

ARCA — Dizdarević

The Age of Religious Consent Act (ARCA)

A Rights-Based Proposal for Protecting Children's Cognitive Autonomy in Religious Upbringing

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Abstract

Child-protection law regulates nearly every irreversible, identity-defining decision available to a minor — marriage, military enlistment, voting, body modification — through minimum-age thresholds, yet no comparable threshold governs the formal religious enrolment of children. This article treats that asymmetry as a gap in existing rights doctrine. Drawing on Articles 3 and 14 of the United Nations Convention on the Rights of the Child, Feinberg’s ‘right to an open future’, the cognitive-liberty literature (Ienca and Andorno, 2017), and the clinical literature on Religious Trauma Syndrome, it argues that unilateral religious enrolment and fear-based conditioning of minors raise informed-consent concerns structurally identical to those already recognised elsewhere in child welfare. The primary justification is procedural parity. The article reviews comparative and European human-rights precedent, addresses the live philosophical debate over the open-future principle, and proposes the Age of Religious Consent Act (ARCA): a tiered model statute setting eighteen as the threshold for binding religious enrolment while explicitly preserving parental rights to share belief and provide comparative religious education.

Keywords: children’s rights; freedom of religion; informed consent; Convention on the Rights of the Child; cognitive liberty; right to an open future; religious trauma; child protection law

1 Introduction

Liberal democracies regulate an unusually long list of decisions that a child is not permitted to make, or to have made for them, before reaching a defined age of capacity. A minor cannot

marry, enlist in combat service, vote, gamble, or in most jurisdictions obtain a permanent tattoo without reaching an age threshold tied to cognitive and emotional maturity. These thresholds rest on a shared premise: decisions that are identity-defining, difficult to reverse, or consequential for a person’s future options require a degree of capacity that childhood, by definition, has not yet supplied.

Table 1: Age-Threshold Domains in Child-Protection Law (Comparative)

Domain	Typical Age Threshold	Primary Rationale
Marriage	18	Relational and emotional maturity
Military enlistment	18	Life-evaluation capacity
Voting	18	Civic capacity
Body modification (tattoo)	16–18	Bodily integrity
Gambling	18	Financial and risk judgement
Formal religious enrolment	None (ARCA proposes: 18, tiered)	Cognitive autonomy

Formal religious enrolment — baptism, confirmation, bar or bat mitzvah, and equivalent rites that bind a child to a religious community — meets every criterion that triggers a consent threshold elsewhere in law: it is identity-defining, often treated as binding well into adulthood, and imposed on a person who cannot yet evaluate the claims involved. Yet no jurisdiction currently applies a minimum-age or consent requirement to it. This article treats that asymmetry as a legitimate object of children’s-rights inquiry, and asks what a coherent, rights-based response would look like.

Three clarifications frame everything that follows. First, the argument is conceptual and legal, not theological, and does not require any determination about whether a given religious tradition’s truth-claims are correct. The central justification is procedural parity: child-protection law regulates nearly every other irreversible, identity-defining decision available

to a minor, but not religious enrolment, and ARCA closes that specific, unexplained gap using existing rights doctrine rather than inventing a new one. Anticipatory-autonomy and harm-prevention considerations, discussed in Sections 2 and 4, corroborate this parity argument but are not required to sustain it. Second, ARCA draws a deliberate distinction between participation in a religious community and the legal or institutional assignment of religious identity: the former remains broadly protected under Article 5 of the proposed statute, while the latter is subject to the consent threshold developed here. Third, the article does not propose restricting adult religious practice, belief, or expression in any form, and ARCA's Article 6 requires its identical application across all religious and non-religious traditions alike — it is a parity-seeking child-protection instrument, not a religious-liberty restriction directed at any one faith.

Section 2 sets out the conceptual framework: informed consent, Feinberg's open-future principle as one of several converging justifications, the emerging cognitive-liberty literature, the live philosophical debate this framework enters, and the rationale for an age-eighteen threshold. Section 3 reviews the relevant international, comparative, and European human-rights legal landscape, including a new analysis of religious institutions exercising custodial authority over minors. Section 4 examines the developmental and psychological literature, including the clinical status of Religious Trauma Syndrome. Section 5 offers illustrative examples. Section 6 develops an internal-consistency argument. Section 7 presents the model statute, ARCA. Sections 8 and 9 address anticipated objections, a legislative pathway, a research agenda, and ARCA's limitations.

2 Conceptual Framework: Consent, Autonomy, and Cognitive Liberty

Informed consent, as the concept is used across medical, contractual, and civil law, requires three conditions: adequate information, freedom from coercion, and the cognitive capacity to

evaluate the decision. Applied to religious enrolment, none of the three conditions is typically met by a young child. Religious instruction is ordinarily delivered before a child can read; theological conclusions are presented before the child has the abstract-reasoning capacity to question them; and enrolment, where it involves an infant or young child, occurs before any capacity for evaluation exists at all.

2.1 Converging Justifications: Open Future, Welfare, and Parity

This article draws on three overlapping, mutually reinforcing grounds rather than resting on any single one. The first is Feinberg's (1980) 'right to an open future': children hold 'rights-in-trust' that they cannot yet exercise but that protect their capacity to exercise autonomy once they reach maturity, with parents functioning as trustees of that future autonomy rather than owners of the child's eventual identity (Lotz, 2006). Subsequent scholars have extended the framework to non-therapeutic circumcision (Davis, 1997), to the limits of educational liberty (Dietrich, 2020), and, in Morgan's (2005) work, directly to religious upbringing. The second ground is welfare or harm-prevention, addressed in Section 4. The third, and this article's primary justification, is procedural parity: the same capacity-based reasoning that already justifies age thresholds for marriage, enlistment, and voting applies with equal force to religious enrolment, independent of any particular theory of autonomy or harm. Presenting these as overlapping rather than singular grounds is a deliberate choice: it means that an objection to any one ground, such as Millum's (2025) critique of the open-future principle discussed below, does not by itself defeat the argument as a whole.

The open-future principle does not, on its own, settle how much religious exposure is permissible — only that the question is a legitimate one for children's-rights theory rather than a matter resolved entirely by parental or religious-community discretion.

2.2 Cognitive Autonomy as an Emerging Human Right

A useful way to situate this argument within a broader and rapidly developing rights literature is through the concept of cognitive liberty. Ienca and Andorno (2017), writing in response to advances in neurotechnology, argue that existing human-rights frameworks may be insufficient to protect the human mind, and propose four emerging "neurorights": cognitive liberty, mental privacy, mental integrity, and psychological continuity. Cognitive liberty, in their formulation, protects an individual's right to make free and competent decisions regarding their own mental and cognitive processes, and is chronologically prior to other protected freedoms such as expression and religion, since it concerns the formation of belief itself rather than its later manifestation.

Several categories of personal autonomy are already well protected by existing law and practice: bodily autonomy through medical-consent doctrine, sexual autonomy through age-of-consent law, civic autonomy through voting-age thresholds, and contractual autonomy through capacity requirements in commercial law. Cognitive autonomy — the right to form one's own beliefs about the most fundamental questions before being bound to an institutional answer — remains comparatively undeveloped as a distinct legal category, despite arguably underlying all of the others. It is worth noting that Ienca and Andorno's own framing was developed in response to neurotechnology specifically; this article draws on the cognitive-liberty concept in its more general formulation, as a principle about the prior conditions for any meaningful exercise of belief and conscience. The central claim of this section can be stated in one sentence: ARCA is not a proposal concerning the truth or falsity of religious belief; it is a proposal concerning the age at which a legally recognised religious identity may be assigned to a person, consistent with contemporary principles of cognitive autonomy, informed consent, and the child's evolving capacities.

2.3 A Live Philosophical Debate

The open-future principle is influential but contested, and a balanced treatment requires engaging the counter-literature directly. Millum (2025) argues that the right to an open future, taken literally, proves too much: virtually any upbringing narrows some future options, and a principle that condemned all such narrowing would make ordinary parenting impossible. This article's reliance on parity as the primary justification (Section 2.1) is partly a response to this objection: ARCA does not require maximal openness or neutrality in upbringing, only the same consent threshold already accepted in structurally identical domains.

Gheaus (2024), writing specifically on religious upbringing, defends a position closely compatible with ARCA: children may permissibly be introduced to religious practice and advocacy by parents and communities, provided no single tradition holds a monopoly of influence and the child retains a protected freedom to explore other traditions and to dissent. ARCA does not conflict with this 'no monopoly of influence' standard; parents remain free under Article 5 to share belief, involve children in communal practice, and transmit tradition robustly. What ARCA restricts is narrower: the formal, binding institutional act of enrolment, and conduct meeting the threshold definition of fear-based conditioning in Article 1.

Morgan's (2005) analysis is, on a fair reading, the most relevant existing scholarship to ARCA's core claim, and deserves explicit engagement. Morgan argues that religious upbringing as such is not the problem for a child's open future; the problem is exclusivist second-order belief — the claim that one's own tradition is uniquely true and that alternatives are foreclosed or illegitimate — transmitted to a child without room for eventual revision. This article adopts Morgan's distinction directly: ARCA does not prohibit religious upbringing; it seeks to prevent exclusive institutional commitment before autonomous capacity emerges. Tillson, whom Gheaus engages directly, takes a stronger view than either

Morgan or this article, holding that any presentation of religious claims to children as true is impermissible on well-being grounds; ARCA's position is deliberately narrower, since it targets binding enrolment and conditioning rather than upbringing or belief-sharing as such.

2.4 Evolving Capacities and the Choice of Eighteen

A reasonable reader will ask why eighteen, specifically, is the threshold ARCA proposes. The UN Convention on the Rights of the Child introduced 'evolving capacities' as an interpretive principle: as children acquire competencies, the need for protection diminishes and the scope for self-determination grows, but this is a gradual continuum rather than a single switch (Lansdown, 2005). Taken alone, evolving-capacities doctrine would caution against any single hard age threshold, religious or otherwise.

ARCA's answer is twofold. First, eighteen is adopted as a policy line for consistency with the existing thresholds already shown in Table 1, not as a metaphysical claim that moral or cognitive maturity arrives precisely on a person's eighteenth birthday; the same imprecision attends the age thresholds already accepted for marriage, enlistment, and voting, and is not normally treated as disqualifying. Second, and more substantively, ARCA does not treat the question as a single binary switch: Article 2, set out in Section 7, adopts a three-tier structure that allows provisional, revocable affiliation between ages thirteen and seventeen, reserving the hard eighteen-year threshold specifically for binding, lifelong enrolment. This tiered design is intended to track evolving capacities more closely than a flat before/after rule would.

3 Legal Foundations: International, Comparative, and European Law

3.1 The UN Convention on the Rights of the Child

The 1989 UN Convention on the Rights of the Child (UNCRC) supplies the clearest existing international-law foundation for this argument, principally through four provisions.

Table 2: Relevant UNCRC Provisions

Article	Right Protected	Relevance
Article 3	Best interests of the child as a primary consideration	Provides an independent legal basis for state attention to religious-enrolment practices, distinct from and not contingent on Article 14
Article 14	Freedom of thought, conscience, and religion	Vests the right in the child, not only the parent, subject to parental ‘direction’ consistent with evolving capacities
Article 13	Freedom of expression and access to information	Bears on a child’s access to information beyond a single faith tradition
Article 19	Protection from mental and emotional abuse	Potentially engaged by sustained fear-based conditioning

Article 3’s best-interests principle is, in some respects, a stronger and more independent legal anchor for this argument than Article 14, since it does not depend on resolving the internal tension within Article 14 itself between vesting religious freedom in the child and requiring states to respect parental ‘direction.’ That tension is well documented in the literature (Scolnicov, 2007): in practice, the UN Committee on the Rights of the Child has not interpreted Article 14 as limiting a parent’s ability to raise a child within the parent’s own religion, and its enforcement focus has instead been on protecting children’s civil rights against state interference. This leaves the question this article addresses — what, if anything, limits a parent’s authority to confer binding, lifelong religious membership on a child — substantially unresolved under Article 14 read alone, which is precisely why Article 3 and the comparative and European materials below are necessary supplements rather than optional ones.

3.2 Comparative National Precedent

No jurisdiction has enacted a general age-of-religious-consent statute. Several partial and contested precedents nonetheless indicate that the underlying policy question is already live in national legislatures and administrative bodies.

Japan. In December 2022, in the aftermath of the assassination of former Prime Minister Shinzo Abe and the subsequent public scrutiny of the Unification Church, Japan's Ministry of Health, Labour and Welfare issued administrative guidelines classifying certain religiously motivated practices — including coerced participation in religious activity and repeated threat-based invocations of damnation directed at children — as forms of reportable child abuse. These guidelines are the most concrete administrative precedent for treating fear-based religious conditioning as a child-welfare matter. They are also genuinely contested: in October 2025, four UN Special Rapporteurs publicly raised concerns that the guidelines' open-ended 'public welfare' standard had been applied in ways that risked disproportionately stigmatising religious minorities rather than targeting documented coercive conduct (Office of the UN High Commissioner for Human Rights, 2025). ARCA's response to this specific failure mode is structural, not rhetorical: Article 1's narrowed definitions and Article 7's independent-oversight and proportionality requirements (Section 9.2) are designed precisely to avoid the open-ended standard that drew criticism in the Japanese case, by requiring documented, threshold-meeting conduct rather than a general assessment of a tradition's character.

Iceland and the Nordic and German precedents. In 2018, members of four political parties introduced a bill in the Icelandic parliament to criminalise non-therapeutic circumcision of minors, framed explicitly as a child-consent measure extending the logic of Iceland's existing prohibition on female genital cutting. Religious organisations and several Nordic governments opposed the bill on the grounds that it would, in practice, criminalise ordinary

religious observance for Jewish and Muslim communities without a correspondingly clear definition of the harm being prevented; the bill was ultimately withdrawn from a floor vote by the parliamentary judiciary committee rather than enacted. A 2012 ruling by a regional court in Cologne, Germany, that ritual circumcision of minors constituted a criminal act met similar objections and was legislatively overridden later that year by a federal statute affirmatively protecting the practice. ARCA's narrower focus on formal institutional enrolment and threshold-defined fear-based conditioning, rather than on any specific religious practice, is intended to sidestep this objection: it does not single out or criminalise a practice central to particular traditions, and Article 6's neutrality requirement applies the same rule to every tradition rather than targeting one.

These precedents support a modest conclusion: the policy direction proposed here is continuous with debates already underway in comparative law, but it is not yet reflected in any binding statute, and the specific objections raised against the Japanese and Icelandic measures are directly informative for how a workable statute should be drafted.

3.3 The European Court of Human Rights and Article 9 ECHR

Any version of ARCA intended for a European audience must engage the European Court of Human Rights' (ECtHR) jurisprudence on religious upbringing directly, since that case law currently cuts in a more protective direction towards parental religious authority than a casual reading of the children's-rights literature might suggest. In *Hoffmann v. Austria* (1993), the ECtHR found a violation of Articles 8 and 14 where Austria's domestic courts had denied a mother custody of her children substantially because of her Jehovah's Witness faith; the Court held that a distinction based essentially on religion alone is not an acceptable basis for such a decision. In *Vojnity v. Hungary* (2013), the Court similarly found a violation where Hungarian courts had restricted a father's contact rights based on his attempts to share his

religious convictions with his son, holding that religion is a ‘suspect’ classification under Article 14 requiring ‘very weighty reasons’ to justify differential treatment, and criticising the domestic courts for relying on characterisations of the father’s ‘irrational worldview’ rather than identifying concrete harm.

Read together, these cases establish a real doctrinal obstacle for any restriction on religious upbringing in the Council of Europe area: generic disapproval of a tradition, or unspecified concern about a parent’s religious zeal, will not survive ECtHR scrutiny. At the same time, the Court in *Vojnity* did not foreclose all restriction; it noted that parents do not have an unlimited right to proselytise to a child in a manner that causes demonstrated psychological harm. This supports exactly the drafting approach ARCA already adopts for independent reasons in Section 9.2: a narrow, harm-specific, demonstrated-injury threshold for restricting conduct (Article 1(c)’s fear-based-conditioning definition), rather than a broad standard keyed to a tradition’s general character. To state the doctrinal test directly: on this case law, an ARCA-style statute would need to show documented, individualised harm and strict neutrality across all beliefs to satisfy the ‘very weighty reasons’ standard under Article 14 ECHR. ARCA’s compatibility with Article 9 ECHR is accordingly conditional on this narrow drafting being maintained in any jurisdiction-specific implementation.

3.4 Religious Institutions Exercising Custodial Authority Over Minors

The analysis in Sections 3.1 through 3.3 has focused on the parent-child-enrolment axis: the authority of parents to assign religious identity to a child within the family setting, and the international and European legal frameworks governing that relationship. A distinct but directly related consent problem arises when children are placed within, or required to attend, institutions in which a single religious tradition exercises educational, residential, disciplinary, or quasi-parental authority over them. Religious preschools and kindergartens,

faith-based primary and secondary schools, boarding schools, residential care facilities, orphanages, and state-delegated foster placements operated by religious organisations are the most significant examples. In these settings, the cognitive-autonomy concerns raised in Section 2 cannot be analysed exclusively through the parent-child relationship, because the institution itself becomes a primary authority shaping the child's beliefs, social world, access to information, and practical ability to encounter alternative viewpoints.

A useful analytical distinction separates three levels of religious exposure. The first is ordinary family practice — participation in prayer, ritual, and discussion within the home — which ARCA treats as presumptively protected under parental rights in Article 5. The second is structured religious education provided by a community or school, which may be more or less comparative in character. The third, and most legally salient, is full or quasi-full institutional placement, where the same authority controls a child's schooling, daily schedule, peer group, discipline regime, and religious formation simultaneously. Consent and practical exit are more meaningful at the first two levels, where alternative influences remain accessible; they are structurally constrained at the third, where the environment is, by design, comprehensive.

State-delegated religious authority presents the strongest variant of this concern. When a state places children in religious orphanages, residential care facilities, or faith-based foster arrangements, the child's exposure to a single tradition is no longer solely the result of parental choice: the state becomes an indirect participant in the formation of the child's religious identity. This creates an Article 14 UNCRC issue that is analytically distinct from, and in some respects more legally compelling than, the parental-upbringing question, because the child has no meaningful capacity to exit and no parental counterweight mediating institutional influence.

Children's participation in organised congregational roles — altar service, choral programmes, youth ministries, and catechetical courses — occupies an intermediate position. Many such roles provide genuine social, educational, and cultural value and are highly regarded by families and communities. They also, however, place minors in structured relationships with adult authority figures whose legitimacy derives partly from religious rather than professional or credentialled standing. Independent governmental investigations in multiple jurisdictions have documented that the combination of institutional trust, spiritual authority, and reduced external oversight has in a number of documented cases created conditions that facilitated abuse and impeded disclosure (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). The argument is not that such roles are inherently coercive; it is that they can place children in structurally vulnerable positions when independent safeguards are absent.

The common thread across these institutional settings is the potential combination of three features: comprehensive control of the child's daily environment, the presentation of one tradition's claims as settled identity, and the embedding of complaint and support mechanisms within the same authority structure whose conduct is in question. That combination directly engages both the open-future principle and the cognitive-liberty concerns developed in Section 2. ARCA's statute does not address institutional safeguarding comprehensively, since that belongs to implementation guidance and is a natural subject for subsequent legislative work; Article 7(b) and (c)'s proportionality review and independent oversight provisions point in this direction. What the present analysis establishes is that the parity logic underlying ARCA — wherever children are held under sustained institutional authority that shapes their beliefs and identity, the same consent and protection standards that apply in secular contexts should apply in religious ones — is not limited to formal enrolment acts and should inform any comprehensive child-protection framework in this domain.

4 Developmental and Psychological Considerations

4.1 Fear-Based Religious Conditioning

A substantial qualitative and clinical literature describes the use of threats of eternal punishment, divine surveillance, and social exclusion as tools for shaping children's behaviour within high-control religious environments. James Dobson's widely circulated parenting manual *Dare to Discipline*, for instance, instructed parents that physical correction should be of 'sufficient magnitude to cause the child to cry genuinely' (Dobson, 1992), reflecting one current within authoritarian religious parenting literature that links physical and doctrinal discipline. It should be stated plainly that this approach is neither universal nor representative of religious parenting generally: many religious communities and traditions explicitly reject corporal punishment and fear-based discipline, and the pattern described here is a documented subset of practice, not a claim about religious upbringing as such. Whatever one's view of corporal punishment generally, the specific pairing of physical correction with theological claims about sin, hell, and divine judgement is the conditioning mechanism most directly relevant to this article's argument, because it operationalises religious content as a tool of behavioural control rather than as an object of reflection or choice.

4.2 Religious Trauma Syndrome: Status and Caveats

Psychologist Marlene Winell coined the term 'Religious Trauma Syndrome' (RTS) in a 2011 series of articles for the British Association for Behavioural and Cognitive Psychotherapies, describing a recognisable cluster of symptoms — chronic anxiety, guilt, identity disruption, impaired critical-thinking confidence, and complex post-traumatic features — reported by individuals exiting high-control religious environments (Winell, 2011). It is important, for academic accuracy, to state plainly what RTS is not: it does not appear in the DSM-5-TR or

the ICD, and recent clinical commentary explicitly flags this absence while arguing the construct nonetheless has clinical utility, in the way other non-codified syndromic labels do (Singh *et al.*, 2024). A useful point of comparison is scrupulosity, a well-documented religious-obsessive presentation within OCD that, while not itself a separate DSM diagnostic category, is treated as clinically significant and has a validated assessment instrument and an established cognitive-behavioural treatment literature (Abramowitz and Jacoby, 2014). RTS should be treated, by analogy, as a clinically observed and increasingly discussed descriptive pattern rather than a formally recognised diagnosis. This caveat does not weaken the argument; informed-consent thresholds elsewhere in child-protection law are not contingent on the existence of a single DSM code either.

4.3 The Evidentiary Hierarchy

A fair assessment requires distinguishing three tiers of evidence rather than treating the literature as undifferentiated. The strongest tier consists of large-scale, prospective, controlled studies isolating childhood religious conditioning as an independent variable, distinct from general adverse childhood experiences, authoritarian parenting, or co-occurring abuse; this tier is essentially absent from the current literature. A second, intermediate tier consists of cross-sectional correlational studies linking specific high-control religious environments to mental-health outcomes; this tier exists but cannot establish causal direction. The evidence base this article relies on most heavily sits at a third tier: clinical case literature, qualitative interview studies, and self-report data from religious-exit communities, which are valuable for identifying a recognisable pattern but carry the limitations any clinical or self-selected sample carries. Given this hierarchy, ARCA's justification is best understood as resting primarily on the structural consent and rights-in-trust reasoning developed in Section 2, with

the empirical harm literature in this section serving a corroborating rather than a load-bearing evidentiary role.

5 Illustrative Examples of Conclusion-First Religious Instruction

The conceptual concern raised in Sections 2 and 4 is not abstract; it is reflected in commercially distributed material marketed directly to adolescents across multiple religious traditions, not any single one. Conclusion-first apologetics for teenagers is a recognisable publishing genre within evangelical Christianity, where books and curricula are explicitly marketed to equip teenage readers with confidence in a predetermined theological conclusion rather than to frame an open inquiry; one representative example, reviewed at length in a companion publication, is Lee Strobel's *Is God Real? for Teens* (Dizdarević, 2026a).

Comparable conclusion-first instructional material for young people exists within *da'wah* (Islamic missionary) literature aimed at youth, within catechetical and confirmation curricula across multiple Christian denominations, and within instructional materials produced by various high-control religious organisations for children and teenagers. The pattern that matters for this article's argument is structural rather than tradition-specific: a text or curriculum that states its conclusion before the inquiry begins functions less as an invitation to evaluate evidence than as an instrument for reinforcing a settled identity in a reader who is, by design, not yet positioned to independently assess the underlying claims.

These materials matter for ARCA not because they are impermissible per se — they are not; Article 4 explicitly protects balanced religious instruction and Article 5 protects parents' rights to share belief — but because they exemplify the kinds of conclusion-first instruction that make a tiered, revocable-before-eighteen enrolment framework procedurally attractive: a child exposed to such instruction before Tier Three has not yet had the institutional freedom to evaluate its premises.

6 An Internal-Consistency Argument: Capacity Standards Applied Asymmetrically

A useful test of any capacity-based argument is whether its proponents apply it consistently across analogous cases. The consent thresholds already enumerated in Table 1 — marriage, military enlistment, tattooing, and gambling — each rest on the same underlying claim: that an irreversible, identity-defining, or durably consequential decision requires a maturity threshold a minor does not yet possess. The formal justification varies somewhat across domains (protecting emotional development in the case of marriage, physical integrity in the case of tattooing, life-evaluation capacity in the case of enlistment), but the structural logic is identical in each case.

Formal religious enrolment satisfies the same structural description: it is, for the child involved, an irreversible (or at minimum durably binding) and identity-defining transition, undertaken before the cognitive maturity threshold that the same capacity argument, applied across every other domain in Table 1, treats as a prerequisite. A position that endorses a capacity threshold for other irreversible, identity-defining decisions while exempting formal religious enrolment — despite its meeting the identical structural description — is applying a general principle selectively rather than consistently. This is the same parity logic introduced as ARCA's primary justification in Section 2.1, applied here as an internal-consistency test: whatever capacity standard is endorsed across Table 1's comparator domains should, on any principled account, be applied evenhandedly to all structurally similar cases, of which formal religious enrolment is one.

7 The Age of Religious Consent Act (ARCA)

This section presents a model statute, offered as a basis for legislative and scholarly discussion rather than as a finished legal instrument. Framing follows existing child-

protection statutes rather than religious-liberty statutes: ARCA restricts a specific legal act (formal religious enrolment of a minor, as defined in Article 1(a)) and a specific, narrowly defined practice (fear-based conditioning of a minor), while explicitly preserving the broader rights of parents and religious communities.

Framing Note

ARCA does not restrict adult religious practice, belief, or expression in any form, and does not presuppose the truth or falsity of any religious or non-religious worldview. It establishes a child-protection threshold modelled on existing consent law for marriage, enlistment, and voting, applied identically across all traditions, and specifically to formal religious enrolment and fear-based conditioning of minors.

Preamble

Recognising that children possess the right to freedom of thought, conscience, and belief under Article 14 of the United Nations Convention on the Rights of the Child, and that their best interests are a primary consideration under Article 3 of the same instrument; recognising that the binding institutional assignment of religious identity prior to the development of critical cognitive capacity raises informed-consent concerns analogous to those addressed elsewhere in child-protection law; and recognising the documented psychological literature on fear-based religious conditioning of minors; this Act, cited as the Age of Religious Consent Act (ARCA), establishes minimum-age and tiered protections for the formal religious enrolment of children, applied identically across all religious and non-religious traditions.

Article 1 — Definitions

(a) ‘Formal religious enrolment’ means an act that creates a civil, legal, or institutional religious status with attached consequences — including registration in a state or denominational membership registry, the issuance of a membership or congregant number, or

any designation that affects a person's standing under family, education, or tax law. A religious rite or ceremony that creates no such civil, legal, or institutional status — including most infant baptisms, naming ceremonies, or blessings as commonly practised — is presumptively outside this definition unless it is combined with a documented coercive element described in subsection (c) or is linked to an institutional registry described above.

(b) 'Mandatory religious instruction' means structured religious education, required by a parent, guardian, or institution, that presents religious claims as factual certainties rather than as one perspective among others.

(c) 'Fear-based religious conditioning' means the repeated, systematic use of threats of eternal punishment, family separation, or supernatural harm, of such intensity and frequency that a reasonable observer would expect significant and enduring psychological distress, used to suppress a minor's inquiry or compel compliance. Ordinary instruction in a tradition's eschatology or moral teaching, without targeted, repeated coercion meeting this threshold, is not covered by this definition.

Article 2 — Tiered Age Structure

(a) *Tier One (ages 0–12)*: No formal religious enrolment as defined in Article 1(a) may be completed on behalf of a minor in this age tier. (b) *Tier Two (ages 13–17)*: A minor in this age tier may participate in provisional religious affiliation with their own assent, which shall create no binding lifelong membership status and shall remain revocable at the minor's initiative at any time without penalty or continuing obligation. Provisional affiliation in this tier includes participation in youth groups, non-binding confirmation or preparation classes, religious study, and community worship; it explicitly does not include formal registry-based membership. (c) *Tier Three (age 18 and above)*: A person in this age tier may complete binding formal religious enrolment with their own informed, documented, and freely given

consent. A formal enrolment purportedly completed in Tier One or without satisfying the conditions of Tier Two has no binding legal or institutional effect, but may be ratified by the individual upon reaching Tier Three.

Article 3 — Prohibition of Fear-Based Conditioning

It is unlawful for a parent, guardian, religious institution, member of clergy, or educational institution to subject a minor to fear-based religious conditioning as defined in Article 1(c).

Article 4 — Religious Education

Academic instruction in the history, sociology, philosophy, and comparative study of world religions remains permitted and is encouraged, provided it is presented in a balanced, critically open framework that does not present the claims of any single tradition as settled fact.

Article 5 — Parental Rights

Parents and guardians retain the right to practise their own religion, to share their beliefs with their children, to involve their children in religious community and culture consistent with Tier Two of Article 2, and to provide religious education as defined in Article 4. ARCA restricts only formal binding enrolment outside the conditions of Article 2 and conduct meeting the definition in Article 1(c); it does not require neutrality in upbringing and is compatible with a single tradition being the primary one a family practises, provided no exclusive institutional commitment is imposed on the minor before Tier Three.

Article 6 — Religious Neutrality Principle

This Act applies identically to all religious traditions and to organised non-religious or philosophical associations that engage in comparable formal enrolment of minors, including

but not limited to Christian, Islamic, Jewish, Hindu, Buddhist, new religious movement, and atheistic or secular humanist organisational contexts. No enforcement, guidance, or interpretation of this Act may distinguish among traditions by content, size, age, or social status; any such distinction is itself a violation of this Article.

Article 7 — Enforcement

(a) Violations of Article 3 are reportable to child-welfare authorities under the same framework applied to other forms of psychological child maltreatment. (b) Reports shall be subject to mandatory proportionality review and triage prior to formal investigation, so that isolated or ordinary instances of religious teaching are screened out and enforcement resources are concentrated on documented, threshold-meeting conduct under Article 1(c). (c) Complaint review shall include independent oversight beyond local officials alone, periodic monitoring of enforcement data for discriminatory patterns across traditions, and a clear appeal procedure for any party subject to an enforcement action. (d) No child, parent, or family member shall be subject to retaliation, penalty, or adverse consequence for making a good-faith report under this Act; any such retaliation is itself a reportable violation. (e) A formal religious enrolment completed in violation of Article 2 has no binding legal or institutional effect, subject to ratification as provided in Article 2(c). (f) Faith-based educational, residential, and child-care institutions operating within the scope of this Act shall be subject to safeguarding and independent-oversight standards equivalent to those applied to comparable secular institutions, including independent reporting channels not controlled by the religious authority in question.

Article 8 — International Coordination

States adopting ARCA are encouraged to coordinate with the UN Committee on the Rights of the Child on implementation guidance and monitoring, and to structure enforcement

consistent with the European Court of Human Rights’ requirement of ‘very weighty reasons’ and documented harm before restricting religious upbringing, as discussed in Section 3.3.

8 Anticipated Objections and Responses

Table 3: Anticipated Objections and Responses

Objection	Response
This violates parents’ religious freedom.	Parental religious liberty has never been treated as unlimited where a child’s own legal status is concerned; parents cannot consent to a child’s marriage or enlistment. ARCA applies the same structural limit to formal religious enrolment.
Children will lose cultural connection to their community.	Cultural participation and formal, binding enrolment are distinct. ARCA does not restrict family religious practice, festivals, or community life — only the legal act of binding enrolment without consent.
Comparative religious education benefits children.	Article 4 of ARCA explicitly protects balanced, comparative instruction about religion. What is restricted is the presentation of one tradition’s claims as settled fact, and fear-based enforcement of compliance.
This is anti-religious legislation — atheist policy dressed as children’s rights.	ARCA imposes no restriction on adult belief or practice and does not rely on, or require acceptance of, any position on whether a given religion’s claims are true. Article 6 requires identical application across Christianity, Islam, Judaism, Hinduism, Buddhism, new religious movements, and organised non-religious or atheistic associations alike. A statute that applied only to some traditions would itself violate Article 6.
Such a law would be unenforceable.	Japan’s 2022 guidelines demonstrate that defining and addressing religiously coercive practices through administrative and child-welfare channels is administratively possible, though their contested reception (Section 3.2) shows why ARCA’s narrower, threshold-based definitions (Article 1) and triage and oversight provisions (Article 7) are necessary, not optional.
Faith communities benefit children’s wellbeing.	ARCA targets fear-based conditioning and non-consensual binding enrolment specifically; it does not restrict communal belonging, ritual participation short of binding enrolment, or family religious life.
Why age eighteen specifically?	Eighteen is adopted as a policy line for parity with the

	existing consent thresholds in Table 1, not as a claim that moral or cognitive maturity arrives precisely at that age. Section 2.4 discusses this choice, and ARCA’s tiered structure (Article 2) accommodates the gradual nature of evolving capacities rather than treating consent as a single binary switch.
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9 Discussion

9.1 *Legislative Pathway*

Comparable child-protection reforms — restrictions on child labour, the criminalisation of corporal punishment in some jurisdictions, and reforms addressing institutional child sexual abuse — have historically followed a similar sequence: an evidentiary and scholarly record is established; advocacy and professional organisations adopt the framework; a pilot jurisdiction introduces legislation; public hearings and case documentation build broader awareness; and, where a pilot measure succeeds, it becomes a reference point for adoption elsewhere. The Japanese and Icelandic episodes reviewed in Section 3.2 suggest that ARCA-style reform is currently at an early stage of that sequence — evidentiary and advocacy work is underway, but no pilot statute matching ARCA yet exists.

9.2 *Definitional and Enforcement Risk*

The contested reception of Japan’s 2022 guidelines is the clearest available evidence that statutes in this domain carry real risk of vague drafting and selective enforcement against religious minorities, and the *Vojnity* line of ECtHR case law (Section 3.3) confirms that generic or impressionistic harm claims will not survive legal scrutiny in any case. ARCA’s response is structural: Article 1’s reasonable-observer threshold and civil-status-based definition of enrolment, Article 6’s mandatory neutrality across traditions, and Article 7’s

proportionality review, independent oversight, and discriminatory-pattern monitoring are each drafted as direct responses to a specific documented failure mode rather than as generic safeguards. This is a genuine drafting and implementation challenge, not a peripheral concern, and future work operationalising ARCA for a specific jurisdiction should treat it as a central design constraint.

9.3 Comparative Domains

Table 4 summarises how formal religious enrolment compares to the other consent-gated domains discussed throughout this article, including the dimension of reversibility, which is often underweighted in informal discussion of this issue.

Table 4: Comparative Consent-Gated Domains

Domain	Typical Age Threshold	Primary Risk Type	Reversible?
Marriage	18	Identity, legal status, relational autonomy	Partially (divorce)
Military enlistment	18	Bodily integrity, civic status	Partially (discharge)
Voting	18	Civic status	Yes (per election)
Body modification	16–18	Bodily integrity	No
Formal religious enrolment	None (ARCA: 18, tiered)	Identity, cognitive autonomy	No, in practice

Formal religious enrolment is, on the reversibility dimension specifically, more durable in practice than most of the comparator domains: unlike marriage or enlistment, which have established legal exit procedures, religious membership typically lacks any formal mechanism for a minor, once enrolled, to exit the status on their own initiative before adulthood. This sharpens rather than weakens the parity argument developed in Section 2.1.

9.4 Future Research Agenda

Several lines of further research would materially strengthen or revise the claims made here. Longitudinal studies tracking outcomes for individuals raised under high-control religious conditioning, with appropriate controls for general authoritarian parenting and co-occurring maltreatment, would address the evidentiary gap identified in Section 4.3. Comparative legal studies tracking the implementation and reception of Japan's 2022 guidelines over time would clarify whether the definitional risks identified in Section 9.2 are inherent to this type of statute or specific to its initial drafting. Empirical research on adolescent decision-making capacity in the thirteen-to-seventeen age range would inform whether ARCA's Tier Two threshold (Article 2(b)) is well calibrated. Cross-cultural studies examining how a statute of this kind would interact with non-Christian-majority legal systems would be necessary before any claim of cross-jurisdictional transferability could be sustained.

9.5 Limitations

Several limitations qualify the claims made here. First, as Section 4.3 makes explicit, the psychological evidence base linking childhood religious conditioning specifically to adult outcomes sits primarily at the clinical and qualitative tier of the evidentiary hierarchy rather than the prospective-cohort tier; this article's reliance on structural consent reasoning as the primary justification, with empirical harm as corroborating evidence, is a direct response to this limitation rather than an oversight. Second, the open-future principle on which part of the conceptual argument rests is itself contested within philosophy, as Section 2.3 discusses; presenting it as one of several converging grounds (Section 2.1) mitigates but does not eliminate this exposure. Third, ARCA's enforceability depends on definitional precision that, as Section 9.2 notes, has proven difficult to achieve even in the most concrete existing precedent, and the European doctrinal requirement of 'very weighty reasons' (Section 3.3) sets a high bar that any implementing jurisdiction must clear. Fourth, the cross-cultural

variation in religious practice, family structure, and state-religion relationships means a single statutory model is unlikely to transfer uniformly across legal systems, and comparative adaptation would be necessary for any jurisdiction considering it.

10 Conclusion

Child-protection law has, across the past century, steadily expanded the categories of decision in which a minor's incapacity is treated as legally significant. Formal religious enrolment is, on the analysis developed here, one of the few remaining identity-defining, durably binding decisions to which no such threshold applies. This article has argued that the existing legal and philosophical resources for closing that gap — Article 3 and Article 14 of the UNCRC, the open-future and cognitive-liberty literatures, the comparative and European precedents reviewed in Section 3, and the institutional analysis developed in Section 3.4 — are already substantially in place, even though no jurisdiction has yet assembled them into a single statute. ARCA, the tiered model framework proposed in Section 7, is offered as one way of doing so, with the definitional and enforcement risks identified throughout Section 9 treated as central rather than peripheral to any future legislative effort. ARCA should be understood as a normative examination of rights-consistency as much as a legislative proposal: its primary contribution is to show that a gap exists in how existing consent-threshold logic is applied, and that the doctrinal and philosophical tools to close it are already available. The underlying claim remains a narrow and largely procedural one, independent of any position on religious truth: that the decision to bind a child permanently to a religious identity belongs, in principle, among the category of decisions a society already agrees a child cannot yet make alone.

Declarations

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Conflicts of Interest: The author declares no conflicts of interest. The author has published previous work on religion, belief formation, and cognitive autonomy. These works are independent of the present article. ARCA does not presuppose, rely upon, or require acceptance of any position taken in the author's other publications, and the argument advanced here is intended to be assessable on its own legal and developmental merits.

Data Availability: Not applicable; this article presents a conceptual, legal, and policy analysis and does not report original empirical data.

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