

THE MORAL STATUS OF CHILDREN

*Dissertation submitted to Jawaharlal Nehru University
in Partial fulfillment of the requirements
for the award of the degree of*

MASTER OF PHILOSOPHY

MATTIMAI BAKOR SYIEM



**CENTRE FOR PHILOSOPHY
SCHOOL OF SOCIAL SCIENCES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI 110067
2016**

Date: 22/07/2016

DECLARATION

I, Mattimai Bakor Syiem, do hereby declare that the dissertation entitled, "THE MORAL STATUS OF CHILDREN," submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University, is my bonafide work and it has not been submitted by me or by another else, in part or full, for any other degree or diploma of this or any other University.


(MATTIMAI BAKOR SYIEM)



Centre for Philosophy
School of Social Sciences
Jawaharlal Nehru University
New Delhi – 110067

Date: 22/07/2016

CERTIFICATE

This is to certify that the dissertation entitled, "THE MORAL STATUS OF CHILDREN" submitted by Mattimai Bakor Syiem for the award of the degree of Master of Philosophy of Jawaharlal Nehru University, is her bonafide work and to the best of our knowledge it has not been submitted by her or by anyone else, in part or full for any other degree or diploma of this or other University.

We recommend that this dissertation be placed before the Examiners for evaluation.

CHAIRPERSON

(Dr. Manidipa Sen)
Chairperson
Centre for Philosophy
School of Social Sciences
Jawaharlal Nehru University
New Delhi - 110067, INDIA



SUPERVISOR

(Dr. Bhaskarjit Neog)
SUPERVISOR
Centre for Philosophy
School of Social Sciences
Jawaharlal Nehru University
New Delhi - 110067

Table of Contents

Title	Page No.
Introduction	1 – 7
Chapter 1: The Concept of Moral Status	
(1) Introduction	9 – 10
(2) What is Moral Status?	10 – 12
(3) Degrees of Moral Status	12 – 14
(4) Criteria for Moral Status	15 – 25
(5) Critical Appraisal	25 – 30
(6) Conclusion	31 – 32
Chapter 2: The Moral Status of Children	
(1) Introduction	33 – 34
(2) What is Childhood?	34 – 37
(3) Who are Children?	37 – 40
(4) The Moral Status of Children	40 – 42
(5) Two Criteria	43 – 53
(6) Conclusion	53 – 54
Chapter 3: The Protection of Children's Moral Status	
(1) Introduction	55 – 56
(2) Rights and Moral Status	56 – 58
(3) Nature of Children's Rights	59 – 62
(4) Types of Children's Rights	62 – 65
(5) Are rights sufficient for protecting the moral status of children?	66 – 73
(6) Conclusion	73 – 74
Conclusion	75 – 79
Bibliography	81 – 84

Introduction

Children are an important part of society. The future of society hangs on the shoulders of its children. Without them, none of our present projects make much sense. They are the backbone of our society. Despite this plain fact, we often get perplexed whenever we think about our moral perspective about them. We do not know what kind of moral standing they enjoy. We are unsure about their status because they have an ambivalent position in our moral analysis. Most of us take it for granted that children deserve care and moral consideration without cross-examining the rationale behind this thinking. Moral philosophers often wonder whether they can be placed on the same level as adults or they should be ranked one notch below their adult counterparts because of their undeveloped or developing physical and intellectual capacities. Unfortunately, there has not been much analysis of this question in the moral philosophical literature. In the history of moral philosophy, often this question has been sidelined because of the dominance of human adulthood as a paradigmatic case of our moral analyses.

In this work, I shall try to address the issue of the moral status of children in a systematic manner. Here my main aim would be to try to remove the ambiguities that surround the issue of the moral standing of children. Though the work is going to take up several practical ethical issues concerning children, as such this is not an empirical work on children. It is basically a conceptual work based on our everyday life issues related to children. My aim is to arrive at a general moral understanding of children that seems to be present across all cultures. It analyzes some of the fundamental reasons why we ought to talk about a concrete moral status of children. In order to know whether or not children deserve any concrete moral status we must know the concept first. Thus, one of the major tasks that this work sets to perform in the beginning is the delineation of the idea of moral status and its conditions. To unearth the grounds for why we ought to respect them morally, we also need to understand what kind of beings they are, what capabilities they possess and how they are different from other entities. The complexity behind these questions lies in delineating certain conditions that are thought to be significant for any moral consideration. These conditions or criteria lay bare the ground for the attribution of moral

status to an entity. These provide us with the insights that are essential for the attribution of a concrete moral standing to children. My work will pay a special attention to these criteria and their strengths and weaknesses before applying them to the case of children.

Moral status is a controversial concept. It may become controversial because of many reasons. Put simply it is controversial mainly because it seems to be the source of the creation of some moral hierarchies among living beings. Philosophers like Benjamin Sachs, A. Silvers and others often question the necessity of such a concept on this ground. According to them, if the idea of moral status does nothing to change our biased presumptions of how we should treat a living entity, such an idea is unnecessary. By conceiving this idea, moral philosophers create uncalled for confusions about our moral understanding about the border line cases of moral candidacy. However, I do not buy their argument since I do not see any merit in their intuitive feeling about the concept. In this work I shall defend the moral status of children in order to enrich the traditional understanding of our moral horizon.

It is, however, not within my scope to discuss the historical origins of the term moral status. Neither will I examine its ontological basis in the physical world, as something that existed from time immemorial, and was discovered to be a fact of nature. I will only attempt at giving a general understanding. Moral status protects an entity's interests from being thwarted by any moral misjudgment. When a living entity is said to have moral status, any action on our part that fails to take into account its welfare remains unjustified. An entity possesses moral status when it is valued for its own sake and is not used for an instrumental purpose. The idea of moral status generates questions relating to rights, duties, obligations and the promotion of interests. These questions concern the role of moral agents in safeguarding the interests of an entity with moral standing. Such an entity has a right to demand certain obligations from moral agents for the preservation of its welfare.

A well known way of ascribing moral status is to categorize living beings into water-tight compartments based solely on their empirical characteristics. A common classification is to separate sentient beings from non-sentient ones. The latter possess a

lower moral status because of their inability to feel pain and pleasure. This singular method, however, is bound to be incomplete. Although there are several advantages in holding on to this view, it is not enough. There is another aspect; the aspect of interactive relations. This means that some value is generated by our encounter with entities like plants and animals.

Interaction, which paves the way for an empathetic understanding, as opposed to a wholly objective stance, plays a crucial role in breaking down reserved notions. It expands the ways in which an entity can be included in the moral sphere. The principles of care ethics, are in line with this aspect. The relationality between different beings creates a community, where the members look out for one another. An entity's value increases because it forms a bond with a moral agent. This in turn is a motivating factor for the agent to better understand the essential characteristics of that entity. Relations refine the process of moral status attribution. Making moral status dependent only on properties that a being possesses is hardly sufficient. The meaning of moral status cannot stay rigid and fixed. It changes as we discover new dynamics in our relationships with other creatures, those that were missed out in our previous assessment. In prescribing our treatment towards fellow humans and other creatures, moral status is a normative concept and, is definitely reliant on several factors. Some of these factors may be extrinsic to the nature of the entity in question.

Thus, the first part of my work, which will help in providing a contextual framework to the question about the moral standing of children, will be an exploration of the concept of moral status. This concept will not work in a world where there is no free will and entities (both living and non-living) are guided entirely by natural laws and instincts. It is a concept that generates duties for moral agents since they have the capacity to intentionally destroy the environment and cause harm to living entities. A question that is related to the moral standing of children is: what obligations do moral agents have to protect their moral standing? What role do moral agents play in preserving the intrinsic worth of children? The protection of moral status requires positive and negative duties on the part of moral agents – to interfere in an entity's life for promoting its interests and to restrain from causing harm to it.

In order to bring clarity to the concept of moral status, the notion of rights will also be introduced. Rights, provide a definite formulation of the interests of entities, to be understood in the social and legal framework. Rights make a demand on moral agents to respect entities with moral standing. Thus, they specify what is and what is not to be done to morally significant entities. For example, there are fundamental human rights such as the right to live and the right to freedom of expression. Human beings, being holders of rights, make a demand on each each that their rights are not violated. The analysis of children's rights and duties comprise the final section of my work. There will an examination of rights and duties and their relation to moral status. They will also be analysed to see if they are effective enough to safeguard the moral standing of children.

The first chapter deals with a detailed account of moral status. The following questions will be explored in this chapter. What is moral status? Are there degrees of moral status? What are the criteria that are responsible for the moral standing of different entities? Four criteria which are the most prominent in moral philosophical literature will be examined – reverence for life, sentience, cognitive efficiency and the ability to enter into caring relationships. There will also be a critical appraisal where the drawbacks of each individual criteria are drawn out and scrutinsed. Included in the critical appraisal section is an analysis on whether they can be used as the grounds for the moral standing of children. The purpose of the first chapter is to give a broad overview of the concept of moral status. It is to give an understanding of which kind of entities enjoy moral standing. I have used the views of Mary Anne Warren extensively in my first chapter. She is the first philosopher who has categorised the criteria of moral status in an elaborate manner. She has also proposed that the moral standing of an entity rests on different criteria. I will follow this approach in my understanding of moral status. What I also propose to do in this work is to select the criteria that are applicable for the moral standing of children and to find out if there is a need for additional ones.

The second chapter pertains to the moral standing of children. This chapter takes up the following questions for analysis. What is childhood? Who are children? How do we understand the moral standing of children? Are there specific criteria that exclusively apply to them? This chapter begins with a discussion on childhood. In trying to formulate a

common understanding of childhood, I will be using the views of two philosophers – Tamar Schapiro and Andrew Divers. As an extension to the discussion on childhood, there will be an analysis on the capacities and features typically shared by all children. This will be substantiated by examples given by child psychologists like Jean Piaget. With regards to the moral standing of children, the ability to care and potentiality are the two criteria that are treated to an in-depth analysis. These criteria will lead us to have an understanding of the unique moral standing that children enjoy. Another discussion that will be included in this chapter is on the issue of children's moral status being influenced by the special relationships they share with adults (procreators, parents, guardians etc). This chapter aims at clarifying the basis on which we attribute intrinsic value to children. It also aims at explaining the nature of children, as distinguished from adults. It tries to eliminate the uncertainty and puzzlement with respect to the moral standing of children and therefore tries to establish a qualified foothold for children in society.

Chapter three explores the concept of children's rights and whether they can be relied upon to protect the moral status of children. In this chapter, we ask questions revolving around children's rights. What is the relation between moral status and rights? What is the nature of children's rights? What kind of rights do they enjoy? The threat to children's rights comes from two sources: some philosophers think that rights are only reserved for agents since they are capable of making choices and asserting their rights. The second threat places obligations before rights in terms of protecting the moral status of children. I will attempt to weigh the pros and cons of rights and obligations as safeguards of the interests of children. The final question that will be asked is whether rights alone are sufficient for understanding their moral status. In this chapter, I have focused on contemporary debates. Discussions pertaining to the origin of children's rights have been kept to a minimum. The prominent philosophers who are on the supporting side of children's rights are Harry Brighouse, Samantha Brennan and Robert Noggle. The views of Onora O'Neill and James Griffin, who oppose to children's rights will also be discussed. There are two angles to moral status: one is about the inherent worth of an entity and the other obligations owed to it. Moral status can also be understood by using the language of rights. We look upon an entity as the holder of certain rights and it is the duty of moral agents not to encroach upon these rights. Thus this chapter is an attempt at understanding

children's rights. It will also be asked whether they are sufficient to protect the moral status of children or obligations are required for this purpose.

In my work, I will be employing both the analytical and critical method in my treatment of the relevant issues. I am going to use the views of many philosophers. While discussing their views and accounts, I shall be broadly using an analytic method. I shall also try to be critical while unpacking the philosophical insights of different arguments. I shall be involved in comparative analysis while weighing the strengths for establishing the basic arguments of this work. My work is not representative of any specific traditional philosophical orientations. Here I have not taken any specific philosophical work for discussion. My analyses have been mainly problem centric. I have taken up views and opinions only in the context of solving or dissolving a particular point. My work intends to bring about a clear understanding of the moral standing of children. It pursues this issue by raising certain basic questions such as who is a child, what he/she is capable of and what he/she deserves.

One may ask why my curiosity revolves around children and not adults? From a philosophical perspective, issues pertaining to children have been included only recently in ethical discourse. We are now studying children not only through the lens of education, but also from a political, cultural and ethical point of view. We are looking at children both as beings of moral consideration and as moral agents. As beings of moral consideration we have to keep in mind their present capacities and their potentialities yet to be developed. This has expanded ethical discourse in ways that affect how we see the 'good' human life. What is coming under analysis is the promotion of children's interests and needs. Children's rights are acquiring a new level of urgency in debates and discussions. Thus, a child's perspective has begun to get the limelight.

By placing children at the centre of my ethical investigation, I wish to contribute to debates that see the need for the existence of a child-centred perspective along with other perspectives. It is to move away from traditional views that see children merely as extensions or property of their parents. It is therefore to break away from the perception that children be used as a means, rather than an end-in-themselves. Put simply, my main

intention in this work is to investigate the nature of the moral standing of children. I shall try to argue that children do have a moral status and this can be talked about by with the help of certain criteria. By doing so, I hope to discover a solid foundation of moral values from where we can derive justification of our treatment towards children.

The Concept of Moral Status

(1) Introduction

Why do we assign moral values to living beings? What is it that makes them so special? And why do they deserve our moral attention? These are some of the fundamental moral philosophical questions that are intricately related to the idea of moral status. We can answer these questions only when we have a proper grasp of the idea of moral status. Moral status refers to the inherent worth of a particular entity. It refers to a rationale because of which an individual enjoys the right to receive our moral attention. It seeks an objective understanding of an entity and then lays out our positive and negative duties towards it.

Moral status can be looked at from two dimensions. The first dimension concerns the intrinsic value of an entity. The second dimension is related to the obligations owed by moral agents towards that entity. The objective of the concept of moral status is not only to attach a tag or a status to an entity and say that it is of immense value. This would prove to be inconsequential. Rights and duties make claims on moral agents to preserve and protect the moral status of that entity.

The chapter makes a broad survey of the concept of moral status. It starts from the moral standing attributed to human beings to that of plants. The concept of moral status will be formulated according to the interests based account. This means that morally relevant interests of an entity establish the grounds for its moral status. An anthropocentric perspective will be maintained throughout. This stance, however, does not entail an exploitation of the rights of other entities. Since moral status is not a discoverable fact, there is the question of assigning moral status to the appropriate candidates. If we criticize it as being an anthropocentric notion, we may miss out its significance. This concept has been formulated by us humans for a specific purpose that emphasises our altruistic nature. I will be using Mary Anne Warren's approach which is multi-criterial in nature. According to this approach, an entity's moral standing arises from a combination of several criteria. I will be analysing four such criteria. It would be

arbitrary to select only one standard criterion since living beings have diverse physical characteristics. The aim of this chapter, therefore, is to challenge deep-seated beliefs about how we ascribe value to other living beings, and find out whether our basic intuitions can be the building blocks of our moral beliefs. The purpose of reviewing the criteria for moral status is to connect them to the framework of the moral standing of children. Therefore another aim of this chapter is to find out which criteria are suitable for children from the ones that have been considered. That these criteria are adequate for the moral status of children is a question I also propose to explore.

This chapter is divided into six sections. Section (2) is a general introduction to the idea of moral status. In Section (3) we find a discussion on the degrees of moral status. Section (4) contains the criteria – reverence for life, sentience, cognitive efficiency and caring relationships. A critical appraisal of the criteria is carried out in section (5) The conclusion is in section (6).

(2) What is Moral Status?

For a general understanding of moral status, I will examine two definitions, one by Agnieszka Jaworska and Julie Tannenbaum, and the other by Mary Anne Warren.

- “An entity has moral status if and only if it or its interests morally matter to some degree for the entity's own sake, such that it can be wronged.”¹
- “If an entity has moral status, then we may not treat it in just any way we please; we are morally obliged to give weight in our deliberations to its needs, interests, or well-being.”²

I have chosen to endorse these two definitions because they are standard formulations. In different ways, they capture the crux of what moral status has been taken to mean. The first definition gives us a description of an entity who has moral standing. Here, the word 'interests' occupies a central role – interests that are intrinsically important to the entity in question. A being who has moral standing possesses morally significant

1 Jaworska and Tannenbaum, “The Grounds of Moral Status.”

2 Warren, *Moral Status*, 3.

interests. In other words, these interests are tied up with their inherent worth. A being without interests is not a candidate for moral consideration. The various criteria like sentience and cognitive efficiency are the source of these interests. For instance, the cognitive efficiency of an entity indicates that it has an interest in thinking rationally. A living being has an interest in not getting killed. The example of interests belonging to human beings will be taken up. Human beings individually possess moral standing because for their own good, it matters that the fulfillment of their interests is not foiled. Human interests are complicated. The more basic interests of human beings include food, clothing, shelter and not getting harmed or killed. They also have agency interests. One may say that it is to their interest that they get to make decisions about their own lives.

Since a stone does not have any interests, there are no qualms in kicking it or trying to pierce it with a knife. A stone can neither feel nor does it have needs. There is no sense in even discussing about its well-being. So we say that a stone has no moral standing.

Now the concept of moral status will be examined from the aspect of obligations. The second definition deals with this aspect of obligations. The theory of moral status has its practical expression in the respect and behaviour we show towards a moral entity. It is here that the role of obligations comes into play. Let me begin with a disclaimer suitably expressed by Warren: “A theory of moral status cannot be expected to answer all important questions about human moral obligations.”³ This is because our treatment towards others sometimes depends upon the circumstances that we find ourselves in. The performance of obligations is dependent on several contingencies like whether we have the resources at hand to promote a being's interests or whether we require the help of others for carrying out this purpose.

The important question is: how does moral status give rise to obligations? Meeting out an unprejudiced treatment first requires reflection on what kind of entity it is and the capacities it possesses. These capacities, which give rise to varied interests, provide the ground for our obligations. Sentience, for example, requires that we minimise the possibility of suffering to the moral entity. From this simple claim, we are obliged to not

3 Ibid., 9.

harm an animal for eating or other purposes.⁴ A living being who has agency must be allowed to exercise it. It is a moral offence if its freedom of choice is restricted. Obligations are like imperatives for other moral agents; they must act in a way that is mindful of an entity's intrinsic nature.

Earlier, although I had discussed about interests, I attempted no distinction between them. I did not examine which interest deserves a higher moral consideration than others. Closely connected to this is the question of whether there are degrees of moral status. If the answer is yes, then one must ask if this view is at all justifiable. This would impact the kind of treatment that is owed to various living entities.

(3) Degrees of Moral Status:

There are two prominent views in the literature of moral status, namely, the on-off view and the graduated view. The former is held by Elizabeth Harman and the latter is advocated by many philosophers, including Warren and James G. Dwyer. The on-off view pertains to the belief that there are only two categories of beings, those who have moral status and those who do not have it. Within the first category, there are no gradations. All beings under this category enjoy the same kind of moral status.⁵ The second category comprises of entities who are not considered eligible for moral standing.

In the graduated view, different entities call for a different type of moral standing. The moral status of humans is considered to be the highest. Other beings possess lower degrees of moral status. This view is more widely accepted because individual differences between moral entities are taken into consideration. Below is an analysis of the different frameworks of the graduated view.

First is the Unequal Consideration Thesis. According to Dwyer:

“If two beings have moral status, but one’s is higher than the other’s, then moral agents should assign greater moral weight to an interest of the former that is identical to an interest of the latter –

4 I am keeping aside the vegetarian versus non-vegetarian controversy. I simply want to make a point about the obligations owed to an entity based on their interests.

5 Elizabeth Harman, however, grades living entities within the first category in terms of the severity of harms that can occur to them.

for example, an interest in avoiding a certain amount of pain – and thus give priority to satisfying that interest in the former being.”⁶

Here, obligations are owed more to an entity that has higher moral standing even on the basis of comparable interests. For example, if humans beings and dogs are subjected to the same amount of pain, the priority is to relieve the pain of humans since they have a higher moral standing.

Secondly, in the Equal Consideration Thesis, no bias is shown regarding the treatment of living beings on the basis of like interests.⁷ For example, since both dogs and humans are sentient creatures, it is equally wrong to inflict harm on either of them. Their capacity for sentience is analogous to each other. However, from an overall perspective, we value human lives more because there is a lot at stake for them compared to dogs. Humans have life-goals and long term plans which is not true for dogs. Hence the life of a human cannot be likened to that of a dog.

Now let us look into the practicalities of having degrees of moral status. David DeGrazia writes, “In particular, if we assert degrees of moral status, we need to be explicit about what model we have in mind and cognizant of the challenges confronting it.”⁸ I am of the view that different living beings have different types of moral status. This corresponds to the graduated view. It will be difficult for 'same moral status for all' supporters to provide a coherent argument. Warren talks about the impracticability of “radical biological egalitarianism.”⁹, which is similar to the on-off view: all living entities are equal in their moral standing. The egalitarian view becomes hard to defend when we have to choose between killing a mosquito or a chicken. It leads to absurdity. Since more harm would accrue to a chicken by its death (due to its complex biological functioning), it is illogical to place both on an equal level. Another related criticism is, the significance of empirical characteristics, that act as the ground of moral status, is undermined. A living being that does not have a central nervous system cannot be treated the same way as one who can experience pleasure and pain.

6 Dwyer, *Moral Status and Human Life*, 12.

7 DeGrazia, “Moral Status as a Matter of Degree?,” 187.

8 Ibid., 196.

9 Warren, *Moral Status*, 37.

Are the two theories (Equal and Unequal Consideration Thesis) mutually exhaustive? Or are there other alternative theories? Examining their challenges might give us a better understanding of what they are about. On the basis of the Unequal Consideration Thesis, plants have the lowest moral status, next come non-human animals, and lastly humans who have full moral status. Here, the boundaries are rigidly drawn. All living entities are given their proper slots. What defines moral status is species membership. By virtue of belonging to the human species, the moral status of cognitively disabled persons and infants is the same as normal adult humans. Thus, the focus is not on the physical capacities of each individual entity. Moral status is assigned depending upon the general capacities that are common to group members. The challenge is whether it leads to fair treatment for all. Is it reasonable to place children and mentally challenged persons on the same plane despite obvious differences in their capacities?

In the Equal Consideration Thesis, we find implications that are the exact opposite. It is the interests of each individual entity that matter. Moral hierarchy exists even amongst members belonging to the same species. Like interests deserve equal treatment. A mentally challenged adult and a chimpanzee have the same moral status because they both are sentient and have similar reasoning skills. The challenge that crops up is that of the marginal cases. Is it morally right to say that they have a lower moral status than normal human adults? The problem common to both views is the justification of the moral standing of marginal cases.

The Unequal Consideration Thesis conforms to the intuitionist framework of many philosophers, including Warren. Though considered biased by philosophers like Peter Singer, it takes care of the problem of marginal cases. A defence of it involves emphasizing the intrinsic dignity of the human race. Categories like potentiality (the potential to be a rational being) are helpful in maintaining this stance. Throughout this chapter, an effort will be made to vindicate this view. It will be shown that this view does not unnecessarily lead to unfair treatment.

(4) Criteria for Moral Status

Now the task at hand is to evaluate the grounds of moral status. The purpose of this section is to introduce the prominent criteria that have received attention in moral philosophical literature. These include both empirical properties and relational properties found in living beings. The approach that I am endorsing is the multi-criterial approach. Though I have listed four main criteria, there are other important ones that determine moral status. These four have been the most emphasized by philosophers.

(a) Reverence for Life

One of the foremost criteria is “reverence for life.”¹⁰ This essentially narrows down the entities who possess moral standing. Non-living things like stones and rivers are excluded. One may say that life is the most basic condition, the bedrock upon which other principles are built upon. The question to ask at this juncture is: what renders life a criterion of moral status? What makes life sacred? Being alive is a pre-supposition for consciousness, for deriving pleasure from an activity, for judging what is right and what is wrong. A dead, life-less object cannot have any interests. It cannot figure in our moral evaluation the way humans and non-human animals can. Neither does it gain any benefits for itself nor does it matter if the object gets destroyed. It cannot feel, cry, think. It cannot be harmed, wounded, abused in any way. Life, a biological characteristic of living things, makes their existence important to themselves. Non-living objects might be beneficial to others, but it is meaningless to talk about their intrinsic value.

There are some environmental ethicists – supporters of eco-centrism – who extend moral consideration to rivers, forests and mountains. Although this ascription serves as a practical guideline to limit their exploitation, we are concerned with individual organisms, whereby proper justification is necessary if they are to be treated instrumentally. Non-living entities like rivers provide immense benefits to the environment and to those organisms living in and near them. They are instrumentally important. But, they are of no

¹⁰ “Reverence for Life” is a foundational ethical principle advocated by Albert Schweitzer (1875-1965). A physician and philosopher, he has explained this principle in his autobiography “Out of My Life and Thought” and in many of his books.

value to themselves. All non-living things are of this nature. Where life occurs, the likelihood of harm also occurs, and this harm matters morally to the living being in question. With non-living entities, there are no consequences of harming them. It will affect only those who derive advantages from them.

Although 'life' is a difficult term to define, Warren has given an appropriate explanation. Taking cue from the *Webster's Encyclopedic Unabridged Dictionary of the English Language*, she points to certain features that are indicative of life like metabolism, reproduction and adaptability.¹¹ This explanation takes account of the fact that these changes are the product of internal factors. My point of focus is the 'internal motivation.' Consider lifeless objects like computers and robots. They have been programmed by humans to perform certain functions. They are incapable of acting on their own accord. Their goals are actually human goals. Plants, on the other hand, perform activities that are solely directed from within. Though they require water and sunlight for germination (extrinsic factors), their ability to sprout is innate – encoded in their genes. This simple difference of an internal striving in living and non-living beings becomes more complex when a living being displays characteristics like sentience and agency. Living beings become less guided by instinct and they lead a meaningful existence by using their rational faculty.

Going back to history, in the jungles of Africa, the revelation came to Albert Schweitzer that since all living beings are driven by the “will to live”, due respect must be given to them. He makes the assertion, "I am life that wills to live in the midst of life that wills to live."¹² Out of a sense of empathy, we recognize in others what is inherent in us. We see that we are not isolated, solitary creatures but are connected to nature around us. What we share in common is being alive. The life force throbs in each of us. This is the basic premise of his ethical philosophy. Even the interests of non-sentient organisms like plants are taken into consideration. For him, life satisfies both the necessary and sufficient conditions for moral status. His aim was to arrive at a common denominator found in all living beings. In this he succeeded. The 'will to live' adequately captures the internal motivation found in them.

11 Warren, *Moral Status*, 25.

12 Schweitzer, *Out of my Life and Thought*, 156.

It is however hard to prove that plants, insects, etc “will to live.” Schweitzer may have taken things a bit too far with his anthropomorphization.¹³ Warren calls Schweitzer's view, “The Life Only View.”¹⁴ It states that life is the only criteria required for possessing moral status. It is, however, a problematic view. Since there is no hierarchy among living creatures, the killing of insects or micro-organisms would automatically be seen as an act of murder. There are no universal practical directives as to when it is allowed to cause injury to a living organism. Every attempt to harm life would be looked upon with condemnation.

We now need to ask whether life is both a necessary and sufficient condition for moral status. The fact that life is a necessary condition for moral status has already been established. Life is foundational for the existence and functioning of other morally important characteristics like sentience and agency. Our evaluation regarding who the bearers of moral status are, begins with living entities. The thornier question is whether it is a sufficient condition. Is being alive enough to have moral status? Does life guarantee moral status? No doubt there is a sanctity to life, but that is very different from claiming that all living entities are candidates of moral status. It is important to analyze whether plants have moral status, since they are lowest in the moral hierarchy. What do we make of them in our moral decisions?

Determining the extremities of moral status – the starting and end points – would be an onerous task. It is hard to find out the point where moral status begins. According to the graduated view, it becomes justifiable to use plants for satisfying the significant interests of higher beings. Can plants be left out of the moral domain? Supposing the benchmark is consciousness, then plants are not morally considerable. What makes it hard to establish the moral standing of plants is the fact that there is no moral disapprobation at their utilization for different purposes. We would thus be making a debatable claim if we say that life alone ensures the moral status of plants.

Whether life is a sufficient condition for moral status is a question that I am leaving open. There are complicated issues related to this. If we grant sufficiency, then logically

¹³ Warren, *Moral Status*, 35.

¹⁴ *Ibid.*, 24.

speaking, the cells in our body would have moral status. Surely there must be an end somewhere. One must draw a line. With plants, it is not a clear cut-case that they possess moral standing. The fact of necessity is a crucial one, while nothing definite can be said about sufficiency. Drawing boundaries requires adequate proof. This, unfortunately, is not within the scope of my work.

To conclude, the reverence or sanctity for life comes from three factors. Firstly, it is the basic criterion on which the concept of moral status hinges. Without life, one cannot talk about 'intrinsic value' or 'intrinsic worth' that indicate the special standing of an entity. Life indicates that an entity is functioning according to its its own intrinsic biological pattern. Secondly, without life, other criteria like sentience and cognitive ability cannot exist. Their functioning is reliant upon the fact that an entity is a living one. Thirdly, life causes an entity to be vulnerable to harm. When an entity is capable of being harmed, this means that it has interests that are valuable to itself. Thus life as a criterion opens up the question of the moral status of entities.

(b) Sentience

A simplistic understanding of sentience is the capacity to have painful and pleasurable experiences. Though it is difficult to measure the intensity of these experiences, it is easy to detect when animals, especially the higher-vertebrates are undergoing suffering. According to Warren, there are four indicators that an entity is sentient.¹⁵ We must first find out whether it possesses a nervous system. We must also note its reaction when it is affected by external stimuli – whether it cries or winces etc. Most sentient entities have sense organs that guide their perceptual abilities. They have neurochemicals that are responsible for the generation of emotions.

There is a broadened understanding of sentience which is mentioned by Dwyer.¹⁶ This conception encompasses the usefulness of one's perceptual ability in navigating one's way around the world. Rather than focusing mainly on pleasure and pain, there are other visceral experiences that are equally important in an entity's interaction with the world. For

¹⁵ Ibid., 60.

¹⁶ Dwyer, *Moral Status and Human Life*, 87–88..

example, some sensory experiences are valued because they help us in organizing the information that we receive from the world. The keen sense of smell in dogs help them immensely when they are in search of food. This explanation of sentience is a revamped version of the traditional view. It is inclusive of the importance of a being's sense organs in generating meaning and determining value.

Many philosophers are of the view that possessing sentience is a pre-requisite for having any kind of interests. Tying up sentience with interests is a debatable affair. It means that plants do not have interests. The debate that underlies this is whether one does or does not need to be conscious of what is beneficial for one's well being to have interests. Since sentience has an experiential element, a sentient entity is conscious of its feelings of pain and pleasure. There are degrees of consciousness. Adult humans are self-aware even in the midst of doing something. They can distance themselves instead of being completely engrossed in an activity. Some entities have interests even though they are not aware of them. What matters is whether the fulfillment of these needs leads to their welfare. Children, for instance, do not know what is good for them. They cannot articulate their interests. In spite of this, they come into our moral purview and we are required to promote their interests.

With plants, as had been shown, it is not clear that they have moral standing. They can easily be replaced; for example, a gardener has no qualms in pulling out a withered flower and planting a new one. The moral dilemma that arises when a plant is killed has less to do with the plant and more to do with the impact on the surrounding environment. If plants have moral status, they are at the bottom-most rung of the ladder. Plants are objects of moral concern but not in the same way as a sentient being who possesses a nervous system. The latter's experiences, needs and interests matter to it. Since plants lack a central nervous system, they are unable to feel pain the way humans can. We have a higher regard for sentient beings in our moral estimation. Our duties and obligations towards them requires us to take their point of view.

Peter Singer essentially argues for the equality of all sentient entities, that is, the

extension of equal consideration to non-human animals.¹⁷ According to Singer, when a dog is kicked in its legs and a man in his shin, the intensity of pain is the same. One cannot say that the human being suffers more. When it comes to interests which are comparable, both deserve equal consideration. The pain of a dog deserves equal weightage as the suffering of a human being. This view endorsed by Singer is called the 'Equal Consideration Thesis.' It places all sentient beings on a level playing field. He writes, "Bentham points to the capacity for suffering as the vital characteristic that gives the being a right to equal consideration."¹⁸ He says that some humans are speciesist in nature because they arbitrarily favour the members of their own species. Such persons are similar to racists and sexists. Singer thinks that there is no rational basis in choosing a chimpanzee instead of a human baby for a scientific experiment. Both have similar cognitive efficiency.

Although many philosophers do not agree with Singer, he does make a vital point about sentience, which cannot be easily discounted. What is the value of sentience? How does it affect our obligations towards a being who has it? First of all, one has the duty to reduce any harm towards a sentient being unless the act is unavoidable. Sentience increases one's sensitivity to the pain and suffering of others. It creates the conditions for the formation of relationships. Animals like chimpanzees who exhibit caring attitudes, are capable of entering into caring relationships. They are affected by ordinary emotions like anger, sadness, happiness, fear, love, etc. Sentience makes one aware of the harm that is inflicted on one's body, or the pleasure derived from eating. Having a central nervous system makes one susceptible to many kinds of experiences. These experiences are valuable in themselves. Awareness of pain, happiness, sadness, anger turns one from an automaton like entity whose reflexes are involuntary to someone whose actions are discretionary. Therein lies the value of sentience.

(c) Cognitive Efficiency

Reflection calls upon the mind to mull over thoughts and desires, to have certain beliefs about the world. From solving an abstract mathematical problem to acting upon desires,

¹⁷ Singer, "All Animals Are Equal."

¹⁸ Ibid.

cognitive processes vary in their form and complexity. Koko, the famous gorilla, could comprehend a thousand signs. Her IQ score ranged between 70 and 95. Interesting studies have shown that border collies can make links between words and objects.¹⁹ It is not a different matter for human beings. The human brain is capable of innumerable thought processes. Proof lies in the leaps that have occurred in the fields of science and technology. A more nuanced human capability is self-awareness, to probe deep into our emotions and feelings, and to portray what we are like to ourselves. Cognitive functioning as such is distributed among both humans and non-human animals but in various degrees.

Let us see how philosophers define rationality, since it is a mark of cognitive efficiency. Various philosophers use the term 'rationality' to indicate a thought process involving the use of reason and logic. A rational action may be understood as “acting for reasons.”²⁰ Donald Davidson says that the defining feature of rationality is having a coherent web of beliefs, desires, thoughts, intention and action.²¹ According to Kant, our non-rational impulses should be guided by our will, which is rational and formulates universal directives.²² It would be difficult to say that animals are rational creatures based on these definitions. The first definition is contingent upon the animal's ability to form a belief. This in turn is dependent upon the existence of language, which animals do not possess. Kant also thinks that animals are non-rational agents because they do not possess the autonomous agency exercisable by all humans. We owe them indirect duties, in lieu of the direct duties we have towards humanity.

The view that deserves attention is the one in which humans are assigned full moral status because of their higher-cognitive abilities. This view of prioritising the rationality of human beings must be carefully analysed. The examples about Koko and the border collies are meant to show the extent of the reasoning abilities of animals. Mapping out the gray areas when we speak about the rational faculties of humans and non-human animals is important. Lori Gruen writes, “Because human behavior and cognition share deep roots with the behavior and cognition of other animals, approaches that try to find sharp behavioral or cognitive boundaries between humans and other animals remain

19 Singer, “Speciesism and Moral Status,” 568.

20 Andrews, "Animal Cognition."

21 Davidson, “Rational Animals,” 95.

22 Kant, *Groundwork of the Metaphysics of Morals*.

controversial.”²³ The merit of cognitive functioning cannot be overlooked. The interests of living entities with such capabilities should be duly respected. For example, the preference of a chimpanzee to use a tool in a different but innovative way should be respected. Children are encouraged to make informed independent choices. A full-fledged authoritarian setting might interfere with their decision making skills. Withholding vital information from an adult, compulsorily forcing her to act in a certain way is a way of undermining her agency.

The argument about the higher cognitive faculties of humans is not misplaced. This is true when we examine the domain of morality.²⁴ Complex moral behaviour is peculiar to humans. Here, I am taking the case of making promises. That two persons have a mutual hold on each other through a deal requires sophisticated reasoning. Their thoughts interlock with each other and they accept the terms they arrive at together. If one of them breaks the promise, he or she has wronged the other. Acting morally usually requires us to have a set of reasons behind our actions. We reason whether we should think only about our own welfare or bring benefits to others. The value of the outcome may be measured in terms of the greatest good (consequentialism). Or we think that good intentions matter more. When making moral choices, we go beyond our natural instincts. This kind of complex moral behaviour is not observed in animals.

All said and done, how do we rank cognitive efficiency in relation to moral standing? Though it is of immense significance, there is a problem if we assign the greatest value to it. The moral status of babies and mentally challenged persons would be threatened if we bank on cognitive efficiency as the most important criterion. Whether we like it or not, we are hard-wired to favour the members of our own species. We, as a human species, naturally prioritise the interests of our fellow beings. Therefore, assigning the same moral status to humans and non-human animals (even if they have similar reasoning skills) is seen as a threat to human dignity. We are morally averse to using a baby instead of a chimpanzee for an experiment.

An argument in defence of human dignity is that humans have much more to lose

23 Gruen, "The Moral Status of Animals."

24 There are other domains like communication using language but I will not discuss them here.

than non-human animals if they are killed prematurely. There is another argument justifying the full moral status of humans in terms of “personhood.” Harry Frankfurt says that “there is a presumption that what is essential to persons is a set of characteristics that we generally suppose—whether rightly or wrongly—to be uniquely human.”²⁵ He points out that persons are different from other living creatures because they can have “second-order desires.” A second-order desire is the desire to have a desire. It is assumed that animals act on their immediate desires without considering alternative desires. Cognitive efficiency thus significantly raises the moral status of living beings but, it is not enough for full moral standing. Full moral status is understood by reference to human dignity or personhood.

(d) Caring Relationships

We have looked at three properties found in living entities that contribute to their inherent worth. Now we will look at the ability of an entity to enter into a relationship with a member of the same or different species. Here I want to analyze the importance of possessing such an ability. We often show considerable favour to our pet dog or pet cat. Caring for another being forges a new significance of the latter in the former's eyes. Moreover, there is an element of mutuality in every relationship. It is impossible to care for an object that cannot respond to our affection. In a bond which involves dependency, there is the care-giver and the one who receives the care. Both equally deserve moral consideration. In other relationships as between friends, lovers and adult family members, love, compassion and equality co-exist side by side.

Care-ethics, a moral theory articulated by philosophers like Nel Noddings and Carol Gilligan, is seen as an alternative theory to Kant's deontology and consequentialist ethics. “Care ethics affirms the importance of caring motivation, emotion and the body in moral deliberation, as well as reasoning from particulars.”²⁶ It paves the way for the guidance of emotions and feelings in decisions concerning moral matters. Both Carol Gilligan and Nel Noddings “charged traditional moral approaches with male bias, and asserted the *voice of care* as a legitimate alternative to the *justice perspective* of liberal

25 Frankfurt, “Freedom of the Will and the Concept of a Person,” 6.

26 Sander-Staudt, “Care Ethics.”

human rights theory.”²⁷ Though reason cannot be simply discarded, its combination with emotions will lead to the formation of richer moral theories. In seeking answers to moral questions, a dispassionate method, on its own, is likely to be unsuccessful. In addition, what is required is an empathetic understanding of a living entity. Adam Kadlac argues that, “any plausible answers to these questions are best determined from a perspective on the world that takes our relational and emotional attachments seriously rather than working to abstract away from these attachments.”²⁸ When we look at human beings not simply as individuals but as mothers, brothers, fathers, lovers, friends, the barriers between us and them collapse. We can imagine ourselves in their shoes more easily. This is also important in order not to be trapped by the negative “isms” like racism and speciesism. In caring relationships, the moral standing of a living being emerges in its responsive attitudes, be it communication via language, gestures and body language.

The capacity to form attachments and bonds says something about the value of an entity. That entity steps out of the boundaries of its own needs and desires by sympathizing and empathizing with others. It feels the pain of another who is suffering. The dependent person in a relationship, for example, a baby may not be able to express complex emotions. But, a simple gesture, like a smile on hearing its mother's voice, indicates reciprocity towards its mother. I need to make a clarification here. It is the 'ability' and not the content of the relationship that needs emphasis. According to Amy Mullin, “personal relationships that manifest reciprocity of care are intrinsically valuable because they are an important and widely appreciated aspect of human lives.”²⁹ Caring relationships help to give shape to other morally relevant capacities like sentience, autonomy and agency.

The ability to form relationships with others is also significant as it helps an entity to discover more about the nature of another entity. It is important because interaction with another being removes hard-set presuppositions of what the latter is like. For example, in households where pets are kept, young children learn very early on that animals can feel pain and pleasure. Observation from a distance cannot activate our feelings of empathy and compassion. A caring attitude allows other living entities to respond to us. This leads to

27 Ibid.,

28 Kadlac, “Empiricism and Moral Status,” 403.

29 Mullin, “Children and the Argument from ‘Marginal’ Cases,” 303.

greater connections. What I want to emphasize is the notion of care and the role it plays in relationships.

The act of caring is seen in our day to day relationships. Nel Noddings follows the “concentric circles” method used by J. Baird Callicott.³⁰ Our strongest obligations are directed towards those who are closest to us; these are relationships built upon on love. Next in line come those for whom we have no strong affinity but are nevertheless concerned about their well-being. These are the acquaintances, colleagues, neighbours etc. Finally the strangers in our lives also matter. Although we have the weakest obligations towards them, the ethics of care demands that they be treated with a benevolent and caring attitude. This is one hypothetical model of how our caring nature operates. The biggest flaw of this model is that it has no place for non-human animals in it. We all agree that the pets we keep respond to the attention and love showered upon them.

Caring for another may be expressed in different forms. Nel Noddings' model is just one way amongst the hundreds of how our emotions involving love and empathy work. Through this criterion, we can present a stronger case for the moral standing of human infants and non-human animals. Amy Mullin says that, “It does, however, require a number of capacities, such as the ability to prefer some people and some types of relationship to others, to recognize others as being in relationship with oneself, and the ability to respond to others emotionally.”³¹ Caring relationships allow for the flourishing of human autonomy and agency. A child whose interests are respected will grow into an independent adult, capable of making his/her own decisions. Caring relationships remind us that we are part of a larger community. Social interactions are foundational in preserving the dignity of all the members.

(5) A Critical Appraisal

A comprehensive presentation of the four prominent criteria that act as the grounds for moral status has been carried out in the above section. One may ask whether they are sufficient for the purpose of moral status ascription. There is no hard and fast rule that one

³⁰ Warren, *Moral Status*, 139.

³¹ Mullin, “Children and the Argument from ‘Marginal’ Cases,” 300.

should abide only by these. Dwyer has suggested additional criteria like potentiality, talents and abilities, beauty, species membership, etc.³² Considering that it is important for moral issues to be constantly challenged, new criteria cannot be excluded from scrutiny. In this section, the four foundational criteria will be analysed for their adequacy. Together they provide strong grounds for saying that an entity has moral status. Individually, they suffer from one or two drawbacks. As Warren constantly emphasizes, a multi-criterial approach is a fair method that pays detailed attention to all the morally relevant interests of living entities. I will also be analysing these criteria to see if they can be applied to children. The criterion 'life' will be left out from this analysis since it is the common denominator among all entities who have moral standing. The objective is to find out whether these criteria are adequate for children; it is also to pick out the ones that are more relevant to their moral standing.

First, let us re-examine the sanctity of life. The strongest objection to moral standing based on 'Reverence for Life' is that it does not make us obligated to check the pollution of rivers, the destruction of natural landscapes and the mining of rocks, minerals etc. The welfare of such entities is of no moral concern since they have no interests of their own. We owe them no duties. 'Reverence for Life' separates the living from the non-living by bringing the former into moral consideration. Is this a reasonable ethical theory to follow? Can we have obligations to something that is not a moral being? The case may be, that as moral agents, we have certain responsibilities irrespective of whether an entity is morally considerable or not.

It is clear that causing harm to the environment is a moral offense from the consequentialist view point. The ruining of natural landscapes would be discouraged because this would cause unhappiness to a wide array of living creatures. Even if life is the foundation on which moral status rests, we are no less responsible for the environment. Our accountability emerges from the consideration of those living beings that depend upon nature for their survival. Our aesthetic sense acts as a deterrent from sabotaging the beauty of a forest or a mountain. For the sake of future generations, the resources of the earth must be utilised in a sustainable manner.

32 Dwyer, *Moral Status and Human Life*.

That 'life' is the starting point of moral status does not place the environment (non-living entities) in jeopardy. Our obligations towards the environment emerge from other factors mentioned above like concern for the future generations or recognizing its benefits to all living creatures.

Sentience is seen as a stand-alone criterion for moral status. By itself, it can claim strong moral standing and, thereby a sufficient condition. Sentience as a criterion is more inclusive. The moral consideration of sentient entities is never questioned. There is a universal agreement that the suffering of sentient beings be minimised as much as possible. The ability to feel pain and pleasure generates widespread approval when it is exploited. When complex forms of reasoning are not available, it is the perception of pain that draws an agent away from an external stimuli. Possessing emotions is an indicator of moral standing and does not need to be supported by reasoning skills. Sentience is a strong contender for the moral standing of human infants and non-human animals.

Sentience presupposes consciousness. The complexity of the nature of sentience resides in the distinction between consciousness and self-consciousness. The former pertains to a simple awareness of what is happening to one's body or mind. The latter is of a second order: one is aware of the 'I' or 'self' engaging in an activity. For a conscious being, the fulfillment of its present needs is the main priority. A self-conscious being can visualize itself in different circumstances; it formulates its life-goals in accordance with its present interests. Death is a matter of concern for it. The ordeal of death is more painful for a self-conscious being because it is aware beforehand of what it will lose by dying. A conscious being, on the other hand, is concerned only with the harm that occurs to it during the time of death. Should self-conscious beings be conferred a higher moral status than merely conscious beings? Self-conscious beings definitely have more interests. It is logically apt to say that they have a higher moral standing. But, this would place the moral standing of mentally challenged people and human infants under threat.

The uncomfortable dichotomy in sentience leads me to posit a third factor (potentiality) for a richer understanding of sentience. It is a possible solution to the

problem of marginal cases. The potentiality of becoming self-conscious is crucial and cannot be overlooked. In the second chapter I will discuss in detail why potentiality matters and how it contributes to moral status. Therefore, any entity that has the potential (whether or not there are inhibiting factors) to become a self-conscious being, be it a human or a non-human animal, matters morally to an enormous extent.

The point about potentiality is an interesting one as it is a matter of concern to developing beings like infants and children. It has its place in their moral standing. Now, however, we will focus on the criterion at hand: whether sentience is relevant to the moral standing of children. Sentience – since it increases a being's sensitivity to harms – is perhaps the most fundamental criterion for children. It is a survival tool for them. They make sense of the people or things in their environment by their emotional reactions to them. Some persons make them uneasy and scared, whereas, they easily show their affection towards others. Sentience also helps children in the act of communication. Lacking the requisite cognitive abilities, by expressing their emotions they get their needs understood. The most crucial aspect about sentience is that it is necessary for building up relationships. Children display feelings of love, anger and hatred. These feelings are relational in the sense that they are directed at someone or something. From an early age children display caring attitudes to the people around them. The moral standing of children can therefore be deduced from the fact that they are sentient beings. Sentience is the fundamental premise for their moral status.

Sophisticated cognitive abilities are taken by many philosophers to be a mark of full moral status. This defends the view that the capacities of normal adult humans are the “final cause” (adopting Aristotle's terminology) in the domain of morality. Every entity that moves towards this final end has a chance of gaining full moral standing. The intrinsic value of babies is seen in relation to their becoming rational agents. The claim is weak on many counts. Firstly, it is difficult to define the ideal kind of rationality. Does rationality imply being an expert in numerical or logical reasoning? Or does it imply being aware of how one's mind works and trying to control the thoughts that enter it? Also, cognitive efficiency is possessed by humans and non-human animals alike. Secondly, a survey of human beings would reveal that not all of them have uniform reasoning skills. Some are

good at solving mathematical problems, some enjoy creative pursuits like writing. Some prefer physical activities like football rather than engage in brain-work. If this is the case, human beings would not enjoy the same moral status.

Cognitive abilities make the interests of a living entity more complex. For example, they produce a conflict between immediate and long-term desires. They enable an entity to carefully evaluate its needs, weighing the pros and cons instead of diving headlong into the satisfaction of an impulse. They help us to engage in complex moral behaviour. Rationality has been the basis for the formation and progress of civilizations, and the advancement of scientific knowledge. Thus, there is much to be said about what the brain is capable of. Not doing justice to the authority of our cognitive faculties would be a fallacy on my part. But, there is a temptation to give more credit to cognitive abilities than they actually deserve. By doing so, we fail to recognise the role played by other features of an entity in contributing to its inherent value. This particular critique is relevant because to view rationality as the overarching standard often leads to a dangerous prioritisation of a particular kind of being, the fully rational adult human being.

We see from the above paragraphs that there is no uniformity in cognitive abilities even among adult humans. Hence cognitive efficiency would be shaky ground on which to rest the moral standing of children. Being developing agents, they do not yet have strong reasoning powers. Perhaps one may say that the potential of a child to become a rational adult holds some value. This is because this potential grounds his or her future interests. If not for the potential to become rational, children would not be required to be educated for honing their reasoning faculty. However, cognitive efficiency as a criterion as such does not hold as a strong ground for the moral standing of children.

The ability to care for another is what makes a being morally significant. The danger of forming close relations is that feelings of affection may impede one's sense of judgment. This may affect the obligations that are due to a particular entity. For example, a parent who gives in to all the whims of his/her child may ruin his/her character in the long run. A lover who refuses to accept that his girlfriend is a bank robber encourages her at her criminal activities, and places people's investments and savings on the line. The lover has a

duty of protecting the general population at large, but his judgment is swamped by his love for his girlfriend.

These examples are to be understood in the context of the inability to control overpowering feelings of attachment for another being. They show that the worth of another person wavers depending upon the degrees of attachment to him/her. The problem essentially lies there. It is true that a lover, friend, pet, sibling becomes special in one's eyes and one has separate obligations because of this unique relationship. However, over and above attachments, first comes the recognition of a being for what it is. Caring relationships come secondary in helping the participants in this task of comprehension. A positive aspect of caring relationships is that they dilute rule-based moral commands and provide space for improvisations and imperfect obligations. They are of immense good, especially for children. They activate the development of autonomy and agency. A wholly objective attitude creates barriers. It is like a scientist examining his specimen, where no exchange takes place, and only his side is heard. Caring relationships (between humans) enables one to cater to the other's interests according to the latter's shifting moods and needs.

To find out the relevance of care with regards to the moral status of children, one must ask whether children are both receivers of care and caring agents or only the former. Caring is such a central aspect of childhood that in order for children to grow well, they must be shown ample care and affection. That they are caring agents depends upon their ability to respond to this affection. There is no doubt as to the caring nature of children. They are able to return the love their caretakers show, they form bonds with their family members, and even initiate friendships with other people. The act of caring, as will be explained in the second chapter, is the beginning sign of agency. It enables us to view children not only as potential beings, who require attention all the time but as agents whose opinions and individual wants also matter. The caring attitudes shown by children are not of a reflective kind, they are spontaneous in nature. The ability to care is a crucial criterion for their moral standing. It is a telling feature of their agency despite their vulnerability. In the second chapter, we will see further see its significance for the moral status of children.

(6) Conclusion

The purpose of the first chapter was to bring out the generality of the concept of moral status and to analyse how pervasive it is in our everyday lives. Our attitudes and behaviour towards another human being involves an implicit understanding of the other person's nature and needs. Moral status discourse enables one to engage more meaningfully with another living entity. It brings about a consciousness of the other's interests. Moral status, being a normative term, influences one to become more altruistic. From this normative point of view, in the next chapter, I wish to see whether we can improve our understanding of children, and find out what makes them morally considerable. While examining the moral standing of children, we have to keep in mind the unique place that they occupy in the society. We need to ask whether we can philosophically articulate the ambivalent status of children in a way that will go beyond any cultural or community specific beliefs about children. It is also important to inquire whether we can use the same criteria or whether there is a need to formulate new criteria.

From the critical appraisal, sentience and the ability to enter into caring relationships were selected as the most significant criteria for the moral standing of children. Sentience makes an entity conscious of its experiences of pleasure and pain. For children these experiences are crucial for helping them make sense of their environment since they lack fully developed cognitive abilities. The capacity to care on, the other hand, enables children to think of something other than themselves, to step out of their own world. Caring involves a sustained series of emotions and actions by which children show their love and affection towards their caretakers and family members consistently. It represents their rudimentary decision making skills; they choose the people or objects of their affection. It may be asked whether these criteria are enough for understanding the moral status of children. What I think these criteria fail to project is the vulnerability of children. Being developing agents, children are not self-sufficient. They require help from others to get their interests promoted. Therefore I propose an additional criterion, that of potentiality, to emphasize this vulnerability of children.

As a criterion of moral status, potentiality has not acquired a prominent place. This

is mainly because there is no consensus about what it really means. It therefore gives the impression of being ambiguous. Secondly, potentiality is avoided because it is difficult to establish the time in an entity's life when it becomes morally significant. In the second chapter, I will introduce this criterion because it indicates the important fact that children are developing agents. It will have a specific meaning that can be understood only in the context of children. The criteria that will be discussed in the second chapter will be narrowed down to the ability to care and potentiality. Sentience will not be included in my analysis, not because it is insignificant, but because caring already presupposes that the child is a sentient being. The capacity to care is impossible without sentience, it emerges from sentience. By applying these two criteria, despite the fact that children and adults share the same moral standing, I aim to show how children are different from adults, and therefore require a qualitatively different treatment for the protection of their moral status.

The Moral Status of Children

(1) Introduction

In this second chapter, before discussing the moral standing of children, I will find out whether a universal concept of childhood exists and if we can articulate it properly. The purpose is to arrive at a general explanation that is free from the contingencies of culture. By asking this question, I will try to find out the differences between childhood and adulthood. These differences, by and large, need to be picked out and examined. The nature of children will also be explored. I intend to draw a contrast between their vulnerability and developing agency powers. It is a conflict that is characteristic of childhood. The conflict being that as a child grows older, it becomes less dependent on its caretakers and relies more on its own decisions. Thus throughout childhood, there are clashes between a child's dependable nature and its actual capacities. I have chosen two criteria – the capacity to care and potentiality – relevant for the moral standing of children on the basis of this conflict. My purpose is to show that the application of these criteria to children removes the uncertainty with regards to their moral status.

This chapter will thus try to justify the moral status of children on the basis of two specific criteria – the ability to care and potentiality. The ability to care appeared in the four main criteria that were analysed in the previous chapter. Potentiality, however, is an additional criterion. It is one that has not been taken up much by philosophers because of the difficulty involved in defining it. I have selected potentiality because it is a specific feature of children. Potentiality increases our understanding of the fact that children are vulnerable beings. This vulnerability is only a temporary phase. When the potential capacities of children are developed, they no longer remain dependent. Though these two criteria are not exhaustive, they have been selected because they bring out the complexities of childhood and the nuanced features of children. It is clear from the previous chapter that children have moral standing. They possess the four criteria in different degrees (with the exception that cognitive efficiency does not strongly justify their moral standing). Hence, in this chapter I will explore only the criteria that give shape to the uniqueness of

the moral standing of children.

(2) What is Childhood?

The aim of the present section is to find out whether a concept of childhood can be articulated. We may ask if we can speak of childhood as a universal concept. This chapter purports to find out if children share something in common despite differences in their childhood experiences. A core explanation remains prior to a sociological understanding. The latter will have divergent conceptions of childhood that are influenced by social, cultural and economic factors.

First and foremost, a universal concept of childhood will clarify who children are, and what their interests are. All children share common characteristics. They are not self-sufficient, their decision making ability is weak, they are reliant upon adults and have potential capacities that have not been developed. Recognizing their capacities is crucial in determining our treatment of them, lest they be exploited. Secondly, a concept of childhood is instrumental in helping us understand what kind of rights children have. I will draw an analogy. Moral philosophers often have discussions on what is required in order to lead the good life. Prior to this, they have to reach a consensus regarding the nature of man and his necessities. My hypothesis is this, if we try to understand the nature of childhood, we can think of ways of making childhood a fulfilling experience for them. Therefore for a universal understanding of childhood, I will be comparing the views of Tamar Schapiro and Andrew Divers.

Can adulthood and childhood be compared with each other? Is there a rigid line of demarcation between the two? Adulthood, when contrasted with childhood is assumed to be a complete stage. Rationality, moral agency, and language use reach their peak during adulthood. Some philosophers say that personhood, the most important criteria for full moral status is possessed only by adult human beings. Is it correct to say that adults are the epitome of human-ness? It was Aristotle who considered childhood as an unfinished stage.³³ Inherent in this study is an important question formulated from Aristotle's

33 LaFollette, *The Oxford Handbook of Practical Ethics*, 93.

dichotomy - should a child be looked upon as a *potential* human being or an *actual* one?³⁴

Schapiro sees the need to understand the undeveloped nature of children. She says, “The philosophical task is to give a deeper account of them, one which explains more clearly the sense in which children are undeveloped and the reason why their lack of development is significant from a moral point of view.”³⁵ She compares childhood to the pre-political society where people live together without recognizing a single authority to abide by. Every person follows his or her own rules and does what appears to be good to him or her. Likewise for children, there is discord within them. Unlike adults who can conform to the dictates of their will, the will of children is not unified. They are the passive citizens in a political society. It is impermissible for them to carry out the duties of normal citizens. The role of adults is paternalistic only in the sense that they help children to “pull themselves together”³⁶ and find their own will. Childhood is seen as a temporary condition, an aberration of adulthood.

Divers, on the other hand, criticizes Schapiro and thinks that the childhood-adulthood distinction is erroneous. He thinks that what is important is talk about *developed* and *undeveloped agents*.³⁷ In some areas, children are more developed than adults. It is not fair to see them as wholly undeveloped. For example, children are adept at learning new skills (playing instruments) and can quickly become experts. An adult takes a much longer time to grasp the foundations. In such fields, they are considered to be developed agents. According to Divers, a developed choice has three aspects: “evidence of choice”, “rational reasons”, and “understanding.”³⁸ A ten year old who shows these characteristics in an area of his/ her expertise, is said to be a developed agent.

One may perceive two illustrations of childhood from what has been said. Both, however, are inadequate to explain childhood. Schapiro looks upon childhood as a deficit stage whereas Divers does not recognize the existence of childhood, replacing it with talk about developed and undeveloped agents.

34 For Aristotle, a child is a potential being moving towards actuality. Adulthood (actuality) is the final end, the epitome of human existence.

35 Schapiro, “What Is a Child?,” 717.

36 Ibid., 734.

37 Divers, “Children and Developed Agency.”

38 Ibid., 238.

In the former account, children are seen only as partially rational agents. But, to look at childhood as a deviation from adulthood makes adults the central focus of study, where children are pushed into the background. Any examination about children will be measured against what adults are capable of. The interests of children will fail to get serious consideration. Hence Schapiro's account is not appropriate for explaining childhood. Diver's account is also fallacious: eliminating childhood from our discourse gives us no insight whatsoever into the common experiences that children share. If the distinction between childhood and adulthood is fallacious, then the distinction between adults and children also collapses. But, this is hardly a conclusion that is acceptable.

A middle-ground may be reached. A better understanding of childhood is grasped by taking certain aspects both from Schapiro and Divers. Schapiro is correct in pointing out that childhood is a stage of reliance. Vulnerability and dependence are important aspects that are emphasised by her. However, this cannot be the summative view of childhood. Divers, on the other hand, mentions children's capacities that exceed our expectations. We are amazed at what they can achieve. Schapiro views children as developing agents whereas Divers sees them as both developed and undeveloped. In Schapiro's account, we lose sight of their autonomous nature. Divers' claims are contrary, he does not reduce children to mere appendages of their parents/ state or society.

The combination of Schapiro's and Divers' claims will give us an unbiased description of childhood. In fact, we may even embed Diver's account within Schapiro's. The overarching view of childhood is that of an undeveloped stage. But, we cannot dismiss the signs of agency that are often seen in children. Thus childhood is primarily a formative stage. Additionally there are a few areas where a child is capable of making his or her choices. Childhood has more developing than developed tendencies.

Childhood is a unique phase in a human being's life but which is not without restrictions too; for example a child is prohibited from driving or from voting because his/her mental and physical capacities are not completely developed for such tasks. Further more, it is a period of new discoveries, wonder, and exploration. A child's mind is impressionistic, rich, creative and is a fertile place for innovative connections and ideas.

In fact, when it comes to certain logical puzzles, children are as good as adults in solving them. This only goes to show that childhood is a complex mix of various traits. I have hardly defined childhood. But, through these two philosophers, attention has been drawn to the structure of childhood. Its basic feature is potentiality and development, with limited areas of autonomy.

(3) Who are Children?

We were once children so the question should not be difficult to answer. But, time and memory have eroded our experiences. We cannot easily recapture what we felt and thought during our childhood days. As we read books on children, we come upon things that sound strikingly familiar. Is it possible to define the word 'children'? The Convention on the Rights of the Child defines a child “as a person below the age of eighteen, unless the laws of a particular country set the legal age for adulthood younger.”³⁹ This definition does not reveal any information about the nature of a child. Moreover, keeping eighteen as the boundary mark (accepted by many countries) is arbitrary. Take a seventeen year old who is judged for a heinous crime. Do we treat him/her as an adult or a child? The laws says 'child' but, on what basis does it proclaim this? What if he/she knew what he/she was doing, and fully understood him/her intentions behind his/her crime? The reverse may also happen: the law setting the age at sixteen and the seventeen year old criminal being more of a child rather than a adult. These are tough questions to tackle. This matter requires specialised attention. However, it will not be taken up here. It is to show that out standard definitions of children are not free from ambiguity and we are yet to establish the boundary lines between adulthood and childhood. It may be the case that no strict boundary line exists.

In the previous section, a structure of childhood had been outlined. It is a phase of development with few marked characteristics of agency. Now I will attempt to provide content to this structure. This content will contain empirical examples of the abilities of children, taking help from child psychology. Thus I evade a monolithic explanation - different age groups show such varying characteristics that it would be unfair to club them

³⁹ Jallow, “Establishing a School for Disabled Children in Gambia.”

together. This leaves me with no concrete answer for who a child is. But, on undertaking the subject matter in this way, I hope to capture some of their traits and characteristic features.

Before we talk about the features, here is a short note on the nature-nurture debate. This debate is an interesting one that explores how much we develop according to our genes and how far the environment influences us. What kind of external interventions are needed for children? John Eekelaar, on writing about children's rights talks about "developmental interests" and "autonomy interests."⁴⁰ To clear any confusion, "interests" in his sense means external interventions or sources that are most likely to help a child to grow. They are not to be confused with interests related to their moral standing. Developmental interests include providing children with enough resources so that they are not ill-equipped to handle contingencies in their adult life. Autonomy interests pertains to strengthening a child's decision making skills. Both these interests highlight the paramount concerns in a child's life. In most cases, due to a child's dependable nature, developmental interests precede autonomy interests.

A characteristic feature about children that I first wish to analyze is their vulnerability. The term vulnerability essentially emphasizes the possibility of being harmed by others. This is a natural feature of children due to their undeveloped nature. Unable to equip themselves, they are defenceless and are subject to the care of adults. Amy Mullin says, "All young children are vulnerable both with regards to threat to their survival and because of their need for care if they are to develop their basic physical, emotional and intellectual capacities."⁴¹ According to her, the vulnerability of children is higher compared to adults because without care, the proper development of their abilities is threatened. Thus the physical and emotional maturation of children go hand in hand with care being provided by adults. In a psychological study carried out by Grazyna Kochanska, it was found that children who had positive attachments were "more competent in various aspects of later development, functioning more successfully in future relationships, and developing fewer behavior problems..."⁴² Children are essentially dependent upon adults to get through

40 Eekelaar, "The Emergence of Children's Rights."

41 Mullin, "Children, Vulnerability, and Emotional Harm," 269.

42 Kochanska, "Emotional Development in Children with Different Attachment Histories: The First Three Years," 488.

this period of vulnerability. I am placing vulnerability in this context of unformed abilities and capacities. This feature strongly distinguishes children from adults. All children, from toddlers to teenagers, are vulnerable to abuse. Though these points are commensensical, I think there is a need for reiteration in order to assert the basic premise on which which we begin to understand children, that is, their vulnerability.

For the few marked signs of children's agency, I am referring to studies done by Jean Piaget.⁴³ We will learn how children of different ages respond to the rules of games. This is related to the development of one's moral judgment. Piaget examines children's games (game of marbles). According to Piaget, a sense of how morality develops can be understood by observing children's games. He says, "For very young children, a rule is a sacred reality because it is traditional; for the older ones it depends upon mutual agreement."⁴⁴ Very young children (two to five years) fall short of following these 'divine' rules. Piaget claims that whilst they believe in the sacredness of laws, their actions are contrary. It is a phase of "spontaneous egocentrism"⁴⁵, whereby they cannot distinguish their own point of view from that of others. At this age, they make no collective effort to play a game, in fact, they cannot think in terms of collective rules and are mostly lost in their own world. Between seven to eight years of age - phase of "incipient cooperation"⁴⁶ - children think it is important to play by unified rules, and they begin to cooperate with each other. But each child's rendering of these rules is still vague. Lastly, children of eleven and twelve years ("codification of rules"⁴⁷) have in-depth knowledge of the rules and try to observe them. From seven years onward, children also understand that the rules may be altered as long as they get the majority to agree. Thus the belief in the divinity of rules disintegrates.

Though Piaget goes on to develop an elaborate theory of moral judgment, much of which is not discussed here, what is interesting are the signs of agency that are seen in children as young as two years of age. My analysis here has been developed in line with the main view that was stated. At two years of age, we see a spontaneous imagination at

43 Piaget, *The Moral Judgement of the Child*.

44 Ibid., 102.

45 Piaget, *The Moral Judgement of the Child*.

46 Ibid.

47 Ibid.

work, unhindered by rules. Though these children believe in rules, there is no self-awareness of their own actions, therefore they do not understand when they act contrary to rules. Moreover, they are still engrossed in trying to gain control over their motor movements. We see a crude agency at work, described as such because there is lack of self-awareness as well as consciousness of other peoples' thoughts. When the stage of cooperation sets in, the more developed agency is assumed from the way children become conscious of their own and others' acts actually tallying with the rules. They also rely on their own judgment for framing rules and do not regard them as divinely created.

In pointing out vulnerability as a characteristic feature and the agency at work in small children, I have hardly explained who children are. I only hope, however, to have established a simple point: that infants and children are vulnerable beings, and their agential capacities differ as they grow older. One may ask why these aspects have been emphasized. In connection with their moral standing, the distinct capacity that they all share is the ability to care. It deserves recognition since it is representative of their agency and is possessed even by toddlers. Piaget's study was used to illustrate that children do in fact have agential powers. Secondly, side by side, vulnerability is to be understood with potentiality for cognitive efficiency and physical maturation. Children are vulnerable beings, but they do not remain in this stage forever. Their childhood stops the moment they become self-sufficient. Their vulnerability and potentiality causes them to have different types of interests. Conflicts arise because they are at once vulnerable beings and potential adults. In fact, to be a potential being is to be vulnerable indicating unformed and developing capacities. Thus, I will also turn to the criterion of potentiality to explain the unique moral standing of children.

(4) The Moral Status of Children

Let us recapitulate what has been discussed in the previous chapter. The grounds for moral status are reverence for life, sentience, cognitive efficiency and the ability to participate in caring relationships. Based on these grounds, do children pass the test? We can check mark all four points although cognitive efficiency does not provide strong grounds. The fact that they have moral status is clear. But, we must draw out the reasons that explain the

uniqueness of their moral standing. We have to look deeper to confront the contradictions and paradoxes.

When we talk about children we are referring to all these groups - infants, toddlers, pre-schoolers, schoolers and teenagers. There are vast physical and mental differences among this lot that complicates the work of assigning moral status. Younger children are closer in their cognitive capacities to non-human animals like chimpanzees. However, it goes against our moral beliefs to assign them the same moral status as chimpanzees. Take the age old example of a human baby and a dog or any other animal drowning in a pool of water. Who would we save? Most of us would say that we have no choice but to save the human baby. Is this favouritism justified?

There are two aspects that I want to bring into focus. The first aspect is that children have moral status because they possess certain morally considerable features. The second aspect is the special relationship that adults have with them. Both these aspects are recognized by Warren. The latter aspect will be discussed first.

The reason we incline towards our own kind is because of the relations we have with them. Giving children a different moral status, lower than adults, will definitely lead to their exploitation. The fact that children grow up to be like us matters; a reason to be morally considerate towards them. Favouring and protecting our own kind is hard-wired in our nature. It is a rarity rather than a common occurrence to see a mother throw away her baby without an ounce of guilt. Children cannot be observed in isolation, cut off from those who are responsible for bringing them into existence.

The relationship between procreators and their offspring is of a special kind. It is a relationship so unique that it contributes towards determining the moral status of children. What it entails is caring for the child so that he/she can stand on his/her own feet. This relationship involves love, possession, and a concern for the child's future. Sometimes it is difficult to see the child for who he/she is because one is blinded by affection. It is exactly this outpouring of care that makes the child special.

When the position of mentally challenged humans is undermined, great protests are carried out by their family members. For many, it is unimaginable to use these humans in scientific experiments, even if their cognitive capacities are less efficient than the normal adult. It is their special relationship with other human beings that makes them intrinsically valuable. Both children and mentally challenged persons are responsive to the affection shown towards them. It is a two-way affair: care coming from both directions, from the care-givers and care receivers.

Since we are alike in some ways, it is easy to put ourselves in the shoes of children and mentally challenged persons. The relation that binds us all is the human factor. Empathy appears again and again in moral status discourse. This empathy takes the form of an active response to the specific needs and interests of children. Barring the free-riders, immoralists and amoralists, most of us can easily empathize with other human beings and even non-human animals.

The relational aspect is associated with the social nature of human beings. I am shifting attention to the assigner, that is, the conferrer of moral status. It is part of human nature to give special value to the beings one interacts with. James G. Dwyer asks this question, “ By what cognitive process do we come to treat some beings as mattering morally and others as not?”⁴⁸ Though we cannot dwell here on the state of mind of the endower, empathy is an important emotion that invokes feelings of attachment. Our empathetic connection with another being makes us value the experiences of the other being. This theory goes back to David Hume who “maintained that the root of all morality lies in our affective response to other beings that we encounter-...”⁴⁹ Thus the endowment of moral status is also influenced by the relation between the conferrer and the morally considerable entity. As soon as a baby is born, it develops innumerable bonds with the people who surround it. These bonds cause this empathetic identification. Though it is a kind of favouritism, endowing moral status in this manner is justified when it is combined with an empirical perspective.

48 Dwyer, *Moral Status and Human Life*, 31.

49 *Ibid.*, 32.

(5) Two Criteria

I will discuss two special criteria, the ability to care and potentiality, and how they contribute to the moral status of children. They comprise the morally considerable features. These criteria have been chosen because they capture the unique nature of children. Children have the capacity to care, and this places them higher than non-human animals who cannot take part in a morally valuable relationship. Potentiality emphasizes the vulnerability of children. It is an additional criteria that is usually considered marginal. It is often discarded; the criticism is that it is too vague a concept. Potentiality in children will be defined within boundaries in order to have a concrete meaning. As a criterion, it acts as a reminder of the future interests of children. Knowledge of what an infant will become will prevent us from harming his or her future interests prematurely. Potentiality gives one an overall view of the nature of children. Bearing in mind the nature of children, these criteria highlight children as agents (ability to care) and as vulnerable beings (potentiality). The conflict between agency and vulnerability is what I want to bring to the fore. It is what characterises childhood.

(a) Care

In this section, we will analyze what the act of caring means. Diemut Bubeck says that caring involves “the meeting of needs of one person by another where face-to-face interaction between care and cared for is a crucial element of overall activity, and where the need is of such a nature that it cannot possibly be met by the person in need herself.”⁵⁰ Feminist philosopher, Virginia Held, holds care as a kind of practice rather than a trait or virtue; it defines some social relations. Some other philosophers look at care as a virtue or a motive: Michael Slote thinks that care is motivated by empathy.⁵¹

The kind of caring that occurs between adults and children is not mutual. One party is dependent on the other. Reciprocity from children cannot match up to the affection shown by adults. What is a matter of interest in this study is the capacity to care by

50 Sander-Staudt, “Care Ethics.”

51 Ibid.

children. For some philosophers like Agnieszka Jaworska, this capacity generates full moral status.⁵² It is this capacity that is intrinsically worthy in childhood. This section contains an exposition of Jaworska's views. Her nuanced account of caring, which attacks the rationality of Kant and Frankfurt, is basic, and involves no complex reflection.⁵³ Amy Mullin, who agrees that the ability to enter into morally valuable relationships contributes to a being's moral status⁵⁴, delineates other approaches that explain the moral consideration of children. But, according to her, these are indirect: for example, children possess moral status due to the sentimental feelings of adults. Or children have moral standing as per a contract decided by rational adults. These approaches say nothing about the capacities of children and hence are inadequate. Let us analyse whether the act of caring gives an intrinsic value to children.

Jaworska's distinction between two kinds of moral status is important for setting the background of this section. It is important to note that FMS stands for Full Moral Status. Usually, only human beings are considered to possess full moral standing. Jaworska says, "A core constituent of FMS is a kind of inviolability: roughly put, we are prohibited from destroying and from interfering in various other ways with a being with FMS for the sake of another being and its interests, or for any other value."⁵⁵ She introduces two terms: "intra-agential full moral status" and "interpersonal full moral status."⁵⁶ A person has "intra-agential FMS" if its current interests cannot be neglected, when they are conflicting with past or future interests. It goes hand in hand with "interpersonal FMS." While all human beings possess interpersonal FMS based on species membership, not all have intra-agential FMS. Mentally challenged persons whose condition is severe may not have intra-agential FMS. Their current desires can be over-ridden if they interfere with their overall welfare. According to her, the capacity to care is a sufficient condition for a being's full moral standing. This capacity indicates that a being's current interests are to be valued. Thus such a being would have both intra-agential FMS and interpersonal FMS, since its current interests cannot be dismissed.

52 Jaworska, "Caring and Full Moral Standing*."

53 Jaworska, "Caring and Internality."

54 Mullin, "Children and the Argument from 'Marginal' Cases."

55 Jaworska, "Caring and Full Moral Standing*," 460.

56 *Ibid.*, 464.

The question is whether the current interests of children are important when they are weighed against their future interests. Here are two examples. First example: a child throws a tantrum because she wants to eat more than her usual share of sweets. Her parents forbid her to do so because they know that she would have to make numerous trips to the dentist. Second example: when the same child visits her grandmother, she discovers that her grandmother is suffering from fever. She begs her parents to allow her to take care of her grandmother. She wishes to help her grandmother and give her medicines at the prescribed time, all within the child's capacity. The parents ignore her request even though they have no good reason for doing so. However, this seems wrong. By not respecting their child's wish, they seem to be infringing on her right to choose. Jaworska says, "such a choice leaves a moral remainder, a severe moral cost, because the individual's current nature is not properly respected."⁵⁷ How are the two examples different? In the first example, the parents' actions are justified because they know that eating lots of sweets would cause trouble to their child's teeth and health. They are concerned with her overall welfare, and do not want to simply give in to her whims. The second example shows us that the child's interest has to be respected. Her request to look after her grandmother comes from a place of love and compassion. It is neither unreasonable nor instinctual. From the perspective of morality, the child does no harm to herself. In fact her act is significant for her moral development in the long run. By this singular act, she displays signs of agency and autonomy, however rudimentary.

Intra-agential FMS means that contemporaneous interests are to assume priority over past or future interests. From the examples above, it is clear that children have intra-agential FMS. Children have individual desires that are reasonable and sound, if we do not fulfill them, we end up disrespecting who they are. Thus, a balancing job is needed to promote a child's welfare: to identify those interests which children have a right to assert, and to recognize their future interests of which they are unaware. Children occupy a unique place in society: they are vulnerable and dependent, yet they have intra-agential FMS. We cannot give them responsibilities for which they are ill-equipped to handle. At the same time, their current interests cannot always be sacrificed, unless they have serious implications for their future interests. Jaworska claims this unique intra-agential FMS is

⁵⁷ Ibid., 468.

derived from their ability to care.⁵⁸

I will not generalize the age at which a child has the capacity to take part in a caring relationship. Caring is a more complex emotion than disgust or anger. The latter emotions are evoked spontaneously – someone who is afraid of insects will be instantly disgusted at the sight of dying insects. Caring grows over a period of time. It is a mixture of several emotions: the desire to promote another person's happiness, acts of love and compassion, sadness prevails when things go awry for the other person. Children show such caring attitudes to their friends or family members. A young child tries to comfort her mother when she is distressed. An older sister saves her younger brother from a group of bullies. Caring takes on different forms. A person cares about exercising everyday so that he/she will be qualified for running the race. Expressing concern over one's inability to play the piano as taught by the teacher is also an act of caring. Jaworska says that, “caring has an even more complex structure than most ordinary emotions — it is best understood as a structured compound of various less complex emotions, emotional predispositions, and also desires, unfolding reliably over time in response to relevant circumstances.”⁵⁹ Caring is not external to the agent/ individual. It is a manifestation of emotions that have been internalised. They are deeply lodged inside an individual.

One does not always recognise these emotions as belonging to oneself. This means that one may not know the cause of these emotions or why one experiences them. Thus, there may or may not be a strong identification between a person and the object he/she cares about. Identification implies reasoning and self-knowledge. Internalisation, on the other hand, can be an unconscious act. Allowing oneself to be brainwashed and conditioned are some ways of internalising attitudes. According to Jaworska, this internalisation is not a product of rational deliberation.⁶⁰ She argues against the notion that caring is reflective. Caring links together various emotional episodes that a person experiences; there is a psychological continuity between emotions, say sadness on knowing that one's dog is sick, and sorrow on its death. We see this kind of behaviour in children as young as two years. There is regularity in how children develop affection for a relative or

58 Jaworska, “Caring and Full Moral Standing*.”

59 Jaworska, “Caring and Internality,” 560.

60 Jaworska, “Caring and Internality.”

friend. They are overtly concerned when the person in question is hurt, ask questions when they don't see him/her for weeks on end, etc. When they love someone, they hug, kiss, and display their emotions in several ways. Such attitudes together comprise a stance, a viewpoint of the child. This stance is a cumulation of inter-related emotions and feelings.

Jaworska attacks Frankfurt's emphasis on the element of reflectiveness because if the standard for caring is so high, then children and mentally challenged persons would be unable to exercise this capacity. However, children do exhibit this capacity. According to Frankfurt, caring reveals a second order desire about a first order desire, this involves evaluation regarding the desires one pursues.⁶¹ One endorses a particular desire after reflection and judgement. A wanton who follows his instinctual desires without prior thinking is said to be incapable of caring. Jaworska questions the necessary link between caring and reflection. Think of a child who adores his/her indifferent father. He only has harsh words for him/her and never shows any interest in his/her life. Possibly when the child grows older and he/she understands his/her father more, his/her affection will decrease. But, we cannot say that the child, at his/her present age does not care for his/her father. His/her love for him is obviously not based on any kind of reflection, it is more basic to reasoning. The connection between caring and reflection is a strained one. Reflection helps us identify what we care about, our emotional dispositions etc. But, this knowledge is different from the act of caring. It perhaps enriches our caring behaviour, but it cannot be an intrinsic part of caring.

Firstly, what Jaworska says is apparent in children's behaviour. When a child of five is asked why she loves her brother, she will come up with reasons like "because he is my brother", or "I find him cute and tiny." These reasons although valid do not reflect a rigorous rational thinking process. The girl does not choose to act on her desires, in order to care for her younger sibling. After a number of interactions – playing with him, teasing him, singing him to sleep – she naturally becomes affectionate towards him. Secondly, this basic kind of caring attitude is found both in adults and children. Sometimes we care for a person before we are actually aware of what is happening. The continuity in our emotional episodes, that is responsible for how we care, occurs without thinking. Frankfurt's notion of

61 Ibid.

caring is inadequate to be applied to young children. Their mental abilities are not developed to engage in this complex form of caring, where reasoning is involved. Jaworska, in criticizing Frankfurt, tries to advance an alternative theory of care, which can explain the caring attitudes exhibited by children.

The ability to care is a sign of a child's developing agency. It is within caring relationships that children begin to build their decision making skills. Children thrive in an environment of affection, where small deeds or feats are encouraged by their caregivers. A caring act is a willingness to invest one's time with a person even though the outcome may not be profitable. Earlier, an emphasis was made on intra-agential FMS. The point is to place an intrinsic value on children not in terms of what they will become but in terms of who they actually are. Amongst children themselves, there are wide differences in the rational and physical abilities depending upon their age. But this caring behaviour is uniformly expressed by all of them. It is a criterion that is a notch higher than sentience. Sentience is an instantaneous response to a stimuli. Caring, like grief and joy, is prolonged, it is a complex emotion. Caring is a criterion that matters morally: it is a sign of an entity having agency. It is a set of internalised feelings. The ability to care is a reason to look at children as independent agents. When they show an interest in a hobby that will benefit them, they must be encouraged to pursue it. The moral standing of children hangs greatly on their capacity to care: it grounds their right to choice-making, just like adults. This right undoubtedly is weighed against their future interests. Since children are not fully rational agents, their participation in caring relations grounds the precedence of their current interests over future interests.

(b) Potentiality

Here, I will try to establish that the criterion of potentiality found in children is morally significant. Potentiality is different from all the other criteria. Any being that is alive or sentient has moral standing, but to say that of a 'potential being' does not make sense. Unless we clarify the meaning of 'potentiality', we will not make progress. There are two ways of looking at potentiality: (i) the ability of an object to change into something different from itself, (ii) the growth of an entity according to its genetic blueprint. The

latter meaning is pertinent to this study. A seed grows into a tree. A puppy becomes a dog. A child grows into an adult. From these three examples, the puppy's and the child's potentiality will be taken into consideration. Their potentiality is of moral consequence. This goes to show that potentiality does not raise moral status. Its importance from a moral point of view is dependent upon the kind of being who has potential characteristics. A lump of gold has the potentiality to be transformed into a statue. Since it neither possesses life, sentience or rational capacities, it is certainly not an object of moral concern. There are certain conditions needed in order to identify the kind of potentiality that is relevant to moral status. J. Stone has formulated a “weak” and “strong” reading of potentiality.

Weak reading:

“It seems sufficient for something A to be a potential B that A can be an element in a causal condition that produces a B and, further, the matter of A will be (or will at least help produce) the matter of the B.”⁶²

Strong reading:

“The strong reading adds the requirement that A will produce a B if A develops normally and the B so produced will be such that it was once A.”⁶³

J. Stone endorses the strong reading. This captures the development of foetuses to children and finally to adults. An adult was a foetus at one point of his/her life. The latter follows a developmental path that will actualise what is encoded in its genes. According to Stone, a foetus comes under our moral concern. Its potentiality to become an adult human being is a reason for its right to life and moral consideration.

In the case of the weak reading, since a sperm and an egg unitedly help to produce a foetus, they both have the potential to become an adult human being. But, it is a weak kind of potentiality. Both are not identical to the human being they produce. They are only causal elements. It is therefore absurd to link a sperm or an egg with moral status.

There is a third, even weaker reading of potentiality that is a popular formulation

62 Stone, “Why Potentiality Matters,” 818.

63 Ibid.

for dismissing potentiality. Let us take a hypothetical example to elucidate this view. There are some scientists who, with the help of advanced technology, transform an ant into a rational human being. Would the ant have moral status like the latter? To admit this would be irrational: we commit the fallacy of measuring the importance of potentiality in isolation from the entity. An ant, though alive, cannot be shown the same kind of moral consideration that we show to a human being. Moreover, its potentiality has been artificially induced. This potentiality is very far off from the strong reading. Potentiality understood in this way only leads us to confusion. The human being which originates from the ant will definitely have a higher moral status than the ant itself. Here, the ant's potentiality since it is artificially induced, does not count.

I have tried to bring out the various meanings of potentiality via the three readings. The first reading is the most important. Whilst the second and third readings seem similar, the difference lies in potentiality brought about by artificial methods (third reading) and a natural innate potentiality (second reading).

I agree with J. Stone that the strong reading describes the potentiality that matters from a moral perspective. However, this renders another problem: when is the moment in a human being's life when potentiality matters morally? Is the potentiality found in embryos of moral significance? To answer this, we will first clarify whether embryos have moral status. According to Elizabeth Harman, "consciousness" is the critical factor that decides whether an entity has moral status. For her, moral status does not come in degrees: it is an on-off affair. An entity's moral standing is also defined by the significant harms that can occur to it. She thinks that those embryos that get destroyed before attaining consciousness do not have moral standing.⁶⁴ My reading of her view is that it is not clear whether embryos have moral status or not.

I shall elaborate her views here. She compares the moral status of cats and babies. Though "cats have a claim to moral status that is equal to or better than the claim babies have"⁶⁵, the latter seem to have a higher moral status. Why is this so? The case is that babies are more significantly affected by many harms than cats. Harm by death matters

64 Harman, "Moral Status."

65 Ibid., 53.

more to babies. It is this potential to be a healthy adult human that increases the moral significance of harms. Thus there are greater reasons not to harm a baby because of their potentiality. Here's the picture: babies and cats are conscious, therefore they are entities of moral concern. Embryos are not conscious but have the potential to be conscious so it is unclear whether they hold our moral regard. The potentiality of babies is a reason for their being more morally valued than cats. Finally, the potentiality of embryos to be adult humans is of no significance since they lack consciousness.

What are the implications of J. Stone's and Harman's versions of potentiality? The consequences can be seen in terms of the debates surrounding abortion. Going by Harman's version, abortion would be permitted in the first few weeks when the foetus still lacks consciousness. In Stone's case, the moment a fertilised egg comes into existence, its potentiality grounds its moral status and therefore one should refrain from destroying it. I am with Harman in saying that with a foetus, it is complicated: its potentiality may be overridden by other more important factors, for example, a mother's right to autonomy. A foetus' potentiality may not be a good enough reason for its right to life. Its potentiality alone is not as significant as that of a baby's.

Since I am interested in finding out the moral relevance with respect to the potentiality of infants and children, I will sum up the criterion of potentiality that I think is related to their moral standing. Firstly, the development of potentiality that is important for moral status follows a path that is biological in nature. The potential to become adults is genetically encoded in children. This is the first step required for delimiting the notion of potentiality. This point has been taken from Stone. Secondly, the potentiality of children is morally significant because they already possess other morally important characteristics like sentience and consciousness. Here we see the relevance of Harman's view: potentiality is irrelevant without consciousness. The value of potentiality is measured in relation to other features. Thirdly, the potentiality of children is guided by morally valuable ends such as cognitive efficiency, emotional and physical maturation. When a comparison is made between a normal child and a mentally challenged one, both their potential capacities are morally relevant even though the latter's capacities are never actualised. Despite the fact that the full realisation of these potential capacities is not possible, what is important is that

a child's training must be guided by these ends. The potentiality of non-human animals is not determined by these same ends. A non-human animal like a dog does not have the potential capacity to become self aware. These ends transform the nature of the relationship with children. In interacting with them as beings who will become future adults, we place them on the same moral standing as ourselves. These ends are also significant for the reason that they provide a platform for a rich variety of interests. We already have established that moral status is directly proportional to the number of interests. Thus, the value of potentiality is seen from these three facets.

There is to be an emphasis both on the general potentiality possessed by children as well as their individual capacities. This means that we are also looking at the individual talents that children possess. Russell DiSilvestro rightly points out that “a given version of the AFP⁶⁶ (Argument from Potentiality) is partly a function of just what moral relevance the (given notion of) potential is said to have.” He makes a distinction between a consequentialist view point and a non-consequentialist view point. Thus consequentialism will measure an entity's potential by virtue of it being able to “promote certain valuable outcomes.”⁶⁷ One looks upon the reproduction of children from a consequentialist perspective: they are the future citizens who will boost the economy. The aim of education is to transform children into political citizens who will look after their society. But, this way of looking at children turns them into numbers and statistics. It goes against the notion of treating them as ends in themselves. In non-consequentialism, the focus is on the entity who possesses the potential. Potentiality here is a grounding for certain interests and rights.

The non-consequentialist version is preferred. Here, children are not reproduced just to fulfill a particular goal of the state or society. The end of the latter cannot be used to justify the treatment of children. Instead, their general capacities and future interests determine their rights and access to certain kinds of activities. In having a non-consequentialist outlook, we make a case by a case study of children: in addition to their general capacities, every child's individual capacity is to be respected. The Argument from Potentiality holds important consequences. If we were to dismiss it completely, we would be missing out a vital characteristic of children: their growth and development, their

66 DiSilvestro, *Human Capacities and Moral Status*, 108:106.

67 Ibid.

process of becoming.

Why is the potentiality of children important for their moral standing? The potential of children to become future adults grounds who they are. Their rights are not only derived from their present selves but also from their future selves. By leaving out potentiality altogether, we have a partial view of childhood. If not for potentiality, children would have only interest based rights and not choice based rights. This means that their potential capacity to become autonomous agents grounds their right to make certain choices. Interest based rights protect their vulnerability and prevent them from getting exploited. Interest based rights emphasize their dependent nature. In understanding the potentiality of children, we know when current interests should supersede future interests or vice-versa. The potentiality of children frames our perception of them: it makes us cognizant of their partially formed agency. It is an important factor that supports that shapes the moral standing of children.

(6) Conclusion

The present chapter sought to find out the foundations for the moral status of children. This has been achieved by way of two criteria. In the light of what has been said about their caring nature, the view of children as being perpetually dependent on adults has been challenged. I detect a biasness in my own work, tipping the scales more towards agency rather than focusing on children's vulnerabilities. This was not done to project children as being capable of anything and everything. It was to show the areas of their competence, despite their natural lack of expertise when compared to adults. My second aim was to untangle potentiality from its controversies and link its relevance to the moral standing of children. There are perils in ignoring this criterion. Children will be treated according to who they are presently, without bearing in mind their future selves. This will impact the way we bring up children. Potentiality is a cause of the complexity of children's rights and unless we understand this criterion properly, we would not grasp the nature of childhood.

The ambiguity surrounding the moral status of children arises mainly because it is difficult to make sense of their potential capacities. There is a contradiction in saying that

children have the same moral status as adults and yet, their capacities, unlike adults, are unformed and undeveloped. The strong agency that characterises adults is also missing in children. My conclusion is that this potential to become future adults is morally valuable in itself. It causes children to have the same moral standing as adults. The ends of the potential capacities of children, as explained earlier, are morally significant. They transform the nature of potentiality and thereby increase the intrinsic worth of children. Thus the moral standing of children cannot be understood when it is divorced from the criterion of potentiality. The second criterion, the ability to care, is a reason for considering the demands and wants of children and seeing them as moral agents. It is a reason for respecting their choices if they are conducive to their well being. This ability helps us to understand that despite their vulnerable nature, they have agential powers that require to be honed. It affects their moral standing in a way that we recognise children as moral agents and not only as beings of moral consideration. Though what I have presented only scratches the surface of what could be said, I hope to have generated ideas for different ways of looking at children.

It is of no consequence to talk about the moral status of children without moral agents doing their part to preserve it. Thus in the next chapter I will take up the issue of protecting the moral status of children. Here we will explore the concept of children's rights and question their legitimacy and sufficiency in protecting children from being harmed. Keeping in mind the vulnerable nature of children, and its implication that they require ample care, we will try to find out the best way of protecting and promoting children's interests.

The Protection of Children's Moral Status

(1) Introduction

The previous chapter dealt with the criteria of the moral status of children. In this chapter I want to investigate a different dimension of the moral status of children, namely the issue of the protection of children's moral status. The purpose of this chapter is to find out what should be done to preserve their moral status. Many suggest that the only way to protect the moral status of children is to assign certain well-defined rights to them. The rationale behind this suggestion is that as bearers of rights, children can hold other agents, whether the state, institutions or ordinary human adults, responsible for their welfare. Rights can place certain obligatory demands on all moral agents that they cannot reasonably reject in any situation. In this chapter, the notion of children's rights and its relation to moral status will be explored in great detail. At the same time, this chapter will explore whether the language of rights alone is enough to protect children's interests.

Rights make sense only when we provide a context or a framework. They are linked to the moral standing of a living entity. They are a form of protection of an entity's interests. They do this by defining the duties and prohibitions for moral agents. Sometimes a moral agent must either interfere in another entity's life or refrain from doing so for the sake of its well-being. Rights are claims made on other moral agents from that being's perspective. The claim may not be made by the being itself and is generally derived from its nature. This means that other moral agents decide what is the best thing to do on its behalf. The right to food, shelter, clothing etc is a primary welfare right. On the other hand, a right involving freedom of expression and religion is an agency right. Such rights represent the unique rational faculty of humans, which helps them in weighing decisions and considering alternatives. Children are entitled to basic welfare rights, by virtue of being human. However, the claim that they have agency rights is a matter of controversy. This may be because their vulnerable nature makes the satisfaction of their welfare interests to be more urgent than their agency interests. This means that their right to make choices is secondary to their welfare rights. This chapter will therefore examine the nature

of children's rights. It will also try to draw out the distinctions between the different kinds of children's rights.

It will be interesting to question the foundational nature of rights in preserving the moral status of children. From Onora O'Neill's viewpoint, obligations are a surer way of guarding the interests of children. The framework of obligations is to be preferred over those of rights in order to overcome the ambiguities concerning the basis for application of rights, which are more pronounced in the case of children. O'Neill thinks that the care shown to children cannot be described only by the language of rights. According to her, since this care is of monumental importance in a child's development and cannot be effectively captured by the rights terminology, it has to be looked at from the aspect of 'imperfect obligations.' The last part of the chapter contains the criticisms against children's rights and will also look into the role of imperfect obligations in preserving the moral status of children.

(2) Rights and Moral Status

In the first section, I would like to consolidate together the themes of moral status and rights. How does one relate rights to moral status? What are rights representative of? These are the questions that deserve our critical attention.

Charles Coppens defines a right (of man) as follows:

“To say that a man has a **right** to a thing, means that he has a certain power over it. Evidently, however, physical power does not of itself constitute a right...A right, then, belongs to the moral order. It is an *inviolable moral power* belonging to one man, which, therefore, *all other men are bound to respect.*”⁶⁸

Here rights indicate an “inviolable moral power” which calls for respect on the part of moral agents. Rights as such point to a special value held by an entity. Rights, according to this definition, are responsible for bringing obligations into effect –

68 Coppens and Spalding, *A Brief Textbook of Moral Philosophy*.

obligations preserve the respect merited by an entity and also its well-being. In the following paragraphs, this basic idea of rights will be expanded. We shall also see that an entity with moral standing is the bearer of natural rights.

Children's rights can be understood in the context of human rights. According to Andrew Fagan, "The contemporary doctrine of human rights is one of a number of universalist moral perspectives. The origins and development of the theory of human rights is inextricably tied to the development of moral universalism."⁶⁹ This is the belief that values are objective; no matter how different cultures are from one another, people reach the same conclusions regarding moral judgments. The implication is that morality is not man-made: it is an independent system. Moral status, since it is based on an interest-based approach, concurs with the natural order of things. This is only to trace the origin of the concept of moral status for the sake of its justification. Though articulated by humans, its aim remains to protect the interests of an entity as per the entity's nature. Therefore an entity with moral standing is looked upon as the "bearer of certain 'natural' rights." This entity has a power, it puts the burden on others to protect its natural rights. Due to their potentiality, the security of children's rights is the responsibility of adults. Their moral status is such that they require a lot of investment from adults in their lives. As holder of rights, in addition to the rights they share with adults, they have other rights that emphasize their need to be taken care of. The right to protection and the right to education are some such rights.

To have a more nuanced understanding of the rights associated with moral status, it is necessary to make a distinction between natural rights and legal rights.⁷⁰ Moral status is concerned with natural rights. Moral status as a philosophic explanation for the existence of rights attempts to provide a natural foundation for their institution. However, one must note that it is not the sole source of rights. Natural rights do not depend upon the conventional systems of societies. They are universal in nature and are found across cultures. It was John Locke who first advanced the theory of natural rights.⁷¹ According to him, there is a natural law that governs the universe, and natural rights are a consequence

69 Fagan, "Human Rights."

70 This distinction is made by Andrew Fagan.

71 Fagan, "Human Rights."

of this law. The natural rights of humans are not instituted by any political body. He traces these rights ultimately to God. Thus, the state functions to protect the natural rights of man. Kant also provided justifications for natural rights by emphasising on the sovereignty of the rational human will.⁷² Unlike these philosophers, I have traced my understanding of natural rights to an entity's interests, considered significant from a moral perspective. Thus the concept of moral status can be looked upon as an attempt to retain the objectivity of moral beliefs. The moral relativist who objects to it will have to bring down the whole system of universal morality.

Legal rights, on the other hand, come into existence as a result of laws made by judicial bodies. For example, a qualified driver enjoys the right to drive. A civil servant has certain rights and privileges. He/she may have the right to carry out certain administrative functions, and to secure social benefits for himself/herself. These rights are sanctioned by a governing body. Legal rights are amenable to changes to suit the society's needs. One can equate legal rights with constructed rights. The jobs that we have, our different roles in the society give shape to the meaning of rights. I think that one would be giving a shaky foundation to rights if they are said to be functional only in the legal framework.

We now know that rights are representative of the interests considered valuable for moral status. But a strict ontological connection is not what we are looking for here. Rights, as a matter of fact, are nestled in the discourse on moral status. They are entitlements belonging to an entity and other moral agents are supposed to respect or fulfill these entitlements. They carry forth moral objectives into the social-public domain, where these objectives are formalised and standardised. They bring into effect duties that are required for guarding intrinsic value. Moral status is not concerned with all kinds of rights, but with only natural rights. Thus rights are seen as the codification of moral standing: they are considered necessary in the sense that they clarify this notion by providing us with standardised ways to understand it. For example, a human being's right to freedom of speech and expression illuminates the natural fact of agency that is a typical human characteristic. Rights, then, are a necessary dimension of moral status, required for concrete formulations in the social realm.

72 Ibid.

(3) Nature of Children's Rights

This section proposes to examine the nature of children's rights. Childhood is defined by contradictory features. While vulnerability and dependency are necessary elements, it is also the brewing stage for the development of agency. The vulnerability of children can be traced to their lack of self-sufficiency. As childhood is a temporary phase, the gradual growth towards adulthood is marked by increasing signs of becoming independent. While a five year old's wish to become a truck driver might not be taken seriously, one cannot ignore a twelve year old's future life plans. As a result, children's rights should be framed in a way that they pay attention to the existence of conflicting interests in childhood. Sometimes a child's present need requires serious attention even though this might harm its future interests.

There are two kinds of conflicts that characterise children's rights: (i) conflict between a child's immediate and future interests (ii) conflict between parents' rights and children's rights. These conflicts occur because a child cannot exercise his/her rights on his/her own. Children rely upon their care-givers for their rights to be effectively carried out.

Earlier in chapter two, there was a discussion about children having “intra-agential full moral status.” This is a phrase that was first introduced by Agnieszka Jaworska. A person has 'intra-agential full moral status' if its current interests are as important as its past or future interests. The conflict between current interests and future interests is a tense one. It reveals that children are continuously undergoing complex biological and mental changes. A year's difference can cause a parent to make dissimilar decisions for the child over the same matter. It is hard to achieve a fine balance between the two interests. Allowing a child to take affairs into his/her own hands is especially tricky for a parent. The matter can be simple enough. It may involve an older sibling seeking permission to carry his/her younger brother. Whether the older sibling is old enough for this act depends upon the parents' decision. His/her right to make such choices can be taken away if his/her parents think he/she is not ready.

Samantha Brennan says, “One way debates about children's rights can go wrong is by failing to pay sufficient attention to the messy but morally important stages of middle childhood.”⁷³ She defends the “gradualist view”. As children grow older, “ their rights will change from protecting interests to protecting primarily choices.”⁷⁴ Hence, we see a change in the function of rights, keeping in consonance with a child's development. When a child is on his/her way to become an adult, his/her rights become choice-based instead of interest-based. Though these conflicts are a common occurrence throughout the course of one's life, they acquire a particular significance during childhood.

The second kind of conflict transpires between adults (care-givers) and children. Parents' rights are peculiar. Parents have some power over their children. But, it is entirely derived from fostering their children's interests. Hence, this power is legitimate and essentially limited. It amounts to deciding what is best for them. Brennan likens parental rights to “stewardship rights.” According to her, “A stewardship right is a right someone has in virtue of being the steward – as opposed to an owner – of someone or something.”⁷⁵ Robert Noggle says that the relationship between parents and children is similar to a fiduciary relationship.⁷⁶ In such a relationship, as between a lawyer and his/her client, the former decides what the best course of action for the latter is. However, he mentions that unlike in a fiduciary relationship, parents have authority over their children.

The idea that parents have rights seems ambiguous. After all the power they exercise is solely for the sake of their child. They have no unlimited spheres of influence; their authority lasts until the child can make rational decisions for himself/herself. Since parents' rights are derivative from children's rights, it may be said that the former is subordinated to the latter. This is true if we look at parents' rights from a narrow perspective.

Parents in fact have an enormous responsibility on their shoulders. They not only have to promote their child's welfare, they have to prevent the excessive interference of

73 Brennan, “Children’s Choices or Children’s Interests: Which Do Their Rights Protect,” 65.

74 Ibid., 66.

75 Brennan and Noggle, “The Moral Status of Children: Children’s Rights, Parents’ Rights, and Family Justice,” 11.

76 Noggle, “Special Agents: Children’s Autonomy and Parental Authority,” 97.

other people in their child's lives. A parent's right, viewed from another angle, is an area of control that is not privy to the constant scrutiny of the society. Only in an environment of care and affection, not dictated by rigid rules, will a parent be able to raise up a child. A parent's right is thus seen as an entitlement assigned to an individual in consequence of the choice he/she makes to bring up a child. It relates to an area of expertise; after spending enormous amounts of time and energy with their children, parents can accurately guess what is required for their child to lead the good life. This responsibility can also be shared by those persons who are in close proximity with the child – grandparents, aunts, uncles, older siblings, nannies etc.

If parents' rights originate from children's rights, properly speaking, it is difficult to see how there can be a conflict between the two. One tussle that requires mention is when parents over-step their limits. They become tyrannical and treat their children as a means, directly encroaching upon their rights. When parents deviate from their proper duties, there is a conflict. Perhaps we can draw out another kind of conflict. For example a child who is of age to assert his/her right to autonomy, makes an irrational plan to join the mountaineering club just because his/her friends are doing so. He/she is not fit for the activity due to the onset of regular bouts of illness. The parents, on the basis of years of experience, forbid their child from participation as it will hamper his/her health. Will this be a violation of the autonomy rights of the child?

I think that as a child grows older, these clashes happen more often as the child is in a position to state his/her rights. Parents obtain their resources for being a guide/ mentor from their close interaction with the child; overriding his/her rights is sometimes necessary for the child's overall good. What we see here is a genuine case of conflict. The division between parents' and children's rights is a strong reminder that children cannot manage affairs on their own.

The unique factor about children's rights is that multiple people are involved in their realization. While parents satisfy the most basic needs of children, the latter also rely on social services provided by the state or other institutions. For example, the academic and vocational education of most children are out of the hands of their parents. It is taken

care of by the state or private institutions. Reliance on others makes children particularly vulnerable to being ill-treated and abused. Emotional abuse is especially hard to detect when it happens within the confines of the family. I have outlined two conflicts: one between the current and future interests of children, and another between children and parents. The point is to show how rights change, as a child enters into a new phase of childhood. Parents have to do the balancing act of satisfying their child interests without compromising his/ her agency.

Thus, children have no control over their rights. Their developing physical and mental abilities leave them vulnerable. Left to their own devices, they would not survive, and are incapacitated to defend their rights. Adults are accountable for strengthening the agential powers of children whilst taking care of their welfare. This includes giving opportunities to them to hone their choice-making skills. Young children may control areas of their lives for which their actions have no deep consequences. For example, choosing a game before bed-time or deciding what to wear for a friend's party. It is difficult for children to imagine various possibilities or alternatives before them. They may not be able to single out the better option from a variety of choices. The developing agency of children does not hold the same authority as for adults because they remain unaware about their own well-being. Children therefore need the help of adults for their rights to be defended and looked after.

(4) Types of Children's Rights

In this section, I will talk about two kinds of rights. Let us call the first type 'basic rights.' 'Constructed rights', the second type of rights, as formulated by Brennan and Robert Noggle, will be explained in the latter part of the section. Basic rights are found within Harry Brighouse's taxonomy. They are linked to the interests of an entity. In other words, the interests of an entity are the source of its basic rights. He creates a taxonomy that applies to all human beings. The interests of humans are of four kinds: immediate welfare, future welfare, immediate agency and future agency.⁷⁷ Hence within basic rights, there are two categories – welfare rights and agency rights.

⁷⁷ Brighouse, "What Rights (If Any) Do Children Have?," 41.

The cluster of rights – right to live, food, education, protection, shelter, identity etc – is an outgrowth of welfare interests. They are positive rights that demand active participation from the part of caregivers/parents and various institutions to help children grow well. Fulfilling the immediate welfare interests of children would involve providing them with the basic necessities for their survival. For example, their nutritional needs ought to be looked after, they require protection from all kinds of dangers and so on. Hence rights like the right to food and protection emerge from immediate welfare rights. As for future welfare interests, this would involve saving up money for a child's future education, or for any medical emergencies that might occur at a later stage in a child's life.

The agency rights of children are complicated. In childhood, welfare rights come first. Until the time they show stable preferences and make well-thought out decisions, parents and educators are allowed to over-ride their agency rights. Brighthouse says that for a child to become autonomous, “she must be taught to be able to empathize and sympathize, reason about principles, think about moral rules, discipline her own behaviour.”⁷⁸ In fact a child's ability to care is a mark of agency. Therefore children's initiatives should be encouraged within caring relationships. A child's agency should be carefully nurtured. We had earlier mentioned Brennan's views that at first rights protect interests, then they protect choices. The right to make choices become increasingly important when children get older.

Now let us look at another section of rights. What was done earlier was drawing out rights from the nature of children themselves. For example, since children are sentient beings, they have a right not to be harmed. Or since children value their lives, they have a right to all the basic necessities required for their survival. That being said, the kind of rights that is the point of focus now are the rights derived from the different roles children play in the society.

Brennan and Noggle write that, “A person's moral rights and duties typically depend on many other things in addition to her status as a person. Roles, for example, often confer moral status. A doctor or a lawyer, for instance, has duties in virtue of her role over and above those that she has merely in virtue of being a person.”⁷⁹ Thus, our inter-relations

78 Ibid., 42.

79 Brennan and Noggle, “The Moral Status of Children: Children’s Rights, Parents’ Rights, and Family

with people, social institutions that spring up create a complex network of rights and duties. Brennan and Noggle have termed these rights “constructed rights” - different from the “basic rights” that all human beings have.

According to Brennan and Noggle, children lack the relevant capacities that make them eligible for these constructed rights.⁸⁰ For example, the right to drive or to vote requires a certain amount of cognitive and motor-control that children lack. However, I wish to see if a departure from their view is possible. There might be an alternative way of looking at these constructed rights. Before I am accused of making the definition too broad, my defence is that I am trying to chart out a list of children's rights from the position they occupy in society, instead of from their biological nature. Their societal position and physiological make-up are indisputably related. But, I wonder if there are constructed rights for children, keeping in mind their vulnerability and need for protection. In the public sphere, society mainly creates roles for people on the basis of professions/jobs, and their participation in various social and political institutions. These roles are geared for adults. Not much can be thought of in the way society has prepared similar roles for children. The only public institution that children enter are schools. As students, children have rights of various kinds, right to a secular education, right to choose one's subject of study, right to the access of books etc. Has society failed to give a proper place to children? Or is it a natural fact that children indeed cannot have constructed rights?

Brennan and Noggle came up with this division between “basic rights” and “constructed rights” to justify unequal treatment for beings who have the same moral status. They write, “ It appears, then, that granting equal moral consideration does not imply that each person has the same package of rights and duties.” Thus basic rights are the common ground for both adults and children. Constructed rights, on the other hand, being role- dependent, pave the way for differences in the way adults and children are treated, accounting for different rights and duties. My intention is to extend their theory and to find out the feasibility of constructed rights for children. By doing so we will get a clearer idea of children being part of the society or a community rather than seeing them as outsiders. I am including here some sociological data.

Justice,” 6.

⁸⁰ Ibid., 8.

Towards a Democratic Culture (ACUDE), a Mexican NGO started a project in 2001 with the aim of getting children to participate in democratic operations, “with emphasis on the formative process of the community and reinforcement of the social fabric.”⁸¹ The point was to listen to children's voices as they stated various problems affecting their community, and to encourage them to form their own solutions. Part of the goal was to include the problems and solutions identified by children in framing local policies.

What was unique about this project was that society was viewed through the lens of children. Notions about their incompetence were not taken at face value. There was a willingness among the organisers to discover how much responsibility children could handle. It was discovered that different age-groups showed their concern for different matters. For example, for the youngest group (nine to twelve years of age), matters relating to the environment and violence affected them, whereas the oldest group (twelve to fifteen years of age) were concerned with issues like drug addiction and sexuality.

What was commendable about this project was the role that was given to children as “agents of social change”⁸² This is one case of formulating “constructed rights” for children. It makes children active members of their community. Their area of interaction is expanded to other people who are not family members.

In this project, children were not expected to be like adults. They were supposed to review their surroundings and make judgements from where they stood. I am arguing for the case of constructed rights for children to see what kind of contributions they can make to the society as vulnerable members. In other words, we may ask what kind of roles they can adopt despite their dependent nature. Their lack of expertise and experience ought not to be looked at negatively. Constructed rights would provide opportunities to children to become fully-functioning members of the society. They would also place children's needs at the forefront of developmental policies and give a chance to children to help with the formulation of these policies.

81 Pontón and Andrade, “Children as Agents of Social Change,” 148.

82 Pontón and Andrade, “Children as Agents of Social Change.”

(5) Are rights sufficient for protecting the moral status of children?

The previous sections contained an in-depth examination of children's rights. Rights are entitlements held by children for getting their basic needs met. They are therefore essential for their survival and development. The unique characteristic about children's rights is that children are completely dependent on other people for the fulfillment of their rights. The question that will be taken up in this section is whether rights alone can protect the moral standing of children. O'Neill proposes that the care and affection shown to children and upon which they thrive cannot be effectively explained by the language of rights. The element of care is crucial for a child's moral standing since its cognitive and emotional faculties can be properly developed only in an environment of care. Brighouse mentions that an affectionate relationship with caregivers is at the centre of a child's immediate welfare.⁸³ We often say that children have the right to be cared for. However, the corresponding duties that are attached to this right are difficult to define. It cannot be demanded of a mother who satisfies her child's basic interests that she show more affection and kindness to her child. Hence, how are we to make sense of such essential acts of affection that exist in the private relations between caregivers and children? O'Neill says that they can be explained with the help of 'imperfect obligations'. We will explore the feasibility of these obligations in safeguarding the moral status of children.

Before ensuing the discussion mentioned above, I will put forth two arguments that oppose the existence of children's rights. The implications of these arguments will be drawn out and examined, to see if they hold any value. We will try see whether these criticisms against children's rights are valid. The third argument contains O'Neill's view on imperfect obligations versus rights.

First we have the personhood account of rights. This account accordingly states that only persons have rights. James Griffin who advances it ties agency with personhood.⁸⁴ Liberal theories also attach importance mainly to agency and rationality. The protection of choice/decision making trumps other reasons for the existence of rights. Griffin says,

83 Brighouse, "What Rights (If Any) Do Children Have?," 41.

84 Griffin's view is not representative of all the personhood accounts of human rights.

“This conclusion is compatible with our none the less having weighty obligations on members of all of these classes.⁸⁵ And this conclusion about rights is, in part, a decision to keep the language of rights for a different, narrower, clearer, moral domain.”⁸⁶

This view leaves us with the conclusion that infants are not entitled to rights. Children, unlike infants, have rights since they show signs of agency, but the point at which they begin to have rights is hard to determine. The domain of plant rights or animal rights does not even exist according to this line of thinking.

I think that Griffin unduly weakens the nature of rights by his arguments. I say this because I find it disconcerting to think of infants not having rights. To say that we have obligations to keep an infant alive, but the infant itself does not have a right to life is to speak from the perspective of the moral agent. Rights, I have mentioned, forces us to consider the entity's point of view. They compel us to act according to its needs. I think that Griffin's reasoning places an infant's perspective in jeopardy. However, my criticism is far too simplistic. Perhaps there is a grain of truth in Griffin's point.

Another argument against children's rights pointed out by Brighthouse is to take the adult-centred perspective. According to this view, children's rights are only instrumental. They exist to promote the good of the parents. They are not considered as important as their adult counter-parts. In this case, children are seen as the property of their parents, to be used in whatever manner the parents may choose. However, Brighthouse himself thinks that this argument is “thoroughly implausible.”⁸⁷

The adult-centred argument, along with Griffin's, undermine children's rights and are dismissive of them respectively. Griffin intends to create a clear-cut domain for rights. What we call basic human rights - the right to food and shelter do not figure as 'rights' for him. Since they are concerned with normal body functioning, he thinks that we cannot ground human rights in such basic needs.⁸⁸ Only a characteristic that is specifically human, that is, 'agency' calls for the invocation of rights. He has a narrow meaning for rights. They

85 These include infants, severely mentally defective people, etc.

86 Griffin, “Do Children Have Rights,” 28.

87 Brighthouse, “What Rights (If Any) Do Children Have?,” 32.

88 Griffin rejects the human-rights account based on basic needs.

are reserved for those matters where choice-making is involved - right to expression, liberty, religion etc.

According to him, the rights for children – right to protection, care and development 'to the maximum extent possible' found in the United Nations *Convention on the Rights of the Child* “stand in need of considerable clarification.”⁸⁹ He says that nobody can ever determine the extent to which a child's ability or talent can develop. He writes, “This right, as formulated in the *Convention*, is more well meaning than well-conceived.”⁹⁰

My disagreement with him emanates from knowing that rights (even those that belong to adult humans) are not always clear and neat. Rights are often ambivalent. The following is an example where we detect ambiguity in the nature of rights. That all human beings have the right to life can be said to be a universal claim because it is acceptable to most people. It comes from the belief that every human being possesses inherent dignity. Violating this right is a moral offence as it undermines the dignity of the person. However, we may think of a context where this right may be discounted. Imagine a person who kills another human being as a matter of self defense. Does he/she escape from moral admonition? Here, we can justify the actions of the murderer. His/her own life, being at stake, is a weighty reason for disregarding the other person's right to life.

Griffin keeps 'agency' as the defining criteria for having rights. In which case, we can ask: what degree of agency matters morally? When do children develop agency? Here again the answer is ambiguous. Clearly the argument that infants and young children are not deserving of rights in order to keep the domain of rights comprehensible and transparent fails. Adults themselves possess rights that are open to multiple interpretations. From disproving Griffin, we do not have evidence that children have rights. We, however, see no reason why children should not possess rights. I will not pursue the adult-centred argument, as it can easily be dismissed. Most of us no longer view children as merely an extension of their parents.

89 Griffin, “Do Children Have Rights,” 24.

90 Ibid.

Let us examine the third argument. Onora O'Neill does not dismiss rights for infants and children. However, she thinks that their interests will be better served by thinking in terms of obligations rather than rights for them. She says that when rights are central in moral issues pertaining to children, we “get an indirect, partial and blurred picture.”⁹¹ Instead of making rights the ground of obligations, she reverses the equation, instead making obligations foundational. Her bone of contention is that rights cannot clarify the 'imperfect obligations' that adults have towards children. This is an area that is dependent upon the contingencies of relationships. For example, a mother may be performing all the necessary duties but lacks sensitivity towards her child's needs. This has a negative impact on her child's emotional development. It is difficult to pin-point to the mother that her child will benefit from an improved attitude. Such imperfect obligations fall out of the domain of rights. The 'imperfect obligations' pointed out by O'Neill also characterises friendships and private relations between adults. An ideal friendship is one where two persons look out for each other and share a bond through common interests. The motivating factor behind their actions is not an abstract concept called 'rights' but a tangible affection for each other. Similarly a caretaker's actions towards a child is driven by love and feelings of attachment.

Accordingly O'Neill says, “If there are any fundamental obligations that are imperfect in this sense, then there are some fundamental obligations to which no fundamental rights correspond.”⁹² These obligations, however, can be institutionalized, from which positive rights arise. For example, the role of a social worker, institutionalized in an organisation, is to provide emotional support to children whose parents have abandoned them. Without institutionalisation, these obligations remain merely notional, theoretical and conceptual. Even then, his/her duties (like giving encouragement, correcting mistakes, providing guidance) will depend upon his/her discretion and go beyond the formal nature of rights.

Note that O'Neill makes a division between universal perfect obligations for which there are fundamental rights, and imperfect obligations, for which there are none.⁹³ Fundamental obligations include the duty not to harm a child, to provide him/her with

91 O'Neill, “Children's Rights and Children's Lives,” 445.

92 Ibid., 447.

93 Actually O'Neill classifies obligations into three types- universal, special, and imperfect. For the sake of simplicity, I have concentrated on the first and last one.

basic necessities etc. Such obligations apply to all moral agents and not to specific parents/care-givers. They are to be followed for the treatment of all children. Hence they are universal. Imperfect obligations do not specify the moral agents and recipients involved. Here there are no right-holders. From this we can deduce that rights do in fact exist and are significant, but they occupy a secondary role to obligations. We cannot bypass rights but relegate them to a secondary position. Why is this so?

Onora O' Neill has reservations with ranking rights above obligations. According to her, rights imply that there are right-holders/recipients on the one hand, and moral agents who owe them duties on the other. Imperfect obligations, considered in the abstract, involve no such parties, unless they are institutionalised. She also follows a constructivist view of rights where the aim of rights is to “determine the largest set of rights that can be held by each of a plurality of (approximately) equal, distinct rational beings.”⁹⁴ This view leaves no space for imperfect obligations as every right-holder will have equal rights whose boundaries are impervious to encroachment. Obligations, compared to rights, do not require a utilitarian perspective and such rigidity in their construction. Consequently, she favours obligations. Finally, children - unlike socially oppressed people in the past who were fighting for their rights (an 'inviolable power' taken away from them) - are naturally vulnerable and dependent upon other people. They soon grow out of this phase of haplessness with the help of adults. They do not have to reclaim back anything, since they are born in this vulnerable state. Hence 'obligations' is a better term for children's care.

One can ask if it is necessary to prioritise obligations? For the sake of simplicity, let us assume there are two levels: the first is related to fundamental rights and universal obligations. At the second level, we talk about imperfect obligations. The second level is contentious as it shakes the foundation of rights. O'Neill also talks about special rights and perfect obligations but those will not be discussed here. Our concern is with the second level since she admits that there are no rights running parallel to such obligations.

The problem begins when we try to make sense of the numerous tasks that go into the emotional development of a child. They require flexibility, spontaneity, spur of the

94 O'Neill, “Children’s Rights and Children’s Lives,” 452.

moment decisions and the willingness to change tactics quickly according to what is befitting for the child's growth. According to her, rights are unsuitable for these tasks. For one thing, there are no right-holders for these tasks unless they are institutionalised. They remain abstract and emerge only as a by-product of the conflicting situation. Secondly, rights, unlike obligations do not provide space for unknowable factors. We are dealing with children whose sentiments, ways of thinking and emotions are very different from our own. Caregivers do not know what to do unless they directly confront the situation. Imperfect obligations, on the other hand, make allowance for all these contingencies.

O'Neill's reservation with rights is the result of her rigid view of them: the rights held by a person, being impervious to encroachment, are not capable of dealing with the dynamics of an adult-child relationship. My interpretation of her is that rights exist side by side. This means that all rational beings possess a set of rights that do not collide with each other, and therefore interfere with the spaces or lives of other beings. Seen in this way, there *ought to be no* conflict between parents' rights and children's rights. The conflicts that actually exist between parents and children are resolved by one party over-riding the rights of the other; this means that one party's interests get violated. Whether this is morally right or wrong is irrelevant here. There is no win-win situation for both at the same time. Rights as such cannot deal with the complexities of human nature: they fail to capture all that is needed for raising up a child.

When looking at this debate between rights and obligations, one has to place it in the larger context of moral status. Do rights or obligations best serve to protect the moral standing of children? Or are they allied parts, working side by side simultaneously? Let us first look at the relation between rights and duties. In the succeeding paragraphs I will be using duties and obligations interchangeably.

What must be said at the outset is that there is no exact correlation between rights and duties. I am saying this for two reasons. Firstly, while it is easier to concretise rights, this is not the case with duties, since they may be context or situation dependent. Secondly, some rights like the right to drive have no parallel duty linked to it, except perhaps the

negative duty of other people to refrain from interfering with the driver. According to David Lyons, we witness “tight correlations” only in debts, contracts, or special relationships that exist between two people, like a parent and a child.⁹⁵ A child has a right against his/her guardian to get his interests promoted. That guardian has a corresponding obligation towards the child.

Now that we have done away with the belief that there is a strict association between rights and duties, we can ask whether the former or the latter is prior with regards to children. Note here, that there are some rights for which there are associated duties (as mentioned in the first section), but this is not always the case.

The element of care is a crucial aspect of childhood. Children are caring agents. This ability constitutes as a criterion for moral standing. They also require care in order to grow up well. This means that the development of children is centred around care. In other words, their fragile nature is best safeguarded by caring. One may ask whether 'imperfect obligations' fall under the category of the right to care and development. Or do they constitute an independent category altogether? It was shown by O'Neill that the nature of rights is such that it cannot account for all the complexities involved in rearing a child.

Perhaps prioritising rights over obligations can only be achieved by giving a more flexible nature to rights. One may say that rights function in intimate private relations between say, friends, lovers, parent and child etc. But, what does this entail? It entails that one party has the right to demand kindness, affection and love from the other. It is difficult, however, to quantify these emotions or acts (however one may put it) in absolute terms, deemed to be necessary to bring about the well being of the other. Let us examine two rights, the right to food for a child and the right to care. The former involves providing sufficient nutrition to keep him or her at optimal health. Depending on the child's physical characteristics, one can draw a chart of the food requirements etc. The same cannot be said of the right to care for a child. The act of caring is such that it is not inherently rigid, the same amount of affection might be beneficial to some children or may suffocate them. What holds here is discretion, the ability of the parent to decide what the child requires,

⁹⁵ Lyons, “The Correlativity of Rights and Duties,” 46–47.

depending on the situation. In this case, obligations seem to perform a better function at explaining this notion of caring.

Should we state that obligations are more foundational than rights? Unless, we can come up with an alternative view that preserves the dexterity of rights, enabling them to effectively capture the unwritten codes of conduct (imperfect obligations), we could associate rights with the act of caring. I propose that both rights and obligations are needed to protect the moral standing of children, but obligations are more significant when it comes to the aspect of care. The previous sections contained discussions about the basic rights and agency rights of children, which were shown to play an essential role in preserving their dignity and worth. We cannot do away with these. However, these rights are not enough for the purpose of bringing up a child in an affectionate and caring environment. Imperfect obligations, as O'Neill had defined them are more suitable – they can be altered according to the pressing needs of the situation. Thus, rights and obligations work hand in hand for the upkeep of the moral standing of children.

(6) Conclusion

The questions explored in the previous chapter were of a different kind. The task was to find out the concrete basis on which moral status, more specifically, that of children, stands. Thus, the various criteria were subjected to a descriptive and analytic treatment. In this chapter we were concerned with these criteria only as a matter of ascertaining the ways by which we can protect them. Rights were at first proposed as the best option. The nature of children's rights was examined. We saw two kinds of conflicts – between the immediate interests of children and their future interests. This is the clash between agency based rights and interest based rights. I had also highlighted the clash between parents' rights and children's rights. Rights, being representative of interests, safeguard them by formulating standardised ways of understanding these interests. They categorise and codify interests, making it easier to know which duties are associated with which interests. But, it was argued that there is no direct correlation between rights and duties. Next was the discussion on the different kinds of children's rights. I categorised rights into two types – basic rights and constructed rights. The former are related to the interests of children, the latter with the

roles they adopt in society.

It was suggested that perhaps obligations could provide an alternative to rights. It was claimed that rights, having a formal and rigid nature, are not suitable for the contingencies involved in a relationship between a parent and a child. They fail to encapsulate the duties that are required for the emotional development of a child. Therefore, the uncalled-for factors in the aspect of caring are better captured by imperfect obligations. Such obligations remain foundational only in the sense that they cater to the psychological growth of a child. The conclusion that was drawn was that protecting the moral status of children necessitates the functioning of both rights and duties/obligations. Rights are necessary for securing the basic interests of a child like the right to food and shelter. Obligations, on the other hand, are carried out within the confines of a caring relationship. In this chapter, I tried to sew together moral status, rights and obligations. I attempted to consolidate the notion of moral status by showing its significance in the social context – the duties and obligations of moral agents are an indispensable part of moral status.

Conclusion

The issue of the moral status of children is important not only in theoretical discussions but also in our everyday moral life. Without a proper understanding of the exact moral standing of children, we cannot rationally judge or comment on the basic societal issues of children. In the absence of such an understanding we would be mostly guided by an ordinary perception, and this perception may not always be adequate to give us a comprehensive understanding about children. Besides, without a proper understanding of children's moral position, we cannot imagine a proper legal perspective about them. As law is often viewed as the vehicle of public morality, without a proper interpretation of the moral issues of children, it is impossible to frame good laws. In this work I have tried to explore the inherent worth of being a child. I investigated the special criteria that give shape to the unique moral standing of children. The reluctance of moral philosophers to explore the notion of childhood has stalled the emergence of a philosophical perspective on children. Such a perspective would greatly contribute to the debates revolving around children's issues. It would try to pick out those aspects of childhood that are common to all children and hence provide general conceptualisations of what childhood is about. I have therefore attempted to formulate a universal concept of childhood; one that captures them as vulnerable beings with marked tendencies of agency.

The moral standing of children has been explained by way of investigating their features that are considered to be morally relevant. This work has taken a multi-criterial approach. This approach has been adopted in order to avoid the biasness that results from assigning moral status purely on the basis of species membership. The criteria that have been examined are – reverence for life, sentience, the ability to care, cognitive efficiency and potentiality. They seek to justify the moral standing of entities. The relation between them and a being's moral standing is that they make an entity valuable to itself. In other words, that entity's well being is a matter of concern for it (whether consciously or unconsciously). It does not exist merely to be instrumentally used by other living beings. Its existence is an end in itself. Even though I have applied these criteria, I do not claim my work to be free from an anthropocentric perspective. It is a default position that I assume

as it coheres with our basic beliefs about morality. As members of the human species, our moral consideration first goes out to those of our own kind. In this way, apart from the criteria, I have included the aspect of interactive relations, that is crucial for the moral standing of children. When an adult interacts with a child, it becomes easier for him or her to empathise with a child's situation, thereby the child's worth is increased in his or her eyes. Thus the multi-criterial approach is accompanied by the aspect of interactive relations in the assignment of moral standing.

The element of care runs throughout my work, especially in the second and third chapters. It first appears as a criterion that grounds the moral standing of children. In the third chapter, care is shown to be essential for a child's upbringing. The growth of a child revolves around care; its mental development especially flourishes in an environment of care and affection. This indicates that children are vulnerable beings who are in great need of attention and help from others. I have brought up this element of care to show that it is central to the moral standing of children, both as a capacity that children possess and as a requirement for the development of their potential capacities and promotion of interests. For adults, care does not play a vital role in their lives as in children's lives. Children are immensely dependent upon the care provided by their caretakers.

As I now shift my focus to the capacity of caring possessed by children, I would also like to draw attention to the fact that potentiality was also an important criterion for the moral standing of children. At first the concept of childhood had been explored at great length. I had explained it with the help of the views of Tamar Schapiro and Andrew Divers. Accordingly, childhood was explained as a developing stage but this does not imply that children are wholly dependent beings. There are certain areas in their lives where they are indeed capable of using their discretionary powers. The act of caring is especially indicative of a child's agency. At the same time, childhood, since it is marked by potential capacities, is a vulnerable stage for children. This illustration of childhood is useful because it helps us perceive children both as vulnerable beings and moral agents. In choosing these two criteria, I had hoped to make them cohere with the given view of childhood. I wanted to show that these criteria could eliminate the puzzling nature of the moral status of children and shed some light upon the kind of beings they are.

The capacity to care and potentiality are two criteria that are contradictory to each other. The former indicates that a child is capable of initiating small tasks and making decisions, potentiality, on the other hand, is representative of a child's fragile nature. Potentiality is also significant because it informs us of who children will become in the future. This criterion grounds the future interests of children. The contradiction between the capacity to care and potentiality is a case of autonomy versus dependency. A lack of understanding of these two criteria leads us to misconstrue the nature of children. Either we perceive them only as dependent beings or we attribute to them capacities that do not fit their nature. We can make sense of the moral standing of children only when we keep these criteria in mind.

These criteria influence the moral standing of children in a way that makes us see the value of the unique nature of children. The potential to become future adults, as it is guided by ends (cognitive efficiency, emotional and physical development) that ground the moral status of adults, is considered to be valuable. Note here that even the potentiality of morally challenged persons (even though it is never actualised) is significant because it is guided by the same ends. The potential of non-human animals is not considered as significant because it has a different set of ends. The ability to care, on the other hand, enables children to enter into relationships with other people. The view of caring that pertains to children is not the one espoused by Harry Frankfurt but by Agnieszka Jaworska. Frankfurt claims that reflection is an intrinsic part of caring. However, according to Jaworska, caring has no strict relation with reflection. It is a complex combination of different emotions directed towards a person or object and sustained over a period of time. The act of caring displayed by children is more of a spontaneous kind. The developing agency of children is revealed by their caring nature. The act of caring grounds our reasons to respect children's choices. In explaining the moral status of children in this manner, I have tried to show that the ambiguity with regards to our perception of children lies in the contradiction between agency (the ability to care) and potentiality. This ambiguity can be removed if we see children neither completely as fully-fledged agents nor as dependent beings.

The third chapter looked at the protection of the moral status of children. Since

children are highly dependent upon the affection displayed by their caretakers, the protection of children's interests has to take this element of care into account. The concept of rights is an important aspect that takes care of the protection of children. Chapter three has introduced the issue of children's rights in great details. Rights help to codify the moral status of children in standardized ways that place a demand on moral agents to protect it. Rights are analogous to orders; they compulsorily force a moral agent to adhere to them. For children, their basic rights are more important than their agency rights. This means that the right to food, clothing and shelter especially in their earlier years assume primacy over their agency rights. This changes as they grow older. The nature of children's rights is such that there is a constant tussle between their immediate interests and their future interests. Caretakers therefore cannot make decisions with respect to children without keeping in mind their future interests. Sometimes there is also a conflict between parents' rights and children's rights. This mostly happens when a child is in a position to assert his or her autonomy and this clashes with what his or parents think is best for his or her well-being. The most important question that was taken up in the third chapter was whether rights are sufficient for protecting the moral standing of children.

Rights have a lawful place in children's lives. However, it was shown that the element of care, deemed necessary for the protection of the moral status of children, remains out of the domain of rights. Care can be properly explained with the help of 'imperfect obligations'. Rights as such have clear-cut boundaries, they are rigid and cannot deal with the complexities and uncalled-for factors associated with child-rearing. Imperfect obligations, on the other hand, allow caretakers the free-use of their discretionary powers while bringing up a child. Since love, kindness and affection are difficult to quantify, caretakers show these feelings as they think is suitable for the child, as per its moods and needs. Such affection is as important for a child's proper growth as food, clothing and shelter. Thus we came to the conclusion that rights and obligations are both necessary for safeguarding children's moral status. While rights place a demand on moral agents that certain interests of children should be fulfilled no matter what, obligations enter into the space of intimacy and private relations between caretakers and children. Imperfect obligations cater to the emotional development of a child.

My work is fraught with limitations as what I have presented represents only one perspective about the moral standing of children. It only skims the surface of what ought to be explored at a much deeper level. However, I have tried to incorporate as many ideas as possible so as to arrive at a comprehensive understanding of the question of moral status of children. I hope to address the relevant issues that I was unable to take up here, in my future research. The idea that childhood is mainly a vulnerable stage but at the same time, children display limited autonomous powers can be further substantiated with the help of child psychology. Linking up a conceptual analysis with facts from psychology would go a long way towards having a better understanding of children. The two criteria that were chosen for the moral standing of children perhaps can be strengthened by incorporating new criteria. What I have attempted to do with the criteria of care and potentiality was to provide a certain perspective of childhood. In the discovery of new criteria, we could provide important alternative ways of looking at children. The issue about children's rights and obligations in relation to the moral status of children can also be explored more thoroughly. Thus, though there are many loopholes in my work, I hope that it has proven to be insightful with regards to the moral status of children.

Bibliography

Books

Primary Sources

– Coeckelbergh, Mark. *Growing Moral Relations: Critique of Moral Status Ascription*. Palgrave Macmillan, 2012.

– DiSilvestro, Russell. *Human Capacities and Moral Status*. Vol. 108. Philosophy and Medicine. Dordrecht: Springer Netherlands, 2010.

– Dwyer, James G. *Moral Status and Human Life: The Case for Children's Superiority*. Cambridge ; New York: Cambridge University Press, 2011.

– Harman, Elizabeth. "Moral Status." Massachusetts Institute of Technology, 2003.

– Piaget, Jean. *The Moral Judgement of the Child*. Translated by Marjorie Gabain. New York: Free Press Paperbacks, 1997.

– Warren, Mary Anne. *Moral Status: Obligations to Persons and Other Living Things*. Issues in Biomedical Ethics. Oxford : New York: Clarendon Press ; Oxford University Press, 1997.

Secondary Sources

– Coppens, C., and H.S. Spalding. *A Brief Textbook of Moral Philosophy*. Literary Licensing, LLC, 2013.

– Goswami, U. *Child Psychology: A Very Short Introduction*. Very Short Introductions. Oxford University Press, 2014.

– Kant, Immanuel *Groundwork of the Metaphysics of Morals* (H.J. Paton Paton, trans.) (New York: Harper Torchbooks, 1956).

– LaFollette, Hugh. *The Oxford Handbook of Practical Ethics*. Oxford University Press, 2003.

– Schweitzer, Albert. *Out of my Life and Thought* (Johns Hopkins University Press 1998)

Articles

Primary Sources

– Brennan, Samantha. “Children’s Choices or Children’s Interests: Which Do Their Rights Protect.” In *The Moral and Political Status of Children*, edited by David Archard and Colin Macleod, 53–69. Oxford ; New York: Oxford University Press, 2002.

– Brennan, Samantha, and Robert Noggle. “The Moral Status of Children: Children’s Rights, Parents’ Rights, and Family Justice.” *Social Theory and Practice* 23, no. 1 (1997): 1–26.

– Brighouse, Harry. “What Rights (If Any) Do Children Have?” In *The Moral and Political Status of Children*, edited by David Archard and Colin Macleod, 31–52. Oxford ; New York: Oxford University Press, 2002.

– DeGrazia , David. “Moral Status as a Matter of Degree?” *The Southern Journal of Philosophy* 46, no. 2 (2008): 181–198.

– Divers, Andrew. “Children and Developed Agency.” *Childhood & Philosophy* 9, no. 18 (2014): 225–244.

– Fagan, Andrew. “Human Rights.” *The Internet Encyclopedia of Philosophy*, ISSN 2161-0002 <http://www.iep.utm.edu/>.

– Griffin, James. “Do Children Have Rights.” In *The Moral and Political Status of Children*, edited by David Archard and Colin Macleod, 19–30. Oxford ; New York: Oxford University Press, 2002.

– Jaworska, Agnieszka. “Caring and Full Moral Standing*.” *Ethics* 117, no. 3 (2007): 460–

497.

- Jaworska, Agnieszka. “Caring and Internality.” *Philosophy and Phenomenological Research* 74, no. 3 (2007): 529–568.

- Jaworska, Agnieszka, and Julie Tannenbaum. “The Grounds of Moral Status.” In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta.
<http://plato.stanford.edu/archives/sum2013/entries/grounds-moral-status/>, 2013.

- Kadlac, Adam. “Empiricism and Moral Status.” *Social Theory and Practice*, 2013, 397–421.

- Mullin, Amy. “Children and the Argument from ‘Marginal’ Cases.” *Ethical Theory and Moral Practice* 14, no. 3 (2011): 291–305.

- Mullin, Amy. “Children, Vulnerability, and Emotional Harm.” In *Vulnerability: New Essays in Ethics and Feminist Philosophy*, edited by Catriona Mackenzie, Wendy Rogers, and Susan Dodds, 266. Oup Usa, 2013.

- Noggle, Robert. “Special Agents: Children’s Autonomy and Parental Authority.” In *The Moral and Political Status of Children*, edited by David Archard and Colin Macleod, 97–117. Oxford ; New York: Oxford University Press, 2002.

- O’Neill, Onora. “Children’s Rights and Children’s Lives.” *Ethics* 98, no. 3 (1988): 445–463.

- Pontón, María Eugenia Linares, and Haydeé Vélez Andrade. “Children as Agents of Social Change.” *Children Youth and Environments* 17, no. 2 (2007): 147–169.

- Schapiro, Tamar. “What Is a Child?” *Ethics* 109, no. 4 (1999): 715–38.

- Stone, Jim. “Why Potentiality Matters.” *Canadian Journal of Philosophy* 17, no. 4 (1987): 815–29.

Secondary Sources

- Andrews, Kristin, "Animal Cognition", *The Stanford Encyclopedia of Philosophy* (Fall 2014 Edition), Edward N. Zalta (ed.), URL = [<http://plato.stanford.edu/archives/fall2014/entries/cognition-animal/>](http://plato.stanford.edu/archives/fall2014/entries/cognition-animal/).

- Davidson, Donald. “Rational Animals.” In *Subjective, Intersubjective, Objective*, edited

- by Donald Davidson, 95–105. Oxford University Press, 2004.
- Eekelaar, John. “The Emergence of Children’s Rights.” *Oxford Journal of Legal Studies* 6, no. 2 (1986): 161–182.
 - Frankfurt, Harry G. “Freedom of the Will and the Concept of a Person.” *Journal of Philosophy* 68, no. 1 (1971): 5–20.
 - Gruen, Lori, "The Moral Status of Animals", *The Stanford Encyclopedia of Philosophy* (Fall 2014 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2014/entries/moral-animal/>.
 - Jallow, Teija. “Establishing a School for Disabled Children in Gambia,” 2014.
 - Kochanska, Grazyna. “Emotional Development in Children with Different Attachment Histories: The First Three Years.” *Child Development* Volume 72, no. 2 (April 2001): 474–490.
 - Lyons, David. “The Correlativity of Rights and Duties.” *Noûs* 4, no. 1 (February 1970): 45. doi:10.2307/2214291.
 - Sachs, Benjamin. “The Status of Moral Status.” *Pacific Philosophical Quarterly* 92, no. 1 (2011): 87–104.
 - Sander-Staudt, Maureen. “Care Ethics.” The Internet Encyclopedia of Philosophy, ISSN 2161-0002 <http://www.iep.utm.edu/>.
 - Silvers, A. “Moral Status: What a Bad Idea!” *Journal of Intellectual Disability Research* 56, no. 11 (November 2012): 1014–1025.
 - Singer, Peter. “All Animals Are Equal.” In *Animal Rights and Human Obligations*, edited by Tom Regan and Peter Singer, 215--226. Oxford University Press, 1989.
 - Singer, Peter. “Speciesism and Moral Status.” *Metaphilosophy* 40, no. 3–4 (2009): 567–81.

