



Should Parents Be Licensed? An Ominous New Debate

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The last century has witnessed some of the most divisive and confrontational debates in human history—and many of these have focused on the institution of the family. Arguments over marriage, sexuality, reproduction, and justice have placed a giant question mark over the family, subjecting civilization's most basic institution to both social transformation and cultural subversion.

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The opening salvo in the debate over licensing parents was fired by philosopher Hugh LaFollette, whose 1980 volume, *Licensing Parents*, set the agenda for formal debate. Published by Princeton University Press, LaFollette's book was ahead of its time. Now, a quarter century later, the debate is almost certain to be renewed.

Evidence of this comes in the form of *Should Parents Be Licensed? Debating the Issues*, edited by Peg Tittle. An ethicist and philosopher, Tittle introduces a lively and interesting series of essays. "Would-be teachers are generally required to study full-time for at least eight months before the state will allow them the responsibility of educating children for six hours a day once they become six years of age. Many would say we have set the bar too low. And yet we haven't even set the bar as high—in fact we haven't set a bar at all—for parents," she asserts.

Clearly, Tittle believes that parents should be required to gain a license in order to bear and raise children. She argues that today's society pays insufficient attention to the needs of children, and fails children specifically by failing to require a minimum standard of expertise from their parents.

As Tittle sees it, "having children is not always a good thing." Indeed, she believes that some forms of parenting are simply "immoral." While she obviously has clear cases of parental neglect in mind, she also implies that her understanding of "moral" parenting is tied to a radical liberalism that would see conservative parents—especially conservative *Christian* parents—as dangerous or unfit.

As she explains, "Licensing would also emphatically underscore the immorality of various kinds of parenting, and penalties for parenting without a license or for somehow 'violating' the license might act to deter people from such parenting." Most of the essays in this volume imply that the coercive power of the state must be employed in the licensing process. "To license parents is not just to say that some parenting is immoral," Tittle acknowledges; "rather, it is to go one step further and say that some parenting should be illegal, presumably, but not necessarily, because it is immoral."

While the very question of licensing parents seems like the rerun of a bad movie from the 1960s, the issue has emerged again in connection with the use of new reproductive technologies. Questions of access to these technologies, and questions about the morality of reproductive decisions, implies that these questions could—and some would argue

should—be pushed back to “natural” forms of reproduction as well.

LaFollette’s essay remains the touchstone of the movement to require licensing for parents. “Our society normally regulates a certain range of activities; it is illegal to perform these activities unless one has received prior permission to do so,” LaFollette explains. “We require automobile operators to have licenses. We forbid people from practicing medicine, law, pharmacy, or psychiatry unless they have satisfied certain licensing requirements.” Thus, “any activity that is potentially harmful to others and requires certain demonstrated competence for its safe performance, is subject to regulation—that is, it is theoretically desirable that we regulate it.”

LaFollette sees parenting as “an activity potentially very harmful to children.” He points to instances of parental abuse or neglect and argues that the prevention of such abuse would alone justify a licensing requirement for parents. Added to this, LaFollette argues that some persons lack a minimal competence for parenting. Licensing of parents should be required, “not because state intrusion is inherently judicious and efficacious, but simply because it seems to be the best way to prevent children from being reared by incompetent parents.”

Why would this idea be met with resistance? “I suspect the answer is found in a long-held, deeply ingrained attitude toward children, repeatedly reaffirmed in recent court decisions, and present, at least to some degree, in almost all of us,” LaFollette suggests. “The belief is that parents own, or at least have natural sovereignty over, their children. It does not matter precisely how this belief is described, since on both views parents legitimately exercise extensive and virtually unlimited control over their children. Others can properly interfere with or criticize parental decisions only in unusual and tightly prescribed circumstances—for example, when parents severely and repeatedly abuse their children. In all other cases, the parents reign supreme.”

This assertion of parental rights and parental authority is both concise and accurate. Indeed, belief in parental sovereignty over children has been one of the most important means by which the state has acknowledged the primacy of the family, and thus the limits of its own power.

LaFollette rejects this claim out of hand. “This belief is abhorrent and needs to be supplanted with a more child-centered view,” he boldly asserts.

Some have taken this argument even further. Margaret Battin, addressing the issue of population control, has suggested that the state might require all persons to use “automatic reversible contraception” that could be reversed only by the authority of the state. The state would allow only those persons it deems qualified for parenting to breed, bear, and raise offspring.

All this leads to a fascinating collision of the claims put forth by various moral philosophers, all working from a basically secular worldview. The idea that the state should require parents to be licensed in order to reproduce flies into direct conflict with Professor John Robertson’s assertion that all persons possess a basic right to “procreative liberty.” Robertson, who teaches at the University of Texas, would extend this right of procreative liberty to virtually unrestricted access to reproductive technologies and eugenic mechanisms.

The idea that some decisions to procreate could be characterized as “immoral” requires explanation and elaboration. Some of the contributors to this volume argue that genetic screening should be used in order to prevent “immoral” births from taking place—births of those deemed unworthy in terms of genetic disease or other defects. Others would extend such concerns to matters of economic viability, arguing that parents should not be allowed to have more children than they can afford. Edgar R. Chasteen, for many years Professor of Sociology and Anthropology at William Jewell College, acknowledges that this would mean limiting the rights of parents. “Laws have been passed that severely restrict the rights of parents over their own children,” he notes. “Compulsory school attendance laws, health laws, delinquency laws, housing laws—all have translated parental *rights* into *privileges*. The next logical extension of this process is to make it a privilege to *have* children. Such laws would serve not only to defuse the population bomb, but also to protect firstborn children against the too prolific reproduction of their parents.”

Roger McIntire, Professor Emeritus of Psychology at the University of Maryland, calls for a complete reconsideration of “the currently sacred ‘right to parent.’” Noting that adoption agencies screen potential parents, he argues that the state should extend this same process to all prospective parents. “Screening and selecting potential parents by no means guarantees that they will in fact be good parents. Yet today we have almost no means of ensuring proper child-rearing

methods. The indiscriminate ‘right to parent’ enables everyone, however ill-equipped, to practice any parental behavior they please.” Similarly, Jack Westman, for many years Professor of Psychiatry at the University of Wisconsin Medical School, suggests that parents should be licensed at different stages of a child’s life. The requirement of a license would “provide a basis for eligibility for governmental financial aid and supportive services in order to ensure that public funding supports competent and not incompetent parenting.” The requirement of a license “would designate parenthood as a privilege for which one is qualified rather than as a right that accompanies the event of childbirth. It would define parenthood realistically as a relationship rather than as a biologically determined state.”

Make no mistake. These calls for parents to be licensed, radical as they may seem, are the logical extension of other arguments that are now taken for granted in many circles. The natural family is under sustained attack from advocates of sexual revolution and agents of state power.

While all morally sensitive persons should be concerned about cases of parental neglect and abuse, the real agenda behind this movement is the replacement of parental authority with the authority of the state. In reality, the right to procreate remains one of the most significant checks against totalitarianism and the otherwise unrestrained power of the state.

The family has already been stripped of many of its responsibilities and protections. Parents are now threatened by state intrusion and bureaucratic interference. An army of various social workers, educational bureaucrats, and therapeutic specialists insist that they know best and that children should be nurtured, disciplined, instructed, and socialized in accordance with their own worldviews. The idea of requiring a license in order to bear children strikes at the very heart of what it means to be human, and what it means to be part of the human family. Watch this debate closely, for it is gaining steam.

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