Why children shouldn’t have equal rights

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One might wonder why, now in this day, anybody would bother arguing against children’s liberation (from now on, CL). After all, liberation doesn’t seem like a very pressing problem at a time when millions of children do not have enough to eat, suffer from easily avoidable diseases, work instead of learn, sell their bodies on the street for food or drugs, or, in richer milieux, are left far too often to their own devices.

Why indeed? To see why CL is not a good idea, it is necessary first to understand its basic thesis. CL argues that both tradition and law distinguish between children and adults. Although some distinctions provide children with protections not enjoyed by adults, they often come at the cost of freedom for children. Both protection and limits are justified by the claim that there are morally relevant differences between children and adults. CL denies those differences and holds that additional limits on children are oppressive and should be abolished. Hence children and adults should have the same basic rights. Objecting to equal rights for children does not therefore necessarily entail subjugating them to the adult world, but might simply propose that there are, pace liberationists, morally relevant differences between children and adults.

This point should help explain why the topic is so pressing, even now that the relatively widespread support for liberation movements prevalent in the 60’s and 70’s, at least in the United States, has waned: at issue is the whole question of children’s place in society. That place cannot be assessed independently of a conception of children’s nature or of the good society.

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1 This article is based on my book on the same topic, and all quotations from it are reprinted from Laura M. Purdy (1992) In their best interest? The case against equal rights for children, Copyright © 1992 by Cornell University. Used by permission of the publisher, Cornell University Press.

2 The notion that liberated children should have the same rights as adults is complicated somewhat by the fact that not all adults have precisely the same rights. In the United States, for instance, women have a slightly different set of rights than men. However, we can go forward with some vagueness as to the specific content of children’s rights. What is crucial for liberationists here is to eradicate laws that protect children at the cost of limiting freedom; protective laws without that consequence may well be defensible, especially those that apply to all relevantly similar classes.

Another issue is that one wouldn’t want to assume that the rights now accepted for adults in any given country constitute the optimum set. Given the logic of their argument, however, proponents of equal rights for children must make do with that set of rights.
Motivation

I will be arguing for the common-sense view that certain limits imposed specially on children are justifiable. Parents are right, for example, to require that their children go to school, and that they help around the house. Society as a whole is also right to make sure that children are educated, limit their working hours, and place certain other restrictions upon their activities. In a world that takes delight in ingenious arguments intended to support novel or even apparently perverse notions, this might seem to be, after all, a thoroughly uninteresting enterprise.

Yet there is also a certain appeal in the thought that we are starting from scratch, driven by liberationists, as well as by the need to understand children's contemporary problems. If we come back in the end to a common-sense position, it does not necessarily follow that the trip was in vain: common sense has all too often been shown to bear the stamp of thoughtless and unjustifiable tradition for us to rely on it in such an important matter. Common sense all too easily leads us to laugh off children's liberation and prevents us from absorbing its important insights.

The most general motivation out of the way, the question remains: why approach children's problems from this particular angle? After all, the most intuitively appealing move is to attempt to counter children's plight by lists of protective rights, as does, for example, the United Nations. And, that approach can be helpful, since if those rights could be implemented, many children would be much better off. However, that would still leave nagging questions about the limits implicit in some of those protectionist rights, although for the most desperate children that hardly seems important.

The need for a more thorough theoretical house-cleaning may become more apparent when we look at the problems of children who are better off, those whose basic needs for physical survival are already being met. Some of those

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3 However, most of my argument centers on the more theoretical foundation of my position rather than the justification of specific rights and limits.


5 One could mention here a whole array of social customs, especially those pertaining to ‘proper’ behavior for women.

6 Liberationists would deny this claim since they believe that poor children's wretched state could be remedied if they were granted political rights and could hence wield political power to improve their lot. However, this position is dubious. Even women have been relatively unsuccessful at improving their position by these means, and there are fewer morally relevant differences between women and men, than between children and adults.