

On the Moral Significance of Children's Interests

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In a now widely-circulated *New York Times* article from 2003, the late disabled activist and lawyer, Harriet McBryde Johnson, wrote of her reluctant participation in debates about moral status. Discussing her unlikely correspondence with philosopher Peter Singer, who holds (to put it mildly) contentious views on moral status, Johnson remarks:

He insists he doesn't want to kill me. He simply thinks it would have been better, all things considered, to have given my parents the option of killing the baby I once was, and to let other parents kill similar babies as they come along and thereby avoid the suffering that comes with lives like mine and satisfy the reasonable preferences of parents for a different kind of child. It has nothing to do with me. I should not feel threatened. Whenever I try to wrap my head around his tight string of syllogisms, my brain gets so fried it's ... almost fun. Mercy! It's like 'Alice in Wonderland'¹

I was reminded of Johnson's description of the affective charge of moral status debates while reading Casas' thoughtful paper on the moral status of children. Even while these debates often center on the question of who counts as human, they also often lack *humanness*. In both tone and argument, Casas avoids this discursive tendency. Casas' view is that children have full moral status in virtue of their membership in the human moral community.² Via this humanist approach, he argues that respect for children's dignity "requires recognizing and responding to their interest in growing as autonomous moral agents," and thereby entitles them to the formative conditions of development offered through education.³

Casas' account has the benefit of confirming most people's intuitions, namely that children are beings whose interests matter morally for their own sake and not for the sake of others—their parents, or even their future selves.

Casas points to where criterialists go wrong in mistaking an ideal (of autonomy) with a criterion for personhood and offers a way of grounding moral status that does not rely on the possession—or *potential* for possession—of particular capacities. According to Casas, “What humanism does is reinforce how wrong one can go by ascribing sortal properties to (certainly valuable) aspects of life that are key to human flourishing but that should not be confused with criteria for recognizing someone’s dignity.”⁴ While I am less certain that autonomy or particular rational capacities are key to human flourishing—or, perhaps, the purposes of formal education—I do find Casas’ account appealing for considering not only the moral status of children, but also the moral status of those who, as adults, might lack full possession of the capacities named in criterialist views.

This turn away from a criterion for personhood and towards a humanist account places the moral onus not on what capabilities children possess at any given moment in their development, but rather on the social conditions that support their development. In thinking about this shift, I am reminded of several existing accounts of moral status that might help respond to both the criterialist’s desire for criteria for personhood *and* the humanist’s emphasis on membership as the locus of children’s personhood. In addition to offering potentially compelling responses to this difference in views, one of these accounts also offers potential guidance about the relationship between autonomy and paternalism in children’s education, namely by suggesting that children’s autonomy need not be posed in opposition to adult interference.

First, I will consider a recent view on moral status that comes from Ben Curtis and Simo Vehmas.⁵ Taking up the question of the moral status of people with profound intellectual and multiple disabilities—a topic of much contention and affective harm in moral philosophy—they question both the moral individualist position, which grounds moral status in the possession of particular psychological properties, and the relational position, which grounds moral status in relationships. They offer a kind of middle-ground view that establishes moral status in the relational significance of psychological properties. It is not whether a person actually possesses the ability to entertain propositional thoughts or plan for the future that matters, but whether they could have:

“A person in the philosophical sense is an individual with reason and reflection, who is capable of entertaining propositional thoughts, planning for the future, and so on. And so possibly being a person is the property that is possessed by any individual who is not in fact a person (i.e. who does not in fact possess those high-level intrinsic psychological properties) but who could have been (i.e. who could have possessed those high-level intrinsic psychological properties).”⁶

The move to locate moral status in the moral significance of psychological properties is promising as it moves somewhat away from the necessity of possessing those properties at any given time in order to have full moral status. However, it is unclear from Curtis and Vehmas’ account whether we are meant to read this in a developmental sense (that is, as something that is *always* possible under some, possibly as yet unknown, conditions) or in a counterfactual sense (that is, what would have been true under different conditions). It seems unlikely to me that they fully escape the criterialist trap. For one thing, we might ask whether they are sufficiently attentive to the social context in which the moral significance of particular psychological properties is ascribed.

I think Elizabeth Anderson offers a more promising direction.⁷

For Anderson, what matters for moral claims is not having particular capacities but having moral *interests*. Put another way, it is the interests themselves that have moral significance, not the properties. For Anderson, because we humans operate within particular systems of meaning, the capacities or abilities to which we attribute significance are only intelligible within a system of meaning—and are unique to us.⁸ I take this to mean that, for example, what makes the possession of particular capacities to reason so significant is the social role that they play within our actual society, where the ability to reason independently and efficiently has high value; the moral significance of particular abilities is contingent on human meanings and human social relationships. This view strikes me as compatible with the humanist account that Casas endorses, particularly in discussing the “pull” that one feels when encountering another human.⁹ However, Anderson’s account would likely explain the force of that

pull as one's recognition of the moral significance of the other's interests rather than *directly* in their belonging to the human family.

Casas astutely points out that the criterialist position confuses worthwhile and ideal capacities—“rational autonomy, the capacity to feel empathy, a continued and stable sense of self”—with benchmarks for moral status.¹⁰ It thus confuses capabilities that might be in one's interests—and which we might therefore want to promote in educational contexts—with capacities that one *must* possess in order to be treated as valuable for one's own sake. It seems that the criterialist position also runs the risk of treating ideal capacities as if they are morally significant across all social contexts. But capacities like rational autonomy, for example, may actually have *contingent* moral significance, being of different value (and different meaning) within different cultural and historical contexts—thus rendering them a shaky foundation on which to build a criterion for personhood.

By reminding us that moral significance is contextual and socially contingent, Anderson unsettles the reliability of criterialist properties as definitive informants of moral status. Anderson's account therefore gives us a way to identify why particular interests arise for children, while leaving open the question of whether particular capacities—like rational autonomy—are necessary for human flourishing or are instead valuable insofar as they satisfy socially contingent values in our (ableist or, perhaps, *adultist*) society. According to Anderson, we should ask what advantages or disadvantages accrue to human children when they are deprived of particular educational opportunities (and in ways that are, say, different than if non-human animals are deprived of the same opportunities): “[Rights] do not flow immediately from a creature's capacities, but make sense only within a complex system of social relations and meanings.”¹¹

The focus on the socially-embedded moral significance of children's interests suggests a particular kind of role for formal education, and it is in that context that the tensions between respecting children's formative needs (including for autonomy) and treating them as morally valuable *as children* (not as future or “unfinished” adults) would likely arise. This is particularly true when and because interventions on children's autonomy (that is, forms of paternalism)

might be required to support children's development *and* present well-being. I think emphasizing the role that social systems of meaning play in how children's interests and entitlements arise gives both direction and caution to assessments of what constitutes legitimate interference in children's decision-making. If the moral significance of interests is socially contingent and negotiable, then perhaps questions of appropriate interference are similarly socially contingent and negotiable. We might see this view as both worrying and promising. It is worrying because it underscores how developmental environments are influenced by systems of social relations that may privilege particular forms of development—and particular behaviors—that conform to dominant norms but that are ultimately bad for (some) children. On the other hand, it is promising because it has the potential to turn a practical tension into an opportunity to think about what developmental conditions are appropriate given the value we place on particular capabilities in our actual society weighed alongside the interests of children in our actual society. Indeed, respect for the moral significance of children's interests might actually be best achieved by treating them as agents within a system of negotiation in which they are—as *children*—partners.

Casas' thoughtful paper is a reminder of just how much is at stake in moral status debates—and, indeed, in how we attend to children as complex moral beings.

REFERENCES

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- 3 Juan Antonio, "Moral Status," 10.
- 4 Casas, "Moral Status," 9.
- 5 Benjamin L. Curtis and Simo Vehmas, "Appendix: On Moral Status," in

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8 Anderson, "Animal Rights," 283.

9 Casas, "Moral Status," 7.

10 Casas, "Moral Status," 7.

11 Anderson, "Animal Rights," 283.