Moral Status and the Equality of Children: A Humanist Approach for K-12 Education

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What it means to have moral status and, more specifically, what it means to have the moral status of a person, are central debates of moral philosophy. This is hardly surprising as, at its core, questions about moral status are questions about who, what, and to what effect counts when discerning between what is right and wrong. The purpose of this paper is to reflect on the importance of this debate for K-12 education by raising questions about the effects of how we conceive the moral status of children between four and eighteen years of age, roughly the age group in which they usually attend school. I will argue that ascribing an inferior moral status to children (as compared to adults) can have undesirable consequences in educational practices and propose a humanist approach to the moral status of K-12 students in order to avoid these issues. To conclude, I want to argue for the practical importance of further philosophical work on the proper understanding of autonomy and paternalism for the education of discerning and morally competent students.

In some ways, and depending on the scenario, the moral status of children does not seem to be a complicated issue. For example, *The Universal Declaration of Human Rights* begins by stating that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".[1] This phrasing embodies the common view that all human beings, without further conditions attached, share an innate dignity and a set of inalienable rights that require unconditioned moral consideration.[2] However, this common view, is complicated by widely accepted takes on moral status that, largely influenced by Kantian moral philosophy, identify personhood with rational autonomy. For Kant, "the dignity of humanity consists just in its capacity to legislate universal law, though with the condition of humanity's being at the same time itself subject to this very same legislation."[3] Contemporary authors in this tra-

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dition offer similarly oriented views of dignity. Darwall, for example, offers a definition of dignity as the object of respect according to which the dignity of a person "is the second personal standing of an equal: the authority to make claims and demands of one another as equal free and rational agents."[4] In this Kantian view, the dignity of persons *qua* persons and the respect it entails seem to be conditioned on the capacity of rational beings to author their actions by setting ends through practical reason. This perspective has permeated many practical aspects of social life, including the way we see children and approach their education.

In order to problematize this view, I will begin by introducing the issue of moral status and equality, and examine how it affects our current understanding of the dignity of children. I will then focus on how this understanding affects our approach to students in K-12 education and move to argue for a humanist perspective of the moral status of children.

MORAL STATUS AND EQUALITY: WHY MORAL STATUS MATTERS

The basic meaning of moral status, as a concept, is largely uncontested. Jaworska and Tannenbaum introduce a definition according to which "an entity is said to have moral status if and only if it or its interest matters morally for its own sake, rather than for the sake of some other entity or value".[5] Dwyer elaborates further by defining moral status as a characteristic that human agents recognize on others and "by virtue of which they matter morally for their own sake, so that we must pay attention to their interests or integrity when we consider actions that might affect them, regardless of whether other beings are concerned about them."[6]

Dwyer's definition reveals the major consequences of recognizing moral status: a status-holder has integrity and a series of interests, both of which deserve protection, so that they provide reasons to act in certain ways towards them that have an origin in themselves. Having this status has important practical effects because it determines the nature of the obligations and the attitudes towards the status-holder that are morally allowed to other agents and, when formalized, the legal rights that protects their interests. Floris sums

up this position by saying that "entities that have moral status matter morally for their own sake," and thus are the object of directed duties towards them.[7] These directed duties are moral obligations towards someone (or something), so that having moral status implies having at least certain rights whose neglect constitutes a moral wrong.

A distinction is necessary at this point: having a moral status is not the same than having an *equal* moral status. The former is a matter of who (or what) counts, morally speaking. The latter is about how do they count, and therefore what constitutes a right and a wrong towards them. Equal moral status presupposes that moral status admits of degrees, so that two status-holders could matter morally for their own sake but in different manners and to different effect. Since the focus of this inquiry is on the moral status of children of a specific group age and role, I do not pretend to discuss all the (very complicated) issues around moral status and moral equality. Instead, I will focus on the implications of recognizing K-12 students as holding the moral status of a person.

The importance of degrees of moral status is clearly noticed by Chappell, who explains this matter in terms of determining who is considered to be a person:

> Any ethical outlook much like ours will take as central some primary moral constituency (PMC): some class of creatures who all alike, and all equally, share in the highest level of moral rights and privileges. Most philosophical ethicists use 'person' to mean at least 'member of the primary moral constituency' (whatever else they may also mean by 'person').[8]

There might be more to say about personhood than belonging to what she calls the primary moral constituency, but I aggrege with Chappell's claim that this sort of belonging is an essential component of being a person. Indeed, I struggle to see any meaning in the idea of 'person' if it is not directly related to recognizing a certain (privileged) moral status. Furthermore, by claiming there is a primary moral constituency to which persons belong, necessarily, there must be other status-holders who are not endowed with the full set of "moral rights

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and privileges" persons have. Simply said, the existence of a principal moral constituency implies the existence of at least another one that is not equal and inferior. Jaworska and Tannenbaum use the term "full moral status" to describe this particular dignity (to use the Kantian term we usually relate to the privileges of being a person). In giving content to this concept, they note:

> While characterizations of FMS [full moral status] differ, their common key element is a claim-right not to be killed, which powerfully protects a being with FMS against, among other things, the detrimental effects of others acting on the basis of utilitarian calculations.[9]

In more detail, full moral status would be typically thought to carry a stringent presumption against interference with the status-holder, mainly by destroying it or causing it pain, and with providing strong reasons (although not as stringent as the interdiction of interference) to aid and treat them fairly.[10]

The most significant criticism against considering autonomy, in the Kantian sense, to be a requisite for participation of the dignity of the primary moral constituency is its excessive exclusiveness. In this view, many human beings (infants, the elderly, and the like) can be excluded from full moral status alongside other often-discussed candidates, such as animals, plants, or even ecosystems as a whole. Certainly, this can be the case of children who, due to their immaturity, can be generally expected not to act as rational agents in the same way that adults do. This is the take of Kantian authors who, seeing children as immature, heteronomous decision-makers who cannot fully be consider as authors of their actions, consider childhood to be a predicament.[11] Darwall's restriction of dignity to "free and rational agents" seem to lead in the same direction, which implies that children do not partake of the dignity of persons.[12]

Simply said, thinking of autonomy as a condition for full moral status reduces childhood to a predicament characterized at best by potential personhood. This implies that children would be excluded of the primary moral constituency and thus have an inferior moral status to that of adults. Some further qualification is required: in exploring the implications of moral equality

for theories of justice, Floris notes that not having equal moral status does not necessarily implies having *no* moral status, nor being relegated to such an inferior one that it neglects the protection of important rights.[13] Thinking of children as not-persons is nevertheless problematic as it implies that, in cases where there is a conflict of interests, the rights of an adult would trump those of a child: "a commitment to adults and children's moral inequality entails that moral ties *do not* go to children."[14] Furthermore, and in a more technical sense, this does not imply that there are no reasons to treat children well. It does mean, however, that whatever these reasons are, they do not have their source *in* the children because they have nothing to do with the moral status of children themselves.[15] Any consideration given to children, and any duties directed at them, would have their basis in a third party that is foreign to them.

I find these claims to be both counterintuitive and loaded with practical consequences. In the first place, it contradicts the spirit that common-sense view exemplified above in the *Universal Declaration of Human Rights*, which is both a dramatic and an effective example of the stakes behind the basic idea that *all* members of the human family deserve respect with no further qualification beyond being human. Secondly, it means that any reasons to address children in morally relevant ways would have their origin without them, and therefore define them merely as the object of heteronomous interventions.

In education, this consideration points directly towards an implicit contradiction that begs to be made explicit and addressed in practice: the idea that we want to educate integral human beings, persons who are discerning and active authors of their lives, while at the same time addressing children as not-persons who, due to their immaturity, are the passive objects of interventions that are visited upon them to eventually make them into autonomous decision-makers. Adopting this perspective requires a view in which childhood's value is exclusively instrumental to the development of adult competence and, absurd as it may seem, implies that we train children for autonomy by treating them as passive followers. Since no child is Michael Phelps, we mean to teach children how to swim as far away as possible from the pool.

The consequences are clearly dire. So much, that concerns over such an

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instrumental view of childhood and the reductive idea of education it requires are not new. In fact, they seem to be the central preoccupation explored by Dewey in his characterization of traditional education in the first section of *Experience and Education*, and in his analysis of educative practices that misconstrue the purpose of education in chapters five and six of *Democracy and Education*.[16] Insofar as this issue about the purpose of schooling is framed around the moral status of the student, there are two ways to address it by questioning the conditioning of the moral status of a person to rational autonomy. The first one is to look for alternative criteria for the moral status of a person. The second, which I find compelling for reasons I explore presently, is to follow Chappell (and others) in questioning the very idea of a criteria for personhood.

CRITERIALISM, HUMANISM, AND THE DIGNITY OF CHILDREN

Some authors reject autonomy as the sole criteria for full moral status, but still believe that some morally relevant fact must be identified as criteria to support the recognition of this status. These criterialists often reject approaches that recognize moral status grounded on what they consider a merely biological fact (being human) for considering it insufficient basis to support moral consequences.[17] Such criteria would be "unacceptably anthropocentric and arbitrary", and thus conducing to a form of speciesism akin to racism or ultra-nationalism.[18] For Dwyer, "humanness is really a proxy for other things to which we react intuitively, and a not very good proxy."[19] It is beyond the scope of this paper to discuss in length all the criteria suggested in the literature to this effect. It is necessary, however, to acknowledge that they include many worthy alternatives.[20] One is to focus on other sophisticated cognitive abilities, such as sentience or the capacity to assign moral value. Others center around the potential to develop such sophisticated abilities, or the possibility of establishing certain relations with others. Jaworska and Tannenbaum opt for the incomplete realization of sophisticated cognitive capacities, so that the mere presence of such capacity is sufficient to grant full moral status regardless of whether it is developed or not.[21] Dwyer advocates for a multicriterial view that brings together, at the least, all the typical attributes recognized in the literature

as relevant to full moral status (that is, the fact of being alive, having sentience, being able to form relations with other moral agents, and possessing higher cognitive capacities such as rational moral autonomy), and based on which he argues for the moral *superiority* of children.[22]

As mentioned before, what these criterialist accounts have in common is the commitment to find grounds for personhood that prove morally relevant while solving the exclusionary problems of the autonomy account. The problem is that these accounts still condition in some fashion the belonging to this primary moral constituency, so that difficult cases (such as, but not exclusively, infants or unborn children towards one extreme or plants on the other) remain unresolved and the limits of this primary constituency undefined.

There is, however, a different approach that tracks the fundamental moral intuition with which I began my argument and that underlies commitments such as the one quoted in the *Universal Declaration of Human Rights*: that when we encounter another human being, we unconditionally owe them the respect commanded by the dignity of a person. Chappell notes that practical moral life requires this approach, since "we do not look for sentience or rationality or self-awareness in a creature as a test to decide whether or not that creature counts as a person. It's the other way round."[23] In this depiction of moral life, I immediately feel the "pull" of respect when I encounter another person, be it a child or an adult, and this starting point is only further qualified when I question myself on how to properly react to their dignity. I see a person because of their belonging to the human family, and so their dignity is a function of their nature, not of what they can do.

This humanist perspective reveals that criterialism misconstrues the facts of moral experience by confusing ideal features of personhood, to which it is worthy to aspire, with criteria to determine personhood itself:

> Behavioral properties like rationality, self-awareness, emotionality are not tests for, but part of the ideal of, personhood. To treat someone as a person is to engage him as *the kind of creature* to which that ideal applies. So to treat him is not, at the

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deepest level, a response to his *behavior* at all, but to his nature.[24]

It is true that rational autonomy, the capacity to feel empathy, a continued and stable sense of self, and so on, are important features of being a person that are justifiably valued as part of the human experience, but they are not to be construed as benchmarks that condition the moral status of any given individual. Based on this distinction the humanist approach values being of a certain kind (that is, human), so that:

> Our treatment of any human being should be conditioned by the background of expectations, hopes, and aspirations that spell out what we know, from experience, humans in general can be. *Eudaimonia* in its broad outlines is the same for all human beings; and requires, as a general rule, that we must give all human beings the space to achieve *eudaimonia*—whether or not they predictably will achieve *eudaimonia*. To deny this space to any individual human being is to exclude that individual from the moral community of persons. And that is a serious injustice.[25]

Being of a certain kind, then, is indeed a morally relevant quality that sufficiently supports the consequences of having full moral status. Children are a prime example, although certainly not the only one of someone who deserves the considerations of this status because of their nature and not of their capacities. Given the inherent fragility and diversity of human life, no one can be justly required to reach, promise to reach, or sustain, an ideal state of development that is neither clearly defined nor guaranteed before they are recognized as deserving the respect required by the dignity of a person (other examples may include the cognitively impaired and the elderly). Human flourishing, or *eudaimonia*, can and should be pursued at every stage of life. Childhood, just as adulthood, is a stage of life with intrinsic value that deserves to be tended alongside the interests of the future adult.[26]

Countering the negative characterization of speciesism, Chappell is clear in explaining that humanism considers being human a sufficient *but not necessary*

condition to be included in the primary moral constituency.[27] This distinction is important: the fact that all humans partake of the full moral status of a person does not mean that other beings cannot do so, and thus the exclusivist characterization of speciesism is rejected. Kittay goes further as she turns the tables on this discussion by noting that "what makes racism and pernicious nationalism moral evils is the special way they depend on "property" sortals [individual properties as adequate basis for moral considerations]".[28] This humanist argument reveals that:

> What is pernicious, and what has the most destructive consequences, occurs when a group defines itself as the sole possessor of a set of properties, properties which, in turn, define it and which give members of the group, as the possessors of those properties, the authority to appropriate goods, power, and other privileges.[29]

Autonomous agency can be a sortal property of the kind problematized by Kittay. Recognizing moral status on the basis of belonging by being of a certain kind, as opposed to having and displaying certain prized features, can therefore be the opposite of unjust exclusion. It is inclusive, based on a recognition of inherent value that is morally relevant and requires no further conditions. Kittay's analysis explains the intuition that it is wrong to exclude children from the moral status of a person based on the fact that they do not match an ideal form of autonomy that is presupposed to exist in adults because of generalizations about their age. On the flip side of this practice, families are an example of groups that operate on valuable moral considerations based on forms of belonging.[30] Everyday school practices can also work as a similar example: once children come to school as students, their teachers immediately recognize in them a status that is loaded with moral considerations and consequences.

Adopting this humanist perspective regarding the moral status of persons, therefore, includes children as members of the primary moral constituency. Even if we do not accept the humanist account and still require some criteria for recognizing full moral status, I realize that the considerations regarding the

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importance of recognizing the fundamental moral equality of children and adults, and the sort of protections and considerations that come with it, are sufficiently stablished. There are no real arguments for thinking that children do not count morally for their own sake, which is the true benchmark of having a moral status, or for allowing that this status should be relativized in a way that would make their dignity and interests second to those of adults. 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.

A central aspect of the injustice of excluding children from the moral community is precisely the effect this exclusion has in their development as moral agents. To exclude them of moral life in the formal space that has been built for their education, and where children in formative stages occupy a role that is defined by educative purposes, seems at least more unjust. Chappell also gives the grounds for appreciating the problematic consequences of such an exclusion when she says that "by charitably, and proleptically, interpreting the other as a person, I make him a person."[31] Having established that growing by developing the skills of rational autonomy is a fundamental interest of flourishing as a person, then it is clearly important to foster moral growth through this proleptical participation. School, by its own purpose, is the place to do so.

It could be argued that seeing childhood as removed from personhood is required by the need to protect children who generally require assistance to subsist and thrive, and are not mature enough to be legitimately held responsible for all of their actions. These potential objections need to be taken into consideration as they point towards the fact that we usually consider just to interfere in the decision-making of children and young people in paternalistic ways that would be consider intolerable towards adults. However, it is important to note that addressing school-age students as a person who matters for their own sake and who acts in morally significant ways is not necessarily a form of ignoring its present condition. If properly done, it is a way to honor them by meeting them where they are: undergoing a valuable stage of life in which the development of mature moral agency is of the utmost importance. Addressing

them in such a way is an intentional expression of respect aimed at fostering their moral development. The key, of course, is in the qualification of *properly*, which requires a clear understanding of the requirements of autonomy as an educational aim and of paternalism as a legitimate way of fostering the flourishing of the young.

My claim regarding the moral status of children is that they are entitled to the full moral status of a person as members of the human family, and that recognizing this status is of significant important for their education. As moral status-holders, they have the dignity of persons and are, for their own sake, legitimate objects of respect. Respect for their dignity, in this sense, requires recognizing and responding to their interest in growing as autonomous moral agents. The instrumental view of childhood as a predicament can therefore be discounted in favor of a view of children as immature persons who have an interest in developing their rational autonomy and who act in morally significant ways through which they develop their agency. Because recognizing children as persons endowed with full moral status has a proleptic effect in their moral growth, enacting this recognition through active participation of moral life in school becomes a necessity. Treating students as persons is thus a fundamental part of their school education; the alternative is a disconnect between educational projects that claim to educate the person as a whole while advancing school practices that undermine such aims. Properly conceiving autonomy as a valuable human quality underscores the fundamental interest of every young person to their capacity to be rational and moral decision makers, and so fostering such development becomes a fundamental duty of educators. To try to fulfill such obligation by denying the moral status of the student because of their immaturity is to begin a difficult task by buying into a pernicious handicap based on an unexamined assumption.

NEXT STEPS

Holding this perspective of students-as-persons shows the importance of develop further philosophical and empirical research on the issues of autonomy and paternalism. If autonomy is to be conceived as a fundamental quality of persons, to the extent that it defines the purpose of formal education itself,

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understanding what this claim entails should be an equally central concern of philosophy of education. If children are indeed full moral-status holders who matter for their own sake, and thus are the source of morally binding claims on others, it is equally important to thoroughly understand why and how it is legitimate, and in many ways necessary, to interfere in their decision-making. Addressing these questions is a necessary step to test the humanist approach I have proposed to the moral status of students within K-12 education and, more generally, to advance in the understanding of the personhood of children.

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