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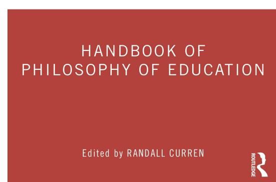

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Randall Curren

Who Should Make Decisions About Children's Education?

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8

WHO SHOULD MAKE DECISIONS ABOUT CHILDREN'S EDUCATION?

Harry Brighouse and Adam Swift

Human children arrive in the world profoundly vulnerable and profoundly dependent. They are small, easily damaged, incapable of feeding themselves, poorly placed to recognize danger, and utterly powerless in its face. Without adults to shelter, nourish, and protect them, they would die.

They are also incapable of preparing themselves to become the kind of adult who can fend for themselves in society, let alone contribute to it. Shelter, nutrition, and protection are not enough. They need to be raised and educated. Somebody needs to make decisions about how.

The focus of this chapter will be on formal education: that is, the intentional production of knowledge, skills, attitudes, and dispositions that influence the ability of children to flourish and contribute to the flourishing of others over the life course. The question is: who should make decisions about children's education?

For adults, the default decision-makers are adults themselves. Governments may invest in inducing the development of skill sets seen as economically or socially valuable, thus creating incentives to which they expect adults to respond. But in a free society with flexible labor markets the expectation is that, as long as educational providers are regulated well enough to protect clients from fraud or exploitation, adults themselves will generally make the best decisions about their own educational pathways. And, as those most affected by the outcomes, they have the right to decide for themselves, even if they choose badly.

We don't think the same about children. Of course, children do, inevitably, make educational decisions all the time. Within the limits of their own agency (limits which, usually, expand over time, though in a complicated and uneven manner) they decide whether to pay attention to what is being said to them, whether to do as they are told, how to interact with their peers and with adults, and myriad other matters (Archard 2014). That they make these decisions is part of the learning process itself. But unlike (most) adults they lack the basic education – the basic knowledge, skills, dispositions, and attitudes – needed to choose well, and we do not consider them genuinely responsible for the choices they make. So at least two kinds of decisions about their education really must be made by some adult or adults: first, what they should learn, second, how resources devoted to supporting their learning should be distributed among them.

We're going to focus on the question of who should make these decisions. But in our view answers to that question are connected to the answers to the questions of what should be learned and how learning should be distributed. So, we're going to start by sketching answers to those questions, and then see what those might mean for the question of who should decide.

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What Should Children Learn?

We propose, but do not argue for, a rather abstract account of what students should learn. We think it is correct, but we outline it here not so much to persuade you of that as to help you get a fix on the discussion of our main topic: who should decide? If you prefer a subtly – or unsubtly – different account of what children should learn, our invitation, when you reach sections 3 and 4, is to think about how – or whether – your different view about what children should learn affects your judgment about our discussions in those sections.

Our account of what children should learn rests on the idea that it is very important they enter adulthood as people who are well-equipped to flourish and to contribute to the flourishing of others. It does not depend on a detailed, specific, conception of human flourishing: people flourish in a vast array of different ways. But we can discern six broad capacities each of which must be developed well in order for someone to flourish and contribute to the flourishing of others in the kinds of society under consideration. We call these capacities, taken together, *educational goods*: the knowledge, skills, attitudes, and dispositions needed to flourish and contribute to the flourishing of others (Brighouse et al. 2018).[1]

Capacity for Economic Productivity

In market economies, unless an individual has extremely wealthy parents or some other source of guaranteed income, flourishing depends on his or her ability to participate effectively in the economy. Some people will not need to work for an income to meet their needs, but we cannot identify most of them in advance, so a sensible policy will equip all children to participate in the economy. Even those with independent sources of income usually benefit from the kinds of capability that labor markets reward. Developing individuals' economic productivity – for example through enhancing their cognitive skills – is also in the interest of the broader society: the increased economic capability of the educated person increases the aggregate stock of human capital that society can harness to the benefit of all.

Capacity for Personal Autonomy

Children benefit from the ability to make and act on well-informed and well-thought-out judgments about how to live their lives. For human beings to flourish, they need to find a way of life that is suited to their particular personalities and desires. Some people may flourish within the constraints laid down by the religious strictures of their parents, but others may be stunted by those same requirements. Knowledge of other religious views, and non-religious views, supports flourishing by providing the opportunity for the individual to choose alternatives, or aspects of them. Even with knowledge of the alternatives, the self-knowledge, habits of mind, and strength of character to make the appropriate alternative choice are also required. The same logic applies to choice of occupation. Some children find themselves under very heavy parental pressure to pursue a particular occupational path. The non-autonomous person will follow the path chosen by her parent because of lack of knowledge of alternatives, or of self-knowledge, or of emotional independence. The autonomous person, by contrast, will have sufficient knowledge of the relevant considerations and sufficient fortitude to make the parental pressure a small influence on her choice. Whether, ultimately, she chooses for or against should depend on her own, independent, judgment of the fit between the occupation and her interests (Feinberg 2007).

Capacity for Democratic Competence

Democracy works well when citizens have the ability to use their political institutions to press their own interests, to engage in reasoned political deliberation, and to give due weight to the

legitimate interests of others. Educating a child to have the knowledge, skills, attitudes and dispositions that enable and incline her to become an effective and morally decent participant in social life and political processes benefits both her and her fellow citizens. The knowledge and skills needed for democratic competence are various and depend on context. A basic understanding of the history of a society's political institutions is usually valuable, as is the ability and disposition to bring reason and evidence to bear on claims and arguments made by others. Institutions vary considerably in the informational demands they place on citizens, and in the deliberative resources they provide. The US electoral system, for example with its numerous levels of government and frequent elections, places high demands, especially in those states where candidates for most elections may not register their party affiliation on the ballot paper. Political advertising gives citizens very limited help in their deliberations. Democratic systems with less numerous and frequent elections and more controls over political advertising may make it easier for citizens to participate in an informed and meaningful way. Many policy issues are hard for citizens to evaluate because they lack a good understanding of the way the institutions work, and of the possible side effects of any proposed reform. Producing the capacity for democratic competence is non-trivial (Callan 1997; Gutmann 1999; Macedo 2003).

Capacity to Treat Others as Moral Equals

Equal respect for the basic dignity of persons underlies the idea that everybody has the same fundamental human rights, regardless of their sex, race, religion or nationality, and grounds norms against discrimination in hiring, promotion, and government provision. Treating others as equals does not require that we care about strangers as much as we do about our family members, or ourselves. Nor does it rule out judgments that people are unequal with respect to attributes like strength, intelligence, or virtue. It means simply that we regard all people as fundamentally equal in moral status. That attitude and the accompanying dispositions are important for flourishing. Racism, for example, does not have to be legally enforced in order to be damaging. Even without legal discrimination, black Americans continue to be disadvantaged, due not only to the continuing material effects of legal discrimination but also to their treatment by others who, often unconsciously, assume superiority. The experience of slights grounded in assumptions of racial superiority – as with gender, sexuality, or physical or mental abilities – undermines the self-respect and self-confidence of the slighted, making it harder for them to flourish. The impact is worse if the slighted themselves share the attitude that they are inferior, or, while not sharing it, are nonetheless disposed to accept the slights as their due. Developing and, crucially, *exercising* the capacity to treat other people as moral equals is important, also, for properly balancing the pursuit of one's own flourishing with the obligation to contribute to the flourishing of others.

Capacity for Healthy Personal Relationships

Recent empirical literature confirms the commonsense view that successful personal relationships tend to be part of a happy life. The same is probably true of a flourishing life. For most of us, flourishing requires a variety of relationships, including some that are lasting and intimate. People derive meaning from their relationships with their spouses, their parents and children, their close friends, and even from looser ties with acquaintances in their neighborhoods and at work. Successful personal relationships require certain attributes – emotional openness, kindness, a willingness to take risks with one's feelings, trust – that do not develop automatically but are in large part responses to one's environment. We can hope that families will provide an environment in which a child will develop these qualities but not all will do so, and, even if they do, these lessons can be supplemented and reinforced by other institutions, including schools.

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Capacity for Personal Fulfillment

Healthy personal relationships are important for flourishing, but so too are complex and satisfying labor, and projects that engage one's physical, aesthetic, intellectual and spiritual faculties. People find fulfilment and satisfaction in music, literature, and the arts; in games and sports; mathematics and science; in religious practice. These and other activities enable them to exercise and develop their talents and meet complex challenges. A great deal of paid work is dreary or carried out in the context of stressful status hierarchies, and people in such jobs have limited opportunities to flourish at work. School is a place in which children's horizons can be broadened: they can be exposed to – and can develop enthusiasms for and competence in – activities that they would never have encountered through familial and communal networks, and which, sometimes, suit them better than any they would have encountered in those ways (White 2011).

How Should Resources Supporting Learning be Distributed Among Children?

As in the previous section, we will offer a rather abstract account, this time of how resources should be distributed, without much argument. Again, if you disagree with the answer offered in this section, we invite you to consider what your disagreement here means for the discussion in the rest of the chapter.

Educators often refer to distributive values by talking about "equity" in education. But exactly what they mean by equity is often not clear. The California Department of Education, for example, in one document defines equity, variously, as the "*aim of ensuring that all students benefit equally*" from schooling, and as requiring that schools produce "*comparably high academic achievement and other positive outcomes for all students on all achievement indicators*." But, given that students have different levels of investment outside of the school, these definitions conflict: achieving the first would reflect out-of-school inequalities, whereas achieving the second would require counteracting them (Levinson et al. n.d.).

We offer three different distributive goals, each of which we think is valuable, but the relative urgency of which may depend on the circumstances. Some educational choices may be expected to bring gains with respect to all three, sometimes achieving one distributive aim might involve tradeoffs with the others (Schouten 2012). We frame them in terms of the distribution of *educational goods*, as characterized above, but obviously the production of educational goods requires the deployment of resources supporting learning: having established what distribution of educational goods we should be aiming for, decision-makers have to judge what distribution of learning resources will produce that outcome (Jencks 1988; Gutmann 1999; Brighouse et al. 2018).

Adequacy

Advocates of adequacy agree that everyone should meet some threshold level of educational goods, though they differ in how they define that threshold. Some set it as being able to command a living wage in the economy in adulthood (Tooley 2009); others as educational goods sufficient to ground a just rule of law (Curren 2000: 192–201); others as sufficient education to be able to participate as equals in civic and political affairs (Anderson 2007). The appeal of this approach is obvious: a just society would provide everyone with the developmental resources needed to reach the specified threshold. Adequacy, however, provides no insights into what would be a fair distribution for those above the threshold, and, in practice, specifying such a threshold is difficult and can seem arbitrary.

Equality

No child is responsible for their social background, or even for their level of natural talent, so allowing either to affect educational outcomes results in some being disadvantaged due to factors beyond their

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control. And because educational success plays a substantial role in labor market success, and labor market outcomes are highly unequal, inequality of educational goods has substantial consequences in terms of people's unequal prospects in life. That seems unjust. However, achieving *full* equality of educational goods would require measures that seem unacceptable. For differences in natural ability not to affect educational outcomes, those with high levels would have to be neglected, or even disabled, to the ultimate detriment of all: we would have to level down outcomes in order to make them equal. Similarly, given what we know about the intergenerational transmission of advantage, considerable interference in family life would be needed to prevent social class from influencing educational outcomes. Still, despite the constraints set by other weighty values, equal educational outcomes are, *pro tanto*, desirable (Brighouse & Swift 2014a; Ben-Shahar 2015).

Benefitting the Less Advantaged

The third distributive value avoids the leveling down problem without requiring that we identify an adequacy threshold. The idea is simple: inequalities in educational goods are valuable if they work to improve the prospects for flourishing of those who are worse off. This allows for investment in those with high levels of natural talent if there's a reasonable expectation that the resulting increase in productivity can be channeled to those who have the strongest claim to the extra benefits. Such benefits need not themselves take the form of educational goods. For example, the opportunities for flourishing of the cognitively impaired might be improved more by distributing educational goods in a manner conducive to technological, medical or social development than by distributing them so as to increase their possession of educational goods themselves.

We've articulated answers to the questions of what children should learn and how learning resources should be distributed among them, in sufficiently abstract terms to allow for a good deal of disagreement about exactly how they should be operationalized. Assume these are the correct answers. Who should have the power to make the relevant decisions?

A Consequentialist Framework

Suppose that we were considering how to allocate decision-making power within an organization that had certain reasonably well specified aims, and in which there were no pre-existing constitutional constraints on the answer. A natural rule would be simply to allocate power in the way that was calculated to reach the right decisions, and to implement them effectively.

We'll explore shortly what this allocation might look like in practice. But before doing so, we should note that the two considerations we have laid out – concerning what children should learn and how resources should be distributed – are not the only consequences that matter. The quality and distribution of children's education are surely important. But so are other policy priorities, like public health, transportation, efficient capital markets, and national security. Delivering on some of those priorities (like public health) may be entirely congruent with educational priorities, but trade-offs are sometimes unavoidable, and children's education, while always a high priority, should not trump everything else. Even within education policy, the quality and distribution of education are not the only outcomes of concern. The well-being of teachers matters, and not only because it is instrumental for high quality learning. Free societies place considerable value on free choice of occupation and freedom of movement, so conscripting teaching labor, or severely restricting the operation of labor and housing markets, would be unacceptable even if they would optimally serve the two fundamental goals we've articulated.

Even focusing narrowly on the interests of children themselves, education is not all we should be concerned with. Childhood is not just *preparation* for a life; it is, itself, *part of* a life. How well people's childhoods go – the quality of their daily lived experience, both in their family and in whatever educational settings they attend – matters in itself, not only because it affects what happens later. Some

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philosophers refer to this aspect of child wellbeing as "childhood goods." Some goods – like carefreeness, innocence of certain evils, and apparently pointless play – may only be attainable, or may be more abundantly attainable, in childhood. Others – such as laughter, happiness, friendship, freedom from bullying – may be equally or sometimes more readily attainable, in adulthood, but their value in childhood is not tied to their developmental value (Brennan 2014; Gheaus 2015). Children have an interest in all the goods we have mentioned, and other childhood goods, whether or not they benefit them educationally, and even, to some extent, if they, *conflict with* their purely developmental interests.

When we ask, then, which decision-makers would make the best decisions, the relevant consequences to factor into the judgment are not only the production and distribution of educational goods, as discussed in the previous two sections, but also the production and distribution of non-educational goods, as outlined in the previous two paragraphs. So, which decision-maker or decision-makers would be most likely to produce the best outcomes?

Imagine, first, placing all the decision-making power in the hands of parents. Parents normally have a wealth of knowledge about their children, and generally care a great deal about their wellbeing (including, but not restricted to, their educational outcomes). So, they can normally be relied on to put considerable weight on their children's interests. Advocates of strong claims about parents' rights to make decisions concerning their children's education typically appeal to this kind of consideration. There will, sadly, be exceptions to these generalizations, so parents' decisions cannot be regarded as entirely sacrosanct and immune from public scrutiny. But the thought is that, as a matter of policy, parents will tend to make better decisions because they are better informed about their own children, and more strongly motivated to do the best for them, than any alternative decision-maker.

The suggestion is not, of course, that parents should do all the educating themselves. In modern complex societies, families typically lack the capacity to give their children everything they need even for participation in the economy. Teaching mathematics beyond basic numeracy, and reading beyond basic literacy, are really difficult, requiring skills that most parents lack and that it would be, at best, inefficient for them to acquire. Even if parents had sole decision-making power, they would have to rely on third parties – teachers, and schools – to provide educational services. That solves the problem of their incompetence to educate but brings another problem to the surface. To make good decisions, parents have to be able to monitor the quality of the education their children are receiving. This is extremely difficult even for well-educated parents with time, leisure, and understanding of how institutions work. Education is a complex process, and education within schools is particularly so. Children's development is hard to monitor because it happens unevenly over time, and information about what is actually happening within schools and classrooms is in any case hard to access. Even principals and teachers have limited knowledge about what is happening in schools. So, the information problem parents face in ensuring the quality of education is very challenging.

One problem with the suggestion, then, is that parents' motivation to promote their children's interests, and up-close knowledge of their individual abilities and personalities, may not be enough. This would be so even if we were concerned only with parents' ability to make good educational decisions for their own children.

A second problem is that parents' decisions may fail to give proper weight to the interests of others. Taking into account the interests of affected third parties, parents may underinvest, over-invest, or mis-invest, in their children's education. They may, for example, focus on the capacity to participate in the economy to the detriment of the capacity for democratic competence and the capacity to treat others as equals. Some parents willfully, others negligently, raise their children to be racist or sexist, or homophobic; others willfully or negligently inculcate doctrinal commitments that present undue barriers to taking seriously the interests of others when they are advanced in democratic debate. Giving parents full decision-making power puts others at risk of wrongful harms inflicted by the mis-educated, and it undermines the ability of the mis-educated children themselves to contribute to the flourishing of others.

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Now, put those values aside, and think just about the labor market. Parents, left to their own devices, are unlikely to be motivated to advance the distributive goals we identified in the previous section. Their concern is typically to promote the interests of their own children. Even if they were motivated by those distributive goals, they are not well placed to coordinate investment in children's education in such a way as to produce, for example, fair competition in the labor market. Affluent parents can invest heavily in their children's competitive advantage, while low-income parents cannot. Without government intervention to ensure that gaps in preparation do not track gaps in parental labor market success, opportunities would be extremely unequal. The general point is that giving complete decision-making power over resource allocation to parents puts distributive goals in jeopardy (Hill 2017).

A third problem is that parents may misidentify their children's interests or fail to strike the right balance between various educational goods even as those concern their own children's prospects for flourishing. A big risk of this kind is a failure adequately to promote children's development of the capacity for autonomy. Unconstrained, parents might overreach in their shaping of their children's values. There is widespread consensus that parents are permitted, and perhaps indeed required, to inculcate *some* values in their children, such as honesty and treating others as moral equals. But philosophers disagree about the extent to which, and ways in which, it is legitimate for parents deliberately to influence their children's religious and ethical commitments more generally (Macleod 1997; Clayton 2006; Brighouse & Swift 2014b; Swift 2020). That parents shape their children's values in ways that reflect their own is probably an inevitable side effect of the many intimate interactions that are essential components of a successful parent-child relationship. But children have an interest in becoming adults who can make and act on their own independent judgments about how to live their lives, and that places a limit on what parents may legitimately do to shape their values. With sole decision-making power, some parents will – some willfully, some negligently – go beyond what is legitimate. Some, such as those convinced of the truth of their own religious views, will do so in the belief that they are thereby benefitting their children. And other parents, who are inclined to foster their children's autonomy, may find it easier to strike the right balance if other forces, such as schools, are recognized as legitimate counterweights.

If vesting all decision-making power in parents has the problems we've identified, should we look for an alternative agent? The most natural alternative (and the only one we are going to consider) is the state. As far back as Plato, philosophers have recognized that government might have some proper role in decision-making about children's education. Why not vest all decision-making power in the state?

Remember that we are currently considering a purely consequentialist framework. In the next section we will consider the possibility that parents have some sort of right to decision-making power that limits the state's role, but here we are focusing on consequences concerning what children learn, how that learning is distributed, and other public policy outcomes. Unlike parents, the state is accountable to third parties, has a remit to be concerned impartially with the outcomes of all students, and is concerned with ensuring proper levels of investment in the development of all children within its jurisdiction. It is better placed than parents to gather reliable information about what happens in schools and – because it has information about many schools and can make comparisons over time – much better placed to make sense of that information in context. Some of the problems with parents as decision-makers need not arise.

Just because states can do a better job than parents can does not mean that they will. One of the fears we expressed about parents is that they might willfully or negligently raise their children to be racist, sexist, or homophobic. If the state has a clear commitment to combat racism, sexism, or homophobia, and the competence to see that commitment through, then it will not be a problem if the state has all the decision-making authority. Yet that is by no means always the case. Our guess is that the great majority of schools in the liberal democratic world today have institutional commitments to combat those ills. But we doubt that the same was true of schools when we were children. And we were raised in the U.K.: most public schools in many parts of the U.S. were

thoroughly committed to reproducing the racist and sexist attitudes that prevailed in society well into the 1970s, and they reproduced and reflected the homophobic attitudes that prevailed without needing any kind of commitment to doing so. Further, the highly racially segregated character of schooling throughout the U.S. from the late 1920s was a direct consequence of government activity which aimed at, and succeeded in, racially segregating neighborhoods, thus undermining the ability of schools to foster democratic competence and the capacity to treat others as equals even if they wanted to do that (Rothstein 2017).

Even liberal democratic states do not always pursue, let alone achieve, the educational goals we have prescribed. If we look at states outside the liberal democratic world, things are worse still. Many authoritarian, totalitarian, and ethnonationalist states use schooling to foster a passive, obedient, and intolerant population, deliberately and systematically frustrating the achievement of the goals we have prescribed.

Similarly, whereas school funding arrangements in some parts of the world reflect states' commitment to mitigating the effects of social class background on educational outcomes, this is not true everywhere. Because of its federal structure and heavy reliance on local funding, the U.S. is a fascinating case study. Most school funding comes from the local level, and local expenditure is highly unequal: affluent students residing in property-rich districts receive far more than low-income students in property-poor districts. So, government at the local level reproduces background inequalities. Financial support at the level of individual states constitutes a smaller fraction of school funding, and this is, mostly, distributed *very* roughly equally between districts on a per-pupil basis. So, state-level government does not attempt to reproduce, but does a little to mitigate, background inequalities. The federal government, which provides about 10% of total spending on public k-12 education, targets the lion's share of its funding to low-income students and students with disabilities. So, the federal state is deeply committed to mitigating the effects of background inequalities.[2] Currently the state considered as a whole (including local, state-level, and federal authorities together) probably pursues the distributive outcomes better than parents left to themselves would. But it is far from unified in its efforts, and those efforts combined fall far short of what would be required for the distributive goals we have described. And, again, non-liberal and non-democratic states, which are accountable only to certain factions of society, often spend money accordingly, maintaining and sometimes worsening inequality (Amini & Commander 2012; Yang et.al. 2014).

Parents can't be relied upon to achieve the ends we have prescribed. Nor can states. The consequentialist approach will not assume that either parents or states should have all decision-making power, but it will seek to divide that power between them in whatever way is most likely to result in the desired outcomes. The exact allocation of that power – which agents should get to decide exactly what – is a matter of dispute among reasonable people. Many, including commentators who are otherwise skeptical about state power, think that the state should play some significant role in funding education and determining how funds should be allocated. Some think the state should have considerable say over the curriculum, especially insofar as it has effects that go beyond the good of the individual child. Few believe that parents should have no discretion about what school their child attends, and the quite ambitious distributive goals we have described allow for parental choice as long as the state plays an appropriate role in allocating funds and regulating the quality of schools (Brighouse 2000). But, as we emphasized, states vary considerably both in their will to achieve desirable outcomes, and their capacity to do so. The appropriate distribution of decision-making power might be quite different in different contexts depending on the aims and capacities of the state in question.

Non-Consequentialist Considerations

Not everyone believes that only consequences matter. We suggested, that left to themselves, parents might exert undue influence in shaping their children's values, but the view that parents have the

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right to raise their children in ways that tend to reproduce their own ethical and religious commitments is certainly widespread. Some justify that right by appealing to its allegedly beneficial consequences, but others adopt a more deontological approach. Here the thought is that parents are entitled to exert extensive control over their children's upbringing – just as they are entitled to exert extensive control over their own lives – whether or not that is conducive to good outcomes. Some philosophers endorse that view. Think of Charles Fried's claim that the right to "form one's child's values, one's child's life plan" is grounded in the "basic right not to be interfered with in doing these things for oneself" (Fried 1978). William Galston, similarly, says that "the ability of parents to raise their children in a manner consistent with their deepest commitments is an essential element of expressive liberty" (Galston 1991). Article 26 of the UN Declaration of Human Rights recognizes that children have a right to education but subjugates it to parents' "prior right to choose the kind of education that shall be given to their children" (UN General Assembly 1948). The International Covenant on Economic, Social and Cultural Rights asserts that parents have the liberty to "ensure the religious and moral education of their children in conformity with their own convictions" (UN General Assembly 1966). The underlying assumption here is not that it will be better for children's education if their parents get to shape their children's values. *Maybe* it will. But the thought that parents have a *right* to do that is that parents should be permitted to do it even where it will not.

The exact content of this purported parental right, even if one concedes it exists, is, like the content of other rights, a matter of debate. Should it include total control over the child's environment? In practice, liberal states tend to grant parents *de jure* rights that they can use to induct their children into their own religious and ethical outlooks, and to try to make sure that those children reach adulthood seeing the world in similar ways. Parents have exclusive rights to determine what materials are read to their children, and are available for the children to read, at home; to talk to them and determine who else can talk to them at home; to take them to church (or forbid them to attend church), to concerts, to sporting events; to determine what food goes on their plate, what music they listen to, and what television they watch. Not only may parents raise their children, at home, as members of particular faith or cultural communities but they can also, if they have the resources, ensure that their children attend schools that will reinforce the message. Perhaps allowing parents to do all of these things is enough to respect parental rights, so that there is nothing wrong with the state imposing considerable regulation on what happens to the child in formal educational settings and requiring that they attend those settings. If so, then we might think of those rights as constraints on the consequentialist framework rather than as alternatives to it: parents should have whatever decision-making power is needed to ensure that their rights are protected, and the remaining decision-making powers should be distributed according to the consequentialist framework. Or perhaps – and we think Fried's comment implies this – states may not even require school attendance, and must cede complete control to parents, so there is no room at all for the consequentialist framework to operate.

Claims about parents' rights are the most common way for non-consequentalist considerations to come into accounts of who should make decisions about children's education, but they are not the only way. Some insist that children themselves have rights that make it impermissible for anybody – parents or the state – to treat them in certain ways, even if treating them in those ways would be good for them (Clayton et al. 2021). We listed the capacity for autonomy as among the educational goods that would be taken into account by a decision-maker concerned to make good decisions, and we appealed to the way in which having and exercising that capacity contributes to flourishing. But one might regard the development of their capacity for autonomy as something to which children are entitled whether or not its development will benefit them: perhaps what really matters is that they are able to make and act on their own judgments about how to live, not that they judge well or wisely. Another version of child-focused non-consequentialism appeals not to the importance of children's developing the capacity for autonomy as an "end-state" to be achieved, but rather to their moral "independence." On that view, children's rights are violated whenever anybody – parent or

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state – intentionally directs them towards controversial views that they might reasonably reject, for example by enrolling them into a particular religion. That would be wrong, on this view, even if the children in question also developed the capacity for autonomy (Clayton 2012).

In practice, it probably doesn't make much difference whether the capacity for autonomy is valued on consequentialist or non-consequentialist grounds. Either way, decision-making power should be allocated in whatever way makes it likely that children develop that capacity. The view that decision-makers must respect children's moral independence, and refrain from any attempt to transmit their own particular religious or ethical views, sets a harder constraint but the overall picture remains the same, and indeed the same as it did in the case of parents' rights. Decision-making should be distributed in whatever way is best suited to protecting children's rights; any remaining powers could be distributed in accordance with the consequentialist framework.

Conclusion

Our answer to the question, "Who should make decisions about children's education?" is: "it depends." It depends partly on normative or philosophical judgments. If, for example, some non-consequentialist value crowds out all others then the answer is simple. Suppose that parents have an absolute right to make every decision about education regardless of how well those decisions serve their children or anybody else: then, simply, parents should make all those decisions. Or suppose that it doesn't matter whether children develop the capacity for autonomy, or that it's not important how educational goods are distributed. In those cases, too, it might be appropriate to give parents more control over their children's education than our analysis would suggest. And it depends partly on empirical judgments. To the extent that consequentialist considerations should play a role in deciding the allocation of decision-making power such issues as the capacity, and will, of the particular state in a specific time and place, and indeed the capacities and wills of families, will inform the answer. As our discussion implies, a full and direct answer would require a careful weighing of the different considerations at stake *in specific circumstances*. In the foregoing discussion we have provided normative resources needed to approach the issue.

We have not even tried to answer a different, and some might think more important, question: who should make decisions about who should make decisions about children's education? The resources we have provided are intended both to guide those making decisions and to help identify who should make them. But even those who endorse our approach may, and surely will, disagree about how to balance different educational goods, or about the relative importance of distributive values, or about the proper content of parents' or children's rights. They will probably disagree also in their empirical judgments about the likely effects of different decisions that might be made, and about who, in practice, is likely to make better or worse decisions. Others may reject our approach altogether. Disagreement is rife. Who, then, should have the power to decide who should make decisions about children's education? The question of who has the sovereignty or authority to decide who gets to decide matters concerning children's education – a version of the "jurisdictional boundary problem" (Laborde 2017) – is so hard that we have not even broached it.

(Related Chapters: 3, 6, 7, 9, 15, 16, 21, 27, 30, 34.)

Notes

1 For discussion of how these categories figure in real-world choices about curricular standards, see Brighouse and Mullane (2018).
2 For more detail see Brighouse et. al. 2018: ch. 5.

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