Compliance Without Paternalism

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In "Willing Compliance," Charles Howell comes across as a fellow antisentimentalist. What others call student engagement, he correctly identifies as compliance. The unbearably sweet discourse intended for students is disrobed to its bare frame of power relations: the teacher's will trumps the student's. In his view, children comply either out of a sense of duty, or out of enjoyment. Both of these sources of compliance present ethical and practical problems, and have clear limits. Nevertheless, he maintains that "The education of children is inherently paternalistic, even when children comply willingly," and goes on to justify the paternalism within certain constraints. His critique of the "velvet cage" of progressive education is especially poignant; the fantastic creature story clearly illustrates progressive education's core flaw. His overall suggestion to appeal to a student's sense of moral duty seems to be a much better alternative to either ignoring compliance or seducing children with enjoyable activities. My critique concerns the scope of Howell's argument, and specifically, I will argue that willing compliance does not require paternalism.

A careful philosopher, Howell identifies his own argument's vulnerabilities. He mentions that some philosophers dispute the existence of self-regarding duties, but instead of engaging their arguments directly, he simply sets the objections aside, because "Whether or not the belief in students' duty to learn is mistaken, it is widely held by those dealing with children, and it is a belief to which teachers often appeal and which frequently motivates student compliance." This response, however, eliminates the need for philosophy; after all, we are in the business of challenging false beliefs, and we cannot accept a belief simply because it is commonly held. At the same time, Howell encourages teachers to engage in moral dialogue with children, to both examine their own beliefs and open them to children's questions. But what if children challenge the existence of the self-regarding duty to learn?

Howell quotes Marcus Singer, who lays out the logic against a self-regarding duty as follows: (1) Your duty to another person implies a corresponding right which that person has against you; one cannot have a right against oneself; therefore, one cannot have a duty to oneself. (2) An obligation implies the ability to break it (an unbreakable obligation does not have ethical content), or to be released from it; however, one cannot meaningfully release oneself from an obligation to oneself, or refuse to carry it out.[1]

I find these arguments convincing. It seems to me that duty as a moral category is very difficult to use outside of the context of a relationship between at least two individuals. If this is right, what can the existence of a self-regarding duty mean, exactly? It seems that the only way such a duty can exist is if someone else (like the teacher) enforces the duty, or at least reminds one about its existence. In other words, how could one otherwise find out about the existence of such a duty? And what

exactly is the role of the informer/enforcer? If the duty is to oneself, what right and interest does anyone else have to insist on that duty being carried out? It does look like the self-regarding duty is in fact a duty to the informer/enforcer, without acknowledging that person's self-interest in enforcing it.

Teachers cannot ignore their own self-interest in the context of the ethical conversations with students that Howell suggests, and this in truth produces a conflict of interest that cannot be ignored. Teachers' jobs depend on students' compliance, whether willing or unwilling; therefore a teacher who appeals to students' sense of duty must at least disclose that s/he directly benefits from students' willing compliance. It is also ethical to disclose that the society as a whole greatly benefits from a well-educated workforce and citizenry. Even if it is in the interest of students to do well in school, one would be unethical to hide the fact that many other people also benefit from this. The credibility of moral argument depends on such disclosures.

To examine paternalism in education, one may begin with the intrinsic justifications of paternalism, and then see how they apply to education. Or, one can take a look at existing educational practices, find paternalism in them, and then try to make them better. Howell chose the second route, because of his educational exceptionalism. I quote: "However enjoyable the activities, the child must participate; s/he may not get up and just walk away." It is possible that this state of affairs requires change, but not justification; that is, it may not be justifiable.

Howell limits paternalism in two ways: First, following Gerald Dworkin, he permits paternalism if the "restricted persons actually do or hypothetically would endorse the restriction when in full possession of their rational faculties" Second, "the person imposing restrictions must have thought through the likely outcome and reasonably believe that it will benefit the children." I find both conditions weak. The first condition is too lax: adults often justify restricting children precisely in alignment with justifications for similar restrictions they had experienced in childhood. For example, as shown in the phenomenon of the intergenerational transmission of child abuse, parents tend to justify abuse because they were abused as children, and that experience shaped their perceptions of family relations. In the same way, most adults tend to justify schooling precisely in ways that are indebted to the shaping of their "full rational faculties" through the process of schooling. The second condition is thus dangerous because it does not take account of the possibility of ill will toward children, as if it is rarely a problem. Beliefs about what is best for children often produce well-meaning cruelties, such as demonstrated by the history of boarding schools for Native Americans or Australian Aborigines.

I believe that the first condition of hypothetical consent should be changed to a negative condition: paternalistic restriction of another's will can only be permitted when actual consent is impossible to obtain. For example, an unconscious person cannot consent to life-support removal, but in all cases, the preference of the patient must be respected. A small child cannot give consent because of linguistic or cognitive development, or ignorance of possible consequences. As for the second condition of reasonable belief, this must be raised to belief beyond all reasonable

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doubt. A small child should be stopped from walking into a busy street, because adults have very specific knowledge that it is likely to harm her/him. Neither of these conditions is met in the case of forcing children to learn. Children can articulate their willingness to learn; they can learn later in life; and, finally, they may not in fact actually suffer considerable harm from a refusal to learn or comply. Paternalistic enforcement is an extreme measure. Thankfully, it is not the only way of ensuring willing compliance. Everywhere but in education, we pay people to do things they won't do for pleasure.

Most educational theorists share an unfortunate blind spot I call educational exceptionalism. They are very reluctant to place teaching and learning among other human activities such as work, leisure, political engagement, war, love, and so on. The world of education is viewed as somehow special, exempt from regular rules. Yet it is not. A nonexceptionalist like me recognizes right away that Howell's dichotomy of duty versus enjoyment is incomplete. Most adults go to work every day out of neither duty nor enjoyment, but rather because of material self-interest. While both duty and enjoyment are present in the world of work, no one expects these two motivators to hold the economy together. Adults willingly comply with bosses' demands, because they benefit from such compliance: they can reap material and psychological rewards from their jobs. Their compliance is also optional, which cannot be said of children's compliance in school.

Perhaps those two facts are connected: teachers' options are reduced to appeals to duty and/or to enjoyment, exactly because they have trouble explaining why it is in children's interest to comply. This strange hollowness of the motivational options in the schooling enterprise should be seen in the context of, and in comparison with, the noneducational parts of the social world.

Beneath the rhetoric of self-regarding duty, teachers more commonly remind students that uneducated individuals become a burden on the society, so the obligation is to the society, not to oneself. But this does not work well either. The society also needs willing compliance of construction workers to the will of managers and engineers, but it does not appeal to their sense of duty to secure such compliance. Rather, we pay workers for performance of such work. If we follow Pierre Bourdieu's lead, we can see the discourse of duty in general as an attempt to extort labor at a discount or for free. The language of duty particularly shows up in underpaid or unpaid labor, such as that of housewives, soldiers, teachers, students, and volunteers. Managers, lawyers, doctors, and other relatively well-paid workers do not recruit their members by appeal to duty. It seems that the extent of the need for a discourse of duty is in reverse proportion to the size of one's paycheck.

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1. Marcus Singer, "On Duties to Oneself," *Ethics* 69, no. 3 (1959): 202–5.

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