

Rights and consequences

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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 that 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 those roughly stated principles apply just as forcefully to certain adults as they do to infants. Baby exposing is wrong. So, for the same reasons, is crippled grandmother exposing. Contracts signed by bewildered infants are suspect. So are contracts signed by mental detectives, 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 non-aristocratic 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.