CHILD REARING IN THE “RISK” SOCIETY: ON THE DISCOURSE OF RIGHTS AND THE “BEST INTERESTS OF A CHILD”

Paul Smeyers
Philosophy of Education
Ghent University and Katholieke Universiteit Leuven, Belgium

Abstract. Due to a number of radical changes in society, the role of parents in the upbringing of their children has been redefined. In this essay, Paul Smeyers argues that “risk” thinking, and the technologization that goes with it in the context of child rearing, naturally leads to the rights discourse, but that thinking about the relation between parents and children in terms of rights confronts one with a number of insurmountable problems. The concept of the “best interests of a child” that is often invoked is, to say the least, not at all clear. Smeyers contends that while the discourse of rights is clearly important and relevant insofar as the relation between parents and the state are discussed, it impoverishes our understanding of relations of family members when used as an all-inclusive framework in that context. Therefore, he concludes that we must surpass the totalizing tendency of the transformation of the social realm into a system, of defining the relation between parents and children in technical terms, and of holding parents liable for their children’s upbringing.

Introduction

The radical pluralism that has swept the world, the encouragement of family members increasingly to behave according to individual interests, and the general tendency toward greater child-centeredness have changed child rearing. At the same time, the role of parents and schools in the education of children has been redefined. From partnering with schools to improve children’s learning, parents today to an ever-greater extent judge the quality of education for themselves. Research into “school effectiveness” has emerged and so have a number of government initiatives, that is, “school improvement” programs. At the same time the “responsibilization” of parents and children has led to further encroachment of school goals and behavioral norms into homes. This is not isolated from the ideology of the market, which has entered, here as elsewhere, the social sector. As a result, children are regarded as an investment in the future. Because many parents feel insecure and inadequate to the high-stakes task of raising their children, they have turned to experts for guidance. Moreover, governments all over the world have pursued initiatives in child rearing and regularly admonish parents on a range of matters, from their children’s diet to how many hours they should be allowed to spend on the computer. The tendency to hold parents accountable for child rearing, and thus reduce the (costly) need for government intervention, can be identified in a paper by Jack Westman, who argues that a parent license would validate parental rights, establish parental responsibility, and provide a basis for societal support [financial benefits, parent education and training, and protective services for children when necessary].

Furthermore, the declining authority of custom, tradition, and religion has had a number of other significant effects upon the way we view children and the relation in which they stand to parents. In particular, such developments have led many to regard rights, rather than some settled conception of the good, as the primary guiding concept in a liberal society. The questions of “What should be done?” and “How should children be taught to live?” have been replaced by such considerations as “Whose interests are to be considered?” and, ultimately, “Who is entitled to decide?” This shift may seem to suggest a view of education and upbringing that positively reinforces the development of increased autonomy and enables children to eventually choose their own conception of the worthwhile life. Furthermore, the performativity that has swept the world in many contexts, invading public services (hospitals and postal services, for instance) and continuing within the walls of the school, is now spreading into the area of child rearing. It is nourished by the illusion that all problems can be solved, or at the very least their negative effects can be lessened, and that there are experts who know how to do that. Further ammunition is found in the idle rhetoric of much empirical educational research that is embraced by the experts and that is supposed to provide a foundation for their interventions. Thus performativity rules on the level of the practitioner (the output characteristics on various scales of the behavior of children), on the level of the experts (the effectiveness of their interventions concerning the behavior of practitioners), and even on the level of educational research (with its shibboleths of “generalizability” and “ranking and impact factors”). Similar to what has happened in schools, one can now observe in the sphere of child rearing the language of output, that is, talk of parenting skills and moreover parenting courses (advised or ordered by a court of law). This makes abundantly clear the general trust many seem to have in their ability to control the challenging area of child rearing and to do away with all or at least most of the risks this human endeavor confronts one with.

In this essay I deal with two issues that are involved in the current debate and the problems these raise. First, there is a tendency to speak of children and families as being “at risk,” which in many cases seems to lead to a climate in which the legitimacy of government intervention comes to be broadly accepted. Second, there is thus a reliance more generally on a discourse of rights (of children, parents, the family, the state) that prioritizes a particular way of conceptualizing the parent-child relation. The particular combination of “risks” on the one hand and of “rights” on the other leads in the context of child rearing to a redefinition of what it is supposed to be about. I address some of the problems associated with that change in the following section of this essay. Next, I sketch a positive alternative to this development, and finally, I develop an argument for a more robust practice of child rearing.

PAUL SMEYERS is Professor of Philosophy of Education at Ghent University and part-time Professor at the Katholieke Universiteit Leuven, both in Belgium; Dunantlaan 1, 9000 Gent, Belgium; e-mail: <paul.smeyers@ped.kuleuven.be>. His primary areas of scholarship are philosophy of educational research, postmodernism, and Wittgenstein studies.
The Discourse of Families and Children at Risk

In *Liquid Fear* Zygmunt Bauman distinguishes between the kind of fear that humans share with animals [responses to the immediate presence of a menace threatening their life] and, in addition to this, a sort of “second degree” fear, that is, a socially and culturally “recycled” fear or a “derivative fear” that guides their behavior whether or not a menace is immediately present. The latter is best described as “the sentiment of being *susceptible* to danger; a feeling of insecurity... and vulnerability [...] the assumption of vulnerability to dangers depends more on a lack of trust in the defence available than on the volume or nature of actual threats.”2 Some of the dangers one is afraid of threaten the body and the possessions; others threaten the durability and reliability of the social order on which the security of livelihood (income, employment) or even survival (in the case of invalidity or old age) depend, and other dangers still threaten one’s place in the social world. Because “derivative fear” is easily “decoupled” in the sufferer’s awareness from the dangers that cause it, the resulting defensive or aggressive reactions aimed at mitigating the fear may therefore be targeted away from the dangers truly responsible for the presumption of insecurity. Talk of fear goes together with the message that what we do now will “make the difference” and thus determine the shape of the future. Bauman refers to Ulrich Beck, who argues that risks such as radioactivity induce systematic and often irreversible harm, generally remain invisible, are based on causal interpretations, and presuppose expert knowledge; thus they can easily be changed, magnified, dramatized, or minimized within our understanding. For this reason, they are particularly open to social definition and construction. Beck outlines that the diffusion and commercialization of risks do not break with the logic of capitalist development completely, but instead raise the latter to a new stage. But the risks experienced presume also a *normative horizon* of lost security and broken trust. They are objectified negative images of utopias, in which the human, or what is left of it, is preserved and revived in the modernization process. The scientization of risk is increasing, and our commerce with risks is growing. Bauman further points out that risks are those dangers whose probability we *can* (or believe that we can) calculate. He notes,

“calculability” does not mean predictability; what is being calculated is only the *probability* that things go wrong and disaster strikes. Calculations of probability say something reliable about the spread of effects of a large number of similar actions, but are almost worthless as a means of prediction when they are (rather illegitimately) used as a guide for one specific undertaking.3

He, not surprisingly, warns us that “‘complete transparency’ comes together with complete surveillance... ‘total order’ belongs to the dreams and purposes of totalitarianism.”4 Beck developed the thesis that modernization has led to

---

3. Ibid., 10.
4. Ibid., 166.
a triple “individualization”: removal from historically prescribed social forms and commitments in the sense of traditional contexts of dominance and support; the loss of traditional security with respect to practical knowledge, faith, and guiding norms; and embedding a new type of social commitment (the “control” or “reintegration dimension”).

Science, he argues, has become indispensable, yet the prevailing theoretical self-concept of science implies that the sciences cannot make value judgments with the authority of their rationality. Which interests they select, however, on whom or what sort of potential solutions they bring into view — these are anything but neutral decisions.

The idea of “risk” or “being at risk” has been used in several contexts. To take one interesting example, Michael Gard and Jan Wright have explored how the notion of risk functions in practice in the context of obesity discourses and physical education. First, they argue, the risk is named and the lines of causality are outlined. After the risk factors are identified with morbidity and mortality, there follows the assumption that targets can be reached if only the correct advice is taken. Thus the expert knowledge derived within the primary field of knowledge production (biomedical research) is applied to the secondary field (physical education researchers) “in ways which make invisible its original complexities and contradictions, and exclude contesting positions.” They quote leading sources who argue that the body of knowledge on physical activity and relevant obesity outcomes is extremely limited, and they argue further that the successful hegemony of the obesity discourse closes off spaces for other ways of thinking about and conducting physical education and exerts technologies of power that serve to classify individuals (and populations) as normal or abnormal, as “good” or “bad” citizens, as at risk, as lazy and morally wanting, and therefore requiring the intervention of the state. It is often forgotten that this trajectory actually assists processes of normalization that in turn contribute to illnesses such as anorexia and bulimia and thus help to produce a lifestyle riddled with needless anxiety and conspicuously short on fun.

Another interesting analysis of the “risk discourse” is one by Peter Kelly who claims that every group of young people can be constructed in terms of “risk.” Here “risk” is understood both as constituting a metanarrative in an age of “manufactured uncertainty” and as a series of techniques mobilized in diverse attempts to “make up” rational choice making, autonomous, responsible citizens within (neo)liberal projects of governments. Thus the discourses regarding at-risk youth seek to individualize the risks to the self that are generated in the institutionally structured risk environments of the risk society. Individuals

6. Ibid., 174.
8. Ibid., 546.
become the reproduction unit for the social in the lifeworld; at the same time one observes the penetration of market relations and of abstract systems into every aspect of the lifeworld (compelling the individual to choose) which promote at the same time institutional dependency and forms of standardization. Following Nikolas Rose, Kelly argues that

social work, as a practice of liberal welfare governance, represented a strategic intervention into individual life processes via “complex assemblages” of centres of expertise (schools, courts, hospitals, health centres, state bureaucracies). There is then a particular relationship between expertise and the citizen subject... with rights to social protection and social education in return for duties of social obligation and social responsibility, both refiguring and retaining the Liberal character of “freedom” and “privacy.”

An interesting example of this development is Barry Carpenter’s discussion of early childhood intervention in his article “The Impetus for Family-Centred Early Childhood Intervention.” Carpenter starts from the observation that there is clear evidence that negative outcomes for children are frequently associated with a number of key factors, including low income and parental unemployment, homelessness, poor parenting, poor educational opportunities, substance abuse, low birth weight, and community factors (such as living in a disadvantaged neighborhood). He then refers to the five priority outcomes articulated in Every Child Matters: Change for Children: to be healthy, to stay safe, to enjoy and achieve, to gain economic well-being, and to make a positive contribution. For him it follows that because society has changed, early intervention will have to adapt to the new social challenges and the new developmental state of the human condition. Similarly, Karen Argent argues that issues relating to educating families about their rights and responsibilities expressed as wider family learning have received less emphasis, although undertaking such educational efforts appears necessary in order to achieve the five outcomes identified in Every Child Matters.

Many take a more critical view of the “risk discourse” than Carpenter or Argent. For example, Beth Blue Swadener and Sally Lubeck raise a number of questions about this discourse: Who is at risk? At risk for what? Who defines risk? What myths and folklore have been generated about risk and risk factors? In what ways is the discourse of risk essentialist, reductionistic, and dogmatic? How

are people to whom this label is applied resisting, questioning, or contradicting it?\textsuperscript{14} Swadener argues that the degree to which children’s race, gender, class, first language, family makeup, and environment all target them for this “at risk” label and associated interventions, is particularly troubling and problematic.\textsuperscript{15} Lubeck takes a similar stance and further argues in an essay focused on mothers who are “at risk” that “increasing numbers are in extreme economic and social circumstances that make it unlikely that they will be able to care for children in ways that have been mythologized to be normal and optimal.”\textsuperscript{16} The behavioral tendencies supposedly characterizing the underclass exist generally throughout the society, she claims, therefore the difference lies not in the behavior but in the social position of those exhibiting it.

Invoking “rights” is one strategy often used to compensate for the shortcomings of the risk discourse, but, as will be seen, this approach too has its problems.

\textbf{The “Rights of” Discourse}

Discussions of rights in the area of child rearing tend to rely heavily on the United Nations \textit{Convention on the Rights of the Child}.\textsuperscript{17} Incidentally, it makes no sense to discuss whether or not the state is allowed to, should, or ought to intervene in the family, because it inevitably does (through laws relating to taxation, inheritance, employment, health and social security benefits, education, and so forth). David Archard distinguishes the will or choice theory (where a right is seen as the protected exercise of choice) from the welfare or interest theory (which sees a right as the protection of an interest).\textsuperscript{18} In each case there are many issues that require attention. For instance, the choice theory needs to address whether children have the capacity to exercise choice, and if not, how their representatives should be selected, what “entrusting” the protection of their rights means in such a case, and how it may be enforced. The welfare or interest theory is under the obligation to identify which rights children should have (liberty rights such as the right to vote, welfare rights such as health, or both) and has to answer whether children are qualified to have rights, that is, whether they have the requisite capacity. Though a negative answer to this question may disqualify children from asserting liberty rights, the same does not follow concerning welfare


\textsuperscript{16} Sally Lubeck, “Mothers at Risk,” in \textit{Children and Families “At Promise”}, ed. Swadener and Lubeck, 53.

\textsuperscript{17} United Nations, \textit{Convention on the Rights of the Child} [1989], \url{http://www2.ohchr.org/english/law/crc.htm}.

\textsuperscript{18} David William Archard, \textit{Children, Family, and the State} (Aldershot: Ashgate, 2003). This work will be cited in the text as \textit{CFS} for all subsequent references.
rights. One way of dealing with this may be to affirm that rights correlate with obligations. Here a further distinction needs to be made, namely between so-called perfect obligations (for instance, not to abuse children), and imperfect obligations (for instance, duties of care and concern that promote the lives of children). This raises the question of how open a child’s future should be. A “maximizing” interpretation of the latter (to be able eventually to choose between as many options as possible) may impose unreasonable burdens on parents: “It also seems implausible to think that a child suffers if she is denied one, or even several, possible insignificant further options beyond some threshold number of choices” (**CFS**, 32). A similar issue arises when reference is made to the child’s “best interests” (for example, article 3.1 of the *United Nations Convention on the Rights of the Child* states that the best interests of the child shall be a primary consideration). Clearly, this requirement cannot be enforced without regard to the interests of any relevant adult. But there are additional difficulties with interpreting “best interests”: should this be defined as what a child would choose for him- or herself under specified hypothetical circumstances, or rather as what is, as a matter of fact, best for the child? The hypothetical choice interpretation necessarily remains highly speculative; the “objectivist” interpretation is, Archard argues, beset with a number of difficulties: “We cannot, in practice, make complete and accurate assessments of what will be the outcome of each and every policy option that we might adopt in respect of a child” (**CFS**, 43). Moreover, in this area another indeterminacy — that is, moral pluralism — has to be taken into account.

The primary reasons no state has ever undertaken the project of collectively rearing all of its future citizens are largely pragmatic in character, Archard claims, but there are also important normative grounds. The right to found a family is related to the right to have children,19 and it is constrained by the duty to ensure that these children may reasonably be expected to have a life worth living. Identifying what is special about the parent-child relation (though not endorsing the idea that children are owned by their parents), the so-called “extension” claim gives expression to a widely shared sense that having and bringing up one’s children gives a broader shape to a parent’s sense of self. The weaker version of this claim — that is, “the shared life” claim — makes reference to being engaged in a range of conjoint activities (sharing the same living space, eating, going on holiday, relaxing and playing together) and thus of sharing in the task of rearing children. This may, however, refer not so much to a right (of parents in relation to their children) as to a prior duty (to care for one’s children) that may invoke rights in an attempt to exercise a degree of autonomous choice in the rearing of a child, that is, in discharging this duty, or, in other words, of making, “for the child, those choices that promote her interests but which that child is incapable of making for herself” (**CFS**, 97).

---

Concerning the relation between the family and the state, Archard refers to Rawlsian liberalism, specifically, the notion that individuals should be as free as possible to pursue the good life as they understand and endorse it within the overall structure of a just society. Concerning interfamilial justice, there seems to be a problem with this stance, however. Biological parents transmit not only genetic traits, but families profoundly influence the development of a child’s innate skills and capacities. For this reason, so Archard argues, the liberal cannot have everything he or she wants. If the liberal wants all within society to have equal chances and to be awarded positions based only on their qualifications, then he or she cannot allow families to continue bringing up children as they see fit. Yet this stance contradicts what is implied by another liberal principle:

At this point, the liberal might simply insist that there is a necessary trade-off between the value of justice and those values of whose realization the family is a precondition. These latter values would be those, for instance, of affective closeness, intimacy and interpersonal commitment. (CFS, 114)

Thus the state has a role as parens patriae to protect the interests of children, which implies ensuring that children are educated to a certain minimum extent (so that they can act as citizens); and also, in its child protection practices, the state must show concern for the child’s best interests while giving weight to the child’s own views (See CFS, 117). This complex relation is highlighted by the European Convention on Human Rights, which speaks of an individual’s right to respect for his private and family life:

[this] specifies a sphere of the individual’s life that ought to be protected from unwarranted invasion not just by the state, but also by all agencies, organizations and other individuals. The state, and its agencies, respects familial privacy in that it does not continuously inspect what a family does at home, and it does not require that these activities conform to a set of enforced rules of standard, or “normal”, family behaviour. (CFS, 147)

The value of familial privacy seems to be that both parents and children have an interest in sharing a life together under conditions of intimacy and affective openness and that this can only be secured and promoted if the family enjoys a measure of privacy.

This has not always been the case; even in recent history this right has been challenged. Tony Coady refers to the well-known case in Australia in which there was a movement to remove aboriginal children from their parents and place them with wealthier white people in order to give them “a more than decent life.” There are many problems with such a policy, of course, but it is worth mentioning, Coady argues, that this case exemplifies that such an idea (that is, the notion of “a more than decent life”) should be treated with sensitivity to differing cultural, religious, and philosophical outlooks.20 This point leads to further considerations as well — for example, better outcomes for children may indeed be achieved by placing more restrictions upon otherwise legitimate interests of parents and other adults, yet those outcomes do not justify the imposition of such restrictions. It is

also important to keep in mind that there does not exist a single measure of good upbringing by which the optimal outcome can be assessed. Along these same lines, John Seymour points out that there may not only be uncertainty as to the criteria to employ in deciding what is in a child’s best interests, but that all too often “the outcome will depend on the value system of the particular decision-maker and will be the product of the exercise of ‘an unexaminable discretion’”; thus if parents have responsibility for their children, they must be granted the power to discharge that responsibility.21 Seymour argues further that “it should not be overlooked that the use of legal language — rights, responsibilities, powers, and authority — results in an incomplete understanding of parenthood.” For example, it may not reflect the emotional involvement at the heart of the relation, nor does it address the fact that parents have a wide range of discretion to pursue goals that society as a whole might find undesirable, but that it will tolerate.22 Seymour goes on to observe that the suspicion by the state regarding whether parents know best ignores the fact that children’s experiences at the hands of welfare agencies have led to questions about how child protection procedures actually operate; thus he concludes that “welfare and other authorities need to be careful of cultural and professional arrogance.”23 Ultimately, Seymour argues for a presumption of respecting family autonomy and of “reluctant intervention.”

This brings us to a final point that is reminiscent of the issues we focused on in discussing the risk discourse and that has been taken up by Donald Thomson, among others. He identifies six issues that immediately confront those (psychologists, psychiatrists, and other professionals) who take on the task of assessing the best interests or welfare of a child: (1) the criteria on which judgments are to be made; (2) the weight to be given to each of the criteria; (3) how these criteria are to be assessed; (4) the identification of what options are available and how well each of these options meets each of the criteria; (5) the likely outcome or consequences for the child of each option; and (6) the weight or the value placed by the assessor on each possible outcome.24 In analyzing the APA Guidelines for Child Custody Evaluations in Divorce Proceedings, which includes a statement that any recommendations about the custody of the child should be derived from sound psychological data, Thomson argues that “what knowledge, attributes, skills, and abilities constitute good parenting outside the context of a ‘mono-culture’ is a moot question let alone for different cultures.”25 He discusses behaviors such as autonomy, exploration, self-reliance, efficacy, readiness to challenge others, sociability with peers and strangers, and positive self-perception, all of which may

22. Ibid., 22 and 23.
23. Ibid., 24.
25. Ibid., 61.
be seen as positive traits in one society (for instance, the United States) but viewed negatively in other societies (for example, in Japanese or Korean culture). Making recommendations about the best interests of a child on the basis of psychometric tests is, according to Thomson, fraught with difficulties due to the standardization procedure employed in test construction and may lead to cultural suppression. He also points to other problems with the “best interests” concept (as used by a judge), such as whether the best interests should be viewed from a long-term or a short-term perspective, whether one should be primarily concerned with the child’s happiness or with his or her spiritual and religious training, and what the primary values in life ought to be (warm, interpersonal relationships, or discipline and self-sacrifice). Similarly, John Eekelaar claims that in many instances what will be best for children is entirely speculative and that often no proper consideration is paid to the interests of participants other than the child. Finally, I want to underscore a general point that provides important context for this analysis: the particular model of educational research that is often supposed to grant credibility (that is, an empiricist quasi-causal model of explaining human behavior, including randomized field trials) only adds to the problems that confront us in relying on the discourse of expert knowledge.

The Language of Child Rearing

Child rearing and the language associated with it have been changed by the discourse of techniques, skills, and parenting courses. Within the risk management perspective, these new techniques play a significant role in subjecting informal education to monitoring, benchmarking, and intervention by educational experts and government institutions. Increased technologization and regulation have changed the relation between the private and the public. One worrying example of this process is the so-called preventive intervention into the lives of at-risk families, which can no longer be justified on the basis of liberal principles. In the Netherlands, for instance, the Bureau of Youth (Jeugdzorg Gelderland) and the police force (Gelderland-Midden) have joined forces and entered into an agreement that the police will monitor at-risk families and report on their activities, even before there is a suspicion that they have committed any criminal offense. Here the family is simultaneously seen both as an environment where intervention may be justified (because of the potential for parents to harm their children) and as the cornerstone of society that should remain free from state intervention as long as no demonstrable harm has been done. Another change that technologization and increased regulation have wrought in the relation of public and private is what some have called “responsibilization.” Although policies of participation claim to empower parents and children, and thus to protect them from dominant regimes of power and educational practices, recent calls for the “responsibilization” of parents and children — for example, in the Helping Your Children Series developed by the U.S. Department of Education — may be

interpreted as a kind of governmentality through which school and behavioral norms enter into homes.\footnote{Benjamin Baez and Susan Talburt, “Governing for Responsibility and with Love: Parents and Children Between Home and School,” \textit{Educational Theory} 58, no. 1 (2008): 25–43.} In such a climate, traditional parenting skills are increasingly outsourced to prescribed technologies and parental responsibility is understood in terms of accountability.\footnote{See Kelly, “Youth at Risk.”}

It may be worthwhile to refer in this context to the United Kingdom's Anti-social Behaviour Act 2003. This act was passed to address such problems as troublesome neighbors, vandalism, graffiti, fly-posting, dealing and buying illegal drugs, crack houses, begging, excessive drinking, dumping and abandoning cars, rowdy and illegal behavior, delinquent and intimidating behavior, trespassers, and misuse of fireworks. In discussing the implications of this act, Dan Riley has pointed out that for the government, antisocial behavior “is not restricted to behaviour of groups that threatens people but includes ‘the fear of what they may do’ which adversely affects the use of open space and facilities within a community…. It suffices that police ‘reasonably believe’ anti-social behaviour is a possibility \textit{in the future}.”\footnote{Dan Riley, “Anti-social Behaviour: Children, Schools, and Parents,” \textit{Education and the Law} 19, no. 3–4 (2007): 223–224.} Finally, and interestingly, in evaluating parenting programs in the Australian context, Joan Squelch undertook a study that involved more than 4,000 parents and concluded that while the parenting programs had some positive outcomes, the “research did not show any significant impact on a change in children's behaviour.”\footnote{Joan Squelch, “Back to School for Parents: Implementing Responsible Parenting Agreements and Order in Western Australia,” \textit{Education and the Law} 18, no. 4 (2006): 256.}

As is likely clear at this point, my sympathies lie with the position of Marianna Papastephanou, who, in writing about the ethical and educational significance of risk, follows Socrates in arguing for an “ethics of risk” understood not as a self-serving “ethics” of control, but rather as an ethical responsibility to the fullness of existence of the examined life and as an ethical responsibility to the other. Papastephanou warns that what counts as risk for some invites measures that will regulate the lives of all others;\footnote{Marianna Papastephanou, “Education, Risk, and Ethics,” \textit{Ethics and Education} 1, no. 1 (2006): 57.} following Richard Smith, she reiterates the point that trying to minimize chance and uncertainty in the interests of making the world more predictable, more controllable, and safer is self-deceptive. Similarly, I find that Judith Suissa argues convincingly that “parenting has become not so much expanded as impoverished” and that the emphasis on \textit{doing} things for children rather than \textit{being} with them pervades all aspects of society.\footnote{Judith Suissa, “Untangling the Mother Knot: Some Thoughts on Parents, Children, and Philosophers of Education,” \textit{Ethics and Education} 1, no. 1 (2006): 72.} Being a parent, according to Suissa, is intimately tied up with issues of our own identity. Thus she asks whether we can use the language of rights, duties, and care in...
talking about the parent-child relation without impoverishing what it means to be a parent.33

It has indeed been argued that talk of rights in the context of children’s upbringing — and particularly in the context of family life where love, affection, and freely given mutual respect should reign — is inappropriate. No conceptual scheme, Mary Midgley claims, ought to have automatic priority in discussing moral issues, but there is a special objection to talk of rights, which is the most competitive and litigious of moral concepts.34 Like the legal model, rights talk dictates a zero-sum solution where there are winners and losers but no room for the kind of careful reflection that is necessary when we are confronted with moral dilemmas. Where rights are explicitly placed at the center of morality, there is a danger that all other human values will be ignored. However, while the discourse of rights may in some sense be problematic for dealing with the relations of family members in the context of the family, it seems that it is certainly an important and relevant framework insofar as the relations between (the) parent(s) and the state are discussed. Indeed, it may be the only option we are left with — even if one has to accept that liberalism poses limits on this discourse.35 The idea of practice, though much more theoretically interesting than rights, may not appeal to many at this point in time,36 not least because, as some argue, there are not many practices left. Of course, the rights approach has its own problems: for instance, it is in danger of a retreat (rules have to be applied) unless one is willing to see the judicial rulings as the ultimate context where the application of a rule is fixed and thus the discussion is brought to an end. This puts a vast responsibility on the judicial and legal apparatus; again, though, this may be the only option. As I observed previously, there is a general tendency of society to rely, much more than in the past, on laws in order to regulate our dealings with each other, instead of relying on practical judgment.37

To sum up, it is important to consider what are the primary problems that we currently face as a result of increased government intervention. First, our foremost concern cannot be to counter the threat of the disintegration of the social realm by establishing overarching norms and values; at stake in such an approach is the totalizing transformation of the social realm into a system. Such a system may have

33. Ibid., 75.


37. An extreme example of this tendency is the case of activists who pursue basic legal rights for great apes. There is a court case in Austria [now appealed to the Strasbourg European Court of Human Rights, May 2008] that argues for declaring a chimp a person, so that the animal could receive a legal guardian and funds for upkeep. The lawyer wants the chimp to be granted four out of about fifty rights enjoyed by Europeans: the rights to (1) life, (2) minimal freedom of movement, (3) personal safety, and (4) to claim property. See USA Today, July 15, 2008, p. 7A.
the capacity to create an “inhuman” environment that nonetheless can function perfectly because of its technological smoothness. Second, the relation between parents and their children is often defined in predominantly technical terms. We routinely use the language of input and output, have for each question a series of ready-made answers, and adopt a means-ends framework to try to understand the problems we face. Consider, for example, in the context of information and communications technologies the use of CyberPatrol, or the way Supernanny has become an exemplar. Thus being a parent comes to be viewed as a nine-to-five profession. Third, there is the discourse of so-called experts promising us that every problem can be solved, and this discourse is closely linked to the formalization and professionalization of early childhood education. Finally, I observe that an enormous responsibility is placed upon the shoulders of parents, and this responsibility is understood primarily in terms of liability. Holding parents liable for their children’s upbringing and education implies an understanding of the parent-child relation as based in rivalry or competing interests.

In raising these concerns, I do not mean to argue that anything goes in parenting, nor to suggest that parents can or should never seek advice. I do hope, however, to foster recognition that the practice of parenting involves complex considerations that exceed simple articulation within a discourse of skills, of effectiveness and output, as well as of risk and control, and within a particular sense of rights. Possibly an amended version of the ethics of care — for instance, something along the lines that Michael Slote has recently argued for — offers a more promising framework for the relation between parents and children. 38 Unfortunately, I cannot do justice to this idea here; that will have to be the focus of some future project.

A Brief Sketch of an Alternative

I want to conclude this essay by arguing that child rearing should be conceived as a more robust practice. 39 The discourse of risks and rights has framed the problem of child rearing in ways that seem oblivious to important aspects of this practice. The language of risk is actually a language of what is at risk in the future. Furthermore, the discourse of risk has expanded and merged with the discourse of rights, thus protecting what is possible in the future. But though both discourses are important, they only go so far. In an important sense one does not decide to be a parent; instead, one slowly discovers the value of the practice of parenting. This has major implications for the way in which government intervention should be conceived: not as a sledgehammer for cracking down on deviant behavior, but rather as an effort to work with families in ways that help parents and children feel supported and thus empowered. Different degrees of intervention are possible, and some feel less like “interventions,” or intrusions, and more like attempts to develop mutually beneficial partnerships. Instead of an expansion of rules that

---


set limits — often inspired by exceptional cases in which something has gone terribly wrong and, moreover, bearing the promise of a solution for every single issue — what one needs is support in engaging questions of how to live an ethical life. My questioning of the skills approach should not be seen as a nostalgic call for a return to the past or as the espousal of a romantic view of child rearing. Instead, my purpose is to demonstrate that such a grid suppresses aspects of what it means to be with other people, and it imposes certain ways of seeing things to the detriment of other possible understandings. Much of the dominant discourse is itself utopian, reminiscent of a bygone idea of government where everything and everyone had its place. Rather than helping parents to sort out things for themselves, the instrumentalization of interpersonal relations does away with risks and offers a blueprint for the future. Combined with the overwhelming demand from people for the government to act in many areas, such instrumentalization endangers what is fundamental to democracy itself through promoting an overgeneralized reaction in relation to particular cases. Through preemptive policies, the anticipatory state realizes a discursive shift from real problems to potential risks and provides itself a wide scope for damaging interventions. And, of course, here as elsewhere it is particular groups in society that are especially vulnerable to such interventions (for example, minority groups, single parents, and so on). Moreover, the displacement of resources that such a nanny state requires distracts our focus from addressing the vast societal problems the globalized world confronts us with nowadays. Though there are cases where it is reasonable to address predicted undesirable social outcomes, in general child rearing is not such an area. A breach of human rights may be the price we pay when we attempt to monitor all risks that are involved with child rearing. This in the end is the real danger, the real risk of doing away with anything that cannot be managed and manipulated. It is neither a good thing for society nor in the “best interests of a child.”