

The Missing Child
Integrating Absent Conceptions into
Ethical Theory Development and Practice

Amber McCart

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Introduction

"Who is this needy child? Certainly not me."¹

Our reign as mature moral thinkers is bracketed by the vulnerabilities of childhood and old age. We live “at the mercy of luck”², with the certain knowledge of our corporeal mortality, and throughout our lives we fall prey to circumstance and frailty. Given that human actors are thus encumbered, it is most curious that developed ethical theories tend to show a marked aversion to acknowledging this when defining the moral actor. We may challenge other aspects of moral theories, but leave unexamined the assumption that “modern moral philosophy has understandably and rightly placed great emphasis upon individual autonomy, upon the capacity for making independent choices”.³ A primer in ethics invariably starts by stating the parameters: that agents are able to use rational processes to develop and reference moral principles that they in turn can use to make and act upon moral judgements, and further that they are fully aware of and value this capacity in themselves. Ethics is first about how to make and enact moral choices. As Michael Boylan establishes in the text Basic Ethics:

¹ M Nussbaum, Upheavals of Thought. (New York: Cambridge University Press, 2001)231.

² M Nussbaum, The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy, Revised Edition. (Cambridge University Press, 2001) 2. Nussbaum reflects on how our current preoccupation with Kantian ethics has suppressed interest in this area of ethical inquiry as pursued in Greek tradition, favouring instead the “*domain of moral value, that is altogether immune to the assaults of luck.*” (4)

³ A. Macintyre, Dependent Rational Animals. (Illinois: Carus Publishing, 1999) 9.

“Even though many factors influence our choices having to do with our biological make-up and our personal experiences in the world, these factors are *not* ultimately decisive. What *is* decisive is a decision-making process that includes both the deliberations about some actions and the resulting action that carries out these deliberations.”⁴

Moreover, if ethics are to be generalized into systems of practice, it follows that its most reliable practitioners will be those who are capable of reasoning, and of justifying their reasons; of acting, and accounting for their actions.

Corollary to this assumption is another, evident in practice even if not fully rationalized through theory, that dependence and vulnerability understandably and rightly serve as justification for excluding humans from being considered fully responsible moral actors. A consequence of this exclusion has meant that moral philosophy has advanced itself with little thought toward children and childhood, and it continues to mean that developed moral theories do not provide proper consideration to children or childhood.

Perhaps the habit of constraining ethics to the science of guiding moral choice making among some closely defined concept of the rational actor, or agent, is necessary to making ethics practicable. The reasons for concurring are compelling and convenient. But it is fair to ask: does this habit adequately facilitate or deter development of a moral philosophy that acknowledges and stretches across the whole human story, one that can

⁴ M. Boylan, Basic Ethics (New Jersey: Prentice Hall, 2000)17.

guide right action through all the vulnerabilities and vicissitudes contained within it? Does it curtail our capacity to integrate into moral philosophy new knowledge science might offer regarding how humans are constructed and motivated? Can the possibilities for moral action be as nuanced and fulsome as the humans they intend to serve, when our starting point assumes that much of what defines us as humans is excluded from the identity of the moral actor? I argue that the answer to these questions is 'no' and that if ethics as a practical science is committed to crafting a moral approach to humans it must undertake to examine and integrate what it has hitherto ignored – those aspects of humanity and human processes that by habit and design have been excluded from consideration as part the identity and practice of the rational moral agent. This project canvasses a small slice of this problem – how unexamined assumptions affect our ability to properly develop a philosophical conception of childhood, and the consequences that this may impose on our ability to craft ethical theories relevant to them and to the adults they become.

Two questions guide this work. They are:

(1) In our ethical constructions do we rely on, and apply adequately, a philosophical conception of childhood as an external, lived reality?

(2) Do we rely on and apply an adequate conception of the aspects of childhood that shape the human self throughout our life?

Inevitably, of course, these two foundational questions invite consideration of a third substantive and general question:

(3) Why ought this matter at all?

Any ethical theory's validity is fairly challenged when it does not account accurately for the humans it proposes to represent and to govern. If moral philosophy has generally advanced with unnoticed and unchecked assumptions about children and childhood's place in the human experience, we must ask what those assumptions are. What "habits of mind"⁵ - pervasive assumptions or biases upon which practiced ethics rely - deter formulation of a fit conceptualization? And what are the implications of this not only for children and the adults they become, but on what we believe informs the human project of ethical theory and practice?

Of course, not all bias creates impediment. Some assumptions may simply reflect truths deemed so evident that they do not warrant examination. Some ethical theories may have ameliorative means to respond to bias, or a particular bias may actually be required to maintain theory viability. Bias can provide clarifying constraints. But, as highlighted through the long project to dismantle gender bias in ethics, bias may also prevent development of a sound philosophical conception of aspects of our human selves, and inhibit what we attempt to accomplish through ethical theory development. Few would argue today, for example, that the practiced application of moral philosophy has

⁵ Macintyre, 4.

been anything but enriched by the articulation of care-based ethics alongside justice-based ethics, and that having access to that analytic –most forcefully (although not exclusively⁶) advanced through feminist philosophical discourse - has enabled fresh thinking about ethical concerns affecting all of us. And that process may not have advanced had no one ever challenge the once assumed rightness of excluding consideration of women from the definition of moral agent. A similar project needs to be undertaken with the concept of the child in mind.

The road we take to make our case must differ from that route carved out for adult women to secure candidacy as moral actors. Women’s candidacy, after all, was scaffolded by their clear candidacy as rational adults. But children, unlike women, are not adults. They have not matured into their full capacities. Nor can children cast off their vulnerability, their dependence. They cannot change their fortunes, or how they are ruled over. Perhaps most importantly, children themselves cannot facilitate a change in how adults conceptualize them, and unfortunately for them, as philosopher David Archard notes: “the way we see the differences between children and adults owes everything to what concerns us about being adult in an adult world.”⁷ If what we value most in our adulthood is our autonomy, our capacity for focussed, linear reasoning and its elaboration

⁶ Some would argue, for example, that the ethics of care are an extension of the tenets of virtue ethics. For the purposes of our process here, virtue ethics and care ethics will be considered as companions in articulating an ethics that holds the regard of others as a central moral requirement, although one (ethics of care) may approach the issue for an action orientation and the other from an identity orientation.

⁷ D.Archard, Children, Rights and Childhood.(New York: Routledge Press, 2004)36.

through language, then consideration for the moral capacities of children – who cannot reliably demonstrate these particular attributes – may have seemed irrelevant in moral philosophy.

Further, an undertaking to illuminate children’s relationship to concepts of moral agency may seem unnecessary - after all, from within western culture’s prevalent ethical orientation, we more or less heed demands to respond to the real needs and vulnerabilities of children, particularly with respect to clarifying matters of accountability and structuring a frame on which children’s rights and our duties toward them ought to hang. We try to mitigate justice based ethics through application of principles of care, interconnectedness, and mutual dependence when we undertake actions on behalf of children. The closer proximity of those who provide primary care for children – both women and men - to the political processes that govern children, has certainly helped shine new light on children’s place and problems. And scientific curiosity has helped deepen our understanding and appreciation for what children need and how they develop. Research into how the brain develops, selects, and stores information admonishes all disciplines, including moral philosophy, to mindfully consider the effects of new information on formerly stalwart conceptions.

All these factors invite fresh consideration of the child and childhood, but that invitation waits, still, to be taken up. Policies and practices - shaped and implemented by well-meaning adults applying ethical norms to pressing concerns in children’s lives – do not

accurately reference a proper ethical conception of children. The priorities and entitlements accorded the adults who govern children influence policy and practice, sometimes to the detriment of children. Within the Canadian context, for example, child welfare cases are managed via the actuarial blandness of the standardized risk assessment that weighs relative harm to the child against the perceived harm of disturbing the inviolability of parental rights, pitting the child welfare worker's need for protection from litigation against the protection needs of the child⁸ in a manner that leaves many children stranded in untenable circumstances. Child custody cases are resolved with reference to a "best interests" of a child who is only rarely consulted⁹, and are more likely to settle the competing interests of parents than respond to the needs and hopes of children. Child consent to treatment and privacy policies and practices are at best haphazardly applied¹⁰, leaving children with little control over the stories that significant others – like teachers, doctors, therapists, and parents - tell about who they are believed to be and what they are believed to be capable of. Children thus become characters in the stories of the adults around them. Who they really are, what they really need, and what they are actually

⁸ See: Gerald Cradock, "Risk, Morality, and Child Protection: Risk Calculation as Guides to Practice" Science, Technology, & Human Values, Vol. 29, No. 3, Special Issue: Reconstructing Order through Rhetoric of Risk (Summer 2004): 314-331.

⁹ Greg Mantle "Managing the Tension between the Child's Agency and the Need for Protection in Family Court Enquiries", Ethics and Social Welfare1:2 (2007): 173.

¹⁰ The problem with consent to treatment and privacy for children are apparent in Ontario as one considers the conflicting dictates of the Child and Family Services Act, the Education Act, and the Public Health and Information Privacy Act. Each sets up irreconcilable expectations regarding who may consent, who may share information, on behalf of a child.

capable of, are questions left relatively unconsidered. We do not ask, because we think we already know.

When children's moral capacities are misapprehended, they are not accurately referenced and integrated. In crafting legislation aimed at serving children, protecting the involved adults and advancing their rationalizations can inadvertently take precedence over facilitating good outcomes for children. The common vernacular of applied ethics - the language of rights, obligations, and capacity - does not provide a rich enough palette to craft fulsome responses to children's need. We may apply ourselves with Rawlsian discipline in order to temper bias when adjudicating problems in the lives of children.¹¹ However, our efforts are marred by our lack of a clear philosophical picture of what children and childhood really signify within the full human story, and by the distance we imagine between the child and adult states. Children are 'them'; moral actors and policy-makers are 'us'. Until we advance these issues from a "we" orientation – with the moral actor reconceptualised to include children differently than it does now – I fear our ethical projects on behalf of children are going to fall short.

Moral Philosophy has not yet fully attended to disentangling problems with conceptualizing childhood, particularly given that childhood is evaluated against what we value and consider unique about adulthood. From Aristotle onward, we have endorsed a

¹¹Gareth Matthews, Susan Turner, eds: The Philosopher's Child. (Rochester: University of Rochester Press, 1998) 209.

conception of the child as “unfinished”¹² - unfinished physical development signifying their similarly unfinished ethical and political development – and this alone has served as nearly sufficient ground to exclude them from full philosophical consideration. We punctuate that neglectful orientation with emphasis on the idea that childhood is terminal, and we imagine then that we can limit or transcend its influence on how the human self as moral actor is conceived.¹³ Children’s natures and capacities seemed a matter too obvious to warrant philosophical examination, save consideration for how to assure their arrival at the terminus of reasonable adulthood. Children were resident of the domestic sphere, and for better or worse, their fortunes tethered to those of the adults who governed them. Proper philosophical analysis of children and childhood, it was assumed, would not make a marked contribution to moral philosophy in general or to the development of ethical systems of thought in particular.¹⁴

But the boundary between the domestic (private) and the public has blurred; and as justice based ethics have been tempered with an ethics of care, problems involving children, like those identified above, that were once considered outside the field of public concern, have attracted public interest. Given this new awareness, it is timely to reflect on

¹² Daryl McGowan Tress, “Aristotle’s Children” in G. Matthews and S Turner, eds: The Philosopher’s Child: 21.

¹³ John Locke, for example, might suggest that, if only aspects of the remembered self truly define us, and given how much of childhood’s experience resides outside of our conscious memory, then perhaps a concept of the child and childhood cannot be expected to relevantly inform adult ethical theorizing. See G. Matthews, The Philosophy of Childhood.

¹⁴ Matthews and Turner(The Philosopher’s Child ; 1) of course notes the two famous exceptions – Rousseau and Locke, whose treatises on how to educate children in order to achieve their moral potential rely on some observations of children’s capacities and limits.

the likelihood that those systems, developed in absence of this exercise of conceptualization, will respond adequately to the real needs of children. How likely are they to account for the unique capacities humans demonstrate as children, or to acknowledge fully the capacities, role, and impact of childhood on the adult self?

In order to develop a corrected conception of the child and of childhood generally, I will first catalogue some of the enduring conceptions maintained about children and childhood in relation to moral capacity, before turning to those sciences that examine other swaths of human experience and functioning. Among anthropologists and evolutionary cognitive theorists, for example, the story of how moral capacity develops is intertwined with the necessity of the extended period of a nurtured childhood to the development of the complex thinking machines that our brains have become. Other scientists and moral psychologists have advanced research to support the hypothesis that an innate ‘moral faculty’ motivates and structures the impulses that guide humans toward right action. A deepening appreciation is developing for how attributes that inform morality present in measurable ways in the earliest years of childhood.¹⁵ Other scientific discoveries illuminate how certain mental processes are sharpest in childhood, and that

¹⁵ Philosopher Robert Hanna notes in “Moral Reasoning and Action in Young Children.” *Journal of Value Inquiry*, 19:2 (1985) 85: “Recent philosophical discussion of the condition of moral responsibility and current empirical studies on psychological development suggest that the process of coming to reason in a morally responsible way should be viewed as an extended one, with the germ of the requisite motive and reasoning capacity recognizable in infancy, a germ which grows steadily until it emerges in sharp focus as the child begins to use moral language. It would follow that nurture of these capacities should begin in infancy so that the child will mature and be prepared later to accept full responsibility for its actions.”

they possibly diminish over time when, through lack of appreciation, they are underutilized. Development, even of the brain's material, is a process that stretches throughout the course of our human lives, challenging the idea that we are ever truly "finished". These strands of thought, when gathered together, draw us toward fresh thinking regarding what may inform and nourish the moral sensibility that we can rely on when developing systems of ethics.

The lack of philosophical rigour when it comes to proper consideration of children and childhood has been fuelled by more than a failure to examine what is too "trivially true"¹⁶ to warrant consideration with respect to children. As already suggested above, failure to properly conceptualize children stems from other significant biases in moral philosophy. As put by Martha Nussbaum, modern moral philosophy has shied away from directly addressing how vulnerability inhabits the rational actor, emphasizing instead the "domain of moral value, that is altogether immune to the assaults of luck,"¹⁷ along with those other untameable forces in human experience. The project to clarify a conception of the child and childhood alone is insufficient to introduce new mindfulness into ethical theorizing and practice because another series of biases bar the way – organized around the conception of the "bounded self" – where adult (equated with rational and independent) identity is segregated from certain other aspects of human identity less

¹⁶ Matthews and Turner, The Philosopher's Child, p 1

¹⁷ Nussbaum, The Fragility of Goodness, 4.

subject to the forces of reason. Childhood and children are correlatively ill-considered. If, in reliance on this bounded self, the predominant orientation in moral philosophy ranks rational cognitions, humanity, autonomy, and predictability over emotional cognitions, animality, dependence, vulnerability, we must consider how these biases in turn prevent a proper appreciation for the role of childhood and for children in ethical theory development. To get at this second area of focus we will rely on analysis by philosophers Alasdair MacIntyre and Martha Nussbaum who have tackled how philosophy has addressed some of the issues considered contiguous with the experience of childhood – dependence, at the mercy of luck, vulnerability, receptivity, and animality.

Nussbaum and MacIntyre start from different philosophical orientations and reside within different political philosophical traditions – Nussbaum works out of the liberal, justice-oriented frame, and MacIntyre from a communitarian, care-oriented frame. Both however share an expectation that moral philosophy account for the ubiquity of human vulnerability - not just in how ethics are practiced but in how moral actors are understood. Each in turn tackles the relationship between those aspects of human self that the bounded, moral actor is divorced from in exercising moral choices. Each argues for inclusion of an expanded consciousness of those aspects in the identity of the moral actor. This thesis proposes that a corrected conception of children and childhood needs inclusion as well, which in some ways both naturally follows from and is supported by their arguments. The neglectful treatment of childhood in moral philosophy - predicated by the

same biases that irk philosophers like Nussbaum and Macintyre – has barred new knowledge about humans, the nature of their brains and capacities even in the earliest years, from informing ethical discourse. A corrected response to how children and childhood are philosophically conceived depends on how these concepts come to be integrated as well.

This thesis, then, should lead toward the following conclusions:

1. That children and childhood, improperly conceptualized from a philosophical standpoint, have been ill-considered within moral philosophy; and,

2. By challenging the biases that impede a proper conceptualization, ethical theory and practice can develop in a way that may better serve both children and the adults they become.

I make no presumptions regarding what ethical frame ought to be advanced, nor to rank the values held within ethical theories. Only this: that any ethical theory and practice must correctly reference the strengths and vulnerabilities of humans, within the context of their real lives, appreciative of their real capacities. If this occurs, children and childhood will find their rightful place.

Chapter One

Enduring Attributions – Conceptions of the Child and Childhood in Western Culture

David Archard articulates well the difference between a ‘concept’ and ‘conception’ of childhood:

The concept of childhood requires that children be distinguishable from adults in respect of some unspecified set of attributes. A conception of childhood is a specification of those attributes. In simple terms, to have a concept of ‘childhood’ is to recognize that children differ interestingly from adults; to have a conception of childhood is to have a view of what those interesting differences are.¹⁸

As Archard observed: “it may well be that it is our judgements as to what matters in being an adult that explain why we have the particular conception of childhood we do”.¹⁹

This circularity, and the ‘adulthood bias’ it relies on, is of interest. The lens used to analyze

¹⁸ Archard, Children, Rights, and Childhood, 27. He borrows these definitions from John Rawls, who teases out the meaning behind these terms in differentiating between a concept and conceptions of justice.

¹⁹ Archard, Children, Rights, and Childhood. 29.

and define childhood is held by adult hands, a lens potentially distorted by the value assigned to the orientations and achievements of adulthood within a particular culture's context, and/or the hubris and nostalgia those adults bring to conceptualizing the childhood self. Within the western context, this has played out in such a way that either at best childhood is idealized as akin to a state of nature rightfully outside the reach of normative ethics, or as a fulcrum for morality's development and a condition adults are obliged to protect. At worst, childhood is castigated as being absent of moral capacity, more animal than human, and well left behind as soon as one is able. These extremes – and the terrain between them – rely on inadequately examined assumptions about childhood, which in turn need to be assessed for their impact on the capacity to properly construct ethical theory.

All cultures hold a concept of childhood as distinct from adulthood, although differences exist with respect to its assigned duration, capacities, and roles. My purpose here is not to examine those differing concepts, but to highlight those specific conceptions of childhood that covertly or overtly underpin development of ethical theories. Two broad areas will be examined– the conception of the child as 'unfinished', and the conception of the child as 'distinct', and how these two broad views are girded by emphasis on childhood as linear, pre-moral, 'other' and terminal. We will look at how these conceptualizations – rather than furnishing a philosophical description of children - have worked in the service of defining and protecting what we as adults have come to value most about our adult

capacities, and perhaps more significantly, how their use cordons off adulthood from what has been believed to threaten it. These particular conceptualizations affirm the distinctions we make between childhood and adulthood, and assign relative status to an *internalized* conception of childhood – our reluctance or willingness to hold in conscious appreciation the fact of our own childhood and the fact of childhood’s ongoing influence on our adult selves. Ultimately, the flight from childhood mirrors the attempted flight from acknowledgement of those untameable uncertainties of life.

I. The Unfinished Human - Linearity and Childhood as a Means

Moral Philosophy’s paramount interest in childhood arguably has been to regard it as a trajectory. Attention is trained not toward what children *are*, but what they are *becoming*. And what they are becoming are ‘mature moral actors’ - synonymous in this case with ‘autonomous, rational citizens’. Whether the child is deemed Locke’s blank slate waiting for the scribe’s dictates, or Aristotle’s acorn nourished by the right conditions towards its proper end – it is the voyage rather than the voyager that has attracted philosophical attention. Philosophers who have reflected with any length on children have done so in order to specify how young citizens-to-be should be trained – how to enact the duty of “educating them toward rational autonomy through...informing the mind”²⁰, and

²⁰ Barbara Arneil, in “Becoming v Being: A Critical Analysis of the Child in Liberal Theory in The Moral and Political Status of Children. Ed. D. Archard, C. M. MacLeod. (Oxford: Oxford University Press, 2002)73 is working from Locke who, in Two Treatises of Government asserts: that “the Power 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. To inform the mind and govern the actions of their yet ignorant nonage, til reason shall take its place” (ii.58).

controlling their actions until they are released from 'imperfect state' of childhood and reason takes over. Both philosophy and moral psychology historically projected that moral development – like physical development – is most efficiently described as a linear journey. And what is most essential in its description are those milestones that show progression toward the adult manifestation of the human self.

Moral psychologist Lawrence Kohlberg's work has been used to validate the philosophical consideration of childhood as a linear moral progression that culminates in the morally mature adult. Kohlberg, interested in how moral thinking advanced, conducted a series of interviews – across ages and cultures – and crafted a six-tiered model for describing how moral development occurs, and for assigning typical ages at which one might expect movement from one tier to the next. Although Kohlberg recognized that moral curiosity and application of mind to moral problems occurs at early ages (subsequently verified by other researchers across other disciplines), his central interest was in how moral development progressed toward what he considered its mature manifestation. Like those moral philosophers who rank rational autonomy as the central criteria for assignment of moral status, Kohlberg assigned top-tier status to those who could articulate the rational and contextual basis for their moral decisions within a justice-based frame. Further, he showed how - given that the stages are always travelled through in sequence, and seem to be triggered by the increasingly complex moral decisions we must make as we mature - that this full capacity can only be anticipated in adults.

Many have taken issue with Kohlberg's six tiers of moral development – critiquing its perceived bias against women, against non-western adults, and its bias towards a neo-Kantian contractarianism. These criticisms do not necessarily reject the linearity of Kohlberg's approach, but how the tiers are determined and defined, and what elements of morality they measure²¹. One philosopher, Gareth Matthews, does tackle the tiered model with the child in mind, taking issue with its reliance on an assumption of a Piagetian concept displacement – the idea that as we grow, develop, and acquire exposure to certain social and contextual factors we relinquish one concept for another, and that in doing so we embark on a march from false toward true, or from less toward more, effective.²² Matthew's concern: when we conceptualize and describe children's emerging capacities from a concept displacement vantage, we are at risk of characterizing their progression through childhood as one that marks a journey from insufficient to sufficient. Concept displacement as an organizing principle encourages the idea that adulthood's ultimate achievement is to transcend childhood rather than integrate it. And this assumption may lead to loss or neglect of some capacities that warrant use and consideration in moral theory development.

²¹ For Kohlberg's own response to those criticisms, please see L. Kohlberg, "A Reply to Owen Flanagan and Some Comments on the Puka-Goodpaster Exchange". *Ethics*, Vol. 92, No. 3, Special Issue: Symposium on Moral Development. (Apr.1982)513-528.

²² It is not certain to me that Kohlberg endorsed the same notion of concept displacement that Piaget did, and that Matthews most elegantly critiques in A Philosophy of Childhood. Although he emphasizes the what is newly acquired within each of his stages of moral development, he does not actually state that each stage represents in its achievement an abandonment of the capacities and concepts acquired in the former.

Linearity may provide an elegant descriptor of the staged moral accomplishments of childhood, but Matthews' caution is well placed. We accept that a child's talking and walking is an improvement over the predecessor states of babbling and crawling, but we do not consider one to be a "better child" because of their newfound skills. We do children a disservice when they are measured by their accomplishments rather than by the *processes* they engage in to acquire competencies. And this is the bias that ethical theorizing does not account for correctly when it over-relies on linear progression as a way of conceptualizing childhood. Kohlberg's work, for example, does not screen for the impact of increased verbal facility – how well one is able to describe their moral choice making – from the quality of the choices made. What he assigns as evidence of moral capacity may be more indicative of verbal capacity. Earlier signs of moral processes may be subsequently missed or de-valued because the capacity to demonstrate them with words is absent. Further, the concurrent reliance on concept displacement prevents consideration of how an integrative childhood – with its vulnerabilities and dependencies – may provide context to the adults we become.

Philosopher Barbara Arniel articulates well the risk of emphasizing the journey over journeyers when it comes to children:

Children have been used as tools through which the specific end products [the autonomous, rational adult] of particular liberal theories of politics may be

explored...the care of children begins and ends with their education to these ends.”²³

A view of childhood as the means through which adulthood is mediated, sets up a perilous risk that children will be likewise considered.

II. The Unfinished Human - Childhood’s End and the Emergence of Rational Capacity

*When the perfect come, the partial shall pass away. When I was a child, I used to talk as a child, think as a child, reason as a child; when I became a man, I put aside childish things.*²⁴

If childhood is conceived as a journey, adulthood is conceived as its natural end. Childhood’s duration is a measured event, with an anticipated termination date, although that termination date may vary from culture to culture, and within cultures, from task to task. In straightened conditions, like those in South Africa where AIDS has ravaged families, very young people take on substantial roles of provider and caretaker for their kin. In the North American context, exiting childhood occurs at different stages depending on the particular task and when one can be expected to consistently demonstrate the rational capacity needed to engage in that activity effectively. One can be adult enough to procreate but not to wed, old enough to wed but not to vote. Child rights and welfare

²³ Arneil 74.

²⁴ Bible, Revised King James Version, 1 Cor. XIII, v10-12.

advocates spend considerable time trying to protect and justify what should be expected or allowed for children at different stages along this route, and when one should no longer be impeded or protected by the status of being deemed a child. All this analysis and advocacy is framed by the overarching assumption that childhood ends, and that its end is best measured by the ability to consistently demonstrate rational capacity. And when that platform is reached, one exits childhood, and enters adulthood.

This of course is the most emphatic form of concept displacement – adult as concept replaces child as concept in conceiving the human self. The biblical Paul's words are interesting because they imply a conscious (albeit inevitable) choice – to turn away from childhood (the imperfect state) toward the adult one, the perfected one. Moral theorists have historically drawn the same line on the matter of how childhood should inform adult intellectual processing as Paul did, avowing that childhood is something put aside when one is able to assume the rational capacity of an adult. From a philosophical standpoint, adulthood truly begins when one achieves the ability to exercise adult reasoning powers (or, more precisely, by the ability to demonstrate those adult reasoning powers verbally and consistently), and that this capacity is so preferable to the capacities of childhood, that one 'naturally' abandons one for the other.

The journey metaphor as it pertains to childhood, can be applied in two ways, each directing us toward different conceptual outcomes. The first is that the person as child begins that journey and that same person as adult emerges. The other is that the child is viewed not so much as person but as the vessel (or means) for delivering the adult to the

embarkation point. In this way, childhood is conceived as the metaphorical train; adulthood as the platform reached. The vessel of transport - childhood - is vacated utterly. The platform is completely independent of the vessel, as the adult is of the child. This latter view implies a segregation of the adult from both the characteristics and condition of childhood.

As will be discussed at a later point, most ethical theories commit to segregate dependence from the characterization of the mature moral actor. Cultivation of a view of childhood as terminated upon adulthood predicates and facilitates this view.

III. The Segregated Human: Childhood and the Pre-moral State

Reinforcing in a different way the distance between child and adult states is the following conception: “childhood is a state of the past...the child lives in a pre-rational, pre-scientific world, the world of people who existed before us”.²⁵ The author of this statement, one of the great pioneers of psychology Karl Jung, had a prescient appreciation for an integrative approach to understanding human motive and capacities yet still seems to reference a nostalgic, fuzzy conceptualization of that part of the human continuum we spend as children. Tamar Shapiro, as she tries to apply Kantian moral theory to defining childhood, writes:

There is, I claim, a rather deep and illuminating analogy between the liminal status of a child and that of a prepolitical society. Perhaps surprisingly,

²⁵ C.G.Jung, Psychology and Education, (Princeton University Press, Princeton, NJ, 1954), as quoted in G Matthews, The Philosophy of Childhood (Harvard University Press, 1994)27.

parallels between the condition of childhood and the state of nature help to account for our more settled intuitions about what childhood is and how we ought to treat those in the condition of childhood.”²⁶

The child as residing in some kind of state of nature is evident in the work of Rousseau and in Kant, who, in separating out the rational from the animal expressions of our human nature, place children squarely on the naturalistic side of that line.²⁷ As Rousseau mused, goodness might be present in a state of nature (where moral judgements are unnecessary) but it is not a ‘conscious’ goodness. Creating a means to promote “moral goodness” is something exclusive (and necessary) to the construction of civil society, and is the conscious task of autonomous rational adults.

The assumption that morality is an activity or capacity framed by its relationship to our conscious processes, and not the “unconscious” ones, colludes with the assumption that children reside in a state where the tools that inform consciousness are outside their reach. These assumptions buttress the fortifications that keep children from candidacy as moral actors.

Worse, perhaps is how a Hobbesian interpretation of the ‘state of nature’ affects our conception of children, if we allow those ‘settled intuitions’ to locate children as residents of that territory. A 2008 survey in the UK, for example, found that 54% of those polled

²⁶ T Shapiro, “What is a Child?” Ethics, Vol.109, No.4 (July 1999)735.

²⁷ D Archard, Children, Rights and Childhood.30.

regarded children as “feral”, “uncivilized”, and overattributed criminal behaviour to them by a factor of three²⁸. Children, as primitive and animal, are dangerous. This attribution is assigned as part of their essential “condition” rather than as product of circumstances. It would seem, regardless of whether we romanticize or demonize the condition of humans prior to the crafting of the ‘social contract’, children, when considered as closer to the “state of nature,” are simultaneously considered ill equipped as moral thinkers.

Whether idealized or denigrated, equating childhood to the state of nature, or to primitive ancestors, reinforces a conception of the child as pre-moral, and adults as moral. As I will show later, the analogy relied on to sustain this argument – that primitive society was pre-moral - may be inaccurate from an anthropological standpoint. Investigations of early communal practices as they relate to childrearing highlight essential precursors to the developed capacity for morality-informed systems and processes that modern humans have developed. Both the opportunity to experience a childhood and the communal process of caring for children may be necessary precipitants for the development of moral capacity. The roots of morality are more likely nourished by the intuitions of Hume than Hobbes, more communitarian than libertarian. Researchers of the developing mind also challenge the assumption that children are pre-moral because they are ‘pre-scientific and

²⁸ YouGov, commissioned by Barnardos Childrens Charities interviewed 2021 UK adults online over the dates 14 - 16 October 2008. Results were weighted in order to be nationally representative (see www.dailymail.co.uk/.../Half-British-adults-scared-children-behave-like-feral-animals.html and bbc.co.uk/2/hi/7732290.stm). For a sociological view, see David Buckingham, *After the Death of Childhood*. (Massachusetts: Blackwell Publishing, 2000).

pre-rational' – presenting compelling evidence to show that they are neither. Clinging to contrived ideas about the state of nature and its relation to childhood may do disservice to both children and history.

IV. The Segregated Human and the 'Otherness'²⁹ of Children

Children are sometimes described by reference to what they are not – that they are not yet complete, that they are not knowable, that they are not one's own. They are 'other than' the adults who attempt to define them, and they are 'other than' when they are not members of one's own family. Humans from their earliest years demonstrate a tendency to sort cognitively around 'what is other than me' – one of the easiest organizational tools to determine safe from dangerous boundaries. However, the activity of segregating out the 'other' within human groups has the dark effect of justifying time and again the treatment of others in ways that stand outside moral sense, even when that otherness is arbitrarily defined.³⁰ Moral theory, while recognizing the convenience and inevitability of the otherness divide, has also made it its business to confront its infiltration into moral sense-making, although unfortunately less so when it comes to children. Otherness in the case of children is often considered a helpful descriptor of the ways in which - because children are 'other than' adult, with their requisite possession of

²⁹This descriptor was used in: Owain Jones (2001) "Before the Dark of Reason!: Some Ethical and Epistemological Considerations on the Otherness of Children', Ethics, Place & Environment, 4:2. 173 – 178.

³⁰History is littered with examples, sadly, of our tendency to categorize and assign moral worth on the basis of those categorizations. See: Philip Zimbardo, The Lucifer Effect: Understanding how Good People Turn Evil.(New York: Random House, 2007).

rational powers – warrant special consideration. But emphasis on the otherness of children has risked children’s diminishment, not their distinction, precisely because its use in this way captures what they are deemed to lack in relation to adults, rather than what they possess. David Archard notes: “If childhood has virtues they are such only because of their very inappropriateness to adult life. They show up not what is lacking in the adult but what unfortunately is bad about the real world to which the adult is well adapted”.³¹ Even the laudable attributes that we believe children have more of – like openness, or imaginativeness – are considered laudable only when constrained by the bounds of childhood.

Another problem fortified by conceptualizing the child as ‘other’ is the perpetuation of the idea of the child as the property of their caregivers. The convenient remedy to ‘otherness’ is belonging – and if children are seen to belong to (or with) their parents, parents can then be held accountable to protect their own children from the negative implications associated with being viewed as “other”. Moreover, using factors like the effect of proximity and opportunity, a partial justification can be established for distinguishing between the duties we have to our own children, and those we have to all children. Children are primarily protected from the effects of being regarded as ‘other’ through their affiliation to particular adults or - more weakly – particular nations (or communities within them). When the primary means for eradicating the impact of being

³¹ Archard, Children, Rights, and Childhood39

“other” is by being claimed as ‘own’ by someone, many children are left negotiating chancy circumstances.

The attempt to define when public requirements for children should prevail over the parental sphere of ownership has fuelled many moral, legal, and political debates in an effort to establish minimum standards of care when caregiver love, sense, or luck are absent. But this fallback position aids only those few whose misfortunes catch the eye of the societies where they reside. The other side of the public effort - explication of children’s rights - attempt to describe the core guarantees all children should be offered. But these rights are treated more as suggestions than requirements by even those countries that espouse them. Being the ‘own’ of a loving-enough, sensible-enough, lucky-enough caregiver is still essentially the only certain guarantee for protection for a child in the kinds of societies that dominate the globe today.

Anthropologist Sarah Blaffer Hrdy has taken an interest in morality’s origins, and challenges some of the prevailing beliefs that underpin western moral theory’s assumptions about social organization. She describes the assumption that family systems and the social groups that emerge from them acquire their stability through negotiation of power and dependence relations via a ‘sex contract model’. She writes:

According to this conventional wisdom, long childhoods were required for extended development of large brains and for the prolonged socialization and learning of language, cultural traditions, and tool-based subsistence technologies that characterized our species. Supposedly, survival and reproductive benefits

from uniquely human capacities like symbolic thought and language more than offset the costs of large brains and slow growth (with the attendant risk of dying before maturity and any chance at all to reproduce). If long childhoods required paternal investment to subsidize full maturation into a fully sapient adult, it was argued, human mothers would just need to choose mates accordingly. A “sex contract” between the mother and her mate evolved: in exchange for exclusive sexual access, the male provided for the female and her young, subsidizing much longer periods of dependency than are found in other apes and providing the economic underpinning of the nuclear family.³²

Hrdy challenges the assumptions embedded in the ‘Own v. Other’ rationale. She re-constructs a human history that emphasizes that human development as a socially and morally capable species was more likely achieved through diminishing the otherness divide. The practice of cooperative care giving – rather than exclusive protection of one’s own - correlates better with the foundations for human moral capacity, she asserts, than proposed alternate hypotheses. She cites her own and others’ research that shows how infant and child capacity to appeal to adults –not just their parent – and adult capacity to respond to children – not just their offspring – are the capacities that facilitated our species’ evolutionary success. She notes that:

Because cooperative breeding allows slower maturation without compromising survival, allomaternal assistance would have facilitated the evolution of prolonged periods of nutritional dependence—the life phase we know as “childhood.” Such

³² Sarah Blaffer Hrdy, “Comes the Child before the Man”, Hunter Gatherer Childhoods, eds. B. Hewlitt, M. Lamb (New York: Aldine-De Gruyter,2004) 68.

allomaternal care and provisioning is heavily dependent on inducements from immatures themselves...this need to elicit and maintain succour affected the evolution of specific human cognitive and emotional capacities.³³

Hrды argues “a cooperative breeding model provides a more compelling explanation for the evolution of the distinctive human emotional and mental aptitudes.”³⁴ Although Hrды is not particularly focussed on development of systems of ethics, her hypothesis encourages one to imagine that those practices that help promote human flourishing – moral capacities – evolved in order to facilitate success within this model. Children and their rearing, treated as a communal responsibility, promoted the environment that enabled our remarkable social moral, intellectual, and linguistic capabilities to develop. Children’s capacity to engage non-familial others (and adult susceptibility to engagement) may, then, be equally or even more important to building the kinds of societies that support humans than the ability to make and keep contracts for mutual benefit.

By extension, the systems we devise to support the needs of children, if they extend out from this context, would challenge the implied merit of “ownness” as a protective factor in the lives of children. The necessity for other community-grounded protective factors would be clearer, with less equivocating around social responsibility to help mitigate chancy circumstances. The well functioning school, with teachers in the role

³³ Hrды, 67.

³⁴ Hrды, 67.

of Hrdy's allomaternal, is a working model, and perhaps unconscious testament to, this kind of orientation.

I have highlighted in this chapter some of the problems in conceptualizing children and childhood that pose dilemmas for moral philosophers. But I have not yet considered why those beliefs have been so enduring, and why a discipline as rigorous as philosophy would not have attended to them. The next part of this project will consider how these beliefs are reinforced by what we hold as essential identifiers of the adult moral actor.

Chapter Two

A Childhood Lost – The Bounded Adult Self and the Habits of Exclusion

So far, we have considered how western moral thought has conceptualized the child as ‘unfinished’ – not yet adult, and as ‘distinct’ – other than adult. Over-reliance on these conceptions, in turn, seems to have justified a most unphilosophical habit of neglect for how children and childhood ought to be factored correctly into ethical theory development - save, of course, how to act *toward* them. But if we want to understand how and why such neglect has persisted, what has given it heft, we need to look more closely at that which children are deemed ‘not’, or ‘not yet’. The conception, from a moral agency perspective, of what an adult is, relies in part on an impoverished conceptualization of the child, but the reasons for and the segregation of the child and adult identities has as much to do with protecting something we want to believe about adulthood as it does a derelict perspective on childhood. I move now to expose and respond to those habits of mind that traditionally rank and reference some aspects of human identity and experience over others in crafting ethical theories. They are sketched out below.

A tendency towards dichotomous organization is a habit worth noting up front. Humans prefer the clarity afforded through either/or ways of assigning meaning. This habit is the likely progeny of the brain’s preference for sorting – a sister to the “own/other” division discussed earlier. The conceptions I discuss below are organized according to this

habit. It is important to acknowledge that each of these attributes represent the extreme poles along a continuum. Each pole has established moral content and worth, and as I will hope to show, both adults and children inhabit varying places along this continuum – rather than as a forward progression from one toward the other - as they course through life. More than this, perhaps - these attributes are sometimes best considered as strands wound round one another – lending strength and texture to the fabric of our moral identity.

I. Autonomy versus Dependence

Alasdair Macintyre observes: “Modern moral philosophy has understandably and rightly placed great emphasis upon individual autonomy, upon the capacity for making independent choices”.³⁵ Humans are propelled towards autonomy from their earliest days, straining against dependence and limitation and toward independence and capacity. In this way we humans could be described as dependence-averse, and that without this aversion, we may not be motivated to test ourselves, and subsequently grow and thrive. This aversion is akin to a biological imperative, deemed so necessary to our development that we cannot understand ourselves as human without it. Perhaps then, it is unsurprising that moral philosophy relies so emphatically on the idea of independence in framing its conception of the moral actor, but in doing so, we show a bias toward attainment of the prize rather than of the race itself, a preference for accomplishment over endeavour.

³⁵ Macintyre,9.

Dependence – as historically and currently conceived- serves as justification for excluding particular humans from being considered fully responsible moral actors. The equation runs as follows: if humans are to engage together in a social contract, those who commit to that contract must be seen to have done so through independent choice making. If a human's capacity to make choices is encumbered by dependence on others, his or her choice making may not be independent. Dependence may cloud issues of accountability, and in order to engage in a contract, one must assume accountability for keeping it. Dependent others therefore ought not to be bound to the social contract in the same way as the choice-maker unencumbered by dependence. Along with this higher level of accountability there is assumed a higher level of responsibility to craft and conduct oneself according to ethical tenets – the best of which maintain the social contract. Autonomy, therefore, is a necessary precursor to moral capacity and responsibility; and moral philosophy should concern itself with how autonomous actors ought to govern themselves. Dependence may be a subject for moral actors to address, but is not something they should be seen as subjected to, or a state that they inhabit.

Ranking autonomy over dependence *prima facie* places children in a disadvantaged position, because their practical dependence is undeniable, and only gradually overcome. Practical dependence, of course, is not exclusive to childhood. All humans during the course of their adult live are, in differing ways and degrees, dependent on one another, but willingness to acknowledge this fact of dependence sits uneasily with the rational adult, other than to acknowledge it as a condition of our past (like childhood)

or of possibility (like frailty or old age). This reluctance fuels the flight from and a segregation of the experience of childhood in our conceptualization of the autonomous adult actor in civic manifestations of moral systems. The reluctance, in turn, is reinforced by emphasis on independence as an end point in human striving rather than as an arc of human striving.

Dependence as a moral concept has also undergone scrutiny from those thinkers – like feminists - who have sought to craft an enriched moral position through development of an ethics of care. Through appraisal of the dynamic of care that human relationships require, an ethics of care seeks to move the needs of dependent members of society forward. A feminist ethics of care urges expansion of the role, responsibility, reference points, and domain of the moral actor to include aspects of human life that had previously been excluded.

Although the feminist inquiry is instructive with respect to providing tools for assessing bias and its impact on a group of humans, it does less than it might to bring the conception of dependence forward as part of the identity of the moral actor. Rather, it seeks to rescue the description of caring as the lesser moral work of dependent (often female) others, and establish its place, alongside justice based ethics, as an essential driver of all autonomous moral actors. In fact, through the process of divorcing itself from the negative attributions assigned women and women's roles, it risks throwing out the proverbial baby (respect for the inevitable conditions of dependence and vulnerability)

with the bathwater (assignment of moral weakness on the basis of gender). The duties and the virtues of moral actors are expanded but not their identity.

The impact of this difference can perhaps be captured in brief by contrasting the following assertions about how one ought to relate to the concept of the child. Consider first, the assertion of Virginia Held: “the flourishing of children ought to be at the very centre of moral and social and political and economic and legal thought, rather than, as at present, at the periphery if attended to at all”,³⁶ against the claim of Martha Nussbaum, who declares: “What we want is a... society where *all* are children, needy and fallible, and *all* respect one another as of interest and value in their own right”³⁷. The former recognizes that moral action should be framed in direct account of the child; the latter invites possibility for reconceptualization of the moral actor in order to acknowledge the internalized conception of the child in each of us. Feminist expression of an ethics of care take us some distance on our journey toward integration – particularly of the value of the relational in our human exchange, and it provides a template for uncovering how our habits and practices reinforce marginalization - but does not travel the whole road.

A bridge of sorts is suggested by feminist philosopher Joan Tronto, who examines the relationship between acknowledged dependence and appreciation for an ethic of care. She notes:

³⁶ Virginia Held, “Feminist Transformation of Moral Theory,” Philosophical and Phenomenological Research, Vol. L Supplement (Fall, 1990) 339.

³⁷ Nussbaum, Upheavals of Thought 229.

“it may be that, in order for an ethic of care to develop, individuals need to experience *caring for others* and *being cared for by others*. From this perspective, the daily experience of caring provides groups with the opportunity to develop this moral sense. The dearth of caretaking experiences makes privileged males morally deprived. Their experiences mislead them to think that moral beliefs can be expressed in abstract, universalistic terms as if they were purely cognitive questions, like mathematical formulae.³⁸

Being conscious of what it means to be dependant, to be ‘*cared for by others*’ is central to developing appreciation for and capacity to exercise an ethics of care. Macintyre goes further, when he asserts that autonomy itself is contingent upon acknowledgement of one’s dependence: “the virtues of independent rational agency need for their adequate exercise to be accompanied by what I shall call the virtues of acknowledged dependence and that a failure to understand this is apt to obscure some features of rational agency.” In short, he states, “acknowledgement of dependence is key to independence”³⁹.

By considering independence not as an achieved state but as an internal striving – akin, as suggested earlier, to a biological imperative, and by integrating what Macintyre refers to as the virtue of ‘acknowledged dependence’ - we create means to challenge how the dependent/independent dichotomy is addressed in establishing the profile for the moral actor. From this frame, the dichotomy fades, and a continuum

³⁸ Joan Tronto, “Beyond Gender Difference to a Theory of Care”. Signs, Vol. 12, No. 4, (Summer,1987)644-663.

³⁹ A. Macintyre, Dependent Rational Animals.88.

appears, one that emphasizes effort over achievement, and within that frame, children may be appreciated differently, and childhood itself seen as testament to that time in the human life when our exertions toward autonomy are, against tremendous obstacle, most pronounced.

II. Human versus Animal

Macintyre confronts another particular, favoured perspective within which the adult identity is bound - "a cultural tendency reinforced by too exclusive an attention to and exaggeration of what does indeed distinguish human beings from members of all other species."⁴⁰ As suggested earlier, traditional thinking about childhood references its closer relationship to Jung's 'pre-rational world', a world where our animality is more apparent than when we acquire our adult capacities. As we have noted, the assumption of human development upon which moral philosophy seems to rely is one where we imagine that we move from childhood - unfinished and imperfect, toward adulthood - finished and perfected. Science has long abandoned the earlier evolutionary idea that ontogeny mirrors phylogeny.⁴¹ The effects of philosophy's historic attraction to this naive idea of an evolutionary journey from animal to human that mimics the journey from childhood to adulthood has not yet been fully dismantled.

⁴⁰ Macintyre, 12

⁴¹ For a summary of this orientation, see: Archard Children, Rights, and Childhood,41.

It has become a form of moral shorthand to deem that adult moral capacity can be measured by the distance adults maintain from their animality. From a philosophical standpoint, animals, like children, have been defined in relation to what they are not, or cannot do. For the purposes of distinguishing the moral actor from the animal, this has meant emphasis on how capacities to apprehend the world, form relationships, and use language complexly are present only in the adult human. There has followed an assumption that these capacities, or compensatory capacities, are absent in animals⁴². Research abounds that expose the errors embedded in this assumption. Mammals, from mice to marmosets, demonstrate empathy⁴³ and evidence suggests animals are motivated in their action-taking towards others in relation to this empathy⁴⁴. And, as will be demonstrated with detail in the next chapter, empathy and compassion are evident and demonstrated in infants, well before action taking and language make it easy for them to demonstrate it in ways that adults apprehend.

Given these realities, it becomes harder to justify and protect the assumption that humans are unique in their ability to attend and respond in moral ways to the world around them. One way to try to do so would be to clarify how morality's central tenet is

⁴² Macintyre, 44.

⁴³ Dale J. Langford, Sara E. Crager, et al., "Social Modulation of Pain as Evidence for Empathy in Mice"; Science 30, Vol. 312, no. 5782 June 2006; 1967 – 1970.

The implications for these kinds of scientific findings for understanding the origins of human morality are discussed in the work and writing of Frans de Waal – see: Primates and Philosophers, (New Jersey: Princeton University Press, 2006).

⁴⁴ Sarah Pierce, "Mice in the Sink: on the Expression of Empathy in Animals".
<http://www.environmentalphilosophy.org/ISEEIAEPpapers/2007/Pierce.pdf>

definitively something broader than just empathy in action, that it is more accurately characterized by the capacity to practice justice and fairness, and/or the capacity to articulate reason. But the capacity for employing principles of justice and fairness has also been demonstrated within non-human species. One clever study, coordinated by Frans de Waal and colleague Sarah Brosnan,⁴⁵ teased out how certain elements of reasoning – such as the capacity to discern and respond to fairness concerns – are not unique to humans. Using food items that were differently valued by capuchins, Brosnan and de Waal were able to show how these small South American primates reacted to unfair compensation in relation to peers that they had outperformed. In response to perceived unfairness, they would refuse to “work”, reject the insufficient token, and would refuse to act reciprocally with those capuchins who had been the beneficiaries of favouritism. Other studies underway are likely to demonstrate that elements of reasoning – except perhaps those tied to the ability to explain one’s reasons with words – are present to greater and lesser degrees in many animals.

Despite the evidence that animals, particularly mammals, demonstrate at least some of the qualities that inform morality, moral philosophy has been slow to capitulate, straining to assert the “yes, but” that distinguishes adult moral capacity from animal demonstrations of moral capacity. Our idea of adulthood does not accommodate reconciliation of our kinship to animality, although we occasionally consider children’s

⁴⁵ S. F. Brosnan & F. de Waal, “Monkeys Reject Unequal Pay”, Nature, Vol. 425, Sept 2003. 16.

affiliation to our animal legacy. The motivation to reject, or forget, the ways that morality may be rooted in what we share with other animals is perhaps similar to the motivation to reject or forget, to consider the ways that the adult self is rooted in the capacities, processes and experience of childhood.

Humans add further distance by creating an imagined link between disgust and animality. Disgust as an emotion serves the function of guarding the body's borders against infiltration of an alien object.⁴⁶ And objects of disgust are almost always affiliated with animal or animal products. This affiliation is cultivated by adults, who project a disgust response onto the mere curiosities of children, if it is feared that a child's behaviour is anticipated to make them vulnerable to infiltration. The core belief: that disgust "wards off both animality in general and the mortality that is so prominent in our loathing of our animality."⁴⁷ Perhaps in this way, our habit of excluding our animal affiliation from our conceptualization of the adult is also a way to separate ourselves in turn from our vulnerabilities, mortality being the most inevitable and certain of these.

III. Control and Predictability versus Vulnerability and Misfortune

Vulnerability has some relation to the term dependency, but each distinctly captures a unique aspect of the human condition. Dependence speaks directly to how our capacities are conceived in our relationships with others. Vulnerability speaks to the ways

⁴⁶Nussbaum, Upheavals of Thought. p202

⁴⁷Nussbaum, Upheavals of Thought. p204

that life is characterized by a helplessness and uncertainty from which we are not and sometimes cannot be defended. Vulnerability has a place of purpose in philosophical history, the link between consciousness of vulnerability and the virtue of compassion laid out by Aristotle, and considered sacrosanct as moral informant across philosophical traditions. But this relationship to vulnerability for the mature moral thinker is often referenced imaginatively rather than experientially. Rousseau scripts out the lessons his protagonist is to share with Emile, "Make him understand well that the fate of these unhappy people can be his, that all their ills are there in the ground beneath his feet. . . . Show him all the vicissitudes of fortune"⁴⁸. Nonetheless, development of western ethical systems in some ways could be told as a story that records our flight from that which is "chancy, porous, full of uncertainty and danger,"⁴⁹ toward that which can be controlled and anticipated. We attempt to stem the impact uncertainty has on human industry through appointing the reasoned, rational, self-sufficient, adult as navigator. The moral actor, then, must be able to mitigate vulnerability through the exercise of reasoned control. This is accomplished by establishing rules for who among the vulnerable are entitled to our compassion, and by locating vulnerability as within the recipients of our moral actions as opposed to emanating out from the moral actor.

'Vulnerability' (without adequate protection from physical or emotional harm; being susceptible to persuasion) is often equated with 'emotionality' (governed by

⁴⁸ Nussbaum uses as her source : Jean Jacques Rousseau, Emile, trans. Allan Bloom (New York: Basic Books, 1979). 222.

⁴⁹ Nussbaum, Upheavals of Thought, 185.

emotion rather than reason or will); emotionality in turn with 'irrationality' (lacking in capacity to exercise reason or logic); and all are terms we associate with 'childishness'(lacking adult qualities such as emotional restraint, seriousness, or good sense)⁵⁰. Definitions in practice are made by these kinds of associations, and so too are philosophical habits of thought. And the habit of thought reinforced by hitching these definitions to one another is that moral theory development will advance more assuredly if it presupposes a moral actor's invulnerability – characterized as currently uninhabited by vulnerability, unsusceptible to emotionality, subject to reason, and 'adult'. When this vantage is achieved, the moral actor, in the manner of John Rawls, can be entrusted to construct a moral decision-making process that requires him to *imagine* himself as potentially a 'vulnerable other' who - through age, incapacity, or misfortune - needs accommodation, and act accordingly. The just actor is expected to segregate consciousness of his own genuine and constant vulnerability from the choice-making process – even though this segregation, Adam Smith argues, cannot be effected - save by infants, whose imaginative capacities he believes are not yet sufficiently ripened by experience:

The infant...feels only the uneasiness of the present instant, which can never be great. With regard to the future, it is perfectly secure, and in its thoughtlessness and want of foresight, possesses an antidote against fear and anxiety, the great

⁵⁰ Oxford English Dictionary.

tormentors of the human breast, from which reason and philosophy will, in vain, attempt to defend it, when it grows up to a man⁵¹.

Leaving aside the imprudence of assigning weight to the unease an infant does or does not experience, Smith stresses the inevitable relationship between an imaginative capacity informed by experience and bald consciousness of human vulnerability. Neither reason nor philosophy, Smith observes, can offer antidote, but neither given up trying.

Modern approaches to ethics persist in the ‘vain attempt’ in at least two ways: through constraining the function of imaginative processes in moral thought – which encourages subjugation of moral empathy behind theories of justice as the more valued orientation in ethical theory - and through establishing a perimeter of rights to cordon off possible harms. An effect of leaving imagination relatively undervalued has been to leave unconsidered the kind of imaginative processing that children bring to their moral sense making. Children’s imaginative capacities may not be ripened by experience, but (as we will consider in detail in a subsequent chapter) they nonetheless aid children in both the recognition and response to moral problems that life sets before them, even before language and cognitive processes facilitate their explication. It is possible that some moral problems defy any other form of conveyance.

Using rights as sentinels against vulnerability cultivates of a naiveté regarding what can be controlled, made predictable. To be in possession of rights enables us to stare into

⁵¹ Adam Smith, [The Theory of the Moral Sentiments](http://www.econlib.org/library/Smith/smMS4.html).
<<http://www.econlib.org/library/Smith/smMS4.html>>.

the face of that to which we are vulnerable with some expectation of protection, that we can, through our civil institutions, neutralize the effects of misfortune. Rights language is responsive to the external imposition of vulnerability. As something outside the self, it then becomes something we imagine we can respond to, and expect to control, as opposed to something internalized, that we cannot.

Many have written about the detrimental side of an ethics too dependent on the language of rights to frame its purposes. For these philosophical thinkers “the language of rights is represented as part of a more general moral and political discourse which sees society principally as a contractual association of independent, autonomous, self-interested individuals governed by certain rules or principles⁵².” For those who conceive of society as constructed through “community, interdependence, mutuality, and affective bonds,”⁵³ this language lacks the texture to describe some important aspects of morality. Critics who argue that the language of rights is over-weighted tend to be oriented towards giving primacy to the ethics of care, with its emphasis on the particular, the relational, and the attendant care these relationships foster between humans. And from within this context, acknowledgement of innate human vulnerability does not necessarily compromise moral capacity.

⁵² D. Archard, Children, Rights and Childhood.118

⁵³ D. Archard, Children, Rights and Childhood.118

Even though every rights statement is inevitably trailed by an invisible contingency statement (i.e.: “the right to life, not precluded by circumstances beyond human control, like terminal illness, old age, or accident”), for the non-philosophical rights champions there is the risk that vulnerability and misfortune will be interpreted as a failure to legislate and exercise those rights meant to mitigate their impact. The problem of course is not necessarily with the framing of rights per se, it is with the intention behind doing so. Rights language, after all, describes what humans deserve to share with one another, and frames our obligations toward one another. Our evolution as a species, however, did not occur because humans were able to assert their rights against a hostile environment, or because they organized themselves into groupings where each member maintained respect for the entitlements of others. Rather, as Hrdy argues, it seems likely it was our capacity for and exercise of care and concern toward vulnerable others – particularly children – that helped humans manage the contingencies they faced, and that evolution favoured those who carried these capacities.

Appreciation for the salutary effects of the ‘moral sentiment’ has been experiencing a revival – in part encouraged by those philosophers building a template for an ethics of care, in part by cognitive scientists mapping the mind and functionality of emotions, and in part by those who are teasing out moral judgement from moral action in arguing, as Marc Hauser does, the case for a ‘moral faculty’. Consciousness of vulnerability as an external and internal condition will likely play an integral role in elaborating the strains of thought emerging from these disparate groups, circling back

around to Smith's conclusion: we may recoil from its consideration, we may fear its visitation, but when we can no longer deny that it inhabits us, it effects a dramatic revision of what we believe matters most in a life, and about how moral systems are derived and maintained.

IV. Gratitude versus Generosity

Neither generosity nor gratitude is necessarily held as essential qualities of the moral actor, but there is an assumption that moral maturity is characterized by the capacity to be generous. Gratitude, as acknowledgement of being in a recipient position, holds lesser sway. Alasdair Macintyre traces the roots of this aversion back to Aristotle:

The magnanimous man is ashamed to receive benefits, because it is a mark of the superior to confer benefits, of the inferior to receive them ... he is forgetful of what he has received, but remembers what he has given, and is not pleased to be reminded of the former but hears the latter recalled with pleasure". (N.E. IV 1124b 9-10, 12-18)⁵⁴

Gratitude, like reason, is a developed capacity, perhaps first cultivated as our earliest felt needs are met by attentive caregivers. One must maintain a tolerance for humility in order to fully exercise gratitude – which may explain in part why gratitude has a long and more positive affiliation with how we relate to conceptions of the divine. Our

⁵⁴ Macintyre, 7.

aversion to gratitude is also cultivated in childhood, when gratitude is imposed as an enforced orientation that children are required to take toward the adults in their lives, (or humans are expected to assume towards a particular God). When the phrase “you should be grateful” is used to enforce a hierarchy, one can certainly endorse Aristotle’s aversive response to gratitude.

Another admonition, “it is better to give than to receive,” also reinforces the worth of humans with the power to give (like independent adults) over those in a recipient position (like dependent children). Generosity as a quality demonstrates one’s independence and power to act, and as such more easily aligns with the preferred conception of the moral actor. Gratitude, on the other hand, is equated with the need to appreciate what one receives. Nussbaum notes how the aversion to being a recipient is tied in turn to aversion to being a child, reinforced by the way that men, in particular, are expected to develop:

Especially for males, there is a demand to be without need, a demand not to be a child....taught that dependence on mother is bad and that maturity requires separation and self sufficiency. Males frequently learn to have shame about their own human capacities for receptivity and play.⁵⁵

The impact of this disfavour bears directly on how willingly we accept the lived experience of childhood as formative to our adult identity. Perhaps proximity to children, and a legacy of working out one’s adult identity from a position of forced subordination

⁵⁵ Nussbaum, Upheavals of Thought, 220.

have facilitated women's more appreciative position. As Nussbaum also notes: "females are more likely to get the message that maturity involves a continued relation of interdependence, and that emotions expressing need are appropriate."⁵⁶

Adam Smith did identify gratitude as one of the 'moral sentiments', and studies in human psychology have explored and affirmed this designation through empirical research. Gratitude, within this context, is considered exclusively in relation to how humans respond to benefits conferred by another human, with a reliable correlation established between depth of gratitude, and degree of importance to one's well-being, degree of relative power of the conferrer, and the degree of success of the transaction for the recipient. Gratitude has also been shown to serve as an important motivator and reinforce of moral behaviour among human groups, and has been linked to pro-social traits, and to feelings of overall well-being in those pre-disposed to experience gratitude⁵⁷.

That other conception of gratitude - when gratitude is a response to non-human benevolence - is less studied. Whether one frames that non-human factor as luck, fate, or God, this way of conceiving gratitude has an affinity with the concept of wonder, and of appreciativeness. Receptivity in this way, - assuming an open and aware position in relation to the world around us - is more expansive than being a mere recipient. As will be discussed later, this capacity is more actively engaged in young children, who are taken in

⁵⁶ Nussbaum, Upheavals of Thought, 220.

⁵⁷ Michael McCulloch et al; "Is Gratitude a Moral Affect?" Psychological Bulletin, v.127, no. 2 ,

broader swaths of data than adults who more judiciously select where to turn their gaze. Both of these capacities – gratitude as a key element in our capacity for wonder, and gratitude as capacity for maintaining appreciative and reciprocal relationships with others - have potential to enrich our adult identity, and to contribute to what we include as essential attributes in our identity as humans who theorize about, develop, and practice systems of ethics. But gratitude is not one of the attributes that appear at the front of the line when we define the moral actor. On the contrary, gratitude – because in part it requires acknowledgement of our dependence and vulnerability – is somewhat unconsidered as a moral informant.

What I have put forward in this chapter is that, even though philosophical history and modern science provide evidence for the moral worth of what are less favoured conceptions of the adult rational actor, we persist in favouring a particular set of attributes in our habits of conceptualizing the moral actor. These attributes – independence, control, generosity, capacity to demonstrate reason through use of language – are reinforced by our tendency to value achievement over endeavour; to fear our vulnerability to forces we cannot control; to distrust what is other; and to value, above all, our capacity to act on our own behalf. Appreciation of how moral sensibility may be enriched by acknowledged dependence, awareness of Misfortune, a diminished divide between human and animal, and endorsement of gratitude is not the same as integrating those attributes into the identity of the moral actor, and/or recognizing their functionality in considering issues of

moral agency. If one side of these dichotomies are considered (to use Annette Baier's phrasing) "optional extras" , available for discretionary consideration in moral philosophy, with the other side seen as mandatory requirements, the bias that facilitates this may be impeding our expectations for our ethical landscape, and creating an unwarranted divide over which children or appreciation of childhood cannot pass. It is to this matter of bias that I turn now.

Chapter Three

Dismantling Bias – Multidisciplinary Contributions

Bias, like algae, is most likely to thrive when left undisturbed. And like algae, bias may obscure our ability to see beyond the surfaces where it grows. As I have attempted to show in the preceding chapters, I believe we harbour biases in the way children and childhood are conceived, and that those biases are harmful. My aim in this chapter is to demonstrate the ways in which bias affects the quality of ethical theory, and to show how disturbances from outside the traditional philosophical pool of thought provide useful tools to clarify and correct bias' impact. Using feminist criticism of the stalwart Kantian-deontological assumptions that underpin how public systems of ethics have developed, I will craft and test an analytic for assessing the impact of bias on ethical theory. Then I consider hypotheses proposed from findings in the descriptive sciences - anthropology, psychology, and the neuro-cognitive - regarding possible determinants of moral capacity. The overarching purpose continues to be examination of whether the quality of ethical theory development and practice is negatively affected when certain conceptions prevail at the expense of others, and in turn if this affects the quality of our response to children from an ethical standpoint, so as much as possible I will use what those alternate orientations have had to say regarding children in bringing their contributions forward.

I started this project by considering how children are conceptualized and represented in moral philosophy and argued that in both what they are considered to be

(unfinished, other) and what they are considered not to be (autonomous, independent, predictable), they are inadequately conceptualized. I also advanced that, given the prevailing moral rubric of western societies - justice-based, supported philosophically by a deontological orientation, we tend to assign moral value to those attributes that reinforce that rubric, and that this in turn reinforces the bias toward those capacities we equate with adulthood. As the last chapter showed, even those capacities relied on in defining the criteria for moral agency (and adult maturity) may be given value not because they are more likely to facilitate achievement of better moral actions, but because they buttress the adult self against the chancy and uncertain. And at no time in our lives are we more at the mercy of chance than during childhood. We have rationalized our bias against both.

I suggest that this bias impedes fuller understanding and appreciation of the nature and condition of children and childhood in ways that affects how ethical theory and practice relates to them. Bias also closes out the possibility of ethical theory in turn being enriched and informed by this fuller understanding. But I must also allow that assumed bias is not necessarily an impediment in constructing and maintaining moral theories. It is always possible that bias' effect is either neutral or ameliorative. How can we know the difference?

Bias in an ethical theory can be shown to have a negative effect when:

- a) *It bases itself on incorrect assumptions regarding the constituents it intends to represent and that these misrepresentations limit its applicability and responsiveness to a group's nature and condition.*

A consciously applied constituent bias enables one to prescribe the circumstances and people for whom an ethical theory actually fit, and to analyse whether in application the theory is limited in how it can respond to those it hopes to govern. For example, even though I may want to develop the argument that children and childhood have not been adequately considered within a particular moral theory, that argument may be sufficiently answered through reference to the purpose for the moral theory, by showing that children's exclusion has no bearing on the moral theory's ability to respond meaningfully to the group it actually means to represent (i.e. how rational men ought to govern their actions). Representation of children is not germane. This defence is given some credence when it comes to how children are considered within the currently favoured ethical frame.

Bias may also be shown to have a negative effect when:

b) The theory does not have within it the means to adequately respond and correct the effect of bias as awareness of the bias emerges;

A bias toward a particular constituency may be present in an ethical theory, but we may argue that given the logic behind the theory's construction, that its overarching purpose is not compromised – in fact, the theory itself may have the means to mitigate the bias and maintain its integrity.

c) The bias is foundational rather than contextual

A bias of context – where social or cultural overlays affect how a theory is interpreted – can be exposed and dismantled. John Stuart Mills teased out this kind of

distinction in introducing the first formal challenge to women's exclusion from consideration as rational moral agents. A foundational bias, where core tenets are tested and found to be inadequate, may prove more of a challenge.

It might also be said that the negative effect of bias is most profound when:

d) *A fuller concept of morality can be asserted by working from fresh assertions than can be accomplished through correction of the bias within the model itself.*

If we endorse a bias (for example, we insist that it is right to exercise a bias in favour of reason in building the foundation for working out moral problems); or alternatively consider the bias as so marginal that it does not affect the theory's application, then the bias may not warrant concern. Or if developed ethical theory through *its practice* actually facilitates a correction to harmful bias, then the theory's merits may be seen to exceed its demerits. Finally, if it can be shown that a problem generated by bias can be addressed through an enrichment of the theory - that its effect can be ameliorated by some kind of patch or overlay from another ethical theory - it could be argued that the presence of bias does little to challenge the value of the theory.

I. Testing for Bias in Ethical Theory – Applying Lessons learned from Feminism

Moral philosophy historically harboured incorrect assumptions about women's capacity to exercise reason or to participate in civil society, a constituent bias. This bias against women, arguably, emanated not from foundational assumptions of prevailing

moral philosophies, but from those assumptions of culture and society that had not yet been challenged, a world where women were defined through their ability to constrain themselves in accord with “male insistence on women’s exclusion from most of public life and their restriction to the private sphere of home and family”⁵⁸, and through developing whatever ‘virtues’ supported them staying there uncomplainingly.

The dismantling of this constituent bias was facilitated at least in part by the very tenets embedded in the assumptions of the predominant deontological theory of ethics. Feminist philosopher Annette Baier observes:

the moral theories that made the concept of a person’s rights central were not just the instruments for excluding some persons, but also the instrument used by those who demanded that more and more persons be included in the favoured group.....they were undoubtedly patriarchal but they also contained the seeds of the challenge, or antidote, to this patriarchal poison.⁵⁹

As women have ventured into the civic arena, they have proven themselves equally able to demonstrate the kind of moral capacity that Kantian based ethical theory would deem of central importance in morality – the capacity to commit to moral action as directed by principled reason. From a ‘relevance of bias’ perspective, women’s ability to clearly assert their claim for moral agency would seem to indicate that the prevailing

⁵⁸ Jean Grimshaw, “The Idea of a Female Ethic”, Philosophy East and West, Vol. 42, No. 2 (Apr1992): 222.

⁵⁹ Annette Baier, “The Need for More than Justice”, in M Hanen, K Nielson, eds . Science, Morality, and Feminism (Calgary: University of Calgary Press, 1987) 51.

ethical theories of the day were resilient, able to respond and correct the effect of bias as awareness of it emerged.

If women, finally acknowledged as rational agents, in turn had abandoned the so-called feminine inclinations and virtues, and had somehow come to accept that the only morality that mattered was the one cultivated and stewarded by the rational will, then perhaps the charge of bias would have seemed settled. But that, of course is not what happened. Instead, feminists have asked: what would it mean to morality if we fully acknowledge the values that women - within their traditional sphere of influence - developed and promoted over time? How would morality look and function differently?

Moral development in the lives of women was informed by their requirement to respond to the very particular set of demands of the domestic sphere, where children were cared for with a blend of compassionate care and moral instruction, and social relations were nurtured and tended. As women's voices entered the conversation about what ought to inform moral philosophy, the moral worth of this work to the public sphere fostered new dialogue. Emerging feminist approaches to ethics shared a commitment to "rethinking ethics with a view to correcting whatever form of male bias it may contain"⁶⁰ Feminist philosopher Virginia Held describes this bias as three-pronged: a) the entrenched split between reason and emotion with emotion subsequently devalued; b) the ongoing distinction between 'public' and 'private' domains for action, and the relegation of that

⁶⁰ V Held, "Feminist Transformation of Moral Theory," Philosophy and Phenomenological Research Vol 50, Supplement, Fall 1990: 328.

which occurs in the private as not morally motivated; and c) reliance on a concept of the self that is constructed primarily from a male point of view. Some of the bias against women as an oppressed group has diminished, but bias against the symbolic qualities that have been described through history as “feminine” (even though we are more likely now to judge ourselves better men and women for possessing them) has proven more tenacious. The task of repairing that divide and “incorporating this [the private] sphere back into liberal theory will necessarily challenge both the dichotomous foundations upon which it has been built and the vision of a world constituted by self-seeking autonomous actors to which it aspires.”⁶¹ This is the crux of the charge that the biases of both constituency and foundation affect prevailing ethical theory and its practice. The rationalization offered in response is that morality is not intended to define the whole of human action. Other forms of human action bring about goodness and good relations. But for proponents of a broader conception of the moral domain, particularly those feminists who wish to advance an ethics of care, this kind of dismissal underscores the original difficulty. What we rely on to construct moral systems, they insist, must reference more of what humans actually are.

One of the most noted discussions around the issue of embedded male bias unfolded when the moral development theories of Lawrence Kohlberg and Carol Gilligan were contrasted with one another. Kohlberg’s theory, as discussed earlier, seemed to affirm the merits of a allowing a ‘male’ bias to hold trump in moral theory development,

⁶¹ Arneil, 89.

given that in his sequencing of human development in relation to capacity to solve moral problems, males seemed to outperform females (and adults outperformed children⁶²). The structure of Kohlberg's study started from an assumption of the Kantian place of reason as the best director of the will and the most likely means through which moral outcomes could be assured. His theory of moral development ranked high order rational analysis of moral problems as the highest level of moral development. Certainly, through the first years of data collection, boys and men seem to endorse and achieve that rate of moral development with greater frequency than did girls and women. It seemed that girls and women *approached* capacity to apply the same level of distanced rational analysis, but somewhere along the journey many opted to "retreat" back to what Kohlberg ranked as lower order, more relational ways of considering moral problems. As feminist philosopher Annette Baier wryly observed, Kohlberg's findings confirmed from her vantage that the embedded male orientation within Kant's ethical theory was more than contextually derived:

What did Kant, the great prophet of autonomy, say in his moral theory about women? He said they were incapable of legislation, not fit to vote, that they needed the guidance of more rational males. Autonomy was not for them, only for first class, really rational persons. It is ironic that Gilligan's original findings in a way confirm Kant's views – it seems that autonomy really may not be for women. Many

⁶² In *The Philosophy of Childhood*, Matthews, too, takes issue with Kohlberg's theory, particularly because it limits measurement of moral development along the Kantian lines of measuring one's capacity to use advanced levels of reasoning to choose how to act and positioning that capacity as the pinnacle of moral development. He proposes a 5 dimensional (non-ranked) approach that includes the "capacity to adjudicate moral claims" as but one of the dimensions. I bring this forward later.

of them reject that ideal, and have been found not as good at making rules as are men. But where Kant concludes – ‘so much the worse for women’, we can conclude – ‘so much the worse for the male fixation on the special skill of drafting legislation, for the bureaucratic mentality of rule worship, and for the male exaggeration of the importance of independence over mutual interdependence.’⁶³

Baier, of course, is not saying that a Kantian moral perspective is unnecessary to the framing an ethics of justice, but, rather that there is a need for more⁶⁴: for an ethics of care that reinstates the so-called “feminine” values into how morality is conceived. Can this be accomplished within Kantian, deontological theory? Are its contributions fatally compromised if it can’t? Baier credits feminist interest in investigating for male bias for uncovering this problem, but she also makes it clear that she does not see that the problem as necessarily a gendered one. She suggests another interesting way of describing the nature of the bias –not as a necessarily a male bias, but rather a “non-parental” bias – embedded not within gender, but by the roles traditionally assigned to one particular group because of their gender. Gilligan, among others, identified how practiced behaviour within a role informs how one applies oneself to moral decision-making. When men and women simultaneously operate in arenas that call for use of an ethics of care and an ethics of reason, they all have relatively the same tendency to both use and/or ‘retreat’ from (or effect a revision of) what Kohlberg described as highest order morality.

⁶³ Baier, 50. She cites Kant’s *Metaphysics of Morals*, sec 46, in this passage.

⁶⁴ Something that Kohlberg himself noted in response to Gilligan, as he attempted to clarify the parameters around what kind of moral development he was seeking to measure.

From a feminist perspective, then, assertions of harmful bias can fairly be levelled against Kantian derived moral theory. Some have argued that these biases extend beyond and are not corrected by changing the constituency of who is counted a rational agent. They present themselves in how priority is assigned and how actions flow from its structural assumptions, founded as it is on the pre-eminent place of reason in morality and in the moral construction of a civil society. Although an argument can be made that justice-based ethics can be ameliorated if considered as co-habiting a moral platform alongside an ethics of care, one must be cautious that this paradigm shift occur in a way that holds both orientations as equally vital to the project. As Annette Baier warns:

The trouble is that it will not do just to say 'let this version of morality be an optional extra. Let us agree on the essential minimum, that is on justice and rights, and let whoever wants to go farther and cultivate the more demanding idea of responsibility and care.' For first, it cannot be satisfactorily cultivated without closer cooperation from others than respect for rights and justice will ensure, and second, the encouragement of some to cultivate it while others do not could easily lead to exploitation of those who do....the liberal individualists may be able to 'tolerate' the more communally minded, if they keep the liberals' rules, but it is not so clear that the more communally minded can be content with just those rules, nor be content to be tolerated and possibly exploited.⁶⁵

⁶⁵ Baier, 49.

As bias is often a matter of how something is weighed, valued, and perceived, her point is important. If one is to be truly conscious of the impact of bias, a response to it requires a consciously applied correction and subsequent commitment toward integration.

II. Assessing for Bias - Invitations from other Disciplines

Feminist analysis of practiced moral philosophy demonstrates how the validity of ethical theories may be compromised by biases of constituency, particularly when those biases are foundational rather than contextual. Unfortunately, the feminist critique expounded above also relies on an embedded bias - a view that moral actors, be they female or male, are self-governed autonomous reasoners, with adult capacities for language, focussed thought, and autobiography. What women may additionally reference as requirements for moral theory and practice differs, at least in part, because their domain and experience were segregated off from the public domain referenced in Kantian liberal theory. The feminist challenge set out to show that moral actors can be rational adults other than men, and that moral decisions ought to be motivated in concert with care-based parameters for action. Their critical questions challenged ethical systems of thought and emerging practice to attend more concertedly to the duty humans hold toward vulnerable others, children included. The outcomes of these challenges, however, do not offer up a corrected conceptualization of children. There are still the 'carers' on one side of the moral agency membership list and the 'cared for' on the other. Over-reliance on this distinction and the solicitude it engenders may impede efforts to appreciate children's capacities. As Onora O'Neill famously observed (if for somewhat different reasons): "if a

clearer, more direct and more complete view of ethical aspects of children's lives is available, we would have good reason to prefer it."⁶⁶

Given that the case for children was neither made nor won alongside the case for women, a step further is required - to examine whether the prevailing philosophical conceptualization of children promotes the kind of constituent bias that impedes sound ethical theory development and practice, and whether this bias is contextual (more amenable to correction), or foundational (less so). To start, I will look at what scientific investigation has contributed to how moral capacity is understood and how it presents in childhood.

Moral capacity can be considered from two vantages – the innate (therefore present in some form in infancy and childhood), and the acquired. Innate factors can be subdivided further into a) hard-wired standard equipment generally favoured as the human species evolved, and b) particularized bundle of attributes genetically assigned to particular humans. Acquired capacities can be grouped as a) those achieved as humans strive toward adult maturity (the stages that Lawrence Kohlberg attempted to articulate, for example), and b) those that environmental factors have facilitated. As asserted previously, western moral philosophy, in assigning moral agency, has spent its currency developing yardsticks to measure and augment acquired capacities, and especially those

⁶⁶ Onora O'Neill, "Children's Rights and Children's Lives". *Ethics* Vol 98, No 3, 1998: 445. Using a Kantian context to frame obligations to children, conceding that rights based approaches cannot take full account of the "*ways in which children's lives are especially vulnerable to unkindness, to lack of involvement, cheerfulness, or good feeling.*"(p450). As she argues, considering children through a lens of obligation is somewhat ameliorative but not curative of the problems that the language of rights exerts.

regarded as achievements. Prevailing philosophical assumptions about the moral capacity of children and the moral achievements of adulthood have fit comfortably with this orientation. Given that children are more dramatically engaged in a process of physical and cognitive development, the assumption has been that, likewise, the journey toward moral agency, a journey from dependence toward autonomy, is simultaneously a journey from moral paucity to moral sufficiency. Current research and study has undermined the merit of these assumptions, suggesting the innate factors, including the motivational forces that propel humans toward achieved capacities, deserve more weight and attention.

The scientific research relied on in the arguments of researchers in biology, psychology, and anthropology facilitate a clearer look at what appear most likely to be innate moral capacities, suggesting (as philosophers like Smith have before) that these innate capacities warrant a more central place in moral philosophy. These investigators note that humans appear to seek out constituency within moral systems very early on in their lives, and surmise that evolution through time has favoured the genetics that facilitates this. In these last forty years, curious scientists have wondered: what is the nature of the brain hardware that precedes and makes possible human communities and the use of moral systems that lend them stability? They have devised means to stare straight into the knowledge acquisition and organization processes of young humans, and from there to glean an understanding of what fuels the capacity for positive association among humans. For their part, evolutionary anthropologists have taken pains to build the frame and construct the landscape in which these associations occurred. Neuro-cognitive

scientists and psychologists have applied the details. Through the lenses of these disciplines, a clearer picture of the precipitants for moral agency and moral systems emerges. Through these lenses, the relative validity and harm of the constituent bias against children can be assessed.

Among the essential capacities that allow human communities to flourish are these:⁶⁷

- Ability to discern and assign special value to other rational animals, a precursor to appreciating others as ends rather than means,
- Ability to establish and pursue goals rationally, a precursor for moral judgement and behaviour,
- Ability to be affected by others, a precursor for establishing meaningful social relationships, and
- Ability to infer the intentions of others, a precursor for empathy, compassion and altruism.

These capacities fuel both sides of what make humans morally capable of exercising justice-based and care-based orientations to ethics. Anthropologists, like Sarah Hrdy, have posited that these capacities were essential to the survival of our earliest ancestors, stressing that human survival depended on their availability for use to humans while still in their infancy. Infants need to know what manner of object to engage, how to engage, how to infer the preferences of potentially helpful others, and how to systematize

⁶⁷For my purposes, I have cross referenced capacities identified by Martha Nussbaum in Upheavals of Thought (p 12), and Marc Hauser in Moral Minds (p178) in generating this list.

the rules in order to acquire the necessities for life. These moral capacities are not the fruit produced through use of developing cognitive and linguistic capacities; they precede them, and possibly seed them. Children's use of these moral capacities in their earliest years was foundational to species survival. The children who employed these capacities were more likely to have received the care they needed to become adults (when they would employ these same capacities to care for their own and others' offspring) and to transmit their genetic capacities to the following generations. Species survival depended on this willingness to infer intention, solicit aid, co-operate, follow rules, assess fairness, and to care and commit to one another's well-being. Concern and cooperation, Hrdy surmises, are the progenitors of the species. As Hrdy infers:

I suggest that what really distinguishes humans from other apes is not so much our competitive heritage as our more cooperative one, and that cooperative breeding left offspring who grew up in such systems with neuronal underpinnings for shared engagement... To be so dependent and still prosper, infants have to be adept at reading their mother's intentions and soliciting other caretakers if needed⁶⁸.

Hrdy's work lines up alongside the work of anthropologist John Tooby and evolutionary psychologist Leda Cosmides who show that human use of the concept of the 'social contract' orbits this same predispositional pool – humans, and even very young children can more effectively discern problems with fairness when framed within that

⁶⁸ Hrdy, 86.

context⁶⁹. These capacities for association have become more complex in response to the more complex forms of association humans engage in. But as Cosmides and Tooby reflect, it is that same “stone age mind⁷⁰” that does the work to construct and maintain them. Our early attempts at civilization were not the tyrannies envisioned by Hobbes, ameliorated only by strong protectors ruling weaker members who needed their succour to survive. The attributes called into the service of crafting moral theories were not co-opted from the same cluster of attributes that enable competitive advantage in the traditional sense. The social contract is not an imposition but an adaptation. Early human groups, Hrdy posits, were communal, maintained through exercise of the moral capacities described above - attributes demonstrable in infants and children, attributes that meld principles of fairness and principles of care.

Hrdy’s hypothesis with respect to the evolutionary advantage to humans who have and use innate moral capacities mirrors in speculation the work in neuro-cognitive science to understand how individual brains develop. Bringing a fresh curiosity to the study of childhood, and abandoning their over-reliance on developed language capacities as the sole means for discerning children’s capacities, scientists have learned a great deal about the brains of infants and children. Before words, babies use their eyes and their bodies - to show how they are processing data received from the world around them.

⁶⁹Hauser 275.

⁷⁰ Lina Cosmides & John Tooby, Evolutionary Psychology: A Primer, 1997.
<http://www.psych.ucsb.edu/research/cep/primer.html>

When, for example, an infant anticipates a particular outcome, her gaze does not linger over the actions undertaken. When an infant experiences a violation of those expectations, she stares longer. Using this simple piece of information, scientists were able to design and replicate experiments that demonstrate the ‘factory-installed hardware’ infants rely on to assess and engage with their world – hardware that facilitates those moral capacities Hrdy described above. Infants really do collect and use data to establish patterns ⁷¹, establish cause and effect,⁷² correctly infer intention⁷³, and exercise moral judgement.

The clusters of innate moral capacities appear to be augmented by an innate capacity to discern objects for moral concern, and criteria for moral injunctions. Infants, once regarded as like blank slates, waiting to be filled in through mimicry and instruction, apply criteria that filters what ought to be permitted to inform their development. Infants, for example, do not mimic indiscriminately – they mimic only objects that, like them, demonstrate sentience. They understand early on that if an object can have ends, and can exert themselves toward those ends, that they belong to the same class of object as the child does. French Scientists Emmanuel Dupoux and colleagues illustrate. They filmed two sequences, one where a man pushes a backpack off a stool and helps a crying girl get up

⁷¹ Gopnik is working from studies conducted by J.R. Saffran et al. See Allison Gopnik, The Philosophical Baby(New York: Farrar, Straus, and Giroux, 2009): 81.

⁷²Gopnik,45.

⁷³ A.I. Woodward et al., “How Infants make sense of Intentional Action”. In B.F. Malle and L.J. Moses, Eds, Intentions and Intentionality: Foundations of Social Cognition.(Cambridge MA: MIT Press,2003): 149-171.

onto the stool, comforting her; and a second where a man pushes the girl off the stool, and comforts the backpack. Fifteen month old infants, after viewing the sequences, would crawl toward the man who comforted the girl. They would merely gawk at the man who comforted the backpack⁷⁴. The study is but one of a series that seem to show both how children distinguish between objects worthy of moral concern, and what is correct moral action.

Dupoux's study suggests that children discriminate on the basis of an object's relative goodness. They are also more inclined to imitate when they perceive good intention. They do not deign to imitate others engaging in harmful behaviours, even when those others are their caregivers. Even very young children recognize that some moral rules are universal and some are contextual. When interviewed, children are adamant that even if a respected adult, like a teacher, tells you it is all right to hit a fellow child, it is not. They know too that there are other sorts of rules - like whether one can choose a toy before they have their snack – and that these kinds of rules can shift according to context. And already, before their first birthday, infants are able to empathize with and respond to the distress of others, make rational inferences regarding how to alleviate their distress, and take remedial action, even at their own expense. The 'cost' of helping is offset by the brain's experience of pleasure and relief at assisting another.

⁷⁴ Rebecca Saxe, "Do the Right Thing: Cognitive science's search for a common morality" *Boston Review*, <http://www.bostonreview.net/BR30.05.September/October 2005>

Other experiments demonstrate how infants use an innate sense of numbers and probability to build their ideas of what is normal in the world and what to expect. Psychologist Alison Gopnik refers to their remarkable capacity for statistics – systematizing auditory and visual information, along with common events and practices, in order to organize their universe. By watching others, they acquire a repertoire of possible approaches to problems that require solutions. But they do not simply imitate how others solve problems; they imagine and select the most rational and helpful solutions. Gopnik cites a series of experiments by Gyorgy Gergely⁷⁵. One year olds observed an experimenter complete a task by using his head to push a button. When infants were given opportunity to conduct the task, they would imitate his actions if he used his head and his hands were free. If his hands were constrained, however, and he used his head, the infants would use their hands, inferring correctly that if a hand was available as a tool, it was the better tool for the job. In another, an experimenter set up two scenarios for observation and participation for eighteen month-olds. He would drop a pencil. For one group, he would feign distress and loss, and struggle to try and retrieve the pencil. For another, he would simply carry on without interest in the fallen pencil. Unsurprisingly, when the toddlers observed the experimenter’s distress, they would try to alleviate it by retrieving and returning the lost item. When the experimenter feigned disinterest, the infants did not try to assist.

⁷⁵ Gopnik cites research originally published by Gregor Gergely et al; “Rational Imitation in Preverbal infants,” Nature 415 (6873), Feb, 2002: 715.

Children also illustrate something important about the requirements for moral systems through what they are not yet able to do. For example, children are able to make sound moral judgements at a higher rate than they are able to commit to moral actions, particularly when there is a perceived loss of benefit for themselves⁷⁶. Again, by looking at how young children direct their gaze, it was observed that their eyes would linger over the correct choice even though they could not stop their hands from moving toward the less equitable action (an unfair distribution in favour of themselves). Of course, adult moral judgement and adult moral action also show incongruence - adults reason well about the right course of action, but then use their faculty for language to rationalize why they do not choose it. Children, with their lack of facility with slippery words, cannot rationalize in this way, but this does not mean they lack capacity for moral judgement.

Some aspects that are assumed to inform the soundness of moral decision making are absent in young children. Children do not reference context or rate the soundness of source material in the manner that adults do. Children demonstrate the use of moral judgement, but they lack competency to accurately assess the criteria they rely on, or justify how that criteria is applied – capacities considered central to our ability to assign moral agency and responsibility. Children also take time to acquire the autobiographical sense of self that is seen as essential to moral accountability. This orientation is usually not reliably present until around age four, which is around the same time children begin to firm

⁷⁶Hauser, 262.

up their boundary between the self and others.⁷⁷ Other characteristics that have an impact on moral capacity are more unique to children - qualities that equip them for the steep learning curve childhood imposes. Some of these may be tools meant only for use during this particular phase of life - as an umbilical cord uniquely serves the foetus- although it may also be that, undervalued, they are qualities that ultimately languish through disuse. One of these is the capacity that seems to direct how human consciousness is oriented. Alison Gopnik refers to the preferred orientation for infants and children, who cast their minds broadly out at the world around them, as 'lantern consciousness' – all data is captured, as all of it may have worth, or may be required to facilitate causal maps. By adulthood, most humans – and indeed the very structure of their brains reinforce this - have come to favour a capacity for a narrowed focus, a 'spotlight consciousness' that hones in on relevant data, and uses it purposefully. Children, and those adults who seem willing to float in a sea of distractible data, are sometimes viewed as the original and the imaginative among us (although they are just as likely to be viewed as suffering from attention deficit disorder). Adults who maintain, or re-engage with, the capacity to use that lantern consciousness are often responsible for the creative bursts in scientific and artistic thought, because they have not closed off their capacity to notice the unusual and unused. Philosopher Gareth Matthews suggests that the process of philosophical questioning, so easy for children and so hard for adults determined to protect

⁷⁷ Gopnik, 208.

their “pretension to know”⁷⁸, is likewise enriched by this open orientation. Lantern consciousness is an essential tool for acquiring knowledge during childhood, but it is ironically one of the capacities children are expected to leave behind as they mature. Those who may have a reinforcing genetic predisposition toward this orientation suffer unduly as they enter school where only the spotlight, and not the lantern, is recruited into the service of learning. This capacity is treated as if, like the umbilical cord, it is vestigial – we have a surprising lack of curiosity about what it might mean to deliberately nurture and cultivate its use throughout the course of life. “Lantern consciousness” is the likely explanatory for the lush development of grey matter that occurs as children mature through to their twelfth year. The process of cultivating spotlight consciousness correlates with the cerebral pruning that occurs as children enter their teen years, when little used connections are essentially eliminated as the parietal lobes and frontal lobes reorganize.⁷⁹

The particularities of genetics in individual humans - innate factors again – have been shown to play a role, albeit a malleable one, in the exercise of moral capacity. Of particular note is the predisposition toward being an ‘internalizer’ or an ‘externalizer’, with its co-relative effect on the capacity to defer gratification. Children generally do not like to defer gratification - a capacity important to maintaining social stability - and they cannot

⁷⁸Coined by G Matthews, [Philosophy of Childhood](#).

⁷⁹Brain imaging shows that the child’s brain is dense with grey matter and neural connections that are gradually pruned according to level of use as children enter their teen years. Jay Giedd, who has made this research accessible to laypersons describes the neuron pruning that occurs as children move into their teen years as motivated by a “use it or lose it” principle. For more on this, see: Nitin Gogtay, Jay N. Giedd, et al., “Dynamic mapping of human cortical development during childhood through early adulthood.” [PNAS May 25, 2004 vol. 101no. 21: http://www.pnas.org/content/101/21/8174. 8174-8179](#)

easily be persuaded of the merits of doing so. But for those who have a tendency to externalize (who process their thoughts and feelings 'out loud'), the reluctance to defer gratification is compounded in a way that can negatively affect moral choice-making, and subsequently moral behaviour. Moral judgement is generally consistent between groups of internalizers and externalizers, but moral behaviour differs. Of course, adults do not like to defer gratification either, but have more experience with the necessity of it, and therefore can mitigate the impact of being an 'externalizer' on moral choice making. Factors like this influence the ease with which one achieves moral maturity, not the inevitability of whether one does. Other factors, like psychopathology, may actually bar achievement of moral capacity altogether.

I have presented here that, given the work of thinkers like Hrdy or DeWaal who hypothesize that human evolution required the early emergence of moral capacity in children, and given the findings of scientists studying the emergence of those capacities in children, there is a strong argument for re-conceptualizing children as moral actors. Yet this has not yet been taken up by those with the legal and ethical wherewithal to do so. As stated in the introduction, moral philosophy gives more weight to acquired (rather than innate) capacities in contemplation of moral agency. This weighting reinforces one of the central assumptions of western culture⁸⁰ – that those worthy of moral regard earn it

⁸⁰ And as Nussbaum notes, is most pronounced in American culture, which shows a strong tendency to overassign personal responsibility for all manner of unfortunate events, from family poverty to sexual assault.

through industry, skill and wit. The effects of luck, or of vulnerability, are dredged up only by the sore losers of this culture's game. The constituent bias that hampers children's proper consideration in predominant western moral thought reveals more about our aversion to that which we do not control than provide a bald assessment of children's moral capacities. As with luck and vulnerability, innate factors may be mitigated but not controlled. They are not earned. They are, for good or ill, bestowed. What we witness in children are gifts and vulnerabilities before they are sorted and embellished with the appurtenances of adulthood. The bias toward over-assignment of moral value to what can be controlled or achieved prevents proper appreciation of the innate – including children's capabilities - within the rubric of moral philosophy.

Emphasis on the controllable and on achievement (as product not process) structure one dimension of the constituent bias against children; the other, as this section has lain out, is girded by misapprehensions of children's actual capacities, preceded by an incorrect assessment of how moral capacity is informed and maintained. As described earlier, within the predominant operating ethical theories of western culture, moral agency carries a correlative affiliation with adulthood, in part because of the assumption that the intellectual processing tools and communication methods acquired as humans arrive at adulthood are correlative to moral maturity. Children, lacking *these particular* capacities, have been considered outside the web of commitments and requirements that surround the mature moral actor, even though, as shown above, children possess and exercise other capacities more directly linked to our facility as moral beings, with reliability and precision.

Fairly, then, it can be said that the modern, western ethical orientation bases itself on incorrect assumptions about children and that these misrepresentations limit its applicability and responsiveness to children's nature and condition. Some of these biases are foundational, like the bias toward achievement and adult capacities, and away from the 'uncontrollable'. Others may be contextual – based on misinformation regarding children and their actual capacities.

One could argue that, given that children are not legally accountable to function within this society's prevailing moral frame, the problems in bias pose no real challenge. Children are only referenced as recipients of the moral ministrations of others, and members of the Kantian "kingdom of ends". From this perspective, one could argue that the contextual errors and biases that have informed our ideas about children do not actually impinge on the validity of the premises or purpose that guide our ethical theorizing and practices. Given, however, that framing duties toward vulnerable others is considered an essential task within the public moral sphere, it should reasonably be expected that at the very least ethical theories extend out from an accurate appreciation of children's nature and condition. In addition, when requirements for constituency skew not toward appreciation of the rudiments of morality, but toward the tenets of autonomous adulthood, opportunity for new veins of thinking about how to cultivate responsive moral systems may be blocked. And finally, this misapprehension of moral capacity in children may impact more than how we treat children. As stated earlier, if we misapprehend how

morality is generated, cultivated, and demonstrated, we may continue to struggle in developing approaches to conceptualizing and advancing ethics that do all humans justice.

This is where we circle back around to those feminist arguments pertaining to bias in ethical theory and the stated need for more than the inclusion of women within the pre-established moral frame. The quick primer on feminist analysis of moral philosophy presented at the chapter's outset highlighted the negative impact of applying an improper conceptualization of women on the development of ethical theory. The reliance on an improper conceptualization of children has similar consequences. The bias against women was more than a bias against their 'x' chromosomes. It was against the function and identity assigned to women. It was against the vulnerability and the vicissitudes of luck that western society attempts to deny - or at least curtail - through its worship of autonomy. The bias against children, likewise, is more than a bias against physical and cognitive immaturity. An ethics so bound, where dependence and vulnerability bar one from moral agency, may be less serviceable than humans require it to be. An ethics so committed to describing itself based on adult manifestations of moral agency fails to regard properly the moral capacities that inform them. As the studies cited suggest, that which makes humans morally capable is evident and in use during childhood. Finding ways to reconcile this with our ideas of moral agency may be important to the development of effective moral theories.

Chapter Four

Rethinking Children and Childhood

Children show capacity to infer and care about the intentions of others, make moral judgements, and take moral action. What they lack – at least in their early years - is the ability to justify in words their moral choice-making. They lack the ability to articulate the value they place on the capacity to make moral choices. They lack the range of experience and opportunity that adults can reference in making and enacting moral choices. They lack the ability to mitigate difficult circumstances. And they are not deemed autonomous. If we compare this catalogue of deficits to Michael Boylan’s assertions about the requirements for moral agency presented in the introduction, we might still decide the case for conceptualizing children as moral actors is a diminished thing. But we would be doing so because we are still viewing moral agency, children, and childhood itself through the lens of adult bias. As the first few chapters assert, children and childhood have come to be conceptualized in a certain way in part to helpfully distinguish one from the other, but also in part to justify the way that adults prefer to view themselves – biases that convey a great deal about what adults believe fortifies the wall between control and disarray. Ultimately, the distinctions between the states of childhood and adulthood, and the held beliefs about the achievements required to transcend the former and attain the latter, reinforce a particular world-view that has been long-favoured in liberal western societies. As I have stressed, without conscious exposure and challenge, these biases may continue to impede development

of a corrected conception of children's (and adult) relationship to moral agency, even when cues from descriptive sciences provide the means to do so. But if those biases were thrust aside, what would we come to endorse with respect to children, childhood and moral agency?

Much of the material examined in the previous chapter has focussed on what seems to be innate rather than acquired in the demonstration of moral capacity. The capacities for fairness, for empathy, for rational inference, for moral judgement have been shown to be evident in the youngest of children. In their exercise, children (and the adults they become) appear to operate with an intuitive grasp of moral truths. Certain moral concepts appear to be innately held – like nurturing the ability to discern between precautions and prohibitions, and contracts and conventions. These indicators, if they prove durable when tested further, may even affirm long-held views supporting ethical intuitionism. However, they indicate something possibly more profound, suggesting that not only moral attributes but also the active capacities that *mediate* moral concerns are innate, present and in operation among the young. These capacities precede autonomy, and are enriched and exercised while we are still dependent, vulnerable, and lack experience and control. That these capacities are evident provides sufficient justification for asserting that children and childhood warrant new consideration from a moral agency standpoint.

Placed as opposition are arguments that without a capacity to articulate reasons, without that referential sense of a past, present, and future self, and with their disinclination toward focussed processing, children are incapable of exercising moral reason at a level sufficient enough to make the matter of their relative moral capacity germane. After all, as Alasdair Macintyre notes, in moral philosophy, “the starting point is one that already presupposes the existence of mature independent practical reasoners”⁸¹. Yet if further research continues to affirm that the tools needed to exercise moral judgement and enact moral decisions are innate and operational in young children, we have a good foothold established for rethinking children, childhood, and the cultivation of the requirements for moral agency. We have reason to revisit the assumed inverse relationship between agency and a child’s capacity, between agency and conditions of dependence and vulnerability, and between the bounds established between our conceptions of the child and adult selves. We re-visit those conceptions now.

I. Rethinking Capacity

What adults believe to be true of children’s moral capacity is constrained through the adult preference for knowledge transmitted through the articulate use of language. This has led to an elevation of the capacity for rational expression of moral reasons in

⁸¹ Macintyre, 81.

the pantheon of moral capacities, and a concurrent, practical misconception with respect to what kinds of decisions children are capable of making. As illustration of the latter, Gareth Matthews discusses a particular case (*re: Gregory K.*) where a boy of twelve launched a claim in a Florida court to assert that his knowledge and preferences regarding what was in his own best interest should be the determining factor in who should care for him. Gregory, after years of intermittent foster care, wished to remain with his foster family, where he was cherished, rather than return to either of the demonstrably incapable parents seeking to regain custody of him. The case was quickly sensationalized – “Boy seeks to divorce parents” the headlines read, but what seemed most compelling from a media vantage, was Gregory’s ability to lay out his reasons so effectively, referencing his experience and preferences, despite his young age. As Matthews wryly observed, adults whose expectations of children’s capacities were upset by this demonstration, were reluctantly “forced to ask whether it was just prejudice and condescension that led us to be surprised at Gregory’s poise and sophistication.”⁸² Largely because of Gregory’s reasoned presentation of his position, his case was initially settled in his favour.

What we must remember is that, of course, Gregory’s reasoned presentation is but the top layer, the visible portion of a process that would have been preceded by a

⁸² Matthews, *The Philosophy of Childhood*, 71. see also www.nytimes.com/1993/08/20/news/a-boy-s-divorce-is-upheld-in-court.html

process of moral assessment. Gregory himself would have had to determine: what were the moral duties owed him by a caregiver? At what point should his own capacity to flourish be weighed as more important than his parents presupposed right to raise him? In doing so, he would have had to reference a stored cache of meaning and nuance assigned to the moral problems before him. He would have to apply his imagination both to his own situation and in assessing what his parents may be capable of. Finally, he would have to organize this assessment into the format that would be viewed on the surface – the reasons communicated for Gregory’s preferred adjudication of this moral dilemma. We would be mistaken for assuming Gregory’s ability to present reasons in a manner palatable for the adults around him was the essential indicator that he was morally capable, even though in his case it served as an effective culmination of his moral assessment.

How Gregory’s case was handled provides telling insight into our culture’s orientation toward children. Because adults are accustomed to measuring capacity narrowly, children are perceived as less capable than a closer look at the evidence would show them to be. Adults and/or the systems adults have designed are expected to determine what is best for children. The cultivated habit of assessing capacity based on that demonstrable top layer of the reasoning process is used to affirm the rightness of that expectation. Adult systems experience dissonance when children set out to discern their own interests (especially when they counter parental

rights). Even in this case, and even given Gregory's ability to demonstrate reasoned capacity, the decision to award Gregory status was later overturned and Gregory was deemed without the *right* to terminate his relationship to his parents. Fortunately, for Gregory, his adoption by his foster parents was allowed to stand because the State (entitled to act according to its interpretation of Gregory's best interests) determined that best served Gregory. Only the State held the authority to overturn the parent's rights and to assign Gregory to an improved outcome. Even when children demonstrate capacity in the favoured manner, the assumptions built into the system deter acknowledgement and application. And we rarely delve deeper to help children make plain and actionable their own moral assessments.

Those who do accept Gregory's demonstration of his moral capacity as a basis for allowing him more autonomy are likely to do so because, despite his age, he used the familiar form of reasoned argument to compel adult notice. Being able to assert a rational claim may be the convenient yardstick for measuring moral capacity, but it certainly should not be the only, or most valued, one. As I surmised earlier, when we forgo dependence on verbal facility to measure capacity, and attend differently to how children respond through action and description to moral problems, children's moral capacities are apparent. Nonetheless the assumption persists that a matured capacity to articulate reasons, to adjudicate moral claims, is required for proper exercise of the 'other' moral capacities. Recall how within moral philosophy, the moral development

model referenced to track achievement of moral maturity, is that of Kohlberg, and Piaget before him, both of who rely on a trajectory with parameters established through concept displacement and language capacity. Kohlberg measures moral maturity against one's capacity to articulate justice-based reasoning to resolve complex moral problems. Morality, for Kohlberg, is developed, and actions made right by the quality of reason that informs them. Kohlberg does not hypothesize about how the relationship he sets between capacity to articulate and the capacity for right action might hamper his understanding of the moral capacity of children; that in fact he may be measuring one thing (this capacity to articulate moral reasons) but labelling it something else (moral capacity). Moreover, as noted earlier, Kohlberg initially worked from an assumption that an ethics of justice trumps an ethics founded on perspective taking – he acknowledged both, but favoured the former.

With this criticism in mind, Gareth Matthews takes aim at the evaluational bias of maturational/developmental stage models, systematically dismantling the assumptions behind the work of Piaget and then Kohlberg. Matthews argues that the working assumption that Kohlberg adapts from Piaget - that overcoming cognitive deficits is resolved along a predictable maturational path- is not even properly substantiated by Piaget's work. Piaget was credited with extrapolating from how children related to the then-held "principles of conservation", to how children generally progress in a staged way, grasping concepts successively, skipping none, and

unable to endorse the next concept in a sequence until the former is grasped. Kohlberg later relied on this same process of concept acquisition within his theory of moral development. Matthews first critiques how Piaget infers negative judgement upon children for their failure to perceive and endorse the principles -principles which themselves have been undermined by the interceding half-century of scientific thinking. Of greater concern however for Matthews is the underlying assumption that an intellectual requirement to grasp new concepts sequentially, that occurs predictably as children grow older, is equated with children moving from an inability to discern falsehood toward a capacity to perceive truths. Matthews notes that:

The achievements Piaget touts are not the acceptance of truths at all, but rather the “construction” of intellectually satisfying principles that all turn out to be false. Even if it is essential to cognitive maturity that children go through stages in which they come to accept, successively [Piaget’s principles of conservation] this development cannot be viewed as a step-by-step victory of truth over falsehood.⁸³

By analogy, he moves forward to a critique of Kohlberg’s research, which tracks moral development from a starting point of ‘pre-moral’ through five or six subsequent stages, advancing irrevocably forward. Matthews challenges not method, but what the research credits itself with measuring. Perhaps enamoured by the fact that the stages upon which he focussed were somewhat easy to translate into a format

⁸³Matthews, *A Philosophy of Childhood*, 52.

amenable to researching, and had this pleasing Piaget-like progression to them, Kohlberg misses too much, and at children's expense. This criticism was launched, as we noted earlier, against Kohlberg by feminist philosophers with respect to women. Matthews, with the child in mind, proposes an alternative theory – speculating that the process of moral development occurs across several dimensions, and Kohlberg's work, at most, describes only one of them.

Matthews favours this hypothesis: children, very young children, demonstrate moral capacity well before they take on the means to offer moral reasons in the way Kohlberg's theory requires. Moral development is more adequately considered as dimensional, the first of these defined as the dimension of paradigms. Children start with moral capacity, and develop increasingly complex patterns of thought to apply to a moral concern like, say, lying. A second dimension is the capacity to apply more precise defining characteristics to describe a moral problem; in this way, a more nuanced approach can be developed upon which the child bases her actions. A third is the capacity to discern "the range of moral cases that fall under each term of moral assessment, and how we deal with borderline cases."⁸⁴ The fourth dimension, the capacity to adjudicate conflicting moral conflicts or dilemmas, most closely aligns with the type of moral development that Kohlberg describes. And finally, Matthews describes a fifth dimension, of moral imagination. Matthews stresses that the these

⁸⁴Matthews, *A Philosophy of Childhood*,64.

dimensions are not travelled through linearly, although experience hopefully informs and deepens each of them. As Matthews observes:

Long before a child will have to deal with moral dilemmas, let alone give a justification for resolving a dilemma, the child can have a strong empathetic response to the victims of suffering, or injustice, and a working understanding of the central paradigms for terms of moral assessment.⁸⁵

Matthew's dimensional approach sits more comfortably alongside the research and ensuing examples cited earlier, that demonstrates how children discern and act consistently with moral concepts and appropriately exercise moral concern. He pares away yet another rationalization for our collective failure to act responsively with respect to these capacities and challenges the tendency to interpret a child's exercise of them as the pre-moral manifestations of children who are prone to imitate and appease adults.

Matthews brings forward one further appreciative observation on the child's capacities not just for moral assessment but for philosophical assessment in general. He emphasizes what is kindred in the child's and the philosopher's approach; that the philosopher, like the child "gives up adult pretensions to know" in considering problems. The capacity to do this kind of thinking has its first trials in the ways that children puzzle out meaning and relationship to the world around them, something

⁸⁵Matthews, *A Philosophy of Childhood*, 65.

ascertained through the research cited earlier. Matthews remarks appreciatively on how children approach philosophical problems with imaginativeness, inventiveness and a willingness to 'start over'. Because children have not yet wedded themselves to particular theoretical platforms, they willingly assume that naive stance that characterizes the desired starting place for philosophical and scientific inquiry. The qualities that inform this approach in children are linked to that 'lantern consciousness' that orients children – the openness to data and possibilities that might be left unlit by the focussed beam of the 'spotlight consciousness' humans are encouraged to employ (and their brains subsequently facilitate) as they grow older. This orientation is not routinely called into service as young children engage in formal learning (some might even argue that it is discouraged). Much to the chagrin of champions like Gareth Matthews, we do not take advantage of this orientation or its possibilities for cultivating philosophical capacities, including moral capacity, when children are young, although ironically, this orientation acquires value when we commit to its conscious re-development as adults.

II. Rethinking Dependence and Autonomy

Children are compelled by a determination to exercise autonomy - from their first independent steps, their first exercises in independent problem solving, and their first freely chosen relationships with others. Children reveal the intensity of their

orientation toward autonomy in much the same way that infants showed scientists how their moral capacities operated – they gawk most intensely at what they find compelling, drawn to stories and opportunities to flex their capacities. Consider successful children’s literature - from Max in “Where the Wild Things Are”, to Huck Finn and Harry Potter. Hovering adults hold no sway. Children take risks, and work out complex moral issues independently. As a parent, I confess myself chagrined at the number of mothers in children’s’ books that have to die in order for children to have enough room to do anything interesting with their lives⁸⁶.

Earlier, I posited that autonomy ought not to be defined as the end of a journey away from dependence; but as a motivational force behind the process of human striving. “Aristotle got it right”, Nussbaum observes as she surveys across a range of research into the motivations behind infant development, “interest in cognitive mastery is part of human infants from the very start of life”⁸⁷. But it would be wrong to infer then that interest in dependence is antithetical to this. Striving after autonomy occurs alongside the practical dependence that children have on the caregivers around them – not as competing forces, nor as parallel rails, but as strands of human

⁸⁶Amal Treacher in a study of children’s autobiographical narrative found that, among her subjects, “all the children (whatever their gender, class or ethnicity) provided adult-free narratives. Parents, teachers and adults were relegated to the margins and in many of the narratives absent altogether. There was a difference in the way that parents were spoken of - fathers were represented as fun, encouraging and initiators of action even if they were not present in the rest of the narrative itself. Mothers, alas, were relegated to making sandwiches for lunch.” Amal Treacher, “Children’s Imaginings and Narratives”, Feminist Review ,vol. 82, 2006: 106.

⁸⁷Nussbaum, Upheavals of Thought. 189.

experience would reinforcingly around each other. Although the relative weight of dependence shifts at different stages of life, it is imprudent to conceptualize the self as ever free from it – acknowledgement of dependence, as Alasdair Macintyre’s asserts, is key to independence.

For Macintyre, who works morality from a virtues perspective, to become a truly moral and independent human requires cultivation and exercise of the virtue of acknowledged dependence. Other thinkers have of course reflected on the cruciality of a morality informed by acknowledging vulnerability – as in Rousseau’s caution to the fictitious Emile that “each may be tomorrow what the one whom he helps is today,”⁸⁸ and Aristotle’s reference within the context of the virtue of compassion to the “judgement of similar possibility”⁸⁹ – but Macintyre is trying to get at more. The dependence he refers to is not a probability to which humans need to become reconciled, but a certainty of human life. Our relationship with dependence starts with the process of negotiating our way through our dependency and vulnerability in infancy. It is not resolved through the achievement of autonomy but through achievement of a capacity to shamelessly acknowledge it. Dependence, then, is not a vestige of childhood (or a condition of infirmity or age); it is an acknowledged part of the human identity. If a virtue acknowledged dependence were embraced, as

⁸⁸ Jean Jacques Rousseau, *Emile*, (New York: Basic Books, 1979): 222

⁸⁹ I rely on Nussbaum’s derivations and interpretation of Aristotle’s *Rhetoric* here. See Nussbaum, Upheavals of Thought.306

Macintyre argues it should be, children's dependency would not inadvertently distort our analysis of their capacities. And from earliest ages, children could be taught to respect both their own and their fellow human's inevitable dependence. The relational aspects of our human lives would move into sharper relief. Autonomous choice making and acting would be more clearly defined as in the service of morality, alongside other capacities, and not as a marker of the achievement of moral agency.

One more return to the case of Gregory: As noted by Gareth Matthews, when children become older and more capable of demonstrating their rational capacities in ways that adults cannot help but notice (even if it is with surprise), we accordingly begin to acknowledge their readiness for consideration as autonomous agents. What Gregory was more precisely demonstrating, however, was not only his capacity to conduct himself autonomously – his desired end, after all, was not to be left to raise himself. He was demonstrating that he was able to appraise his own dependence needs against the caretaking resources available to him. He showed maturity and intelligence in his appraisal of what made up a caring relationship, and why it ought to be preferred even over the ties of blood. He showed himself capable of exercising the virtue of acknowledged dependence in framing and asserting a moral claim. As Gregory demonstrates, if we only measure children's moral capacities against a dependence/autonomy scale we do more than falsely rank achievement over effort; we fail to develop and use a more nuanced tool for moral assessment.

If this orientation toward acknowledged dependence is embraced, can it dismantle how dependence is used as a barrier to proper consideration of children and moral agency? The way is doubly impeded. First, of course are those arguments of bias advanced earlier – that habit of considering autonomy as an end, and dependence as an temporary condition to be overcome, reinforced by our assumption that agency is established once it is. The second impediment, correlative to the first, has to do with the adult response to children’s real dependence. This dependence generates both a moral duty and inclination to nurture and protect children. Brokering dependence becomes a means for adults to mediate this moral duty and moral inclination. In North America, at least, this has led to issues related to how autonomy is withheld or assigned.

When autonomy is assumed as antithesis to dependence, and we are conscious children’s real dependence needs, it may seem that the way to properly attend to one is to deter the other. But we set up something false here. We limit recognition of children’s autonomy in order to make it more straightforward for adults to exercise their desire and duty to care for and protect them (as well as to protect adults from any vulnerability that may arise when harm occurs) rather than in response to any bald appraisal of children’s capacities to choose and act. A scan through North American news items regarding the latest restrictions on school recess activities is illustrative. Balls are banned because a child might fall while in pursuit of one, or might be hit by

one⁹⁰. Tag, Red Rover, banned.⁹¹ A beloved willow is cut down because children like to climb it, and might fall. A schoolyard slope is levelled because kids tumbling down it for the joy of doing so have been injured. An eleven year old told me that at her school that they were only allowed to fly paper airplanes if they signed out protective goggles from the gym. This level of paternalism impedes children in exercising and building not just their physical muscles but also their 'autonomy muscles', a certain critical mass of which is deemed essential for recognition as moral agents. We curtail children in order that adults can be seen to exercise their moral duties toward them, and to protect adults and children alike from the pain caused by harm. Adults fear harm descending on children; they also fear liability for failing to protect them. Adult duty to ensure that children arrive uninjured at the terminus of adulthood is in competition with allowing children to practice exercising their autonomy, which in turn is deemed necessary to gain access to adulthood. Conceptualizing children as lacking autonomy is a plausible way to explain why they require protection. But, again, autonomy is not an achievement as much as it is an impetus, necessary for children to deepen their moral capacity.

Students fight rule banning balls in school yard www.cbc.ca/consumer/story/2010/01/20/ott-snow-balls.html.

⁹¹ *Schoolyard tag games deemed too rough in Massachusetts.* www.cbc.ca/world/story/2006/10/18/tag-ban181006.html.

Of late, science has also been called into service to justify withholding autonomy and maintaining dependency. Assessment of physical properties of the teenage brain using MRI technology consistently shows the executive function centres of the brain as “under construction” during adolescence. Neurons are culled as the teen brain sorts through the massive data collected through the ‘lantern orientation’ of childhood and selects what seems of most practical use in order to exercise the ‘spotlight orientation’ required in adulthood⁹². It has followed that, given this taxing effort, adolescent executive functioning is somewhat impaired. If teen judgement is suspect, and they are all emotion and impulse, it follows that adults must do everything they can to protect them from the consequences of their poor judgement. I find it difficult to reconcile this interpretation with how adolescence has been considered across cultures and history. Those ‘addled’ adolescent minds were once required to raise families, plan and lead others into battles, practice professions and trades. Currently, in many parts of the world, they still do these same things⁹³. To withhold

⁹² Dr. Jay Giedd, who has pioneered the brain mapping process and advanced the “under construction” hypothesis. See Rhoshel Lenroot, Jay Giedd, “Brain development in children and adolescents: Insights from anatomical magnetic resonance imaging.” *Neuroscience and Biobehavioral Reviews* 30 (2006): 718–729; and S. Drury, Jay Giedd, “Abstract Thinking: Inside the Adolescent Brain.” *Journal of the American Academy of Child & Adolescent Psychiatry*, Volume 48, Issue 7, (July 2009): 677-678.

⁹³ From a sociological vantage, David Buckingham writes: “our contemporary notion of childhood - of what children are and should be - is comparatively recent in origin, and that it is largely confined to Western, industrialized societies. The majority of the world's children today do not live according to 'our' conception of childhood. To judge these alternative constructions of childhood - and the children whose lives are lived within them - as merely 'primitive' is to display a dangerously narrow ethnocentrism. D. Buckingham, *After the Death of Childhood*, (MA; Blackwell Publishing, 2000): 10.

responsibility and curtail the drive for autonomy on the basis of that “brain-under-construction” scenario may be unwarranted. Jay Geidd, the pioneering researcher in mapping the developing adolescent brain proposes empathy for the teen whose brain is engaged in its preoccupying re-organizational tasks, but his central message is not organized around protection but exposure; that is, if the teen mind is engaged in a process of pruning neurons in order to facilitate knowledge specialization, how can society create the most complex and challenging opportunities for young brains to organize around? Practicing autonomy is certainly essential to creating that climate of challenge; and we have not yet properly evaluated the consequences for children who find their way to the practice grounds unreasonably barred by the fear and ensuing arbitrariness of adult control.

Children seem to show strong appreciation for the practical exercise of autonomy. Perhaps we serve them best when we fully apprehend autonomy as more drive than destination, respond caringly to real dependence, and cultivate in them the virtue of acknowledged dependence as a mark of moral maturity.

III. Rethinking Animality, Childhood and the Unbounded Self.

Alasdair Macintyre explains in his introduction to Dependent Rational Animals that he intends, through his argument, to correct two errors embedded in his earlier

works, the first: “supposing that an ethics independent of biology to be possible”⁹⁴, and the second: failure to realize “the parts played in human life by vulnerability to physical and mental dangers and harms.....and the importance of the absence of that realization from the greater part of moral philosophy”.⁹⁵ Macintyre from there lays out the fallacy of imagining that the adult self can morally advance (or construct moral communities) if that self is maintained as an entity bounded off from acceptance of its animality and vulnerability.

Macintyre relies on the assumption that children are closer in function to their animality than are adults, and for him that means that although they have reasons for acting he is not certain that they have capacity to (or should be expected to) evaluate and modulate those reasons according to circumstance, or function with a balance of self/other regard. He does not assume that they possess the imaginative capacity to locate themselves within the context of a past or future. It is important to note here that the sources he references in establishing his ideas about the young child pre-date the research presented in this thesis, research that suggests certain capacities are in operation to some measure earlier than once thought in children, and indeed may be more present than imagined in animals as well. Macintyre is not interested in either romanticizing or denigrating the functionality of animals, even as

⁹⁴ Macintyre, Dependent Rational Animals (preface), x.

⁹⁵ Macintyre, xi.

he highlights what he believes to be the catalogue of similarities and differences between human and other animals. Macintyre's arguments are thus set out in a way that would fit comfortably alongside newer data, both as it pertains to children and animal capacity. Macintyre asserts the necessity for humans to develop fresh appreciation for what he refers to as the 'non-human animal, stressing how philosophical understanding of the moral self is impoverished by the assumption of segregation between human and non-human animals. As Macintyre summarizes:

We never make ourselves independent of our animal nature and inheritance. Partly this is a matter of those aspects of our bodily condition that simply remain unchanged....and partly it is a matter of what is involved in our becoming able to reflect upon our overall comportment and our directedness towards the goods of our animal nature, and so in consequence to correct and redirect ourselves, our beliefs, feelings and attitudes and actions. For it is of first importance that what we become are redirected and remade animals and not something else.⁹⁶

This acknowledgement of biological kinship with animals facilitates a more straightforward appreciation for those aspects of moral capacity that may be innate, that may be shared among species, providing relief to the conception of morality favoured by the West that in turn is aligned with the adult achievement of autonomy and reason.

⁹⁶ Macintyre, 49.

Integrating an appreciation for our animality is an essential precursor to dismantling other boundaries to the adult identity, but it is not sufficient. Our 'forgetting' of the way we are rooted in our animal natures is likely similar to the way that we fail to acknowledge and integrate the experience of childhood into our adult selves- more a rejection of undesirable truths than a failure of imagination. Recall the earlier assertions that things that remind us that we are animal are often made objects for human expression of disgust. Concepts that nurture the illusion of distance save us from acknowledgment of kinship.

Macintyre argues further that dismantling the bounded idea of the adult human requires more than conscious appreciation for the corporeal self, our animality. It requires integration of the remembered and imagined self, from childhood through to elderhood.

It matters also and correspondingly that those who are no longer children recognize in children what they once were, that those who are not yet disabled by age recognize in the old what they are moving toward becoming, and that those who are not ill or injured recognize in the ill or injured what they have often been and will be and always may be. It matters also that these recognitions are not a source of fear.⁹⁷

⁹⁷ Macintyre, 146.

Here is where imagination is called into service - in particular as it pertains to the ability to conduct ourselves as moral actors. Imagination fuels moral empathy, a capacity to live beyond the bounds imposed by our current relationship to age and circumstance, to move beyond the bounds of a singular identity. Imagination is what Rawls requires of the mature moral thinker behind that 'veil of ignorance' - how one is tethered to one's own circumstances is imagined away in order to craft ethical solutions that have impartiality and breadth.

Children are often considered limited as moral agents because of their inability to maintain a bounded sense of identity. They do not rely on an autobiographical sense of self until they approach their fifth year; that is, they do not catalogue the stories of their lives into remembered events that in turn can be consciously referenced to offer meaning or bias to their choice making. They also do not appear to operate with reference to a sense of a self as clearly distinct from others. If they do not reference a clearly bounded sense of self and other, it has followed that they are not yet equipped for consideration as moral actors as traditionally conceived. On the other hand, 'unboundedness' may be integral to the development of moral agency because it facilitates the development of empathic imagination. Perhaps, then, well-bounded adult identity does not warrant the weighting it has been given as a criterion for moral agency. Evidence shows, remember, that the lack of bounded sense of self does not hamper children's ability to

interpret and respond appropriately to the particular needs or intentions of others – think back to the experimenter and his errant pencil.

Boundedness imposes filters between observation and response; children respond reflexively. Our estimation of the benefits of bounded identity again point toward the bias for reasoned action in how we determine what makes us moral. A child's experience of themselves includes the information they take in from the world around them in a more immediate way than adults are wont to allow. Their empathic response is reflexive foremost. If for that reason we question its contribution to the moral capacity of the child it is again because we are working from the biased assumption that what we consciously achieve has more moral worth than something we exercise innately. Alison Gopnik, who takes an appreciative position of children's unbounded self, reflects on the moral richness of the child's unboundedness, observes how "moral thinkers from Buddha, to David Hume to Martin Buber have suggested that erasing the boundaries between self and other in this way can underpin morality."⁹⁸ It is ironic that we consider it laudable to effect a conscious return to a capacity that we fail to appreciate properly in childhood, although it is indeed laudable, given how difficult it is to attain a fearless and conscious appreciation for our future and childhood selves. Boundedness ultimately is constructed to protect us from the fear those vulnerable conditions elicit – one of the shields, as Smith famously

⁹⁸ Gopnik, 208.

put it, “against fear and anxiety, the great tormentors of the human breast”⁹⁹ that reason and philosophy are pressed into service to defend us from. The arguments for boundedness as necessary for moral maturity are rationalizations precipitated by that fear. Macintyre invites consideration of the alternate view – that moral integrity is achieved when we conduct our moral choice making with full appreciation for our relationship to our past and future selves – without fear, with acceptance. Opportunities for refreshing our moral regard of children are subsequently created.

IV. Rethinking Vulnerability and the Vicissitudes of Luck

Although I made a distinction earlier between dependence and vulnerability, they share enough similarities in how they are conceived that they evoke that same instinctive response – fear - and with it a determination to distance ourselves from that fear, calling on whatever bounds reason and philosophy can erect. Vulnerability and dependence are correlative in other ways as well – both invite the moral response of compassionate solicitude. Appreciation for the relationship between vulnerability and compassion has a long philosophical history – even so, our habit in moral philosophy has been to try to manage its stark inevitability through characterization of the moral actor as one who acts with compassion toward the vulnerable and unlucky, but not as one who currently inhabits

⁹⁹ Adam Smith, [The Theory of the Moral Sentiments](http://www.econlib.org/library/Smith/smMS4.html), Part I, Chapter 1. 1759
<<http://www.econlib.org/library/Smith/smMS4.html>>.

that dread domain. Children, of course, do reside in the domain of the dependent and vulnerable, and this predicates unease, both socially and philosophically, toward children and childhood itself. When perceived by others as vulnerable, or suffering under the vicissitudes of luck, one is seen as entitled to receive moral concern, but, thus encumbered, are not necessarily entitled to consideration as moral (or even human) agents. This fear of our vulnerability also mars our relationship to gratitude as a component of moral capacity. Earlier, I noted that gratitude has two philosophical meanings – appreciative acknowledgement of another’s generosity, and an appreciative sense of relationship to the larger forces around us. When resident in either of these positions, we acknowledge our vulnerability. With respect to the latter, we employ our capacity for wonder, one of the most powerful motivational forces, and sadly one often frayed by neglect as we grow older. When vulnerability engenders shame, we are less likely to allow ourselves to inhabit a state of gratitude.

We also, as discussed earlier, attempt to limit the impact of vulnerability through the predictability and protection of well-crafted rights, even though we admit there is a certain hubris to imagining that rights can do more than mitigate some of the transgressions humans enact upon one another. The idea of rights stands as a sentinel to prevent the encroachment of vulnerability; reliant duties follow that exhort how one should not create vulnerability for others, but the duty to respond to witnessed vulnerability is less clearly captured in the vernacular of rights. And rights are problematic in their application to children in other ways as well. Children’s rights are crafted by adults

in order to protect what adults believe to be valuable about childhood. Children are generally unable to directly interpret or claim them on their own behalf – their status, rationalized by their very vulnerability and lack of assigned autonomy, bars their way.

A proper consideration of vulnerability's relationship to moral agency is impeded as well by the habit of in ethical theories of inflating the value assigned to the more conventional moral requirements of autonomy and reason; relegating compassion and appreciation for vulnerability as the "optional extras". In the preceding chapter on bias, feminist arguments noted in particular how this effects in turn a subjugation of an ethics of care to an ethics of justice. Similarly, emotion, which gives substance to vulnerability, is relegated as subject to reason, which we believe can constrain it.

Reconceptualization of children requires a reconsideration of the place of vulnerability in the identity of the moral actor. Rousseau's admonishment to Emile regarding the possibility for misfortune must not be merely an exercise in imagination for the moral actor but a felt acknowledgement of affinity. The moral actor is one who inhabits and acts with awareness of a human's perpetual vulnerability, and who accepts emotion as a form of cognitive judgement to share a place with reason in the process of moral assessment. Martha Nussbaum puts it this way:

Emotions should be understood as geologic upheavals of thought, as judgements where people acknowledge the great importance for their own flourishing of things

they do not fully control - and acknowledge their neediness before the world and its events".¹⁰⁰

Adults prefer to be impervious to vulnerability rather than conscious of it, to rely on a myth of omnipotence. Similarly, adults prefer, as stated earlier, generosity over gratitude – being in the recipient position is considered embarrassing, and a sign of weakness. Neediness or emotional resonance with a moral problem is often cited as a barrier to impartial exercise of moral judgement. Children, however, demonstrate something quite different as they assess and resolve moral problems. Even while fully swaddled in vulnerability, they exercise their autonomy impulse, assess and act on emotional content, **and** hone their ability to infer from the behaviour of others, and extend themselves towards other with appropriate empathy. Evolutionary anthropologist, Sarah Hrdy surmises that our unique development as a human species may have occurred at this intersection:

To be so dependent and still prosper, infants have to be adept at reading their mother's intentions and soliciting other caretakers if needed. ..Being able to intuit and care about what others are thinking, to cognitively and emotionally put oneself in someone else's shoes, and to think about what they are thinking (and learn from it) has in turn had spectacular repercussions in the evolution of our peculiarly "hyper-social," information-sharing, and culture transmitting species (Tomasello 1999), a species pre-adapted for all manner of cooperation.

¹⁰⁰Nussbaum, Upheavals of Thought,90.

Sociocognitive development right from birth plays an important role in the development of the neural underpinnings for such talents.¹⁰¹

Children's vulnerability does not prevent development or use of the capacities required for moral agency; rather, children's vulnerability seems a precondition for the development of morally responsive human communities. Vulnerability affords permission for humans to form caring relationships with one another, grants implicit respect for the necessarily emotion-laden transmissions within those relationships, and enables generosity and gratitude to be practiced without shame, all in ways that are fairly unique to the adult-child relationship. Moreover, when children are brought up to be ashamed of their neediness and vulnerability, they face a high risk of failure to develop a capacity for compassion, or to form meaningful attachments to others in their adult lives¹⁰².

Given that children's vulnerability may indeed facilitate development of the capacity for moral concern and choice making, and given that children are simultaneously able to inhabit vulnerability and demonstrate other moral capacities; consideration is warranted regarding whether ethical theories give proper consideration both to children and to this apparent compatibility. Nussbaum, who in *Upheavals of Thought*, argues for the place of certain emotional content and processes within ethical theorizing, traces some of the core informants of moral capacity back to capacities evident in childhood. Central

¹⁰¹Hrady, 86.

¹⁰² Nussbaum draws on the patient studies of psychoanalyst, Derek Winnecott; [Upheavals of Thought](#).228

to her thesis is the cruciality of the dance between vulnerability and compassion, and how this in turn can enrich systems of ethics:

The recognition of one's own related vulnerability is, then, an important and frequently indispensable epistemological requirement for compassion in human beings – the thing that makes the difference between viewing hungry peasants as beings whose sufferings matter and viewing them as distant objects whose experiences have nothing to do with one's own life¹⁰³.

Not naive to the perceived dangers of inviting an emotional process to dine with the safer, Kantian tenets of rationality and the categorical imperative, or with Rawlsian evaluations from behind the veil of self-interest and ignorance, Nussbaum nonetheless argues for setting a place for “compassion and information” at the table of moral theory development. She argues that the means for making the dinner party proceed smoothly have much to do with how we conceive of the qualities and potentialities of children and childhood. As she notes: “Compassion does not appear magically out of nowhere: it is a direct outgrowth of proto-ethical elements that are already present¹⁰⁴” from infancy. In particular, she references children's non-omnipotence, and their capacities for empathy and wonder, and she imagines how they can be illuminated in order to lend more reliability to compassion as a means for moral assessment and response.

My account of a child's emotions, unlike many others, does not imagine that people are completely egoistic from the start. Infants have concern about items in the

¹⁰³Nussbaum, Upheavals of Thought, 319

¹⁰⁴Nussbaum, Upheavals of Thought, 337

world, in some ways from the very beginning of life – in the wonder and curiosity that leads them outward to explore objects, in the interest they have in examining a human face and interacting with that face, in their need for attachment, not entirely reducible to other, more egoistic needs. So for my account the problem is not how to plug other things and persons into a fundamentally egoistic system; it is, instead, how to broaden, educate, and stabilize elements of concern that are already present - and in particular how to build a stable and truly ethical concern for persons who are also objects of need and resentment and anger¹⁰⁵.

Nussbaum goes further, insisting not only on appreciation for the relationship between the qualities evident in childhood and a mature moral capacity but on an integrative appreciation for our childhood selves and a matured moral capacity. “What we want”, she insists, “is a society where *all* are children, needy and fallible, and *all* respect one another as of interest and value in their own right.”¹⁰⁶ We are not child, then adult; we are humans, with all possibilities contained inside that frail shell. The problem is that moral theory develops through establishing and maintaining distance, rather than with an eye to integration. The preference discussed earlier for theories that rely on staged displacement – like Piaget or Kohlberg’s - is one indicator of this. Always about mastery, succeeding, lacking sufficient mindfulness of how the moral practitioner is tied to corporeal vulnerability, tied to luck, to genetic heritage. It is incongruous, then, that even when

¹⁰⁵Nussbaum, Upheavals of Thought,338.

¹⁰⁶Nussbaum, Upheavals of Thought,229.

moral philosophy acknowledges human vulnerability it strains away from integrating that acknowledgement into its appreciation for the human as moral actor.

Chapter V- Towards Correction

Childhood and adulthood are categories that leak in both directions.

Amal Treacher

This project's commitment has been to establish a corrected philosophical conception of the child - to challenge those assumptions embedded in the habits of western political and moral philosophy that cloud children's proper consideration I consider this an essential precursor to the important practical undertaking of analyzing applications of policies and practices in the lives of children to ensure they operate in a way that is consistent with a proper philosophical conception of the child. Because ethical theory has proceeded in a way that hobbles assumptions about what makes us moral to assumptions about what we want to believe makes us adult, it fails to account for and appreciate not only children but all humans who endure states of dependence and vulnerability throughout their lives. It not only prevents proper analysis of how children can participate in moral processes, particularly those that affect their lives, but prevents adults from fully appreciating and availing themselves of the many attributes that make up the self from which morality flows. These failures impede the study of ethics itself – for, after all, how can we pretend to study the rightness and wrongness of human action, discern its determinants and propose ethical processes when we incorrectly hold that the domain of ethics is thus constrained? . Proper conceptualization matters – it enables fresh thinking and ensures that arguments rely on an accurate appreciation for who we humans are, from beginning

to end, and what we can then bring to bear in developing the ethical theories that describe and govern us.

I have illuminated some of the ways that children and childhood are improperly conceptualized as unfinished humans appropriately segregated off from adulthood. I touched only lightly down on the compelling and increasingly voluminous evidence that underscores the evolutionary and biological history of morality's underpinnings. I presented evidence of moral processes as hard-wired, predispositional aspects of the human self, evidence of how empathic associations rather than contractarian ones are crucial to civil societies, evidence that humans are not the only animal that demonstrate elements of moral processing, and, finally, that those elements of morality emerge and are effectively used in moral choice making very early on in the lives of humans. Moral theory will inevitably progress in its development with this fuller map of its heritage in mind.

I asserted the cruciality of assessing for the impact of bias on the development of sound ethical theory. I analogized earlier that bias is like an algae that obscures our view. But perhaps a more fit analogy would be to compare it to something not visible at all – something gaseous and discreet. Bias distorts what we apprehend but because we do not see it, we do not mitigate its effects. Feminist analysis has highlighted the impact of this on women in particular and on the domain of moral philosophy in general. A modest hope of this thesis has been to devise a means for making both bias and its effects more apparent when it comes to the attributions assigned to children and childhood, and how moral capacity is considered. Autonomy, independence, control, a capacity to articulate reasons

– all these accoutrements of adulthood – ought not to serve as an exclusive or exhaustive list for determining moral capacity – unintentionally or by design.

This thesis leaves many significant questions unconsidered, questions that others have rigorously attended to in other studies - such as whether either a clearer delineation of children's rights; or a freshened description of the type of relationship that should exist between the cared for and the carer; or the absolute liberation of children from a position of reduced status can ameliorate the biased conceptualizations within which children are regarded. The monumental task of locating morality's precipitants and motivations across the interwoven story of human biology, social, psychological, and anthropological underpinnings is in a fledgling state. But my hope is that this project at least poses a challenge to all who concern themselves with children and their moral status, or with the relationship between moral systems and the ubiquity of human vulnerability, to rethink the biases and misconceptions that have obscured our views and hampered our development of responsive and inclusive ethical processes. To that end, and expanding on my earlier criteria for assessing the impact of bias on the validity and applicability of ethical theory, I propose the following analytic as a means to assess the processes and practices that we apply in crafting an approach to children's lives and problems:

1. What assumptions are being relied on with respect to how moral agency is defined, and what its parameters are?
2. Are there any neglected orientations that warrant reconsideration?
3. Are would-be participants accurately described?

4. Does the process/practice under analysis promote an integrative or segregated conception of human identity?

When it comes to systems affecting children, answering to those criteria would lead toward the following recommendations.

1. Reconsider generally the role of autonomy, language capacity, independence and control as the chief markers of moral agency and moral maturity.

These aforementioned acquisitions of the adult, appointed as harbingers of moral capacity, hold too much sway in practiced ethics, obscuring our assessment of children's capacity, and barring acceptance of the very real relationship that we maintain throughout our lives to dependence and vulnerability. Ranking moral qualities does not necessarily enrich development of ethical systems and practices, and I hope this paper has exposed at least some of the limitations imposed when we rank autonomy, independence, control, and communicative capacities - either by habit or design - over vulnerability, dependence, the form of moral choice-making that precedes language facility, or when we forget that we are all subject to the uncertainty of this chancy world we inhabit. But it will take scrupulous effort to undo the effects of this habit on how systems are designed and implemented. David Archard points out how, "liberals, for instance, are often criticized for appearing to think that the only thing worth having as an adult is autonomy. There may be well be other virtues or valued capacities of maturity which the child should acquire"¹⁰⁷.

¹⁰⁷ Archard, Children, Rights and Childhood, 209

Certainly I agree, and hold that this is just as true when it comes to how public ethics ought to advance itself with respect to appreciation for and assignment of moral agency. There may be other valued capacities that inform morality, that facilitate moral processes, and ethical systems should find means to reference them.

Our public processes flounder in addressing this kind of expectation. For example, even when looking at systems with clear intentions to safeguard children, like modern North American Child Welfare systems, there is a disconnect between finding means to integrate the experiences and views of children into the system's formulated responses. In Ontario, the Ontario Child Protection Tools Manual, which operationalizes a variety of assessment tools in order to determine child risk, almost exclusively canvasses and assesses adult motivation and capacity. Why? In this case it is certainly not that children don't matter; but the habit of practice behind the manual's development works out from assumptions of the inviolability of adult agency, and accordingly assesses whether or not adult caregivers are maintaining a minimum threshold that entitles them to raise children without interference - children are generally assumed to be unable to make the weighty ethical judgements that would interfere with that parental right, or that a risk assessment process should rely on. In order to interfere with that assumption, children can avail themselves of the services of a "children's advocate," who helps insert their views into the decision making processes that affect their lives. But this is a terribly cumbersome route to expect children to traverse in order to be sure that they are heeded.

Other potentially vulnerable groups – elders, or persons with disabilities - may also be excluded from crucial assessment processes for the same reason; an inability to reliably demonstrate the preferred indicators for moral capacity in the preferred way, thus falling prey to the ensuing systemic error that they are not (or only marginally, or no longer) morally capable . We have learned some of what we need by watching how women extracted themselves from those weighty misconceptions; we can learn a great deal from the energies of persons with disabilities to assert their entitlement; and as the population greys, we can hope to see an increase in respect for the venerability of age, rather than the fear of decrepitude and dependence with which the aging process is anticipated.

Systemic correction will require that the inclusionary criteria for who is seen as morally capable is appropriately expanded, and that public processes work out from this expanded orientation. To return to the example cited above, a Risk Assessment Process that intended to safeguard a child's well-being, would be subject to a freshened sense of purpose, less constrained by its preconception that only adults are morally capable contributors or that the autonomy of those adults (and the rights we imagine that emanate outward from there for those adults to raise their less autonomous children) ought not be interfered with lightly. Such a process would be obliged instead to consider how children's judgements and proposed solutions about what is required for their care are to be respected and integrated into the processes that affect their well-being.

2. Revisit the role of the neglected orientations in the systems and policies meant to ethically respond to children.

I am reminded of the observation of E.B. White, essayist and writer of morally exigent children's literature. "Luck", he mused, "is not something you can mention in the presence of self-made men." That quip captures an aspect of the bias against which ethics must prevail – that somehow moral actors are unsusceptible to misfortune or dependence. Earlier, when discussing the relationship between the virtues of gratitude and generosity, I highlighted how the former carries a slant of passivity that renders it somewhat uncomfortable, unwelcome even, except as a suitable orientation for someone who has received the moral ministrations of another. So much of what we have come to build into our systems of ethics reflects this aversion to the passivity attributed to the neglected orientations.

John Rawls, who has had such a profound influence on how the discourse of public ethics has unfolded, endeavoured to create that rule that would compel those who construct public systems to build them with recognition of the possibility that anyone might suddenly find themselves victims of vulnerability. That spectre, he surmised, would motivate humans to integrate protections and care for the vulnerable into public processes. But in his application, the divide between giver and receiver is still maintained, or at least insufficiently challenged. Embedded is the idea that the doer of ethics is imagining, not actually inhabiting, vulnerability. Further, an assumption persists that the neglected orientations are the product of either some form of misfortune or mishap

(deserving our compassion) or of misstep or misdeed (deserving our disdain). We carry on with our lack of appreciation for the way moral capacity and agency are represented among those we consider vulnerable. We prefer to locate the *doing* of ethics in the sphere of the active virtues and orientations.

Rather than impeded by, moral identities are shaped by our conditions of vulnerability, susceptibility to chance, and stages of dependence as surely as they are by our achievements of autonomy. As I have contested throughout this work, we commit to active moral practices, and are capable of discerning moral choices before (and after) we achieve status as independent adults. Our systems of ethics must grow themselves with that in mind. “Sympathy for weakness and respect for human agency are allies,¹⁰⁸” as Martha Nussbaum asserts, with every expectation that this appreciation is lived, internalized, not merely a stance that we take towards others. Not only does one inform the other, our evolutionary history suggests that dependence and vulnerability are likely progenitors of our capacity and commitment to moral processes.

Perhaps the means to reference and apply these capacities in theories and practices, in laws and policies, will become more apparent. Hrdy, for example, cites the research of Fehr and Fischbacher(2003), whose “discovery that rational self interest often takes a backseat to internalized rules of sharing and fair play is revolutionizing traditional

¹⁰⁸ . Martha C. Nussbaum “Victims and Agents: *What Greek tragedy can teach us about sympathy and responsibility*”. *Boston Review* (Feb/Mar 1998). <http://bostonreview.net/BR23.1/nussbaum.html>

economic theories”¹⁰⁹. Nussbaum, Matthews, and Gopnik, as I considered earlier, muse on the relationship between wonder and a deepened moral capacity; Macintyre is mindful of how consciousness of our dependence and animality inform moral capacity. The proponents of communitarian or ethics of care stress how it is not trumped by an ethics of justice. Each of these orientations have something to offer with respect to how much more there is to being a moral agent, and to crafting functional moral systems. Bringing this new appreciation of these capacities as innate into moral theory may likewise challenge its foundational assumptions.

3. Conceptualize children from the positive rather than the negative.

Children’s exclusion from participation because they are not adults, and do not demonstrate the capacities favoured by adults as markers of moral maturity, results in harm to children and the adults they become. Recall the twin orientations we tend to take when it comes to children; framing them by describing what they are not, and denigrating those attributes that we consider childlike. Not autonomous. Not able to justify choices. Dependent. Too fanciful, emotional, open, vulnerable. As David Archard observes, “What we see as childlike in children depends on what is viewed as adult in adults.”¹¹⁰ Rather than assign characteristics based on observation and assessment, we assign based on how

¹⁰⁹ Hrdy, 185.

¹¹⁰ D. Archard, Children, Rights and Childhood, 208.

adults prefer to define themselves. The resulting definitions of 'child' and 'adult' slant toward the characteristics that make moral processes easier to administer, and humans easier to govern. But both children and adult capacities are minimized through this approach. When we exclude or assign lesser value to moral qualities that are present in children, we are disinclined to properly integrate those attributes into ethical theory and practice.

For example, within systems of child welfare where an endorsed requirement for child serving agencies to adhere to Article 12 of the UN Convention on the Rights of the Child, (that all children capable of forming their own views have the right to express these views freely and be taken seriously on matters that concern them), children are nonetheless stymied by assumptions that they are not yet able to articulate their formed views in a manner deemed sound within the moral and legal systems that govern them – that perhaps all children *capable* of forming their own views deserve the right of expression and acknowledgement, but that not very many children can meet the adult definitions of capability that would trigger the duty to adhere to the Article. Rather than puzzle through how to ensure that children's views are included in matters that profoundly affect them, we allow their "non-adultness" to reduce their status from participant to "witness". Children are informed but not actively consulted as adults negotiate what children are mistakenly assumed incapable of discerning for themselves.

The habit of conceptualizing children through negative definition- what they are not, or "not yet" - moreover, has implications for how we foster moral capacity,

perpetuating a risk, ironically, that the constraint of that orientation itself renders children less morally capable than they are. Protection differs from preparation. We often believe that we are protecting children from the burden of exercising adult capacities by taking that mantle from them. Often this is the correct approach to their vulnerability. But not always. Sometimes it engenders a chasm between current and future expectations; between what we think children are and what they will become. David Buckingham laments the consequences:

The dominant construction of children as pre-social individuals effectively prevents any consideration of them as social beings, or indeed as citizens. Defining children in terms of their exclusion from adult society, and in terms of their inability or unwillingness to display what we define as adult characteristic actively produces the kinds of consciousness and behaviour which some adults find so problematic. The differences which are observed to exist between adults and children justify the segregation of children; but this segregation then gives rise to the behaviour that justifies the perception of difference in the first place¹¹¹.

That chasm is bridged at least in part when children's capacities are framed from the positive, when we reference and rely on what the research affirms regarding children's capacity for moral empathy, when we reference research that shows how children's brains engage in nuanced moral judgement, heeding how children adhere to ethical principles in their choices and actions even when they cannot use words to provide nuanced

¹¹¹Buckingham, 15-16.

justifications, and when we begin to explore how children’s capacity for wonder and less bounded identities may enhance their moral capacity. It is scaffolded by awareness of how children’s drive toward autonomy exists alongside their vulnerable and dependent condition, and we would reference that drive as a force rather than as an achievement of adulthood. We would cease to imagine that the former is meant to somehow utterly displace the latter.

Public ethics would be obliged to find means to ensure that the neglected attributes and orientations became instead direct and appreciated moral informants to policy and practice pertaining to children’s lives. This would in turn clarify adult accountability when entrusted to make moral choices on behalf of children. Decisions would be made “with” (referencing children’s moral assessment and judgement) rather than “for” children. We would distinguish not between whether or not children were moral actors, capable of having a voice, but how best to give dimensions or scope to their contribution, given their relative view and experience. This may seem cumbersome, and how to weigh its reliability would need reflection. But we have no less cumbersome or ethically sound alternative. Consider, once more, the case of Gregory, and the many similar cases on child welfare rolls across North America.¹¹² Gregory’s assessment carried so little weight, and there was such

¹¹² Or turn again to the 2007 Ontario Child Protection Tools Manual (not uncommon from the approach used in other jurisdictions) where one would look in vain for any indicators that the child’s direct report informs the assessment and dispensation process for Ontario Child Welfare cases - See Ontario Child Protection Tools Manual, 2007. <http://www.children.gov.on.ca>. Risk assessment tool assess parents and caregiver, with the social work staff and the tool itself serving as the arbiters of its reliability. One supplemental assessment provides social workers an option to record a child’s perception of strengths and

a paucity of opportunity to incorporate it, that a judicial process was invoked in order to arrive at an outcome that may have been as handily achieved if Gregory's voice had been assigned more credence.

4. Rethink Identity integration

Identity segregation, where children are a 'they' who need provisioning, care, and direction by a 'we' who are competent adults, is a serviceable, convenient construction - there is sense, after all, to recognizing distinctions between who is capable of giving and who needs to be in a recipient position. But we adults behave as if that segregation were an immutable condition. And we fool ourselves into believing that much depends upon its maintenance. This can have harmful consequences for children. As Gareth Matthews cautions:

Theories of cognitive and moral development often encourage us to distance ourselves from children – both from the children around us and from our own childhood selves. Such distancing sometimes produces a new respect for children. After all, it warns us against faulting children for shortcomings that express, according to the theories, immature cognitive and moral structures that are entirely normal for children of the given age range.

Yet such distancing can also encourage condescension. If we suppose that children live in conceptual worlds that are structurally different from ours, but

difficulties(for children ages eleven to sixteen) but it is not an integrated part of the risk assessment scoring process.

that will naturally evolve into ours, how can we fail to be condescending toward children as moral agents?¹¹³

It can also have harmful consequences for adults, and for the capacity of humans to build sound ethical systems. To cordon off the child self from informing the adult self means that we cut off important informants to the development of morality and ethical systems. In fact, the approach to ethics that guides the development of modern systems has developed in just this impoverished way – constructing rules and imperatives that save us from a more complex riskier task of developing an ethics that speaks to an integrated conception of human identity.

I recounted earlier how many qualities that inform moral processes are present and operational in childhood. Some are processes that, perhaps because they are devalued as moral informants (like gratitude, or wonder), all but disappear in the functional morality of adults, or (like compassion) are relegated to the category of ‘optional extras’, in the ethicist’s compendium. Similarly, the place of emotion as a moral informant has been denigrated because of its proximate relationship to childhood. When reason is overvalued as an attribute of the moral adult, emotionality tends to be under-valued. As children, we build our moral map by assigning meaning to the emotions evoked as we negotiate our way through the world, a process that in turn fuels growth of the “reparation

¹¹³ Matthews, *A Philosophy of Childhood*, 66.

capacities, respect for another person's humanity, and others' neediness"¹¹⁴ that are manifestations of moral maturity. Martha Nussbaum argues, emotions are more than reactions, they are purposeful cognitive processes, linked to moral judgement. These processes are harder to fix or reliably predict in the pleasing "if... then" format that modern Kantian-based deontological moral systems prefer to rely on. It may be however that those emotional processes bring to moral decision-making something that a practice of rules reconciliation lacks (something with which Adam Smith would likely concur). Think back to that perennially re-visited philosophical conundrum, where only through lying can an intuitively satisfying moral outcome be generated. That the arrival at that conclusion and outcome may be less subject to conscious explanation and control perhaps ought not be held against it, nor send us off in a flurry of rule redefinition in order to establish one that fits.

In sum, when we insist on creating a divide, internally and externally, between the child and adult states, we tend also to dismiss important human capacities that can enrich the palette at our disposal for developing moral systems or processes. When we work out from an integrative vantage, we may find philosophical means available to develop and explain moral systems that we have not yet been able to access. If we lever ourselves away from our biases, the ensuing space created between habit and possibility will prove

¹¹⁴ Nussbaum, Upheavals of Thought, 218.

itself teeming with options for constructing and enriching ethical processes. In the service of children, I can only hope we engage, with curiosity and intelligence, in doing so.

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