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ARTICLES

# Justifying Parental Authority Without Ownership

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Justifying parental authority is a problem for libertarian theory. Paternalism appears incompatible with self-ownership, yet parenting requires paternalistic control. This seems to present a dilemma: either deny the legitimacy of parental authority or deny that children are self-owners. This article first reconstructs the schools of thought that have grasped each horn. The equal-freedom school denies parental authority, and the homesteading school makes the parental role a property right. The article shows that both schools fail because of the same mistaken assumption that libertarianism denies enforceable parental obligations. It then extends the theory of causal parental responsibility from obligation to authority. Because parents voluntarily create a foreseeable state of peril, they incur a tort obligation to guide the child safely to independent adulthood. Limited parental authority is therefore not a property right but a derivative power, instrumentally necessary to discharge preexisting obligations owed to the child as a self-owner. This theory explains the origin, exclusivity, jointness, limits, and termination of parental authority and identifies it as an instance of a previously undistinguished category: derivative instrumental authority.

Justifying parental authority is a problem for libertarian philosophy because paternalism seems incompatible with the principle of self-ownership.[1] Self-ownership entails that people have the right to control their own bodies and actions, even if those actions include harming themselves.[2]

If a drunkard chooses to drink himself into an early grave, it is his right to do so, however unwise it may be. According to the principle of self-ownership, one may only offer him noncoercive advice or assistance. As long as the drunkard is not aggressing against others, it is not legitimate to restrict his freedom by forcefully preventing him from drinking.[3]

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1 Parental authority is defined as the legitimate power to physically coerce a child for paternalist ends. Justification means the explanation of why this use of force must be viewed as legitimate coercion, not aggression.

2 Self-ownership is defined as rightful exclusive control of one's own body (Rothbard [1982] 1998, 45, 60; Hoppe [1989] 2010, 22; Kinsella 2023, 18).

3 Aggression is defined as the initiatory use or threat of physical force against the person or property of another (Rothbard [1982] 1998, 45, 77–78). An act is aggression only if it invades something the victim owns without consent, changing its physical integrity or overriding the owner's control (Hoppe [1989] 2010, 22; Kinsella 2023, 12, 18).

What about parental paternalism? Parents exercise the power to physically coerce a child in order to prevent him from coming to harm. They make decisions and enforce restrictions for the child's benefit, even when these go against his expressed wishes. This is paternalism. Is the philosophy of self-ownership therefore incompatible with parental authority? Libertarians considering this question seem to face a dilemma: either abandon the legitimacy of parental authority or abandon the principle that self-ownership is universal.

Libertarian thinkers have rarely addressed the justification of parental authority as a question in its own right.[4] Positions on it emerge in the course of arguments directed at related topics and so must be reconstructed from remarks not focused directly on justification. The thinkers who share a position do not recognize themselves as a school of thought, and no school names itself, so I have done the naming. Each school is named for the premise its argument starts from rather than for its conclusion, since rival schools converge on the same conclusions. Libertarians appear on both sides of a fundamental divide: Some deny that parental authority can be justified at all, whereas others ground it in a property right held by the parent.

These two opposing theses—*child autonomy* and *parental ownership*—have been reached by several distinct schools of thought both from within the libertarian tradition and outside it, starting from incompatible premises (see table 1). Of these, two libertarian schools matter most for our investigation. The *equal-freedom* school grasps the first horn of the dilemma by denying parental authority. The *homesteading* school claims to escape the dilemma, but, I will argue, in effect grasps the second by grounding authority in ownership of the guardianship role.

The dilemma, as I will show, results from an error common to both schools: the belief that libertarianism entails a denial of enforceable parental obligations. Excluding obligations leaves only two possible responses to the dilemma: deny that parental authority can be justified or ground it in a property right. The two schools are the two responses.

There is, however, an alternative. This article adopts the theory of causal parental responsibility, on which enforceable parental obligations are derivable within libertarian principles (Desyllas 2025b, 196–203), and extends it to the question of parental authority.

4 The gap is acknowledged from within the tradition, as shown by these two observations half a century apart: "There has been very little thinking among libertarians about the children question" (Rothbard [1974] 2000, 145); "libertarian attitudes toward children and parenthood tend to be both diverse and under-developed" (Cohen and Hall 2022, 342).

Table 1. Schools of thought on parental authority

| Thesis | School | Strict proponents | Are children self-owners? | Enforceable parental obligations? | Is parental authority valid? | Grounding |
|---|---|---|---|---|---|---|
| Child autonomy | Equal-freedom | Spencer, Davidson, Fisher | Yes. Full and present, "co-extensive with those of the adult" | No. Neglect is omission, not aggression (Spencer later recanted) | No. Parents may prevent acts, never command them | Equal freedom → self-ownership → nonaggression, no age exception |
| | Emancipationist | Goldman, Firestone, Holt, Farson | Yes. Full equal rights, asserted from antidomination | Never posed. The parent figures only as oppressor, never as obligor | No. Adult power over the child is domination | Antiauthoritarianism: the child as an oppressed class |
| Parental ownership | Patriarchal | Filmer | No. The father owns the child absolutely, with power over life, death, and disposal | No. Any paternal duty runs to God, not the child | Yes. Absolute paternal ownership until father's death | Divine or natural fatherly right |
| | Egoist | Replogle, Tucker | No. The mother's property, "the product of her labor," disposal included | No. An owner owes nothing to the owned | Yes. Absolute maternal ownership until self-emancipation | Egoism + maker's right: the producer owns the product |
| | Homesteading | Rothbard, Evers, Block | The child has "the right of self-ownership," although simultaneously subject to a transferable, saleable parental title | No. "No positive obligations incumbent upon parents" | Yes. Maternal trustee-ownership of the guardianship role, transferable, ended by runaway right | Lockean homesteading applied to the parental role as a property right |
| Derivative authority | Causal responsibility | This article | Yes. Full, unqualified | Yes. A tort duty to raise the child to independence, incurred by creating his peril | Yes. Derivative and instrumental only; joint, limited; wanes and ends with the peril | Remedial tort liability for a caused peril to a self-owner |

My thesis is that the extension dissolves the dilemma. Where parents have enforceable obligations, authority need not be grounded in ownership at all; it is a derivative power, instrumentally necessary to discharge preexisting obligations owed to the child as a self-owner. If the argument succeeds, parental authority is justified and self-ownership remains universal.

The justification of parental authority cannot be settled in isolation. Any position on it entangles two more fundamental questions: the nature of children's rights and the nature of parental obligations. I take children's rights, parental obligations, and parental authority to be the three core questions of any philosophy of the family. Each school and the causal theory itself will be assessed on all three.

Any theory of parental authority must also answer a broader set of questions. Where does parental authority come from? Why may parents assume authority and exclude strangers from doing so? Which parent holds it? Are there limits to it, and if so, why? And why does it come to an end?

The article addresses the two responses to the dilemma in turn, then defends the alternative. The first part examines the child-autonomy thesis through its most important libertarian advocates, the equal-freedom school, and shows why the denial of parental authority fails. The second examines the parental-ownership thesis through the homesteading school and shows why grounding authority in ownership fails as well. The third defends the *derivative-authority* thesis: It applies the causal theory to the three core questions and shows how the resulting theory answers the broader questions of origin, exclusivity, jointness, limits, and termination.

## The Child-Autonomy Thesis

The first horn of the dilemma of how to reconcile parental authority with self-ownership is to accept the conclusion that parental authority cannot be justified. This is the child-autonomy thesis: Parents have no authority to act paternalistically toward children. As a corollary of this thesis, parents should treat children in the same way that they would treat an adult.

The equal-freedom school is the libertarian school of thought that denies parental authority. The early Herbert Spencer (1851, 177) first set out this school's distinctive positions.[5] Spencer influenced two other school members, the individualist anarchists Clara Dixon Davidson (1892) and J. Greevz Fisher (1895).[6]

An entirely different group later reached the same conclusion from premises of its own. A child-*emancipationist* school of thought arose from the antiauthoritarian left, arguing that parental authority is illegitimate because all forms of authority and hierarchy are oppressive.[7] The high point of the emancipationist school's influence came with the child liberation movement of the 1970s, of which the two most important theorists were John Holt (1974) and Richard Farson (1974).

Although the works of the left-wing emancipationist school are better known, the arguments of the equal-freedom school are more relevant for our investigation because they directly address the question of how libertarian theory applies to parental authority. The equal-freedom school was the first to make three innovative claims about the family: (1) children are full rights bearers, (2) there are no enforceable positive parental obligations, and (3) parental authority is unjustifiable.

5 Spencer later recanted his denial of parental authority along with his anarchism.

6 The individualist anarchist Josiah Warren ([1833] 2011, 117) was a precursor to the school, being the first to deny parental authority. Warren and Spencer appear to have reached this conclusion independently.

7 The emancipationist school includes the left anarchist Emma Goldman (1906), left-libertarian educational reformer A. S. Neill (1926, 123), and the radical feminist Shulamith Firestone ([1970] 2003).

## *The Equal-Freedom School on Children's Rights*

The equal-freedom school argues that children are full, *present* rights bearers, not the property of others or potential future rights bearers. Its proponents argue that the principle of individual rights is not subject to any exception (Spencer 1851, 172; Davidson 1892, 2). In contemporary terminology, this is the claim that self-ownership is universal and therefore applies to children too.

This claim of the equal-freedom school is incontrovertible, given that self-ownership is a necessary foundation of libertarian theory. To claim that self-ownership does not apply to children entails the claim that self-ownership is not a universal principle. Denying the universality of self-ownership undermines a load-bearing concept of libertarianism.

Libertarianism holds "absolute self-ownership for all" as a logical necessity for a consistent ethical system (Rothbard [1982] 1998, 45–47). This means that every individual, regardless of age, must be regarded as a self-owner for libertarianism to be a coherent theory of rights.

## *The Equal-Freedom School on Parental Obligations*

The second key claim of the equal-freedom school is the denial of enforceable parental obligations. Its proponents hold that this denial is implied by their law of equal freedom because they classify failure to provide for a child as an act of omission, not commission, and therefore regard the obligation as unenforceable (Spencer 1851, 331; Davidson 1892, 2; Fisher, quoted in Tucker 1895b, 5).

This innovation of the equal-freedom school is the true origin of the parenting-as-charity paradigm (Desyllas 2025b, 189–93) that has dogged libertarian theory ever since. Although the equal-freedom school members were the first to deny enforceable parental obligations, they did not bite the bullet and accept the brutal logical consequences, as Rothbard later did.[8] The equal-freedom school set out the abstract claims that "there are no duties" (Davidson 1892, 2) and "neglect is not attack" (Fisher, quoted in Tucker 1895b, 5). But rather than accept that this entails that parents may starve or abandon their children at will, they argue that charity and natural benevolence will prevent such consequences from following.

The theory of causal parental responsibility supplies a libertarian refutation of the denial of parental obligations (Desyllas 2025b, 196–203). As a foreseeable consequence of voluntarily making their gametes available for fusion, parents create the child's state of peril. A parent who then withholds support is not a bystander witnessing harm befalling a child but rather a peril causer allowing

8 Rothbard ([1982] 1998, 100) acknowledges that a parent may deliberately allow a child to starve to death according to this theory.

that peril to materialize as harm. Since children result from definite acts of commission, not omission, the equal-freedom school's denial of parental obligations is erroneous.

Spencer never addresses the causal principle.[9] Among the equal-freedom school, Davidson (1892, 2) alone confronts it. She offers three responses: (1) differences of opinion preclude enforceability, (2) no one can predict at conception whether the parents will be able to provide for the child, and (3) any child who finds life "intolerable" may always choose suicide.[10] All three arguments are flawed, but the bigger problem is that all three fail to address the central contention of the causal principle.

Davidson's arguments concern one consequence of procreation: bringing a child into existence. A second consequence is the creation of a state of peril. Davidson does not distinguish the two. Neither is itself a rights violation, but the peril grounds an obligation to mitigate it that the parents breach if they then abandon the child to it. A child can therefore have a claim against his parents founded on the peril they created, even though the parents' act of procreation that brought him into existence was not itself a wrong.

## *The Equal-Freedom School on Parental Authority*

The third distinctive claim of the equal-freedom school is that all forms of parental coercion are unjustifiable on grounds of individual liberty (Spencer 1851, 172, 185–86; Davidson 1892, 2; Fisher 1895, 6). Not only do they criticize abuses of parental power (Spencer 1851, 181–83; Davidson 1892, 3), but they go on to deny the legitimacy of *all* parental authority to coerce, even for paternalist reasons. This denial of authority also supports their denial of obligations: If parents have no authority, they cannot be held to any obligations.

The ethical claim that parental authority is illegitimate faces practical challenges, given the complete helplessness of children, especially in the early years. Some choices will be made for the child by default, regardless of whether the parents intend to wield authority.[11]

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9 Spencer (1851, 207, 211) cites Blackstone's book without rebutting the causal argument it contains. He independently concedes the immorality of improvident procreation (Spencer 1892–1893, 1:550) and, repudiating his earlier position, affirms the child's "rightful claims" to support (2:167). But he never connects the two arguments to conclude that the child's claim arises from the causal action of the parent. His late-period reversal on enforceable obligations is grounded in an argument based on preservation of the species (2:167–68) that is incompatible with the ethical individualism on which libertarian theory rests, not the causal argument that is compatible.

10 The first is an argument for adjudication, not against enforcement; otherwise, no contested rights claim could ever be enforced. The second tests the foreseeability of the wrong thing: Liability turns on the foreseeability of the child's dependency, which is certain, not of the parents' future capacity to provide, and inability to pay does not extinguish a tort liability in any other context. The third is no answer at all: The infant whose peril grounds the obligation cannot exercise the option, and a liability is not discharged by observing that the victim may escape the harm by killing himself.

11 Davidson (1892, 2) concedes, "Reluctantly I admit that during infancy and to some extent in childhood others must decide what is for a child's welfare." Her reluctance reflects the fact that this concession directly undermines her claim. Spencer (1851, 185–86) similarly concedes the dependency but treats it as a regrettable necessity to minimize.

A deeper problem with this claim is that denying the legitimacy of parental authority renders the category of *parent* meaningless as soon as the child is born. On this view, parents are at best just older friends of the child.[12] They may choose to offer advice but have no right to interfere with the will of the child or prevent other adults from interacting with the child in any way that they choose if those adults can persuade the child to agree.

This entails two more problems: It precludes any paternalistic parental guardianship function and undermines the libertarian concept of consent. In order to deny that parents may coerce a child for paternalist reasons, one is logically committed to the claim that children must be allowed to make their own decisions freely, which commits one to treating the child's agreement as valid consent. Whether or not the child is kept safe depends on the child understanding his own peril and either requesting or assenting to protective intervention.[13]

This denial of parental authority can only be sustained in one of two ways. The first is to deny three propositions that are central to the concept of consent as it relates to children: that children have yet to reach the age of reason (Pufendorf [1673] 1991, 25; Locke [1689] 1988, 305), that they are incompetent to make decisions for themselves (Locke [1689] 1988, 306; Mill [1859] 2003, 81), and that they are therefore incapable of consent (Blackstone [1765] 1979, 424). The second is to concede these propositions but to deny that they matter, crediting the child's agreement as consent regardless of his incapacity.[14]

The first route is simply false. Within libertarian theory, consent is not merely an expression of preference; it functions as an evidentiary signal of the rational and informed will of the consenter. If a person lacks the cognitive capacity necessary to understand the nature and consequences of an act, then his verbal agreement cannot perform this justificatory function. The second route is bare assertion: Competence is declared irrelevant with no account of why. If children are treated as capable of giving binding consent despite lacking the relevant cognitive capacity, the libertarian concept of consent collapses into mere verbal utterance.[15]

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12 Davidson (1892, 3) embraces this implication: Parent and child "shall not be master and slave . . . but they shall be friend and friend." Spencer (1851, 331) resists, retaining an unenforceable parental duty of beneficence, but as a moral sentiment carrying no authority, it does nothing to restore the category.

13 Davidson (1892, 3) flinches from this implication by concession; Spencer (1851, 21) displaces it onto an instinct-substitute he himself concedes is unreliable.

14 Although the first route is embraced by the emancipationist school, no member of the equal-freedom school is willing to take it: Rather than claim children competent, Fisher (1895, 6) surrenders the equal rights status that defines the school, restricting it to "rational beings." Davidson (1892, 3) partially accepts that the first route is false—a child's contract "would be void"—and thereby undermines her own position. Spencer (1851, 172, 185–86) takes the second route, conceding children's immaturity but granting them full rights regardless.

15 The equal-freedom school supplies no competence theory of consent to void a child's *yes*. The school thus has no principled way to stop an incompetent child's agreement from counting as consent: Some advocates avoid it only by surrendering their universalism, whereas Spencer, who keeps the universalism, has none to offer and is the most exposed. The only consent principle he articulates is that it must be actual, never imputed (Spencer 1851, 212). This can only test whether a *yes* was *given*, not whether the child is *competent* to give it, so it would count a child's agreement rather than void it.

This is why the denial of parental authority can be used to justify such evils as child sexual abuse, since (according to this view) there can be no basis for paternalistic protection of children against adults' sexual advances through grooming. The claim that children can in principle make their own life choices implies that all a sexual abuser has to do is persuade a child to verbally agree to sex. At that point a parent would have no basis to intervene, since such an intervention is exactly the kind of paternalistic coercion that is denied by the theory.

This logical possibility was always inherent in the child-autonomy thesis but was not addressed by any of its advocates until the early 1970s. Then the leading thinkers of the child liberation movement, all of whom came from the emancipationist school, openly adopted this position, arguing that adults may legitimately have sex with children and thereby justifying the sexual abuse of minors (Desyllas 2025a).

### *Legacy of the Equal-Freedom School*

The equal-freedom school proponents make one incontrovertible claim: Self-ownership must be universal and therefore children are self-owners. They also make two devastating errors: the denial of parental obligation and the denial of parental authority. These two positions taken together effectively destroy the family. For the equal-freedom school, parents have neither the authority to protect the child nor the obligation to do so. This reduces the role of a parent to merely a friend.

This does not liberate children; it endangers them by removing all the protection provided by parents. Although the equal-freedom recognition of child self-ownership limits certain types of child abuse, it cannot prevent sexual abuse, as discussed. Nor can it prevent any abuses relating to parental neglect (even deliberate starvation and abandonment), since neglect is only a crime if one acknowledges parental obligation, which the equal-freedom school denies.

## The Parental-Ownership Thesis

The other horn of the dilemma of how to reconcile parental authority with self-ownership is to deny that children are self-owners. If parents own their children, paternalistic acts are authorized by an owner's control over his property. Therefore no contradiction between self-ownership and parental authority arises if one adopts the thesis of parental ownership.

Three schools of thought have defended the parental-ownership thesis, differentiated by their grounding, the limits they place on ownership, and the parent they designate as owner.

The *patriarchal* school is the oldest form of the parental-ownership thesis, running from Aristotle's account of the family as the natural seed of the polis (*Politics* 1252b16–1253a3), through the absolute paternal power (patria

potestas) of Roman law (Justinian, *Institutes*, 1.9), to its high point in Robert Filmer's ([1680] 2006) *Patriarcha*. Advocates of the patriarchal school are united by two common claims: (1) the father owns the child, which at its strongest means an absolute power over life, death, and disposal; and (2) this domestic dominion is the foundation of political authority.

The grounding for these claims shifted by era, culminating in the divine and natural authority of the father with Filmer.[16] Because that final grounding was inseparable from the absolutist political project it was built to serve, the school did not outlive the defeat of divine-right monarchy.

In the modern period, the two schools of parental ownership are driven by the grounding of maker's right. The *egoist* school emerged in the individualist-anarchist debates of the 1890s. It was founded by the egoists Georgia and Henry Replogle (1892), who persuaded Benjamin Tucker (1895a, 3–4) to adopt their position. This school holds that the mother has absolute chattel ownership over her children. Gestation makes her the producer-owner, and the egoist dismissal of natural rights as spooks (Stirner [1844] 1907, 275; Tucker 1890) leaves the child with no rights at all. The result is a bizarre spectacle of figures who are supposedly part of the libertarian tradition advocating child slavery.[17]

The homesteading school is a twentieth-century version of the parental-ownership thesis that claims maternal ownership of the guardianship role, conceived as a property right in parental authority over the child, grounded in Locke's formalization of maker's right as homesteading. This school was founded by Murray Rothbard ([1974] 2000, 145–56, [1982] 1998, 97–112), with Williamson Evers (1978) and Walter Block (2004) as two important members.

The homesteading school is the most relevant for our investigation. It is the school of modern libertarian theory, and whereas the patriarchal and egoist schools simply deny the child's self-ownership, the homesteading school alone claims to reconcile it with parental ownership by placing limits on that ownership.

The homesteading school has three core claims: (1) the mother is a "trustee-owner" of the child, although simultaneously the child is either a self-owner or "possesses the right of self-ownership" (Rothbard [1982] 1998, 100, 103); (2) there are no enforceable parental obligations; and (3) parental authority is valid and grounded in property rights.

16 The grounding was maker's right and the natural household order in Aristotle and civil custom in Rome.

17 Tucker (1895d, 4–5) embraces rather than dodges this: "Slavery in Anarchy, instead of an absurdity, is a necessity."

Whereas the equal-freedom school's core claims are mutually consistent (though two of them, as discussed, are false), the homesteading school faces a deeper challenge: Its core claims are not only individually flawed but also mutually incompatible. Not only does each claim invite its own objections, but every defense of the package must fail wherever it hides a contradiction.

## *The Homesteading School on Children's Rights*

The older schools of parental ownership are unambiguous about the question of children's rights: Both the patriarchal school and the egoist school flat-out deny them and hold children as owned chattel (Justinian, *Institutes*, 1.9; Filmer [1680] 2006; Tucker 1895c, 4–5; Replogle 1892).

The position of the homesteading school is more complex. The homesteading school's derivation of parental ownership is driven by two core axioms: *property monism* and Lockean homesteading. The school's property monism is the claim that "there are no rights but property rights" (Rothbard [1962] 2009, 1337; Kinsella 2023, 414). Since parental authority appears to be a right, under property monism it is assumed to be a property right.[18] This assumption leads the school to the unstated premise that authority over a person requires an ownership-type right over him. Given that for Lockeans all property rights are derived from homesteading or contract, and given that gestation appears to be a case of producer homesteading, the homesteading school proponents also conclude that the mother homesteads ownership of the child as a producer-owner (Rothbard [1982] 1998, 99; Evers 1978, 8).

Although they derive a parental-ownership right in this way, homesteading school advocates are also libertarians for whom self-ownership is a fundamental principle. That principle demands that they somehow accommodate the child's self-ownership alongside the mother's ownership of him.

This makes the question of whether children are self-owners a difficult one for the homesteading school. Logical consistency demands that the answer must ultimately be no, since child self-ownership is incompatible with parental ownership. Some Lockeans see that homesteading implies parental ownership and that this denies child self-ownership, flagging the implication as a problem without resolving it.[19]

18 Rothbard ([1971] 1999, 10) treats the inference as self-evident from the start: "It is obvious that his own child, one of his most precious products, also comes under his charge."

19 Nozick (1974, 289) identifies the problem and shows why Locke's own arguments against parental ownership are ultimately flawed, but frustratingly he declines to propose any solution or explain whatever challenges he was unable to overcome in looking for one.

A second group sees the problem and builds a systematic defense of child self-ownership by identifying a metaethical rule for property rights allocation at a higher level than homesteading. This is the argument that ownership in libertarian theory is not determined by homesteading itself but by the best objective link.

Each individual has the best objective link for ownership of his own body since he is the direct controller of that body (Hoppe 1987, 74–75; Kinsella 2023, 268–72). Children must therefore own themselves according to libertarian theory because nobody else has a better objective claim to own them. The best objective link principle thus overcomes the Lockean paradox that leads to parental ownership, and adopting it consistently would rule out parental ownership, contrary to the homesteading school's core claim.[20]

A third group seeks to define parental ownership in such a way that it accommodates some form of child self-ownership and so denies that there is any conflict to resolve.[21] Those who argue for parental ownership rather than adopt the best objective link criterion do so by relocating the object that is owned from the child's body to parental authority as a role. This attempts to make the property right a right in parental authority, limited to a trustee or guardian role (Rothbard [1974] 2000, 149, [1982] 1998, 100; Block et al. 2014, 88; Long 1997).[22]

This redefinition of what is owned cannot recognize child self-ownership while simultaneously granting a limited form of parental ownership because it is a relabeling exercise, not a change of meaning. The right the school describes is acquired by homesteading, held exclusively against all third parties, and—decisively—transferable and saleable for profit (Rothbard [1982] 1998, 99, 103–4; Evers 1978, 8; Block et al. 2014, 88; Long 1997). That is a full ownership title, and renaming the object of ownership *the guardianship role* changes only what the title is called.

The permissibility of a sale transaction reveals what the true object is: One cannot sell the right to be a guardian unless the thing being transacted is control over the child. In Rothbard's ([1982] 1998, 103–4) free market in children, it is the child, not an abstraction, who changes hands. A self-owner

20 It is notable that the criterion's innovators, Hoppe and Kinsella, do not apply the best objective link criterion consistently. Kinsella (2023, 58) reverts to parental ownership for the gestation stage and falls back on the producer-owner rationale for homesteading to justify this, even though the best objective link criterion would deny parental ownership. Hoppe ([1993] 2006, 125, 336, [1989] 2010, 23) himself uses the term *homesteading* applied to the body and so retains the Lockean model's terminology rather than that of the best objective link criterion.

21 Rothbard is the prime example of the position that parental ownership can be defined in a way that is compatible with child self-ownership. However, he also equivocates on every aspect of this claim: He argues that "children are not capable of self-ownership" (Rothbard [1962] 2009, 93) and "a newborn baby cannot be an existent self-owner in any sense" and that the mother "is the natural and rightful owner of the baby" (Rothbard [1982] 1998, 99). Yet he also argues that babies "possess the right of self-ownership" and that "the mother or parents may not receive the ownership of the child in absolute fee simple" (100).

22 Despite relocating the object of ownership to a role, proponents sometimes slip back into naming the child himself as the object. Rothbard ([1982] 1998, 99) calls the mother the "owner of the baby." Block et al. (2014, 88) license the parent to "give the child up for adoption or sell it," the pronoun's referent being the child, not the guardianship rights.

cannot be the res of a market transaction to which he is not a party. By the school's own standard (Rothbard [1974] 2000, 147), a homesteaded, exclusive, saleable, duty-free (Evers 1978; Rothbard [1982] 1998, 100; Block 2021, 144) title over a person is ownership of that person, and a person so owned is not a self-owner.

## *The Homesteading School on Parental Obligations*

The denial of enforceable parental obligations, pioneered by the equal-freedom school, was adopted by both the egoist school (Replogle 1892; Tucker [1892] 1893, 144) and the homesteading school (Evers 1978; Rothbard [1982] 1998, 100; Block 2021, 144). This shared premise is held by all three schools for the same reason: the belief that it logically follows from a more general libertarian denial of positive obligations.[23]

As already discussed, since the requirement of libertarianism is more accurately defined as the denial of *unchosen* positive obligations, and since the creation of children arises from voluntary choices with foreseeable consequences, the obligations that arise must be accepted as chosen, even if undesired.[24] The homesteading school's denial of enforceable obligations is therefore not a requirement of principle but an error.[25]

Yet even granting all the homesteading school's claims for the sake of argument, its trustee-guardian-ownership terminology presupposes the very duties the school denies. How can one have a trustee or guardian role yet simultaneously have no positive obligations to the ward? Both guardianship and trusteeship are roles with duties by definition. Trusteeship is a fiduciary role. In what sense is a parent a guardian if he may allow his ward to starve to death (Rothbard [1982] 1998, 100)?

If one denies any obligation on the part of the parent, all the limitations of guardianship and trusteeship are meaningless, and one is back to simple chattel ownership. The school thus needs *parental ownership* to mean two different things: a duty-bound trusteeship when the title must appear limited and an unencumbered dominion when the duties are denied. This is equivocation.

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23 There is a direct line of citation between the original denial by the equal-freedom school and the two subsequent schools of thought. Tucker ([1892] 1893, 144) imports the denial of parental obligations from Davidson into the egoist school. Rothbard ([1982] 1998, 100–101n5) cites Tucker on exactly this denial of parental obligations.

24 This excludes cases of rape, paternity fraud, life-threatening pregnancy complications, and gamete theft (Desyllas 2025b, 197, 201).

25 Homesteading school members accept tort liability founded on creation of peril (Evers 1978, 2–3) but deny that procreation instantiates the category. Rothbard ([1982] 1998, 102) objects that it implies endless obligation. Block (2021, 144) argues that since existence is an improvement, it cannot generate obligations. Evers (1978, 2) reclassifies the parental duty as a status duty. These objections are answered in Desyllas (2025b, 192–93, 201) and are not relitigated here, except to note that the nonexistence baseline rests on the same conflation of the two consequences of procreation that underlies Davidson's objections, discussed above. Rothbard's regress objection is answered in the causal theory's account of termination below.

Some advocates of the homesteading model have tried to claim that parents acquire parental duties *as a result* of the property ownership right in the child, although they still deny any enforceable obligation *to* the child. This is done either by asserting a social contract (Horwitz 2015)[26] or an extraordinary rule that governs the homesteading of humans (Block 2004, 278–81).[27] Both these ad hoc solutions create further deviations from libertarian principles.

A deeper problem with retrofitting obligation in this way is that a property right cannot obligate the owner to take care of that property, since the very purpose of an ownership right is to grant control and exclude others.[28] This means that the concept of the guardianship role *as a property right* is incompatible with the concept of parental obligations.[29]

Ownership rights are discretionary control rights. Parental obligations are nondiscretionary duties of care. Therefore it is incoherent to formulate parental duties as granted by a property right. The argument that obligations to care for a child are derived from parental authority (as an ownership right) has the causation backward. The authority of parents is an instrumental power arising from (and temporally subsequent to) their acquiring obligations toward the child.

Parenthood is necessarily a responsibility: The parent looks after the child. Any concept of parenthood that does not include duties of care collapses back either to the child-autonomy idea of parent as merely an older friend or to the full ownership model of parent as slave owner. To claim that parenting is a guardianship role and simultaneously claim that it does not give rise to obligations is a contradiction in terms.

## *The Homesteading School on Parental Authority*

Justifying parental authority requires an answer to the following question: Why is a parent allowed to use coercion against a child? Parental ownership's answer is dominion: An owner is free to do whatever he wants with his

26 Horwitz (2015; emphasis added) argues, "You can think of taking a child home from the hospital as analogous to homesteading: you are declaring to others (not to the child) that this child is yours and that *you thereby accept the responsibilities to care that come with exercising those parental rights*." This is the theory of parenting as voluntary social contract (Desyllas 2025b, 194–96).

27 Block (2004) attempts to create an obligation to care for a child as a side constraint of property ownership itself. However, the rule on which this claim depends is an ipse dixit: His prohibition on forestalling is asserted rather than derived from libertarian property principles. Calling it "true confession time," Block (2016, 35) admits that he "concocted" this rule in order to evade the logical consequence of denying enforceable parental obligations: A parent can deliberately starve a baby. Where Rothbard ([1982] 1998, 100) accepts this consequence honestly, Block (2016, 35) refuses to accept it: "This rankled. I had to come up with an answer, compatible with the libertarian limitation to negative rights, that would save that and all other such babies." This is elaborate motivated reasoning to save a claim that is itself the source of his error.

28 A duty to maintain one's own property can arise from a restrictive covenant or other contract but only because a counterparty has acquired a claim against the owner; it is the contract that binds, not the title. Ownership as such binds only third parties.

29 Montague (2000, 62) provides a clear refutation: "Suppose now that there are such things as parental rights—rights that are rooted in the parent/child relationship that people have in virtue of being parents. Suppose that these are rights that parents have to protect and to promote the welfare of their children. Then, given the nature of rights, parents have discretion whether to protect the welfare of their children; and this conclusion is incompatible with the existence of parental obligations."

property because the thing owned has no claims of its own. The patriarchal and egoist schools are happy to rely on blunt dominion, since they view children as chattel.

The homesteading school faces a dilemma: To justify authority, the school must define ownership strongly enough to license coercion, which entails the same dominion that other ownership schools rely on. Yet dominion only licenses coercion because its object is rightless. If the parental title is strong enough to license coercion, the child is not a self-owner and the school would be "advocating slavery and denying the fundamental right of self-ownership" (Rothbard [1974] 2000, 147) like its predecessor ownership schools. If the title is weak enough to leave the child's self-ownership intact, it licenses nothing and parental authority is unjustified.

The school is blocked from adopting the correct justification by its other core claim, the denial of enforceable parental obligations. The legitimate device by which a parent may coerce a child is the instrumental authority required for the fulfillment of parental obligations, derived from the parents' tort obligation to mitigate the peril they created. But the school cannot permit this solution.

The result is an ownership that must now flip between *three* meanings depending on what is being argued. It must be weak or duty-bound to be compatible with the child's self-ownership, yet hollow to avoid the duties the school denies, yet also strong to ground the parent's authority. Equivocation is the only way the combined claims can be held at all.

Because they assume that authority over the child requires a title over him, advocates of the homesteading school reach for one property title after another to justify parental authority.[30] They try the parent's homeowner rights (Rothbard [1974] 2000, 146; Evers 1978, 8), the parent's ownership title in the child himself (Rothbard [1974] 2000, 149, [1982] 1998, 99), title in a role (Rothbard [1974] 2000, 149, [1982] 1998, 100; Block et al. 2014, 88; Long 1997), or an implicit contract (Block et al. 2014, 86). The one thing that they cannot use to justify parental authority is parental obligations.

The attempt still fails to justify paternalistic coercion because the authority provided by the homesteading school binds everyone except the child. Children have "regardless of age, the absolute freedom to run away" (Rothbard [1974] 2000, 147; Evers 1978, 8). But a title that can be extinguished by its

30 Rothbard ([1974] 2000, 147) states the constraint himself: "In moral and legal theory, there is no freedom except freedom for the property owner."

object walking off is no property right, and an authority that cannot restrain its subject is no authority.[31] The only escape from the absurdity of these implications is to give up one or more of the school's core claims.[32]

A homesteaded property right does not deliver parental authority; it delivers a saleable monopoly held against the rest of the adult world. Homesteading is a theory of acquisition, and treating parenting as an allocation problem misconceives parental responsibility by reducing it to a question of who gets first dibs on the child. Acquisition designates who holds a title; it does not explain why any title licenses coercion over a self-owning person.

When homesteading is misapplied to justify parental authority, it overlicenses: The parent may deliberately starve a child to death (Rothbard [1982] 1998, 100), and the custody of a child is a market good (Rothbard [1982] 1998, 104; Evers 1978, 8). And it underdelivers: The parent may not even restrain a toddler from running away into traffic (Rothbard [1974] 2000, 147, 149). The moment a child walks off, his parents can only shrug and wish him well. A theory on which starving the child is within the parent's rights whereas stopping the runaway two-year-old is aggression has not limited parental authority; it has failed to describe it.

Even if the school only used homesteading to assign parental authority rather than justify it, the mechanism fails to designate both holders. When homesteading is applied to children, it grants mothers the property right over them (Rothbard [1982] 1998, 99).[33] This is matriarchal gestationalism: Birth mothers have the rightful claim to parental authority based on the fact that they did the work of gestating the baby and giving birth (Block 2004, 280, 284). The argument is something like the labor theory of value applied to the "work" of gestation.[34] Whereas the patriarchal school unjustly denies mothers any authority over their children, both the egoist and homesteading schools are unjust in the opposite way: They deny fathers any authority over theirs.[35]

31 The runaway rule is simply asserted; parental ownership does not imply it. The problem is not that the school chose the wrong endpoint for parental authority; parental ownership permits no endpoint at all. There is no way for an owned child to homestead himself because homesteading is only conceptually possible *given* self-ownership (Kinsella 2023, 271), and an owned body is not an unowned resource available to be homesteaded. Emancipation is therefore something parental ownership cannot deliver.

32 Block et al. (2014, 86, 88) do so by explicitly denying the child's self-ownership rights.

33 According to Long (1997), the father has no authority whatsoever unless the mother deigns to grant it.

34 Block (2004, 284n12) awards primacy to the mother because "she did far more of the 'work' of gestating the baby." This is title allocated in proportion to labor expended—the very value-theoretic reasoning he disclaims (283n3).

35 The reliance of modern libertarians on the theory that parental authority is a homesteaded property right might explain the strange invisibility of fathers within libertarian writing on the family.

Since grounding through a property title cannot work, the school's ultimate justification for parental authority is an appeal to the child's helplessness. Rothbard ([1974] 2000, 149) states it plainly: "Some adult must be in charge of each baby."[36] This is a smuggled normative premise because need as such generates neither rights nor duties according to the school's own principles.

Yet appealing to the child's needs shows how close the school is to recognizing the pivotal role of the child's peril, from which both obligation and authority flow. By grounding authority in the parents' causal role, Rothbard ([1974] 2000, 149) also identifies the correct starting point: "the act of creation gives the parent, and not outside adults, jurisdiction over the baby." Creation is indeed where the parents' unique normative position comes from. When viewed as an act of homesteading, creation can only yield a title, with all the problems title-based authority entails. Understood as the creation of peril, however, it generates tort liability: an enforceable obligation owed to the child, and, derivatively, the authority the school tries to secure with a title.

In fact, Rothbard ([1974] 2000, 150) states the entire causal argument himself two paragraphs later: "The moral duty or responsibility of the parents to their children stems also from their act of voluntary creation, from their responsibility for bringing helpless babies into the world . . . to bring them from their natural state of infant dependency to the status of rational, self-owning, independent adults." Everything is here—the voluntary act, the resulting helplessness, the duty, its terminus at independence. Only the word *moral* keeps it from being the tort account.[37]

The homesteading school leans on the very thing it forbids itself. Every term it uses for the parent's role names an obligation; Rothbard even states the argument in full, then attempts to neutralize it with a label. The answer sits in plain view, in his own words.

## The Derivative-Authority Thesis

Although diametrically opposed in their conclusions, both the equal-freedom school and the homesteading school went wrong for the same reason: their denial of enforceable parental obligations. Rothbard comes nearest to the truth, stating the obligation in full and then calling it *moral* rather than *enforceable*.

There are, however, glimpses of an alternative approach to parental authority within the libertarian tradition. Locke draws the very inference Rothbard stops short of, yet he lacks the grounding Rothbard's own words about obligation contain. Parental authority, Locke ([1689] 1988, 306) argues, derives from

36 Similarly, Block et al. (2014, 85) ground authority in need, arguing that "young children are unable to care for themselves. Caretakers must necessarily exercise a certain amount of 'aggression' for the child's benefit."

37 Rothbard ([1982] 1998, 100; cf. [1974] 2000, 152) expressly opposes *moral* to *legally enforceable*.

parental obligation: "The Power, then, that Parents have over their Children, arises from that Duty which is incumbent on them, to take care of their Offspring, during the imperfect state of Childhood."

This is the derivative-authority thesis: Authority is not a right held over the child but a power that exists only because the obligation does.[38] What Locke never supplied is a grounding for the obligation itself, and without it the derivation has nothing to stand on. He left us the concept of authority as a derivative power but failed to provide an ultimate justification for it.[39]

Neither school took Locke's path of deriving authority. They were blocked not only by their shared premise of denying enforceable parental obligations but also by a shared tacit assumption that authority over a person must be grounded in an ownership-type right over him. That assumption is why the equal-freedom school, refusing to violate the child's self-ownership, denied the authority and why the homesteading school, wanting the authority, asserted the ownership.

The derivative-authority thesis denies that assumption. Authority does not require ownership; it can arise from an obligation, as the powers of an agent arise from his mandate. What it requires is that the obligation be real and enforceable.

The theory of causal parental responsibility (Desyllas 2025b, 196–203) supplies the grounding Locke lacked and the enforceability Rothbard refused. This article extends the theory from obligation to authority. So extended, causal responsibility is not just a theory of obligation but a complete theory of the family with a position on each of the three core questions: (1) the child is a full self-owner; (2) parental obligations are enforceable, grounded in the creation of peril; and (3) parental authority is a derivative power, instrumentally necessary to discharge the obligation and bounded by it.

As I will show, nothing here is invented: Claim (1) is the equal-freedom school's incontrovertible insight; claim (2) is standard libertarian tort liability for creation of peril, simply applied without exception; claim (3) derives the authority the homesteading school sought without the ownership that made it incoherent.

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38 The derivative-authority thesis, like its rivals, is named for its conclusion about parental authority. The theory that generates it is named for its premise (causal parental responsibility), following the convention used for the schools above.

39 Nozick (1974, 289) observes that Locke's "strong denial that parents make their children, causing these beings, removes one base on which to found the responsibility of parents to care for their children." Locke is "reduced to saying that the law of nature requires such parental care (sect. 56), as a brute moral fact, apparently"—which "leaves unexplained why it requires the care *from the parents*." The base Locke discarded—parental causation—is the one this article restores.

## *The Causal Theory on Children's Rights*

On the first core question, the causal theory accepts the equal-freedom school's verdict without qualification: Children are full, present self-owners, their title neither held by a guardian nor deferred until adulthood. Where the causal theory differs is the grounding. Rather than the law of equal freedom, the causal theory bases the child's self-ownership on the criterion modern libertarian theory supplies: the best objective link (Hoppe 1987, 74–75; Kinsella 2023, 268–72).

Since self-ownership is the most fundamental principle of libertarianism, any libertarian theory of the family must acknowledge its universality as a logical constraint. The causal theory satisfies this constraint.

Self-ownership *must* be a universal rule because the self-ownership rule is the only noncontradictory basis for libertarian ethics (Hoppe [1993] 2006, 335, [1989] 2010, 170–71). All other libertarian principles, such as homesteading, depend on the assumption of self-ownership (Kinsella 2023, 639). When the best objective link rule is applied to unowned physical objects, ownership is still determined by first-use homesteading. But no other person can ever logically claim to have a better link to a child's body than the child himself has, regardless of who first encounters him.

Since the self-ownership of children is based on the criterion of the best objective link to the child's physical body, it does not depend on the child's ability to understand his self-ownership or defend it argumentatively. It must be respected by others since respecting a child's self-ownership is entailed in respecting the system of objective property rights.[40]

## *The Causal Theory on Parental Obligations*

The causal argument for enforceable parental obligations has so far appeared only in rebuttal of the two schools. It can now be stated in full:

1. By creating a child, parents cause an individual (the child) to be in a state of peril. Without intervention, an infant will die.

2. This peril is a consequence of the parents' act of voluntarily making their gametes available for fusion, either through consensual sex or artificial means of reproduction. Since this was a reasonably foreseeable consequence of their act, it must be accepted as chosen whether it was intended or not.

40 It follows that a parent must respect his child's self-ownership long before the child is capable of comprehending or arguing for it. Similarly, since the parent has enforceable obligations to his child in a relationship of one self-owner to another (as the theory defended here holds), the parent must fulfill those obligations regardless of the fact that the child is not yet capable of understanding or arguing for his claim against the parent (Melden 1980, 203).

3. Since the child cannot act and cannot consent, he bears no responsibility for his peril.

4. Placing someone in a state of peril creates a tort liability to remove the person from peril. Failure to prevent the peril from materializing as harm would constitute an act of aggression.

5. Removing a child from peril requires raising him to self-sufficiency in adulthood.

6. Therefore, parents have an enforceable obligation to do whatever is necessary to raise a child to adulthood.

Diverse thinkers outside the libertarian tradition have deduced this principle of causal parental responsibility, including Blackstone ([1765] 1979, 435), Kant ([1797] 1991, 98–99), Sidgwick ([1874] 2012, 220), Werner (1974, 212), Nelson (1991, 51), Weinberg (2008, 170–71), and Prusak (2013). The principle is defended from a libertarian perspective in Branden (1962, 55), Gordon (1999), Walker (1999), Kinsella (2023, 50, 641), Wójtowicz (2025), and Desyllas (2025b).

The grounding also sets the theory apart from the broader tradition of deriving parental authority from parental duty. Whereas most theorists in that tradition ground the duty in the child's interests or needs (Olsaretti and Gheaus 2022; Moschella 2014, 197, 202; Brennan and Noggle 1997, 11–12), the causal theory grounds it in the parent's own act. What obligates is not that the child needs rescue but that the parent created the peril. This is why the duty binds the parents and nobody else and why it is enforceable within a theory that admits no need-based claims. This is another refutation of the allegation that the causal theory, in giving rise to positive obligations, entails welfarism (Block 2010b, 6).[41]

Although the principle has been stated by many authors in disparate works, most have only noted it in passing without recognizing that it constitutes a full theory of the parent-child relationship with far-reaching implications for other issues relating to the family.

## *The Causal Theory on Parental Authority*

Having grounded parental obligations as a tort liability for creation of peril, I can now show how parental authority is instrumentally necessary to discharge that obligation.

41 It is impossible to logically derive welfarism from a theory that is not based on need or benefit.

If you put an individual in a state of peril, you have a positive obligation to take whatever reasonable actions are necessary to save her. Furthermore, you may also undertake these actions *without her consent* if she is incapable of comprehending the peril that you have put her in or unable to consent to rescue, so long as your actions can be justified as necessary in fulfillment of your obligation.

For example, if you cause a traffic accident in which a pedestrian suffers a head injury, you must ensure that she receives medical attention. As the causer of the accident, you have an obligation to get her out of peril—even if the injury leaves her so disoriented and confused that she struggles against your attempt to assist her. Your obligation may include using reasonable physical force to prevent her from further injuring herself until help arrives. Insofar as any such force is reasonably necessary in order to get the pedestrian out of peril, your actions are not acts of aggression. If you do not act to get her to safety but instead drive off and leave the pedestrian in peril, whereupon she wanders into traffic or falls off a cliff, you will be legally and morally responsible for her death.

This is the logical grounding of parental authority. If you accept that parents have a causal responsibility for the peril that children face as a result of their parents' creating them, then it follows that parents have a limited derivative authority over their children to undertake whatever actions are necessary to get them out of peril. This includes actions whose necessity the children cannot yet comprehend and to which they have not assented. In the case of children, peril ends when the child becomes a self-sufficient adult.

Parental authority justifies using coercion to protect children against immediate dangers, such as pulling a child back to prevent him from walking into traffic, but that is not the full extent of what is justified. Given their inability to survive independently, children also face perils of a much less immediate nature that parents have both the obligation and authority to mitigate.

For example, a parent can legitimately make a child brush his teeth not because failure to do so on any given occasion results in immediate danger but rather because inconsistent brushing creates a long-term risk that the child may lose a significant proportion of his teeth, which itself constitutes a painful and debilitating injury. Children begin life incompetent to look after their teeth and incapable of comprehending the necessity of doing so.

The same logic applies more generally to many ordinary forms of parental paternalism. Where children are not yet capable of reliably identifying and pursuing the practices necessary for their own preservation and development to self-sufficiency, parents have the authority to direct them in ways proportionate to that obligation.

This justification is derived from fundamental principles: self-ownership of the child, tort liability of the parent for creation of peril, and the necessary (instrumental) authority required for the parent to fulfill that obligation.[42]

The obvious objection is this: If the child is a full self-owner, how can any coercion of him fail to be aggression? Calling parental authority derivative may seem merely to relabel the problem rather than solve it: Either the coercion is aggression (the equal-freedom school's conclusion) or the child's self-ownership is somehow qualified after all (the homesteading school's equivocation).

The answer lies in a distinction between the child's title and his present capacity to exercise it. Self-ownership is a property title in one's body, and the child holds that title completely from the start, since it is grounded in the best objective link, not in any capacity of the child. What the child lacks is something else entirely: the competent will whose signals (consent and refusal) normally govern what others may do to a self-owner.

The equal-freedom school conflated the two, inferring from the child's full title that his choices must already carry full authority. The homesteading school conflated them in the opposite direction, inferring from the child's incapacity that the title must be held by someone else. Distinguish title from present competence and both inferences fail.

As discussed, consent functions in libertarian theory as an evidentiary signal of the rational and informed will of the consenter. Where no competent will yet exists, consent is not refused; it is unavailable. This principle cuts in both directions. An incompetent will can neither authorize by saying yes nor forbid by saying no. This is why a child's agreement procured by a sexual abuser counts for nothing and why neither the toddler's protest at being pulled back from traffic nor the disoriented pedestrian's struggling converts a rescue into aggression.

But if the child's assent or refusal does not govern, what does? It cannot be the parent's will. That is where ownership theories go wrong: They treat the child's incapacity as a vacancy to be filled by someone else's sovereign will. But sovereignty over another person is still ownership, under whatever name.

According to the causal theory, the child's suspended power of consent does not pass to the parent as a substitute. The parent does not acquire dominion over the child, only the standing to do whatever is necessary to fulfill the obligation. So the act that created the peril results in both the obligation to

42 This account of parental authority is fully compatible with the requirement that a child respect property rights within the home. Preventing the kind of bad behavior that Rothbard was concerned about is easily explained by the limits of parental obligation. Parents are not obligated to suffer physical assault, allow property damage, or allow any other violation of property rights. The child's legitimate claim to assistance in his perilous state does not stretch to justifying such acts.

remedy it and the standing to do what the remedy requires, but nothing more. Whether any given act of coercion is authorized is settled by the objective criterion, not by the parent's own interpretation.

Far from being an exception carved out of the child's self-ownership, parental authority is the mechanism through which the child comes to enjoy it. The entire content of the parental obligation is to deliver the child to the condition in which he can at last exercise the title he has held all along: competent, self-sufficient adulthood. Coercion that serves this end serves the child's self-ownership. Coercion that fails the test (serving the parent's convenience or harming the child to condition his future conduct) loses its justification and reverts to what unconsented force is by default: aggression. The limits of parental authority do not need to be bolted on; they are inherent in the justification itself. The authority recedes domain by domain as the child's competence arrives.

Nor does the account readmit the paternalism toward adults that our drunkard example ruled out. The drunkard's refusal binds because it signals a competent will and because no one owes him rescue from a peril of his own making. When peril is self-caused by a competent will, paternalism is irreconcilable with libertarian theory. In the child's case, both conditions are reversed: His peril was created by others, and he does not yet have a competent will. Paternalism is not justified by the child's benefit but by the conjunction of obligation and incapacity. Benefit alone justifies nothing in the child's case, any more than it does for the drunkard.

Finally, it might be thought that the account must still lean on some surrogate for the child's consent—that the child would consent if he could, or that the adult he will become consents on his behalf. This is an old move, made when the requirement of consent meets a person who cannot give it. Hobbes ([1651] 1996, chap. 20) makes it, as do Pufendorf ([1673] 1991, 124), Rawls (1971, 209), and Dworkin (1972, 76), who gave its parental form the name *future-oriented consent*.

Consent surrogates do not work in childhood, and their failure is well understood (Rawls 1971, 249–50; Feinberg 1980, 146; Archard 1993, 52). Any consent surrogate for the child makes the standard endogenous to the relationship it is supposed to judge. If the verdict belongs to the adult the child will become, then the parents control the formation of the very will that is to judge them: Abuse that successfully indoctrinates its victim manufactures its own future ratification, exactly as grooming manufactures a present consent.[43]

43 The mirror case is also invalid: An adult who comes to resent legitimate care would retroactively make the toothbrushing of his childhood an act of aggression.

This is the problem of self-justifying paternalism which, as Archard (1993, 52) observes, "changes others so that they approve it"; his example is that "we could brainwash someone to think that the brainwashing was a good thing."

Any theory that leaves the status of a parental act open until the grown child either ratifies or repudiates it is wrong.[44] Some libertarian writers have nonetheless leaned on the device for justification—mostly in passing, as if it were unproblematic (Kinsella 2023, 637; Block et al. 2014, 86).[45] But those who have examined the surrogate rather than assumed it have found the failure for themselves. Long (1997) makes counterfactual consent the very standard of guardianship and then crashes headlong into the self-justifying paternalism problem. He can only concede, "I may need to do more tinkering with my theory." Vallentyne (2018, 186, 188) offers the most developed libertarian account of hypothetical consent yet concedes that it is inapplicable to children.

The derivative account needs no consent surrogate: It does an end run around the entire centuries-old problem. The question is settled when the act is performed, by a criterion external to every will involved.[46] Derivative authority is thus grounded neither in ownership nor in any consent, actual or imagined. This sets it apart both from the previous libertarian schools surveyed above and from the mainstream justifications of paternalism from Hobbes forward.

Nor is this a presumption that the child would consent. Consent licenses what would otherwise wrong a self-owner; an act that wrongs no one needs no license. Coercion that meets the criterion infringes nothing. Although the injured pedestrian may have a claim for the crash, she cannot have one for being carefully moved out of danger. Thus where no claim ever arises, there is nothing for consent (actual or imagined) to do. This is what allows derivative authority to coexist with the full self-ownership of the child.

## *Specifying Who Has Parental Authority*

A perennial philosophical question is why parents are justified in raising their child, as opposed to anyone else who could raise the child. The causal theory derives a surprising answer: It is not, in the usual sense, a theory of exclusive allocation at all. It does not begin by handing parents a right to exclude others from the child. Rather, it denies everyone authority and then imposes an obligation on the parents that carries authority with it, making them the sole exception.

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44 A competent adult may, of course, waive his own claims by declining to seek restitution for wrongs done to him in childhood. But waiver forgoes a remedy for a wrong; it does not retroactively convert the wrong into an exercise of legitimate authority. Third-party defense of the child at the time remains justified.

45 Strict advocates of the homesteading school never reach for the surrogate, since they ground authority in title. Neither does the equal-freedom school need the bridge, since it denies authority outright.

46 The child's present will is incompetent; the parent's will is what the criterion exists to check; and the future adult's will is one the parent could shape.

Coercing a self-owner requires justification, and on the derivative account the only justification available is instrumental necessity in discharging an obligation to the child. The same act that grounds this obligation also assigns it: The parents created the peril, so the parents owe the remedy. Only they can point to a duty their coercion serves. A stranger cannot. The one exception is momentary emergency rescue, which, as will become clear, is a permission rather than an authority. Otherwise the stranger's coercion of the child is simply aggression. Exclusivity emerges from the fact that everyone else already lacks standing to coerce the child at all. Where no duty is being discharged, there is no authority—in anyone.

Authority derived this way is defeasible in a way a claim right would not be. Parents hold no property right in the child. They have the standing to discharge an inalienable obligation, and that standing lasts exactly as long as the discharge does. When parents default, their authority lapses, but their obligation does not.[47] The child's claim survives against them: Anyone may act on it in the moment, and enforcers may ultimately compel them to make it good or pay compensation for the breach. This is what the account implies because the authority exists only to serve the duty.

This aspect of the derivative account is a feature, not a bug. An ownership title delivers unconditional exclusivity, but in doing so it licenses dominion regardless of discharge. In contrast, exclusivity conditional on discharge is the only kind a theory built on obligation can deliver. Authority ends where discharge ends, so the abusive parent is simply an aggressor, and stopping him violates none of his rights.[48]

The accident analogy confirms the structure. Any bystander first on the scene may pull the disoriented pedestrian out of the road. But what the bystander holds is not authority. It is a permission to perform a specific act. The pedestrian's peril is of the causer's making, so she has an outstanding claim to have it removed—a claim that anyone may satisfy while it goes unmet. The bystander who pulls her from the road delivers the very thing she is owed, as a third party may pay another's debt. Her disoriented struggle does not block a rescue, because within the scope of the peril her resistance is not a competent exercise of self-ownership: Her flight is not a signal of her will.

No consent, actual or imagined, appears anywhere in this construction. Without the incompetent protest, the victim's refusal binds. Without the outstanding claim, there is no remedy for anyone to deliver, and so nothing

47 In cases of orphanhood and abandonment, the child's outstanding claim survives its obligors, and whoever voluntarily assumes its performance thereby acquires the same instrumental authority, on the same terms and limits.

48 Equally, if the accident causer does anything to the pedestrian's body not strictly necessary to remove her from peril, he is an aggressor.

from which authority could derive. The drunkard case has neither: No one may force him to stop drinking, since his refusal is competent and his peril is his own work.

The permission also yields to the causer's obligation: Once he is present and competently discharging his obligation, a bystander who wrestles the victim away is no longer delivering the remedy but interfering with it. Anyone, parent or stranger, may pull a toddler out of the path of a car: His claim is outstanding, his protest incompetent. But among his would-be rescuers, "the one responsible for the child's predicament is not just a bystander like the others, and he bears the principal obligation" (Velleman 2008, 251).

Although a third party may perform an act the child's claim itself specifies, he cannot take over the obligation. Paying another's debt is one thing; becoming the debtor is another. Substituting a new obligor requires the creditor's consent, and the child, whose incompetence is the whole predicament, cannot give it. So the obligation cannot move, and a stranger's offer to raise the child is one the parents cannot accept as a handover of the obligation but only as a delegation of its performance.

A handover is excluded because the obligation is theirs to see through, and answering for a duty entitles the answerable party to the control that answering requires. That control may be exercised in person or through chosen delegates, and it revives whenever the delegates fail. This is why delegation of authority is permitted while alienation of obligation is impossible. The parent who engages a schoolteacher or a babysitter selects and supervises the delegate and can revoke the delegation—still performing the duty through others. The duty to see it through is thus itself the source of a right to exclude: not a proprietary claim over the child but the control that answering for one's own obligations requires.

Even adoption has this structure. Parents genuinely unable to fulfill their obligation may be justified in delegating its performance wholesale, but the delegation operates on the biological parents' behalf, and the obligation stays where causation put it. They remain the ultimate obligation holders, sharing liability should their delegates mistreat the child (Desyllas 2025b, 201).

Capable parents who surrender their child are not released either. But in their case they risk everything on an unnecessary bet that someone else will discharge their obligations for them. If the adopters raise the child well, the bet pays off: The obligation is discharged through them, as with any delegation. The child's claim was to the upbringing, not to the person of his original obligors, and a claim that has been satisfied grounds no complaint. Yet the original parents

always remain responsible for that risk.[49] If the adopters fail the child, he has a case against everyone involved: against the adopters for the abuse and against the parents who, able to perform the duty themselves, risked his upbringing on a prediction instead.

The last element to explain is discretion. There is often more than one way out of peril. Both parents and strangers are held to the objective criterion of peril mitigation, just as both the accident causer and the bystander who helps the pedestrian are. But the criterion only filters permissible acts; it does not thereby select a course.

Suppose two hospitals are within reach of the accident, and either would satisfy the duty to the victim. The selection between them belongs to the accident causer, who must answer if the rescue miscarries. A bystander's opinion that the other hospital is better may have merit, but an opinion is not a duty and gives him no standing to force his own route on a rescue he does not have to answer for.

Raising a child multiplies that hospital choice by millions. The duty fixes the destination (an independent adult) and polices the means. It does not single out one route among the many that satisfy it, and a years-long, path-dependent remedy requires that some route be chosen and held. Choosing and holding the route inside the objective limits is what standing parental authority is, and it belongs to the ones who must answer for where the route ends.

## *Joint Authority*

A unique feature of the causal theory is that it justifies the joint authority of the father and the mother. Given that both are causally responsible for the creation of peril, they are jointly and severally liable for parental obligations to the child. Further, given that parental authority is a derivative power instrumentally necessary to discharge those obligations, it follows that the mother and father *both* must have parental authority over the child in order to fulfill their duties to him.

Yet if parental obligations arise from the parents' causal role in creation, and the mother appears to make the greater causal contribution through gestation, then causal responsibility might seem to imply maternal primacy too. But gestation is not an act of creation. A new human life is created by the fusion of male and female gametes at conception. This basic biological fact is independent of rights theory. The helplessness that constitutes the child's peril

49 As Nelson (1991, 60) puts it, "It is not so much a question of knowing that the biological parents can do a *better* job than possible replacements; it is more a matter of continually being at hand to answer for one's own responsibilities. With respect to anyone else, the best I can do is *predict* that they will fulfill their duties, but my relationship to my own agency is categorically different; I can bring myself—at least sometimes—to *perform* my duties."

starts with the life itself. Although the new human is inside the mother's body and attached to it, he has a body of his own and is not a "part of her body" as Kinsella (2023, 58) would have it.

What a mother is doing during pregnancy is not creating a life: Pregnancy is "the first kind of nurturing that mothers provide for a fetus which has already come into existence at conception" (Nelson 1991, 52). This is not creation any more than a father's spoon-feeding of his infant is: Both constitute *performance* of the *existing* obligation. And conception, unlike gestation, is a joint act: The mother and father jointly created the peril, are jointly and severally liable for the obligations it grounds, and thereby both hold parental authority. Thus the causal theory allocates parental authority to both parents without injustice and does so by derivation, not assumption.

## *Limiting Parental Authority*

The causal theory has a dual foundation for limiting parental authority: the self-ownership of the child and the obligations of the parent. Since the theory acknowledges the child as self-owner, any force that the parent uses to compel the child against his will is only justified insofar as it is necessary to fulfill the obligation that the parent already has to the child. Outside this specific justification, the child is protected by the core principle of self-ownership.

The one area of libertarian theory where the causal principle has been applied so far is in the debate about abortion, where the principle shows its implications regarding the limit of parental authority. One libertarian line of argument against the legitimacy of abortion is based on the self-ownership of the child and the proportionality of defensive force (Bissell [1978] 2006; Parr 2011, 2020; Feser 2004). The causal principle provides a further, independent argument. In cases resulting from consensual sex, the actions of the parents in creating a child (intentionally or not) place him in a state of peril and so give rise to positive obligations to the child (Werner 1974; Gordon 1999; Wójtowicz 2025). A further logical implication is that the derivative instrumental authority that parents have over the child to fulfill those obligations cannot be used to authorize abortion since abortion, far from rescuing the child from peril, kills him.

The causal theory can be applied to other parental acts that have been debated by libertarians. One libertarian line of argument against corporal punishment is that it violates the nonaggression principle, given the self-ownership of the child (Spencer 1851, 177; Davidson 1892, 3; Molyneux 2012). Block (2010a, 441) counters that corporal punishment *is* justified on the grounds of parental authority. He argues that "the guardianship relationship sometimes trumps the non-aggression axiom" and "the rights of the child not to be aggressed against have to be interpreted by the guardian."

What is missing from Block's account of parental authority is that the guardian's interpretation must answer to an objective external criterion, not the guardian's own assessment. The causal theory provides this criterion: Any coercive act must be directly justifiable in terms of removing the ward from peril. It does not justify acts that harm the child in order to condition future conduct, even on safety-promoting grounds.

Inflicting pain does nothing to remove a present danger; its purpose is to condition the child's future behavior (and even then its efficacy is contested). Protecting a child from a recurring danger never requires harming the child. The guardian can restrain, remove, or supervise as often as the danger returns. Harming the child can only be justified when no nonharmful protective option exists—never because it is judged the more efficient option.

Returning to our vehicular accident example, the accident causer has instrumental authority to override the self-ownership of the pedestrian with a head injury in certain ways, yet this is based on objective criteria and is not subject to his personal interpretation. Although the accident causer would be justified in physically restraining the accident victim from wandering into the road in her confused state, he would not be justified in slapping her about as a means to dissuade her from doing so again. Even if slapping her were somehow proven to be the most effective way of engineering behavioral change, it would not be justified. For the same reason, corporal punishment is not authorized by the derivative account.

A third example of the application of this theory of parental authority is in the case of neonatal circumcision. A libertarian argument against circumcision is that it violates the child's self-ownership (Testa and Block 2014). A circumcision defender might argue that the act falls within the scope of parental authority and so is not aggression. The causal theory supplies the criterion to test that defense. On the derivative account, parental authority is justified only insofar as it is necessary to discharge the parents' obligation to remove the child from the peril they created. Concerning bodily intervention, this means protecting his health and securing his development. This criterion licenses a parent to set a child's broken arm, to repair a cleft palate, or to consent to emergency surgery against the infant's will, since such interventions remove perils the child can neither comprehend nor avert.

It follows that the criterion withholds authority where an intervention serves no such end. Neonatal circumcision is nontherapeutic: It treats no condition of the child's, and it is not required for him to reach the self-sufficiency of adulthood, understood as the capacity to live and function independently of his parents. It therefore falls outside the parents' instrumental authority.

## *The Termination of Parental Authority*

The causal theory grounds the temporary nature of parental authority and explains how it ends. Both parental obligations and parental authority are limited by the original peril of the child's initial dependency. Therefore, both wane and eventually cease as the original peril wanes and eventually ceases. This happens as the child gradually becomes able to sustain himself in the adult world.[50]

As the peril wanes, there is the potential for disagreement between parent and child about the extent to which parental obligation and authority still apply. This is because the demarcation between child and adult is a boundary problem, and no theory of the parent-child relationship can reduce this boundary to a binary distinction. The causal theory provides a clear principle (creation of peril in initial dependency), but application of that principle to specific circumstances requires reasoned argument taking all those specifics into account.

A similar boundary problem exists with any tort liability for creation of peril. In the example of the injured pedestrian, it is clear that the accident causer must get the victim out of peril insofar as possible, yet there can be disagreement as to what constitutes the fulfillment of the obligation in any particular case. Similarly, it will depend on the specifics of any particular case whether the accident causer is justified (and required) to wield instrumental authority over the pedestrian in order to fulfill his obligation.

Given that parents have an obligation to raise their child to self-sufficiency, they cannot simply let the child walk out regardless of age, since this would be a dereliction of their obligations. In our example of the pedestrian with the head injury, if the pedestrian starts to wander into traffic in her disoriented state or in her confusion panics and tries to flee, this would not allow the accident causer to conclude that the victim has chosen to decline help. So long as the pedestrian is still in peril, the accident causer is still responsible for getting her to safety. The same principle applies to parents and children.

## *The Cost of Admission*

A libertarian can accept the causal theory without changing any principles, only some conclusions. The theory not only keeps universal self-ownership but applies it consistently. Property monism (the claim that there are no rights but property rights) is kept. What goes is only the mistaken premise that authority over a person requires an ownership-type right over him. Libertarianism

50 This resolves Rothbard's ([1982] 1998, 102) principal objection to the causal argument: "If creation engenders an obligation to maintain the child, why should it stop when the child becomes an adult?" The objection assumes that creation as such is doing the normative work. It is not. What grounds the obligation is the peril of helplessness that creation brings about, and a duty that tracks the peril must end when the peril does. Where the homesteading school's own endpoint—the runaway right—is stipulated rather than derived, the causal theory makes the termination of parental authority a matter of principle.

already recognizes some circumstances in which coercion is justified without ownership of the person coerced, so this premise was never required.[51] The ban on positive obligations remains in its only sustainable form: no *unchosen* positive obligations. There is also no change to the ban on need-based claims, since nothing in the account is grounded in the child's interests or his benefit.

No principles are added. In libertarianism, voluntarily creating a state of peril already triggers a tort duty. This is an application of the same causation-triggered liability that grounds restitution.[52] The causal theory simply does not make any special exception to this principle for those who create the peril of a child.[53] The onus is on those who seek an exception to justify it, not on those who do not.

The only things that must be given up are conclusions that libertarian principles never entailed: the saleable guardianship title (and the market in children it generates), the right to starve or abandon, the runaway-at-any-age doctrine, and an equivocal ownership argument.

What is gained is what parental ownership never delivered: actual authority. The theory gives parents the legitimate power to restrain a toddler at the curb, to make a child brush his teeth, and to do all the other things that parents must do to look after their children. The authority's exclusivity, jointness, limits, and termination are derived rather than stipulated. The limits answer to an objective criterion rather than to the guardian's own interpretation. Finally, it provides a principled libertarian case for protection of children against sexual abuse and neglect.

## Conclusion

Until now, libertarians who have put the causal principle to work have done so only as one argument in the abortion debate. It has been confined to that debate for decades. To leave it there is to fail to see the forest for a tree. Grounding parental obligation in the creation of peril has far wider implications. It yields a complete libertarian theory of the family: a position on each of the three core questions (children's rights, parental obligations, and parental authority), from which the origin, exclusivity, jointness, limits, and termination of that authority follow by derivation.

The causal theory is based on standard libertarian principles: self-ownership assigned by the best objective link and tort liability for creating a peril. What is extraordinary is not the theory but the relationship it illuminates. Procreation

51 A restitution claim is not ownership of the debtor, and an agent's contract-derived powers are not ownership of the principal. A derivative power flowing from a duty is machinery libertarianism uses everywhere except in parental authority.

52 Rothbard ([1982] 1998, 86) derives enforceable performance from a prior act: The thief is forced "to work, and to allocate the ensuing income to the victim." This is rectification, one of the "only three principles to determine ownership" (Kinsella 2023, 269).

53 Objections to the causal argument are answered in Desyllas (2025b, 192–93, 203).

is the only act by which a self-owner brings another self-owner into existence, and it delivers him into a mortal peril that renders him totally dependent. He is unable to comprehend his peril or consent to his rescue, and he remains so for years.

What sets the causal theory apart is its application of existing principles to the family without exception, where previous accounts always sought one. The dilemma with which this article began was never forced by libertarian principles; it resulted from the error of withholding the tort principle from this one relationship. Libertarianism does not ban all enforceable positive obligations, only *unchosen* ones. A peril of one's own making generates a positive obligation, not contracted but *chosen* by an act with reasonably foreseeable consequences.

From that obligation follows a genuinely new derivation: an authority over a full self-owner that aggresses against no one and that wanes and extinguishes itself when its work is done. This remarkable result reflects the singularity of the parent-child relationship.

This theory settles two old problems. The first is Locke's project of deriving parental authority while denying parental ownership. Locke saw that parental authority must derive from parental duty, and he denied that parents own their children. But he could not supply a grounding for the duty itself. The causal theory completes the project: Obligation is grounded in the parents' own act, and authority is derived from the obligation without any appeal to ownership.

The second is the problem of consent in childhood. From Hobbes forward, justifications of paternalism have leaned on some surrogate for a consent that a child cannot give, and every surrogate makes the standard internal to the relationship it is supposed to judge. The derivative account escapes this problem because it never asks for consent at all. The objective criterion that authorizes or condemns each parental act is external to every will involved.

Finally, the theory reveals a previously undistinguished category: derivative instrumental authority. This is a temporary authority exercised over another person for the limited purpose of discharging an obligation owed through creation of peril. Such authority does not arise from ownership of the individual but from the necessity of removing the peril combined with the specific circumstance that the individual is unable to comprehend his peril or consent to rescue.

This category is not confined to the family: Any tortfeasor whose victim cannot comprehend the peril holds this authority, strictly limited to what the victim's incapacity and the duty's discharge require, as the injured pedestrian showed. Parental authority is vast in scope only because the peril of infancy is vast. Seen in this light, parenthood is not a form of ownership but a form of liability. Parents do not own their children; they are responsible *to* them.

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