of sufficiency and insufficiency without concomitant "relative assessments" of sufficiency and insufficiency. Sometimes—at least in contexts that demand fair preparation for later competition—we might not be able to say that "Huck has enough" unless we can also say that "Huck is close enough to Fauntleroy." This thought experiment suggests that the original Sufficiency Standard, then, might need to be modified or augmented so as to become a floating Standard—that requires the schooling of the worst off children to remain within some fair range of that of the best off children (at least if we insist upon moderate, rather than minimal, autonomy as the ultimate end goal). For as long as the best off children enjoy a substantial advantage in their grade school educations (which will be carried into the competition for higher education and careers) over the worst off, we can guess that this range between the best off (c₂s) and worst off (c₁s) is unfair and that the schooling of the worst off is insufficient—precisely because the best off will be prepared for a level of autonomy that consistently and significantly outpaces that of the worst off (as revealed by the markedly wider range of life-goods that the c₂s will be able to effectively actualize options from, versus the relatively narrow and diminished range of life-goods that the c₁s will have to learn to adapt to). In terms of a more aggressive or comprehensive model of educational justice, then, we might conclude that Frankfurt's sufficiency model along with my five-pronged Educational Sufficiency Standard, in order to achieve a truly robust social justice, should be supplemented by a sixth, egalitarian prong (such as equality of opportunity, in particular).¹⁸

There is a similar perspective or thought-experiment from which one might argue this claim (that any educational standard built solely on a consideration of sufficiency—that would thus allow highly disparate attainments of autonomy among different groups of children—is incomplete and allows for too much unfairness, so that some conception of equal opportunity
needs to be introduced, to prevent this unfairness). This perspective follows Bernard Williams' account of a hypothetical fair competition\textsuperscript{19}: No just society, he argues, will allow a highly inequitable distribution of the benefits and burdens of society, such that some disadvantaged children (c\textsubscript{1}s, characterized by certain morally arbitrary features such as being a minority or being born into poverty) will have to overcome enormous obstacles as they grow up while other children (c\textsubscript{2}s) enjoy enormous advantages as they grow up. (Recall my description of the Snowballing of (Dis)advantages Effect, p. 77.) Williams argues that no just society will allow these comparative (dis)advantages to accrue in such a way that the c\textsubscript{1}s—who must later compete against the c\textsubscript{2}s for a limited number of social positions, prizes, and benefits—end up consistently losing out to the advantaged c\textsubscript{2}s. Although a just society might allow an unequal distribution of benefits and burdens among the adult population (assuming that the inequality here could result from differential effort, merit, or desert), it would not tolerate an inequitable distribution of benefits and burdens among the child population. Members of this society would admit that, although fairness doesn't demand that all competitors in a race receive equal prizes, fairness does demand that no competitors have to compete, in essence, with deformed legs that resulted from training earlier with balls and chains around their ankles. Any reasonable conception of fairness would demand this especially if these crippled competitors did not have to train this way earlier, as a matter of necessity, i.e., if society (including its leaders and the organizers of "the race") had it in its power to remove these balls and chains early on, and at no greater ultimate cost to itself than if it didn't remove them.

Let me reiterate the way that this more egalitarian perspective seems to relate to an autonomy-based account of educational justice: if the education of the worst off and disadvantaged children (the c\textsubscript{1}s) is not within some fair range of the education of the best off, their (the c\textsubscript{1}s) autonomy development will be relatively impaired in the process. For again, being autonomous, among other things, means that a person will have a decent range of life-goods and -options to choose from. Consider the following chains of events: If comparatively many of the c\textsubscript{1}s regularly cannot
quite, say, make it into law or medical or graduate school, and cannot get hired for higher-paying jobs, and cannot come to hold positions of real power, and cannot achieve as much in the arts and sciences, and cannot enjoy as high a level of personal health, and on and on—specifically and only because the c_2's enjoyed a superior early education, and then became better qualified, and then regularly beat out the c_1's in competition for advanced school slots and jobs, and then made more of the universal means (i.e., more money via higher salaries) and then, as a final consequence, ended up able to enjoy a much wider range of life-goods—then, we could conclude that the c_1's range of options had been unfairly constricted, and that their (the c_1's) autonomy was thereby unfairly impaired.

The ultimate conclusion one might draw from all these considerations is that: the original Sufficiency Standard was both insufficient (in that it did not support children's attainment of a truly robust and non-tenuous level of autonomy, namely, AL4) and incomplete (in that it unfairly allowed under-privileged children (c_1's), through morally arbitrary reasons and no fault of their own, to continually attain only a much lower level of autonomy than privileged children (c_2's)—wherein this disparity in autonomy attainment could be evidenced by the c_2's consistently ending up able to enjoy a much wider range of life-goods than the c_1's). If this is so, it seems that this insufficiency and incompleteness can be avoided only if, again, some kind of "equal opportunity condition" is added to our simple Sufficiency Standard of educational justice.

So far in this addendum, I have spoken in tentative terms, suggesting that my original Educational Standard might be incomplete, or might benefit from the introduction of egalitarian elements. I have spoken this way since, as I suggested earlier, a conclusive analysis that thoroughly investigated the connections between my autonomy-based account and an egalitarian account (in regard to educational justice, more narrowly, or overall justice for children, more broadly), or that demonstrated that a sufficiency-account based on the goal of achieving only minimal autonomy was inferior to an account based on the goal of achieving a more robust
autonomy, ushers in somewhat tangential theoretical questions that are best pursued elsewhere. Despite these realizations, however, there is still a sense in which I feel beholden, in this account of justice for children, to address the place of equal opportunity at least briefly. With these provisos in mind, I will devote the remainder of this addendum to briefly fleshing out a workable notion of "equal educational opportunity," in a way that should reveal some of the linkages between this egalitarian notion and my ideal of trying to support all children's development of autonomy.

In trying to offer a broader perspective on what educational justice for children might involve, though, it will not do to simply say that "some general notion of equal educational opportunity must be added to the mix." For as many theorists have pointed out, this notion is notoriously vague.20 What do we, or should we, mean by "equal educational opportunity"? In order to elaborate a more precise and defensible version of this notion, we might start by using three gradients that must characterize all children. One gradient (E), we might say, would mark the child's effort level, another gradient (F) would mark the privilege-level of his/her family background, and a third gradient (G) would mark the level of his/her innate giftedness. We could also stipulate that there would be three possible levels of each gradient. (That is, a high effort child would be an E1, a moderate effort child an E2, and a child expending low effort an E3; a naturally very gifted child would be a G1, a child of average giftedness a G2, and a mildly learning disabled child a G3; and a child from a very privileged family would be an F1, while a child from a more disadvantaged background would be an F3). Within this model, then, there would be 27 (3^3) possible types of children.21 Below is a chart including and grouping each of these types (C1, the first type of child, is E1-G1-F1; and so on).

C1: E1-G1-F1  C10: E2-G1-F1  C19: E3-G1-F1
C2: E1-G1-F2  C11: E2-G1-F2  C20: E3-G1-F2
C3: E1-G1-F3  C12: E2-G1-F3  C21: E3-G1-F2
C4: E1-G2-F1  C13: E2-G2-F1  C22: E3-G2-F1

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Given this matrix, the problem we must then try to solve is: *How should educational resources be distributed so as to achieve a fair and "equal educational opportunity" for these 27 (types of) children, that would place each on a trajectory to achieve some robust measure of autonomy?*

In his *Equality of Opportunity*, John Roemer articulates an essentially compensatory solution to this problem—in terms of compensating for poor family backgrounds, or F3s, but not necessarily compensating for low levels of effort (E3s) or low levels of giftedness (G3s). That is, he rightly reasons that children who come from relatively disadvantaged backgrounds will require *significantly more* educational resources spent on them, to give them equal chances of adult success or autonomy (as measured by earning capacity), as will children who come from relatively advantaged backgrounds: "In the mid-1960s, when the young men in the NLSY [National Longitudinal Study of Youth] sample attended secondary school, per capita expenditures nationally in the U.S. were approximately $600. To have achieved equality of opportunity for future earning capacity (as measured by the logarithm of earnings at age 30), approximately ten times as much should have been invested in the education of blacks as of whites." According to Roemer, this means disproportionate spending upon disadvantaged children (the F3s, including C3, C6, C9, . . . , C27), compensating them in this way so as to achieve an "equal educational opportunity" for all.

What should we say about his model? Roemer is right, I believe, to assume that we should not let morally arbitrary factors (viz. the class or race a child is born into) determine what life chances a child ends up with. Conversely, he is right to assume that we should structure our educational resources and institutions in such a way as to allow only morally relevant factors (perhaps such as merit-based levels of effort, where lower effort is not merely resultant from living in stultifying
environments wherein industry and higher levels of effort are not rewarded, or are even punished) to determine what careers and life chances a child ends up with. The problem with Roemer's model lies elsewhere, it seems, in that he does not adequately separate his systemic disease etiologies from their proper remedies. In other words, *if children suffer from bad homes, isn't it a crude solution to try to treat them with good* (or, really, way-above-par) *schools?* As Alan Ryan has said about Dewey, "Dewey never supposed that a school could take children out of a battle zone in which family life had virtually ceased and turn them into rational, far-sighted, and public-spirited citizens. Neither he nor anyone else ought to be asked to repair in the classroom the emotional and physical damage done outside it (Ryan, 131)." So yes, autonomy and equal opportunity are laudable goals; and *if* the only way to achieve these is to provide otherwise disadvantaged children with way-above-par educations, then we should do this, as Roemer suggests, and spend up to ten times as much on these children as on other children. But is this the only or best way to achieve these goals? Why can't we strive to provide equally good educations to all children, and then address their *other* environmental inequities and unfair disparities directly (as I advocate in Chapter 4)? Certainly, if a child from a highly dysfunctional home goes to a really sub-par school, then justice requires at the very least that society bring his school up to par. This much should be obvious. But if this same child has a difficult time learning at a decent quality school, due to home or environmental problems that are not his own fault, wouldn't it be better to try to remedy these problems directly, rather than to try to compensate by providing him with super-high-quality schooling? In a medical context, treating one dysfunctional organ system by bolstering another usually only complicates the disease process; and the case may be no different in the context of a child's overall development. Does Roemer assume that such direct remedies are implausible and, therefore, that his compensatory educational strategy is optimal by default? If so, he doesn't explicitly argue this.
In a separate attempt to flesh out this notion of equal educational opportunity, Christopher Jencks (1988) has pointed out that there are three possible strategies we might employ (to flesh this out). "Equal opportunity can imply either a meritocratic distribution of resources [1st strategy], a compensatory distribution of resources [2nd strategy], or an equal distribution of resources [3rd strategy]."23 I will now point out some serious flaws in (various versions of) the 1st and 2nd strategies, so that this 3rd strategy (which aims at an equal distribution of educational resources) emerges as the most plausible. (Of course, it is assumed that educational justice will not be achieved only if all children receive an equal share of educational resources—since they might consistently receive an equally insufficient share; rather, it will be assumed that children should receive equally sufficient shares. And, as should become more apparent, this suggests how and why the notions of both "sufficiency" and "equality" might need to be conjoined together, to provide a truly complete model of educational justice.) In view of qualifications about the 1st and 2nd strategy, I will then assume that resort to this 3rd equalizing strategy is warranted, because of the plausibility of the following bedrock equity principle (which the 3rd strategy rests upon, and which is traceable to theorists of justice going back to Aristotle): "equals should be treated equally (viz. provided with equal resources) unless good reasons exist that justify treating them unequally (perhaps by using equal resources upon them in different ways)."24

I have already said what I thought of one version of the 2nd strategy, that attempts to compensate for past environmental disadvantages—in my response to Roemer. But there is another, even more radical version of this strategy, that aims to compensate for genetic disadvantages, that should be addressed, if only to reject it. Jencks calls this version "strong humane justice": "This variant of [educational] justice requires [us] to compensate those who have been shortchanged in any way in the past, including genetically (Jencks, p. 520)." This version is unacceptable because trying to give all children—including practically uneducable and genetically handicapped ones such as the severely mentally retarded—an equal educational opportunity might require expending an infinite, or at least wildly impractical, level of resources on the severely
handicapped ones. (E.g., should we devote billions of dollars on research to try to figure out how
to make, say, encephalic children [who are born without functional portions of their brain] capable of normal rational thought?)

In lieu of these implausible consequences, the only compensatory reasons that would seem to make sense, as an attempted elaboration of the equal educational opportunity ideal, would be reasons geared around the compensation of persons who suffer from specifically educational types of past disadvantage. Consider persons who have had to suffer through terrible "East St. Louis-type" primary schools, so that, later on, they have substantial gaps in their learning. It isn't clear why Roemer and Jencks consider persons suffering from other types of disadvantage qualify as candidates for compensatory equal educational opportunity, but not this type of person. There seems to be no good reason why the state should not support such persons, when they are older teens or even adults, in attending "fill-in-the-gap" learning programs, publicly funded and free of charge (just as free as free grade schools). Better late than never. After having wronged these people earlier by sending them to such abysmal grade schools, should society wrong them again later, by either ignoring them, condemning them as ignoramuses or moral reprobates, or refusing to teach them later with compensatory adult education programs? (How many such persons end up as "ignorant" adults, with the intellectual development of ten-year olds, not because of degeneracy or some purely moral flaw, but simply because they were denied a decent early education, and then were never given a chance later to make up their past educational deficiencies?) Should such "grown-ups" be resigned as lost causes or closed cases? Or is it assumed that such people, who go through twelve or less years of deplorable public education, should nevertheless emerge unscathed, be self-taught, and be expected to participate in society just as effectively and autonomously as other citizens, who were not so educationally deprived? So if we were going to adopt a compensatory educational strategy, then it would seem to make more sense to adopt this track—to treat people who had bad educations earlier to good educations later. Equalizing resources over a student's whole academic career in this way would thus justify
allocating more resources later to students who had received less earlier. (And, in turn, this would achieve some of the benefits of the compensatory strategy within a fundamentally egalitarian framework.)

Having said this about the 2nd strategy, then what about the 1st strategy? That is, what about attempts to articulate the ideal of "equal educational opportunity" in terms of meritocratic (rather than compensatory) criteria? As Jencks explains, such meritocratic, i.e., "moralistic [educational] justice is easy to reconcile with equal opportunity. One simply says that all students have an equal opportunity to make an effort and that all who make equal effort get equal treatment (521)."

But is it really fair for those children who exert more effort (the E1s) to be allotted more educational resources, simply in virtue of their (assumed) greater merit? If all students did have an equal opportunity to expend effort, or if educators could control for background motivating features, this might be fair. (By "background motivating features," I refer to things such as the praise or apathy parents give to children for good grades and effort expenditure; the conduciveness of home environments to working on homework; the approbation or censure that peers give to students in response to their show of interest and diligence; the abundance or dearth of models of high-effort students who are rewarded, etc.) But neither of these "if" is the case, or can be the case. Since the things that influence children's level of expended effort come largely from their extra-curricular social milieus (rather than being purely the product of internal moral mechanisms that operate within some "black box of their souls"), children do not have, and can not have, a truly equal opportunity to expend effort. Educators have, and can have, far too little control over the background features that influence effort. To control for these features, in order to be able to reliably assess that one child really was expending more effort than another (and also to guarantee truly equal opportunity to expend effort), all things considered, educators would have to be in control of, or at least be able to monitor, the around-the-clock environments of the children, rather than only their 8-to-3-o'clock school environment (cf. Sher, 1987, ch. 2). As Roemer notes, two
children who exert the same *absolute* amounts of effort may, in an all-things-considered or morally comparable way, be exerting different *relative* amounts of effort, in response to differing background environments that offer them far different motivation and supports for expending the same absolute amount of effort. (For instance, a poor black child who exerts $x$ units of effort might be exerting *more* relative effort, all things considered, than a wealthy white child who exerts the same $x$ units; see Roemer [1999], 6-24.) Because all children can not have truly equal opportunities to expend effort, then, and because educators cannot always reliably assess whether one child is really expending more relative effort than another, all things considered, it would not be fair to devote more resources to the E1s (the children expending higher absolute amounts of effort) than the E3s. (I will go on to show, however, that, while an E1 might not deserve *more resources* than an E3, he might deserve *different treatment* than an E3.)

Some may feel that such considerations obscure the fact that E1s *just do* deserve greater resources, simply in virtue of their greater effort (regardless of the background reasons why they have come to exert more of this than others). They may reason that, even if the E1s have not merited the favorable background conditions that support their higher effort expenditures, nevertheless they still deserve more resources because of their greater effort. Although I accept the first part of this claim (about the E1s' lack of desert of their background circumstances), I reject its conclusion (that the E1s should then automatically be granted more resources). Why? For one, automatically granting more resources to the E1s would likely exacerbate, rather than mollify, existing inequities and disparities in effort exertion. The purported *merit* of those who exert more effort should not necessarily take moral precedence (in terms of justifying greater resource allocation) over the *needs* of, and the moral mandate to compensate, children (E3s) whose background circumstances make it markedly more difficult for them to expend the same absolute amount of effort (as the E1s).

But there is another more salient consideration here, which may make this question (of whether or not the E1s deserve more educational resources) moot. The educational resource(s) here need
not be distributed in a uniform or homogeneous way; even if we think of this resource, as Jencks suggests, as "Ms. Higgins' time and attention," this may still be expressed in non-uniform or specialized ways. That is, we might still distribute equal amounts of resources to children, while simultaneously responding to their individual and widely differing merits, needs, and levels of effort. Ms. Higgins (our hypothetical grade school teacher, who must decide how to best or most fairly allocate the educational resources) may still give equal time to an E1 (high effort student) and an E3 (low effort student), but use this time in very different ways. She may devote half an hour to E1, in praising him and rewarding him for his effort, while devoting the same amount of time to E3, but in trying to figure out why his effort is so low and encouraging him to do better. This standard of "equal allocation expressed in different ways" may hold for students with high and low levels of native giftedness (the G1s and G3s, respectively), too. A certain amount of attention or money could be devoted to G1, geared towards keeping him stimulated with advanced materials, while the same amount of attention or money could be devoted to G3, but geared towards remedially strengthening his weaknesses. The basic resource (whether hours, amounts of attention, dollars, etc.) could remain equal in each case, but be expressed quite differently—depending on, and tailored to, the differing individual merits and needs of each student. (I assume here that training geared for gifted or high-effort students will not necessarily be more expensive, or require more resources, all things considered, than training for apparently less-gifted or poorly motivated students.) This way of thinking recalls Peter Singer's insight that "The basic principle of equality does not require equal or identical treatment; it requires equal consideration."²⁵ For various reasons—including all children's equal worth as human beings, or their equal rights to a good education and an autonomous "open future," etc.—then, we might want to conclude that children who expend more effort or who are more gifted do not necessarily merit more educational resources, simpliciter, but that they merely merit different types of educational treatment.
If I am right about this, it constitutes a corrective cure for Jencks' skepticism, who suggests that "equal educational opportunity" cannot be coherently elaborated or applied—since, according to the trilemma he implicitly suggests, we must either deny extra resources to those who really merit them, or we must admit that there is no principled way to show why any one type of child really deserves more resources than another, or else (if we do allocate extra resources to types of students who seem to merit them) we must essentially abandon the ideal of equal opportunity.

Having said this about Jencks' 1st strategy, we are led back to his 3rd strategy—that of (articulating equal educational opportunity in terms of) an equal distribution of educational resources. For all these reasons, that is, it seems best to conceive of "equal educational opportunity" so that basic educational resources (R) will be divided fairly equally among the total number of children (n), so that each and every child receives R/n—but where R/n is spent on each child in a way that optimally teaches her, depending upon her own unique set of tendencies, strengths and weaknesses, talents and handicaps. As such, I will assume that this third conception is most plausible—unless someone can show why the greater merits of one child (say, an E1-G2-F1) carry greater overall moral weight (implying that we should spend more overall resources on this former child) than do the greater needs of another child (say, an E3-G2-F3).

Where does this leave us, then, in regard to our overarching question about what model would more faithfully represent a just education for all children? Under the assumption that we should aim for children's attainment of a robust, rather than merely minimal, level of autonomy (≥AL4), we might conclude that there are two important and interdependent components of educational justice. One component would be this (3rd) conception of equal educational opportunity, understood in terms of an equal distribution (R/n) of educational resources; and the other component (or rather, other five components) would be that/those of the Educational Sufficiency Standard. Arguably, each of these component ideals might thus need to be included and tethered together to provide a truly fair and complete conception of educational justice. And why should
this be so? Because, on the one hand, it seems that an equal opportunity parameter needs to be present in order to prevent the otherwise underprivileged children from unfairly continuing to attain only a consistently much lower level of autonomy than the privileged children, or, in other words, continuing to be able to actualize options from only an inordinately narrower range of life-goods. (Recall the Pleasantville and Williams thought-experiments, that suggested moral mandates for equal opportunities and fair competition, respectively.) On the other hand, this egalitarian parameter will not be complete or sufficient by itself to ground a model of educational justice, since, taken in isolation, it would allow all children to be educated equally inadequately, i.e., by providing them all with equally insufficient resources to become even minimally autonomous. (We might imagine this situation arising in some banana republic where public resources were squandered so selfishly or foolishly by petty tyrants that there were not enough public resources left for any decent schools in the country.) So, as should be even more apparent by now, some sufficiency parameter (marking out at least the minimal educational resources that children will need to become autonomous) needs to be present also. And if all children are to be trained and equipped to enjoy securely autonomous lives (≥AL4), then it is arguable that both these parameters—of equality and sufficiency—should be aimed at, to produce the individually necessary and jointly sufficient components of educational justice.

If this amplified model of educational justice were applied, therefore, we would not have sufficiency without equal opportunity—since this could lead to unfair, inequitable results; and we would not have equal opportunity without sufficiency—since this could lead to equally inadequate, ineffective, or non-autonomous results. For better or worse, I will leave it to the reader to ponder which of these two alternatives—my original Sufficiency Standard (which aims at children's attainment of at least minimal autonomy) or this amplified, more egalitarian standard (which aims at equalizing children's opportunity to attain a robust autonomy)—is a better model of educational justice, all things considered.
FOOTNOTES

1 The ambition referred to here is assumed to have arisen fairly independently of very dysfunctional family backgrounds and other stultifying and preference-deforming influences. It should be apparent by now that, if children are long exposed to such backgrounds and influences, to limited options, and to inadequate training and inspiration, their ambitions often eventually wither in the process.


3 ibid, p. 13. Although this incident does not necessarily illustrate conditions prevalent in the school, it does reveal what kind of environment "schooling" takes place within.

4 ibid, p. 53.


6 These inspectors could become the amicus curiae backbone of an Education Act, serving as "friends of the court" to represent the interests of children who could, understandably, not always be expected to stand up for their own interests. This Act would lay out all the standards, principles, and procedures that would be needed and relevant for proper regulation of schools. Also, for comparisons with Hugh LaFollette's proposed system of "Parental Licensing," see his Philosophy & Public Affairs paper (9:2, 1980) by that same title.

7 Perhaps such myopia is merely the result of (what Peter Singer might call) a biased "generationalism" (cf. footnote 24). Just as Singer equates "speciesism," "racism," and "sexism" with the morally specious and arbitrary bias shown in favoring the interests of members of one's own species, race, and gender, respectively, so we might call those acts "generationalist" which, due to merely selfish bias for the interests of one's own generation, discriminate against the interests of younger (or later) generations. As one example of such generationalism, we might think of the tendency to permit national debt, buoyed by fiscal irresponsibility, to be passed on to children. The ancient Hebrew prophets chronicled this perennial bias when they noted how "the fathers eat sour grapes, while the children's teeth are set on edge."

8 See Goodin (1982), esp. chs. 7 ("Impossibility as an Excuse for Inaction"), 8 ("Risk as an Excuse for Maldistribution"), and 9 ("Uncertainty as an Excuse for Myopia"). Simply deciding to fund local school districts from equitably distributed statewide revenue, or national funds if necessary, rather than merely from local real estate tax revenue, would often be the only practical measure needed to help bring all schools up to par. Granted, it has become all too common in our society for exasperated educators and legislators to scratch their heads, admitting that they just cannot figure out how to make failing schools work. But nine times out of ten, the schools they admit this about are simply grossly underfunded. (Obviously, it is would be challenging to figure out how to make an effective rocketship on a hundred dollar budget.) If we as a society took the first baby step of at least funding our schools adequately, we would find, I think, that the challenges of properly educating children, even from disadvantaged backgrounds, was no longer as daunting or perplexing (especially if my Chapter Three proposals were implemented).


12 A starting gate is that point in time after which free competition for some prize, job, title, etc., begins between competitors. Before the starting gate, according to the "ability-acquiring moment" of educational opportunity theories, any two competitors were supposed to have been provided equal opportunities for attaining the qualities or abilities in question, where these qualities comprise the criteria for later judging who 'wins.' After the starting gate, according to the "ability-judging moment" of such theories, the winner is indeed supposed to be chosen on the basis only of clearly specified abilities, rather than on the basis of other traits (such as skin color) that should be held as irrelevant to the competition. This latter "equal judging of ability" is the Non-Discrimination aspect of such theories, whereas the former "equal acquiring of ability" is the more strictly Equal Opportunity aspect. In what follows, I will be concerned only with this former "equal acquiring" aspect (which is more naturally relevant to issues of grade-school education), and in the following way. I will take as my starting gate approximately the eighteenth year of a teenager's life, that general period when most teenagers can be expected to have finished high school. I will assume that, when any such teenager then competes for positions in college or on the job market, she should be judged in a non-discriminatory way, according to only those traits that are legitimately relevant to whatever position is up for grabs. I will have nothing more to say about what happens after this starting gate. My focus from here on will be upon what happens before this starting gate—specifically, upon whether all competitors have been provided a fair education for competition up to this gate.

13 Gutmann (1980) argues that a certain kind of political preparation is also necessary, if not to make them autonomous, at least to make them functional members of their civic communities.

14 For accounts of the neglected, non-autonomous masses trapped in prisons, poverty, and addiction in America, see Tonry (1995) and Parenti (1999), Wilson (1997), and Reinarman (1997), respectively.

15 See section 1.2. It should be remembered, in what follows, that, although these three sets of conditions may be neatly separated out conceptually, they will overlap and inform each other in actuality.


18 It should be more evident, according to reasons that Frankfurt has presented, why a model of "equal educational opportunity," by itself, will likewise be inadequate. We might imagine all children receiving an exactly equal level of educational opportunity—where this level is uniformly abysmal or scant—so that equality, in itself, is no moral achievement. Also, the state might have to allow some limited deviations above the line of "equal educational opportunity," such as might flow from more involved and supportive parents, or from high quality private schooling. To deny this would allow, as James Fishkin has pointed out, for inordinate meddling and interference in the family or private sphere (Fishkin, 1983). As such, we should note that the quality of education (and educational opportunity) that a child enjoys at school will always be partially dependent upon family conditions that she enjoys in her home and community. But to the extent that these private deviations substantially hurt (rather than inequitably bolster) a child's ability to utilize an education at school, the principles I offered in Chapter Three, rather than in this Chapter, apply. With this proviso in mind, I am concerned in this Chapter to establish what fair conditions should obtain in the schools when home and community conditions are held as a theoretical constant.

19 Williams, "The Idea of Equality," The Concept of Equality, W.T. Blackstone, ed., Burgess Publ. Co., Minneapolis, Minn., 1969. Incidentally, and in relation to the previous footnote, we should note that competitors who are born with natural advantages (such as innately faster-twitch muscles, stronger limbs, or quicker minds) necessarily bring an unfair advantage to the race. Although this may be the case, it is
significantly different from the case of socially-rooted advantages (which are all that I am addressing here), for the simple fact that "nature," rather than society, is the cause of such natural advantages. While justice does require us to eradicate all undeserved socially-rooted advantages, it does not necessarily require us, it seems, to eradicate all undeserved naturally-rooted advantages. (On a consequentialist level, such genetic egalitarianism might be practically impossible to achieve; and on a deontological level, this might entail obliterating all the unique identity traits and idiosyncrasies, included in our "genetic handicaps," that make us distinct individuals!) Although Rawls assumes the more inclusive claim of justice, he seems to do so without adequate justification.


21 Roemer uses such a system of types of children, although he makes a subtle distinction between "levels" and "degrees" of effort. If we wanted, we could make this model more fine-grained by including 81 types (3 to the 4th power, using four levels of each gradient), 243 types, 729 types, and so on, depending upon how many levels of each gradient we wanted or, in other words, how much information we wanted to be included within each level. (Currently, Julian Betts and Roemer are pursuing just such a line of research.)

22 Roemer (1998), p. 80. It should be noted that earning capacity will be only one measure of adult autonomy. Obviously, many young adults, if autonomous, will choose to enter careers that, though offering relatively lower earnings, will offer, to them, high net amounts of personal fulfillment and satisfaction. Accordingly, we would want future "longitudinal autonomy studies" to track not only later earning capacities of different populations of youth, but also the distribution and entrance of these youths into a broad variety of careers (including artists, scientists, educators, public servants, charity work, etc.). If disadvantaged youths continued to enter certain careers in very disproportionately low levels, we should want to figure out precisely why this was so.

23 Jencks (1988), p. 520. Jencks himself does not seem to prefer any one of these versions strongly above the others. In a skeptical manner, he suggests that, to some degree at least, every version of "equal educational opportunity" suffers from some sort of fundamental incoherence. As such, his article offers more in the way of conceptual clarification than moral resolution.


CHAPTER 6 - CONCLUSION

This completes my account of justice for children. In this account, I have examined what autonomy is and why it is so important (Ch. 1), what early empirical conditions are required for the development of autonomy (Ch. 2), what reasons support the state's intervention on behalf of children whose autonomy development is threatened (Ch. 3), and what sociopolitical conditions are required for the development of autonomy, in regard to homes and schools (Chs. 4 & 5, respectively).

A central claim I have tried to establish is that it is unjust for adults to exercise their freedom in ways that arrest or subvert the developing autonomy of children. This claim covers more obvious, active instances of injustice, as occur when parents seriously abuse their children, or when governments back educational programs that serve to stymie, rather than stimulate, the wide developmental capacities of young students. But this claim also covers less obvious, passive instances of injustices, as occur when parents seriously neglect their children, or when society—including both public officials and ordinary citizens who become inordinately preoccupied with their own interests—allows many youths to grow up without adequate training and preparation for adulthood.

I have tried to show, too, that these latter injustices are no less immoral than the former ones, merely because of their "passive" nature. Governments do not stand idly by when contractors break the conditions of their contract, on the grounds that this is "private business." Rather, they intervene, to prevent the harm and economic disorder that would surely otherwise come through allowing such breaches. Considering that the harm that comes to children through government passivity (when abuse, neglect, and incompetence of various kinds are not addressed) can be even more virulent than the harm that would come to contractors through governmental passivity (if breaches of contract were not addressed), then governments would not seem to be justified in
intervening in the latter “private” financial cases, but not also in the former child cases. For, as I have argued, *setbacks to a child’s vital interest in becoming autonomous are typically more harmful than setbacks to any one of an adult’s already-established interests.*

By extending these arguments, I have also contended that, to the degree any society ignores children’s interests, it will not only prove itself unjust; it will also, to this degree, inevitably have to wrestle with problems of crime, poverty and unemployment, greater relative economic inefficiency (with higher costs for welfare programs, prisons, treatment and re-training programs, etc.), and general social instability later, when these children emerge as *non-autonomous adults.* Conversely, to the degree that any society supports children’s interests, it will thereby prove itself just; and such societies will inevitably reap the benefits of a more autonomous citizenry later, as children grow up to be more productive, innovative, self-standing and self-respecting citizens. Through these kinds of contrasts and this emphasis upon the fair treatment of children, I have in turn tried to establish that a truly just (and efficient) society will foster as high a percentage of autonomous members in its midst as possible.

Someone might object to the picture of this (supposedly ideal) society that I have painted here: Granting that so many children could be given good early training, so that they really did become autonomous adults in pursuit of “their own” aspirations and careers, then who would “dig the ditches and clean the bathroom stalls,” who would do all the manual labor that will invariably need to be done in any society? All I can say to this question here is that solutions to such social coordination problems will much more likely be solved by a more highly autonomous (and relatively better educated) population and workforce. Part of these solutions would undoubtedly involve distributing benefits (like a livable wage, decent health insurance, truly “secure” retirement benefits, etc.) more fairly to those who shoulder the burden of more arduous and exhausting labor. And when, in the “high autonomy society” I have in mind, people do enter careers that involve a higher degree of this type of manual labor, we will be able to have much more confidence that they will *freely* do so. Given a fairer distribution of the benefits and burdens
of society—including universal nurture of everyone’s rational and decision-making faculties—surely not everyone would try to become doctors (when they realize, e.g., how much physiology and pharmacology they will have to memorize), or lawyers (when they realize how much prep time is required to do well on the LSATs, bar exams, court cases, etc.), or astronauts (when they realize how good their eyesight and overall health has to be), etc. This is in sharp contrast to many societies in today’s world, where many if not most of those who end up doing hard labor were not really informed about, or prepared for, other options when they were younger; for all we know now, many of these laborers might have (had the native ability and ambition to) become doctors, lawyers, astronauts, etc., if only they had been given a real opportunity to do so.

Regardless of what practical advantages my high autonomy society would offer, it would certainly offer a profound moral advantage. For it would be morally indefensible for any society or any group of privileged elites—if they had it any their power to provide a greater range of opportunities for youth, and thus to better support their developing autonomy—to deny these things to them, merely to insure that the “dirty work” will get done and the status quo will be “safely maintained.” This denial would amount to cravenly “using these youths merely as means to one’s own ends, and not to treating them as they deserve to be treated, as ends in themselves.” My high autonomy society, then, would at least represent progress past this (im)moral impasse, where real autonomy continues to be reserved for only a privileged sub-portion of society.
AFTERWORD

In parting, I want to leave, if not a promissory note, at least a suggestion that raises some promising theoretical possibilities. This suggestion pertains to what would, I think, be a strong theoretical virtue of my approach to social justice, if it were expanded to cover injustice to adults and not children only. This virtue would be the wide scope my theory could cover with a good measure of economy and simplicity. The following basic principle of justice, extrapolated from my arguments about children in this work, would serve as the underlying foundation of this compact approach: "a state is unjust to the extent that it wrongly causes or wrongly allows its members to be(come) non-autonomous." If properly fleshed out, this principle could cover what have been traditionally recognized as instances of state injustice, namely basic rights violations like denial of due process, denial of freedom of speech, of conscience, of the right to vote, etc. These would be cases where the state (actively) "wrongly causes" non-autonomy. (E.g., someone would be prevented from being autonomous in this way if he was wrongfully imprisoned, say, for worshipping within an unauthorized non-state religion, or if he was brutally suppressed from having any say in the decisions of his government.) This principle could also cover instances of injustice that involved the state shirking its obligations and responsibilities towards its citizens (and future citizens). This would include more obvious and long-acknowledged instances, such as failure to protect citizens from internal violence and from external threats and enemies. But it would also include more recently chronicled injustices, such as failure of the state to adequately prepare many of its youth to become decent citizens (as Amy Gutmann has argued), failure of the state to adequately consider or proportionately represent the interests of less privileged minorities (i.e., by showing unjustified bias towards the interests of some elite minorities), failure to provide at least some minimally effective social safety net, and also the failings I have been criticizing
here, concerning the allowance of deadening school and early home conditions. These would be cases where the state (passively) "wrongly allows" non-autonomy.

In all these varied cases, then, injustice could be seen, by my economical approach, as a violation of person's autonomy—either by squelching the autonomy that adults already have and want to exercise, or by aborting the autonomy that children and the underprivileged would like to develop and exercise, if only they were given the chance. This perspective would thus set up a fourfold division of types of injustice, wherein the unjust state could wrongfully: i) actively cause or ii) passively allow the subversion of people's already-developed autonomy, and also iii) actively cause or iv) passively allow the subversion of people's (mostly children's') developing autonomy. (And, along the lines various theorists have argued, I would contend that these passive injustices were not necessarily less wrongful than the active ones; cf. sec. 3.1) Seen from this perspective, my basic principle of justice could cover this broad range of types of injustice (with my dissertation being seen as a sustained analysis of this fourth type of injustice, in particular, rather than the more commonly addressed other types).

I hope these brief comments serve to show what potential theoretical power my autonomy-based approach to social justice might have, if properly expanded, by providing a compact economical principle around which many of the previously vague and disparate components of various theories of justice might be consolidated.

Finally, I might also mention, if I could be so bold, that such an approach shows potential for being expandable further into a "unified field theory," whereby the best elements of both consequentialist and non-consequentialist theories of justice could be combined together in a consistent way. Perhaps in an approach based ultimately upon the optimization of autonomy, as I have conceived it, such a unification need not involve any contradictions. In effect, this approach would join Utilitarianism's insistence that "utility is to be maximized" with Kant and Rawls' insistence that "each person is to have the most extensive freedom that is compatible with the like freedom of others." Synthesizing these claims, the central thesis of my unified theory would be
that "the autonomy of all is to be maximized, within the constraints of procedures and institutions that would respect the autonomy of each." (In these ways, this approach might serve as an extension and application of Joseph Raz' autonomy-based approach to morality.) But that, quite obviously, is a project to be developed another day.
This thesis might not be complete without offering an explanation of how the extent of child injustice, defined in terms of the wrongful crippling of children's development of autonomy, may be reliably assessed within any society.\textsuperscript{1} Such an assessment would facilitate the measurement not only of what general overall portion of society was crippled in this way, but also what particular subpopulations of society suffered so. In this way, understanding both the extent and distribution of this injustice would allow concerned parties (be they of advanced industrialized democracies or developing countries)—who were concerned to take the first steps of advancing the cause of justice for children in their society—to get a much more fine-grained picture of the challenges they were up against.

Consider the hypothetical claim that, ceteris paribus, "a society is unjust to the degree that it fails to prepare its children to lead autonomous lives," where "to the degree" is understood as the percentage of the population that ends up being wrongly left below an Autonomy Level of Three (<AL3, as defined in pp. 17-19). Let me unpack this claim. Assume that, within a population, about 98% of those born are genetically capable of becoming autonomous, at least to AL3. This means that about 2% of the population will be born with genetic diseases or handicaps (e.g., severe Downs Syndrome, Tay-Sachs Disease, etc.) that will limit them to a non-autonomous life, so that at best they may achieve AL2. (2% is an admittedly rough, but conservative, estimate; as will be seen, though, it is not the precise percentages that will be important here.) From these basic considerations alone, it might be tempting to conclude that, in a just society whose laws and institutions faithfully represented children's' interests, 98% of those born should and will end up as autonomous adults. But this conclusion would be premature, for a couple reasons.
First, some children will be rendered incapable of autonomy (<AL3) by sheer unpreventable bad luck. E.g., some will suffer serious brain damage, as from accidental head injury; others through no fault of their own will contract severely debilitating diseases like Mad Cow Disease, AIDS; etc. We might thus roughly estimate that another 2% of the child population will suffer so, so that only 96% of the population will now be capable of becoming autonomous.

Second, some will end up non-autonomous through no physiological or unlucky cause and through no fault of society, but purely through their own moral or personal failure. There will probably always be persons, even under the most ideal social conditions, who will eventually but freely embrace a non-autonomous life, such as might be characterized by addiction (whether to alcohol, drugs, gambling, sex, etc.) or dependent institutionalization. To assume otherwise is to claim that all non-autonomous persons, like serious addicts and long-term inmates, become so for physiological, wrongful, and/or environmentally-caused reasons. While many, if not most, addicts and inmates may become so through these unfortunate reasons, it doesn't seem plausible to insist that every one of them does. To insist on this would be to claim, equivalently, that no addict or inmate ends up living non-autonomously—trapped within the narrow confines of his compulsion or cell-block—out of purely moral failings such as likenings for drugs or crime. This stance would thus embrace a radical determinism of human behavior, that denied free will and personal responsibility any place. As I cannot take time to refute such radical behavioral determinism here,¹ I will simply assume, until evidence proves otherwise, that moral responsibility for one’s personal failings and addictions—even if these lead to a virtually non-autonomous life—is still a sound concept. So let us estimate that another 2% of the population will freely choose to embrace a life (eventually) characterized by some such form of non-autonomy,² so that, again even under the most just or ideal social conditions, 94% of the population at best could be(come) autonomous.

If this were really the case—that is, if estimates of 2% in each of these three groupings were empirically reliable—then, according to this criteria for justice (qua optimal autonomy develop-
ment), no more than 6% of the adult population (excluding immigrants and the elderly who have become non-autonomous for health reasons) of a *thoroughly just* society would be non-autonomous, i.e., at least 94% of children would end up autonomous. And to the extent that an adult population is not autonomous—say, if 10 or 20 or 30% were non-autonomous (<AL3), as might occur if a proportionate number of people were simply *in prison*!—we would seem to be able to justifiably conclude that, to that extent, this society was unjust or, at least, less than optimally just.

(This confirms our intuition that, e.g., among two different societies, if one has a markedly higher incarceration rate than the other—e.g., as the U.S. has a markedly higher rate [702 per 100,000 inhabitants] than Finland's [52 per 100,000] or any other Western democracy—then, ceteris paribus, *something* must be seriously awry in the former society. 4)

I must point out that I am using these 2% guidelines as mere estimates, chosen with some approximation of where the truth might lie but also for convenience' sake, to clearly illustrate my approach. My argument in no way hinges upon the precision of these estimates, and I freely invite social scientists to make them more accurate. 5 To be made more theoretically secure, this principle could be abstractly symbolized: Suppose p1% represents the percentage of the population who are genetically indisposed for autonomy at some time, p2% represents the percentage who unavoidably suffer from bad luck, and p3% represents the percentage who freely embrace a non-autonomous life. Then we could say that a society supports the development of children's autonomy, and so is *just* in its treatment of them, to the extent that \[100 - (p_1 + p_2 + p_3)\] % of the population ends up autonomous (again, factoring out all immigrants and emigrants, unhealthy/elderly non-autonomous citizens, untimely deaths, etc.). Conversely, we could say that a society is *unjust* in its treatment of children to the extent that the actual percentage of autonomous adults (let us call this actual percentage TAP) falls below the optimal percent of autonomous adults. (Let us call this optimal percent TOP, where TOP represents the percentage of adults that would become autonomous if the society and its institutions were thoroughly just).
Or again, we could say that childhood injustice, as I have been defining it, may be measured by this divergence between TAP and TOP, where this divergence represents the extent to which children are wrongly denied the opportunity to develop, and thereby later exercise, autonomy in their lives.\textsuperscript{6}

Fairly accurate calculation of these TAP values among adult populations are by no means unattainable now.\textsuperscript{7} In their groundbreaking work, \textit{The Real Worlds of Welfare Capitalism}, for instance, social theorists Robert Goodin, Bruce Headey, Ruud Muffels, and Henk-Jan Dirven have already provided detailed suggestions for analyses of persons' "personal autonomy," "labor market autonomy," "economic autonomy," and "temporal autonomy," with specific comparisons between the populations of the Netherlands, Germany, and the U.S.\textsuperscript{8} They have also outlined how we might measure (what they call) persons' "\textit{combined} resource autonomy." This combined measure might prove to be an especially illuminating marker of the ways and degrees to which people have developed, and can exercise, their overall autonomy. To illustrate, they rightly point out that unemployed people usually have very high "temporal autonomy" (having a lot of free time to do whatever they want to do with their time, or at least whatever people with little money want to do with their time) and yet very low "economic autonomy" and "labor market autonomy" (having very scant "command over material resources" and very little ability to work as they would prefer, respectively). Conversely, wealthy people oftentimes have very high "economic autonomy" and yet low "temporal autonomy" (needing to work so hard and at such long hours that they have relatively little free time, apart from infrequent vacations). Accordingly, many people within both these types of groups—the unemployed, especially, but also the wealthy—might be shown to have a relatively low amount of "\textit{combined} resource autonomy." With this combined index of persons' autonomy, then, we can gain empirically robust insights into the types and levels of autonomy that different populations have (not) been able to develop, and are (not) able to enjoy. Instead of speaking in such vague terms as some state being "a \textit{free} society," or some system "maximizing people's \textit{happiness}," or some basic structure "affording people the
most extensive basic liberty compatible with similar liberty for others," my approach thus offers a more quantifiable way of specifying to precisely what degrees, and in precisely what ways, any population is or is not able to develop and exercise autonomy and, in turn, any state is just or unjust.

I should point out one theoretical challenge, however, that might remain for any approach that would frame a state’s (in)justice in terms of the (non-)autonomy of its citizenry. This challenge regards the factoring in of elements of public inefficiency and resource scarcity (including scarcities of expertise and knowledge). It would seem to indicate a weakness of a theory if it could confuse unjust states, simpliciter, with largely inefficient states—whose administrators sincerely wished to lead more well-run and useful governments, but who compromised the autonomy of people’s lives because of sheer inexperience, incompetence, and/or lack of adequate resources. (Recently founded states like those of post-Communist Eastern Europe, and states that are emerging from simpler or isolated types of existence and just learning how to operate within the global economic and political arenas, like Nigeria, come to mind here.) For whereas, strictly speaking, social injustice implies some kind of moral failing on the part of official agents (or agencies), social inefficiency does not necessarily imply this. Some state agency could be screwing up royally even as its individual agents and public “servants” were striving to do the very best they could, in the absence of adequate training, resources, or other more qualified agents. Accordingly, our theory should be able to distinguish states that lack the experience and/or resources to do a good job in supporting, or not subverting, the autonomy of its citizens, from states that do have the experience and resources but nonetheless subvert the autonomy of citizens through sheer corruption and self-serving state officials. Whereas the latter kind of state is clearly unjust, the former kind would more appropriately be deemed as merely inefficient—even though both states might have equivalent divergences between TAP and TOP (between the portion of citizens that are actually autonomous and the portion that would be autonomous if thoroughly just institutions were in place). To avoid this blurring of distinctions, measurements of
the state's capacity for its support of autonomy would also have to be factored in. But this should not be an insuperable problem for measuring the levels of autonomy-development support of any society. Assuming that this could be measured, the limits of a state's capacity to support its member's autonomy development could be factored into TOP as one more not-unjust variable—a $p_4$ so that TOP would now be $[100 - (p_1 + p_2 + p_3 + p_4)] \%$.

One salient principle, in particular, should emerge from the above discussion. This principle is that: *societies will prove themselves unjust, in part, to whatever extent children are wrongfully denied the opportunity to develop their autonomy (where the extent of this injustice is reflected in the difference between TAP and TOP)*. Equivalently, we could say that any society is unjust, in part, to the extent it wrongfully allows children to end up as non-autonomous adults.

So if a nation allows very few children to end up non-autonomous, in only a few random communities, then we can say that this nation is fairly just and responsible towards its own. In contrast, if another nation allows many children to end up non-autonomous and, on top of this, these neglected children come mostly from certain minority and poor communities, then we can conclude that this nation is significantly unjust and irresponsible towards its own. Whereas the "injustice" in the former case seems to comprise at most a slight, local, and unrepresentative problem, the injustice in the latter case seems to comprise a pervasive or *systemic* problem. As indications of a society's injustice towards children, we thus need to consider not only the bare percentage of children (from among the total number of children, broken down perhaps by different age-groups) whose autonomy development is not supported and protected, but also the distribution of children (from among the various types of sub-communities within the nationwide society) whose development is thwarted so.

To be clear about this difference between the extent and distribution of injustice, imagine that exactly one quarter of all children, in both populations of two separate nations A and B, suffer through terribly inadequate schools. In A, these 25% are children from all races and socio-
economic backgrounds; in B, however, the 25% are overwhelmingly children from poor black families. In such a case, we could say that B is a more unjust society than A—even though the extent of neglect is equivalent in both cases—because the distribution of neglect reveals some kind of systematic and morally unjustified (or immoral) prejudice.

In addition, consideration of the "extent and distribution of childhood injustice" here is even more complex than this, since both the extent and distribution contain two somewhat distinct variables within them—bad schools and bad homes. Accordingly, to more precisely gauge the overall injustice to children, one would have to separately measure the portion and sub-populations of children that suffer through bad schools, the portion and sub-populations that suffer through bad homes, and the portions and sub-populations that overlap, suffering through both of these injustices together. It is only this mixed profile that would reliably reveal the real extent and distribution of childhood injustice within any society.
FOOTNOTES

1 Incidentally, this ability to measure the levels of this autonomy-inhibiting injustice could prove quite fecund for historical analysis. If modified to allow measurement of the autonomy levels of different populations, even ones that existed in the past, we could approximate what percentage of these populations were autonomous (and, as my analysis will allow for, according to what ways and distributions these populations were and were not autonomous). For example, we could derive “autonomy-profiles” of, say, Periclean Athens and Octavian Rome (with profiles of both the patrician and plebian sub-populations), Renaissance Florence, Calvin’s Geneva, Victorian England, America in 1930, 1965, 2000, etc., etc. The possibilities are endless. With such analyses, some quite fascinating results and insights should emerge.

2 Some of the best representative philosophical essays on free will vs. determinism, specifically in relation to this question of moral responsibility, are contained in John Martin Fischer & Mark Ravizza, eds., Perspectives on Moral Responsibility, Cornell U. Press, Ithaca, 1993.


4 For a provocative account of the ways that Finland is not a "penal society," compared to the U.S., see Warren Hogge, "In Finnish Prisons, No Gates or Armed Guards," NY Times, Jan. 2, 2003, A1, A6.

5 And, for consistency’s sake, we are assumed to be talking here about inmates that have properly been charged as criminal offenders, not innocent and autonomous citizens who have been imprisoned for wrongful political reasons, such as filled the jails of Saddam Hussein’s Iraq. In the case of the U.S., most of those in jail might end up there for having been wrongly denied the chance to become autonomous, to make it on their own apart from a life of petty crime. In the case of Iraq, by contrast, most of those in jail might have ended up there for nothing more than posing some kind of perceived threat to the despot. While both of these kinds of imprisonment stem from social injustice, the former may be seen as stemming from a denial of the right to develop one’s autonomy, whereas the latter should be seen as stemming from a denial of the right to freely exercise one’s autonomy. Accordingly, one could calculate the extent of a nation’s total or overall autonomy-harming injustice by factoring in all inmates (and this would reflect that state’s denial of both these rights). But to calculate the extent only of a nation’s autonomy-development-harming injustice (which would stem from the state’s denial only of the former right), one would have to factor out all those inmates who were imprisoned for purely wrongful political reasons.

6 To reiterate, one can assess the degree to which any society unjustly frustrates the development of autonomy, first, by calculating how many relevant adults in the society are non-autonomous. This would be all those who meet the specific criteria laid in section 1.3, and would include all known addicts, inmates, etc. (but would not include all those who would lead autonomous lives if they were not merely wrongfully, say, locked up in prison. This exceptional grouping would include political refugees and detainees, slaves, etc., if they existed in the state in question. Also, keep in mind that the number of non-autonomous persons that sociologists will be able to document will usually fall somewhere below the actual level [e.g., do sociologists know how many women would prefer not to sell their bodies in some form or another?], so that our documentable estimates might well be conservative estimates, falling below the real truth of the matter). Second, one would then calculate the percentage of the overall adult population all these non-autonomous persons comprise, and then subtract this actual percentage from 100%, so as to arrive at TAP. The society in question will then emerge as unjust to whatever extent TAP (the actual percentage of autonomous persons) falls below TOP (94%, or whatever percentage proves to be the optimal, or highest attainable, percentage of autonomous adults in the population if the society’s institutions were thoroughly just).

7 Many of the sources and statistics in Chapter 2, in addition to what will follow here, amply demonstrate this claim.

8 Goodin et. al., (1999), ch. 12.
BIBLIOGRAPHY

I. On Autonomy

On Child, Career, and Life-Course Development

II. On Children's Interests and Family-Related Rights

IV. On State Intervention and Paternalism, Sterilization, and Compulsory Contraception

V. Miscellaneous

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219

221

223

I. On Autonomy:


Benn, Stanley & Weinstein, W.L. (1971), "Being Free to Act and Being a Free Man," Mind, 80, 194-211.


Bigelow, John; Campbell, John; Dodds, Susan; Parfett, Robert; Prior, Elizabeth & Young, Robert (1988), "Parental Autonomy," Journal of Applied Philosophy, 5(2), 183-96.


-- (1999c), Addiction: Entries and Exits, Russell Sage Foundation, N.Y.


Fehige, Christoph & Wessels, Ulla, eds. (1998), Preferences, (Perspectives in Analytical Philosophy), Walter de Gruyter, N.Y.


---

**II. On Child, Career, and Life-Course Development:**


Case, Robbie; Griffin, Sharon; & Kelly, Wendy M. (1999), "Socioeconomic Gradients in Mathematical Ability and Their Responsiveness to Intervention during Early Childhood," in Keating & Hertzman, 125-49.


-- (1991), *The Unschooled Mind*, Basic Books, N.Y.


Thomas, Alexander & Chess, Stella (1980), The Dynamics of Psychological Development, Brunner/Mazel Publ., N.Y.


United Nations Development Reports (1997), Human Development Reports, N.Y.


III. On Children's Interests and Family-Related Rights:


-- w/Philip Veerman, eds. (1992), The Ideologies of Children's Rights, Martinus Nijhoff Publ; Norwell, Ma.


220
IV. On State Intervention and Paternalism, Sterilization, and Compulsory Contraception:


Buchanan, Allen E.; Brock, Dan W.; Daniels, Norman; & Wikler, Daniel (2000), From Chance to Choice: Genetics and Justice, Cambridge U. Press, N.Y.


Feinberg, Joel (1984), Harm to Others, Oxford U. Press, N.Y.


V. Miscellaneous:


-- (1991), ed., Civil Disobedience in Focus, Routledge, N.Y.


Dancy, Jonathon (1997), Reading Parfit, Blackwell Publ., Malden, Ma.

Daniels, Norman; Kennedy, Bruce; & Kawachi, Ichiro, eds. (2000), Is Inequality Bad for Our Health?, Beacon Press, Boston.


Harris, Paul Harris, ed. (1989), *Civil Disobedience*, University Press of America, Lanham, Md.


Christopher Jencks, et. al., (1972), *Inequality*, Basic Books, N.Y.

-- (April 1988), "Whom Must We Treat Equally for Educational Opportunity to be Equal?", *Ethics*, 98, 18-33.


Mayerfield, Jamie (1999), Suffering and Moral Responsibility, Oxford U. Press, N.Y.


Nussbaum, Martha (& Sen, Amartya), eds. (1993), The Quality of Life, Oxford U. Press, N.Y.

-- (1999), Sex and Social Justice, Oxford U. Press, N.Y.

Parenti, Christian (1999), Lockdown America: Police and Prisons in the Age of Crisis, Verso, N.Y.


Pence, Gregory E., ed. (1990), Classic Cases in Medical Ethics, McGraw Hill, Inc., N.Y.


-- (1993), Inequality, Oxford U. Press, N.Y.


Zashin, Elliott M. (1972), Civil Disobedience and Democracy, The Free Press, N.Y.