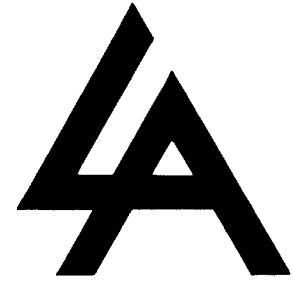


FREEDOM FOR CHILDREN: AN EXCHANGE

BRIAN MICKLETHWAIT

SEAN GABB



The age at which British children need no longer submit to compulsory school attendance was recently raised from fifteen to sixteen. For many of the people running Britain's schools, already overwhelmed with insoluble problems, this extra burden seemed like the last straw. The school leaving age, they cried, should have stayed at fifteen.

Libertarians believe that the school leaving age should be lowered to zero. A child ought only to attend school if he wishes to, either because he likes it for its own sake, or he has agreed to it as part of a contract freely entered into between him and another free person. That the state should compel any of its citizens who are not convicted criminals regularly to attend any institution whatever is a monstrous violation of basic human rights, and schools as we now know them are worse even than that. Not only are children coerced into attending them and branded as criminals if they refuse, but once there they must submit to "education", that is, to arbitrary brainwashing, made less pernicious only by the utterly disorganised way in which it is usually inflicted.

All forms of compulsory education are indefensible, no matter how kind or strict the teachers, luxurious or squalid the buildings, "traditional" or "progressive" the curriculum. No one system of schooling can ever satisfy every child forcibly subjected to it. A child who craves kindness, understanding and needlework will be miserable in a school ruled by birch wielding

enthusiasts for rugby football, examination success and regular bowel movements. But it is equally intolerable that another child who wishes to master the composition of Greek hexameters and to enjoy regular competitive sport should be made miserable by his lack of prowess in the art of "human relationships". Progressive education as it is now understood has as much to do with true freedom as a prison cell decked out in pretty pink wallpaper.

Not only does compulsory schooling enslave children; it also enslaves their teachers. That schools are jails means that teachers must be jailers. An energetic adolescent, bored out of his skull at the back of a classroom, as well as being himself victimised is also an appalling imposition on the hapless adult burdened with the task of "teaching" him, that is, preventing him from staging constant prison riots. Just as no pupil should be forced by law to submit to any particular teacher, so no teacher should be obliged to try and interest a "pupil" who manifestly is not interested. Yet few teachers can avoid this problem if they want regular employment. Some grit their teeth, and master the mean minded skills of the drill sergeant. Others, potentially brilliant teachers if only allowed to concentrate on actual teaching, are driven out of the profession in despair.

IDLE HANDS

But if the gates of the schools are thrown open, what will happen then? If the teachers don't whip the kids into line, who will? Will not the threat of prison riots merely be replaced by riots in the streets? There are enough delinquent gangs on the rampage as it is without a flood of new recruits being poured into their lawless ranks.

The answer is that children must be allowed to pursue their own purposes in the same way that most adults do now. The reason why the devil is the only one now finding work for the idle hands of children is that the law systematically prevents anyone else from doing it. Libertarians believe that children should be allowed to own property, go into debt and into busi-

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FOR LIFE, LIBERTY AND PROPERTY



ness. They should have the right to live and to travel wherever they can afford to. In a word, they should be free. Free to drag coal along a mineshaft, free to sweep soot out of a chimney or act in a pornographic film, if that is what they judge to be in their interests. And they may very well make just such judgements if the alternative is starvation, as it once was in this country and still is in many others. Well fed moralists who want the law to prohibit such children from grappling with the horrors of reality merely reveal their ignorance of what that reality actually is.

Such freedom will straight away solve most of the problems of juvenile law and order. Children will soon learn what most of them only learn now when they leave school, that compared to all the honest and respectable ways a free citizen can use to live a happy life the dishonest and undisciplined ways offer very poor rewards indeed. As for the incorrigibly lawless minority, is it not obvious that the organisations hired to handle this problem ought themselves to employ children? Some of the children they hire will excel, just as some children already excel at the few things they are allowed to do now, such as play chess or the violin, sing pop songs or appear in circuses, plays, films and television commercials. Just as soon as all children are allowed to try, many will become millionaires. Yet now the Shirley Temples of industry and high finance are reduced to peddling illicit fag ends in the playground.

PARENTS' RIGHTS

And what of the parents? Are their rights to be trampled underfoot by their newly liberated offspring? Certainly not. If parents are offering their children free board, lodging and skiing holidays, then they should be entitled to attach any conditions to these gifts that they care to. If their children don't like being hit occasionally, or having to attend parentally selected schools where purple blazers are compulsory, then they should be free to leave, and face the consequences. But if the children choose to stay then the people in whose property they live and whose resources they consume should be entitled to make what rules they want to. If the children won't obey these rules, then, just as they ought to be free to make other living arrangements, so too should their parents be free to throw them out. Parents do not own their children, but neither do children own their parents. In Britain we have state agencies which force children back "home" when they wish to live elsewhere, for example with the Moonies. In Japan they have laws forcing people to look after their children, and parents, whether they want to or not. Both systems are wrong.

Libertarians are not against families, any more than they are against education. But although most of them indulge constantly in both these pleasures, they do not believe that either should be compulsory. Both family life and education have in fact flourished as never be-

fore in recent years, but this is because people have at last had the time and money for them, not because of state coercion. The quality of both will be greatly improved if state coercion is removed.

When you examine them, most of the arguments against freedom for children turn out to be arguments against freedom itself. This isn't surprising. People who spend their formative years being systematically denied freedom, even if they are at the same time lined up in desks and harangued about its virtues, are not likely to be unreservedly in favour of it. Libertarians should thus be especially insistent that children be free from the start. Meanwhile most people weren't free as children, they don't see other children being free, and so they tend to believe that children simply aren't up to it. Just as the blacks of the American south were honestly thought by those who owned them to be a different order of being so now children are considered to be, well ... children. Feckless, stupid, unreliable, undisciplined. But children are not born this way. Like black slaves they are made so by the institutions that shape their lives.

The adults that these unfree children later become tend to retain a pervasive distrust of their own ability to do things for themselves. Many things they learn they *can* do for themselves, despite whatever their teachers may have told them. But freedom remains for them an exception: a clearing in a forest of tyranny.

Most of all people fear that freedom for children will destroy the ability or willingness of children to make war, and this fear has much sense to it. When the rulers of Prussia were rebuilding their shattered state after its defeat by Napoleon, they started not with their army but with their schools, and they modelled the latter on the former. So if children are not conscripted into schools will they submit to being conscripted into armies? If not forced to worship their flag, will they follow it into battle? Probably not. Which is one of the best reasons of all for libertarians to take the idea of freedom for children seriously.

COMMENT BY SEAN GABB

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

In *Free Life* Vol. 2, No. 1, Brian Micklethwait set out the case for the first of these alternatives. To argue

for the subjection of children, he reasoned, is to argue also for the subjection of adults. For all human beings of whatever age have an equal right to do with themselves as they will, be it for good or ill. We have no right to force young people into the “arbitrary brain-washing” of compulsory education; nor to compel them to remain under the tutelage of their parents; nor to prevent or restrict their entry to the labour market or determine how they should spend their earnings. To quote from Mr Micklethwait: “They should have the right to travel wherever they can afford to. In a word, they should be free.”

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

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

Certainly, there do exist arguments from natural right to justify parental authority. But none is very convincing. There is, for example, the ‘contract’ argument used by Micklethwait. If parents and children are to be free, they will be free to form voluntary agreements for their mutual advantage. They should be quite free

to arrange that, in return for the care and security of one party, the other should give obedience. The argument sounds neat and plausible and accords well with the principle of free bargaining. There are nonetheless problems. It has already been suggested that children are not to be thought of as small adults. And, as it is with indenturing agreements, so it is with family contracts. Such contracts could be understood and explicitly assented to by one of the parties only after most of its provisions had already been put into effect.

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

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

REPLY BY BRIAN MICKLETHWAIT

It’s long been one of my beliefs that people who criticise something usually understand it better than most of those who say they agree with it. After reading Sean Gabb’s criticisms of *Freedom For Children* I am less sure.

Gabb doesn’t just think that the consequences of children having freedom are undesirable. He regards these consequences as *self-evidently* undesirable. If I *do* believe in freedom for children this can only be because I haven’t thought about the consequences nearly enough, and maybe not at all. It must be that I believe in the theory of natural, inalienable, inborn human rights, and damn the consequences. What other explanation could there be for my perverse and irresponsible views?

I do not believe in natural, inborn rights, and there is nothing in my article explicitly to suggest that I do. I believe in freedom for children for the same reasons that I believe in it for adults, (a) because I think freedom is a good and attractive thing for its own sake (which is not the same as saying that it is an inborn right) and (b) because I *have* thought about its consequences and consider them, on the whole, desirable.

I did sometimes use phrases that could mean I believed in natural rights, but the rights in question could equally well be the kind that Gabb and I do believe in, socially conferred rights. And I said that children “should have the right” to do various things; a natural rights believer would have said that they already had such rights, and in summarising me Gabb attributes just such language to me. A right that people ought to have, but don’t, can only mean a socially conferred right.

I agree with Gabb that courts will have to draw very blurred and contentious lines between this and that. I disagree with him about where these lines ought to be drawn. Let me introduce some impurities into the crystalline cruelties that Gabb draws from Rothbard and attributes to me.

If I were running a court I would take a very dim view of baby exposing, and would not be enthusiastic about abortion. If you leave someone out in the cold who can’t save him or herself by getting up and going indoors, and who you know can’t do this, then that’s very like murder. I would regard contracts entered into by people who had not the faintest idea of what they were letting themselves in for, and who are known to the other party to be ignorant in this way, as less than sacrosanct. Those seeking to discipline their slaves, no matter what the circumstances in which they acquired them, would have to look elsewhere for the judicial services they required.

But these roughly stated principles apply just as forcefully to certain adults as they do to infants. Baby exposing is wrong. So, for the same reason, is crippled grandmother exposing. Contracts signed by bewildered infants are suspect. So are contracts signed by mental defectives, the senile, the drunk and so on. Slavery is bad, no matter what the age of the slave when he first became one. That such principles might more often arise with two-year-olds than with adults does not mean that all children should be treated as if they were utterly ignorant or utterly incapable of survival, even if in fact they well understand what they are doing and are able to fend for themselves.

Gabb notes, correctly, that some free children would use their freedom to commit appalling blunders, with irrevocably ghastly consequences. So do free adults. No convincing argument for freedom can be based on claiming that all who have it will automatically use it in their own best interests, however defined. But those who are not free have to take their orders from

someone, and this other someone is also liable to error. Will children go out and mix with “bad” company? Undoubtedly. But what if their own parents are bad company, as they surely are in some cases? The rule in Britain now is that the state takes children it thus categorises into “care”, arrogating to itself the rights and duties it usually assigns to parents. An imperfect arrangement, to put it mildly. Does Gabb favour it? All social arrangements have defects and dangers. Life itself is a gamble.

The argument for freedom for children is very like the argument for freedom for adults, in the days when that too was considered absurd and irresponsible. Free people achieve miracles of production, distribution and exchange. They rapidly learn to do, as a matter of routine, things hitherto beyond the reach of genius. They learn to feed, house, cure, discipline, educate and entertain themselves and each other in splendid new ways. They get into unprecedentedly “good” company. It is as certain that free children will do equally splendid things as it is impossible to predict exactly what these things will be.

“I will maintain” says Gabb near the end of his comments, “that no one is capable of living in civil society and enjoying the rights of a free citizen without a long preparation.” If living means not dying, then nearly everyone is capable of living in a “civil” society, if that means a free one. All they have to do is find an outfit that’ll feed and house them, probably their own family, maybe someone else’s, maybe an entrepreneur, and then do what’s demanded. Freedom means having a greater choice of institutions, and being able to switch from less good ones to better ones. The overwhelming majority of two-year-olds are capable of making and modifying such arrangements with ease.

Meanwhile most children are frustrated, bored, unhappy and a truly horrendous economic burden, like the badly disciplined slaves that they are. Most of them are just hanging around waiting to be adults, when they can start doing something worthwhile with their lives. The “work” they do now is all effort and no product. It does not prepare them for freedom; it merely makes a lot of them thoroughly frightened of it. The blunders they will consequently make and their utter uselessness in the meantime are used as evidence that they were incompetent from the start.

I agree that many adult actions require preparation, often long. Gabb’s error is in supposing that to enter the state of freedom is to cease undergoing preparation. The free institutions I have described will be a better preparation for later life than unfree ones. That people do indeed “enjoy” the benefits of socialisation is what makes them freely submit themselves to it, and usually in a very determined and effective way. Gabb implies that people will only submit to socialisation if someone else forces it upon them.