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# Adaptations to Nussbaum's List of Central Capabilities Required to Include Children

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## **Abstract**

This thesis aims to identify what we morally owe children in order for them to be able to flourish, during childhood, and as adults, in the context of a capabilities approach. This thesis argues against the view that Martha Nussbaum's list of ten central capabilities published in 2011 sufficiently includes children. It is argued that children have characteristic features which cause them to be able to live and develop favorably under the condition that they have certain capabilities which are specific for children and childhood. Relevant differences between children and adults with respect to learning, epistemic injustice, autonomy, vulnerability and special goods are analyzed to identify the specific needs of children. The objection of some thinkers that certain features of childhood, the special goods of childhood, are not relevant, is being refuted. The findings resulting from the analysis of the needs of children with respect to learning, epistemic injustice, autonomy, vulnerability and special goods of childhood, are transformed into adaptations to Nussbaum's list of central capabilities. This results in a new list of ten central capabilities children need in order to flourish.

*Keywords:* capabilities approach, central capabilities, children, learning, epistemic injustice, autonomy, vulnerability, special goods of childhood.

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## 1. Introduction

In 2011, in her book *Creating Capabilities: The Human Development Approach*, Martha Nussbaum published the following list of ten central capabilities with the aim of the list being universal for all humans, and with the invitation to make revisions in case scrutiny yields insights which substantiate these changes.<sup>1</sup>

- “1. *Life*. Being able to live to the end of a human life of normal length; not dying prematurely, or before one’s life is so reduced as to be not worth living.
2. *Bodily health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. *Bodily integrity*. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. *Senses, imagination, and thought*. Being able to use the senses, to imagine, think, and reason—and to do these things in a “truly human” way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one’s own choice, religious, literary, musical, and so forth. Being able to use one’s mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.
5. *Emotions*. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one’s emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. *Practical reason*. Being able to form a conception of the good and to engage in critical reflection about the planning of one’s life. (This entails protection for the liberty of conscience and religious observance.)

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<sup>1</sup> Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge: Harvard University Press, 2011), 33-34, 15, 36.

7. *Affiliation*. (A) Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.) (B) Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.
8. *Other species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. *Play*. Being able to laugh, to play, to enjoy recreational activities.
10. *Control over one's environment*. (A) Political. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association. (B) Material. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.”<sup>2</sup>

This thesis aims to examine in what ways differences in the needs of people during adulthood and during childhood, affect the applicability of Nussbaum's list. The list does not seem to apply to children, as much as it does to adults. This can be illustrated, for example, by examining the statement in the third capability of Nussbaum's list, "Bodily integrity," which expresses that a human being should be able to move freely from place to place. This capability is less applicable to young children and could even be harmful to them while it generally is beneficial to adults.

In this introduction, I will first sketch the academic background of this topic, and then outline the academic and social relevance of this endeavor. Then, I will introduce my research question. I will explore and define some of the terminology I use in the research question and

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<sup>2</sup> Nussbaum, *Creating Capabilities*, 33-34.

throughout the thesis. At the end of the introduction, I will say something about the limitations of the framework I adopt.

In recent decades, several ethicists who explore morally relevant aspects that distinguish childhood from adulthood have come to conclusions which have implications for Nussbaum's list of central capabilities. For example, Anca Gheaus points out that children benefit from parental guidance and from a restricted and gradually increasing amount of autonomy, whereas adults benefit from a higher and more constant level of autonomy.<sup>3</sup> Gunter Graf and Gottfried Schweiger examine the relative vulnerability of children, a characteristic of which they uncover the moral relevance and how this affects capability 3. *Bodily integrity*.<sup>4</sup> It is interesting to think through what the implications of the findings of these thinkers and others like Sarah Hannan, Lorella Terzi, Marietta van Attekum, Miranda Fricker, Havi Carel, Gita Györfy, and Ian James Kidd are on the capabilities of children and combine them in a new list. I aim to make a start with such a list, a list of ten central capabilities constituted specifically for children. To my knowledge, such a complete list of ten central capabilities for children does not exist, yet. Ideally, a more advanced version of this list could be a normative tool for policy making because it can tell us which are the most important responsibilities we have towards children. As Graf and Schweiger point out, Nussbaum's list of central capabilities, however well composed, is "adult-centered" rather than child-centered.<sup>5</sup> The availability of a child-centered list is relevant academically as well as socially. Noting that Nussbaum's work influences public policy, and that people under the age of 18 form about 30% of the world population, the work of improving the list of capabilities to make it suitable for children, can potentially benefit a large portion of humans. A list which is suitable for children can be a source of reference for those who want to increase wellbeing of children, such as policy makers, and thus have social and political implications.

Now that I have illustrated the significance of the goal of this thesis, I will clarify methodological choices. I will clarify why I have chosen Nussbaum's list as a point of departure. But first, I will briefly discuss the problem of academic writings being adult-centered. Academic writings on childhood tend to be adult-centered; they are written by adults, often from the viewpoint of adults, and describe the particularities of children and

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<sup>3</sup> Anca Gheaus, "Childhood: Value and Duties," *Philosophy Compass* 16, no. 12 (2021): 2.

<sup>4</sup> Gunter Graf and Gottfried Schweiger, *Ethics and the Endangerment of Children's Bodies* (Basingstoke: Palgrave Macmillan, 2017), 15, 53-60.

<sup>5</sup> *Ibid.*, 45.

childhood in comparison to adults and adulthood. For the purpose of this thesis, it is important that the viewpoint of children is incorporated as much as possible. To ensure that the viewpoint of children is incorporated as much as possible, I will draw on two sources from other fields. One is an objective list of five basic needs of children by van Attekum deduced from findings in psychotherapeutical research: place, nourishment, support, protection, and boundaries, which all have physical as well as psychological aspects. The other source is the U.S. Centers for Disease Control and Prevention (CDC). Both are sources which base their view on what we owe children on empirical evidence rather than ethical reflection and hence are a useful source of observed concrete needs of children.

Hence, methodologically, there is a perfect match between an adult-centered list which can be enhanced by literature which contrasts the needs of children with those of adults. Furthermore, Nussbaum's list evolved over years of deliberation and academic interactions.<sup>6</sup> The academic thoroughness of it motivates my choice for this list. It allows to preserve those parts which fit adults and children alike and thus it forms a useful point of departure. In this part of the introduction has established the rationale for this thesis: the usefulness of a complete list of central capabilities for children, the relevance of Nussbaum's work, and the fact that Nussbaum's list of central capabilities forms a suitable base to modify with the help of existing literature. These considerations lead to the following research question of this thesis: "How should Nussbaum's list of central capabilities be adapted so that it is applicable to human beings during childhood?" The following part of my introduction highlights the main concepts which are part of this research question. Furthermore, I will define concepts of "child," "childhood," "capability" and "functioning," which are used throughout the thesis.

In the research question I chose to refer to children as 'human beings during childhood' instead of just 'children' to remind us two things: that every human being either is or has been a child, and that children are human beings and that therefore it is not legitimate to treat children as less important than adults. This may seem trivial, but in every-day life, on many occasions, children's interests are infringed upon or disregarded.<sup>7</sup> As Frank Xavier Placencia notes, even theories of justice are culpable of this misconduct: "[m]ost theories assume rational agents, social contracts, or atomistic individuals."<sup>8</sup>

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<sup>6</sup> An earlier version has been published in 2000: Martha C. Nussbaum, *Women and human development: The capabilities approach* (Cambridge: Cambridge University Press, 2001), 78-80.

<sup>7</sup> Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 27, 248.

<sup>8</sup> Frank Xavier Placencia, "Society's Obligations to Children," in *Pediatric Ethics: Theory and Practice*, The International Library of Bioethics, vol. 89, ed. Nico Nortjé and Johan C. Bester (Switzerland: Springer Nature, 2022), 453-63.



This research question makes use of the term “childhood,” which is derived from the term “child,” and which refers to the stage of being a child. In the literature, different ways of defining the terms “child” and “childhood” are propagated. For example, Gheaus defines “childhood” as follows: ““childhood” refers to the stage of life during which young human beings are still developing the physical, emotional and rational abilities which are typical of adult people.”<sup>9</sup> This definition would imply that adults who are developing physical, emotional, and rational abilities which are seen as typical of adult people find themselves in the stage of childhood. It has advantages to define this in this way, because adults who are developing these abilities later in life, may benefit from some extra care and protection when they are doing so: when adults take part in physiotherapy, psychotherapy, or schooling at primary or secondary educational level, they would be back in childhood. That is an interesting view, but, for the purposes of this thesis, I follow the example of Graf and Schweiger and chose to define “child,” a “a human being aged 0 to 18,” analogous with the definition in the United Nations’ Convention on the Rights of the Child.<sup>10</sup> Hence, in this thesis, “childhood” refers to the period of time when human beings are born as well as alive but have not reached the age of 18, yet. This surpasses many relevant philosophical concerns: why should we chose the age of 18 as the end of childhood? Is the length of childhood the same for every individual? Which characteristics determine the boundaries of childhood? Should the framework entail the wellbeing of human beings before birth? However, the context of this thesis does not allow to go into too much detail on these kinds of issues. Another shortcut I have capitulated to, even though I realize that it is based on practical considerations rather than decent philosophical deliberation, and the implications of it do not do justice to many children, is that I interpret the word “child” as “able child:” able to learn, to develop physically, emotionally, and psychologically. Because not all humans are able in this sense, I am culpable of ableism. I focus on “more paradigmatic” children, an adjectival clause I adopt from Amy Mullin.<sup>11</sup> More paradigmatic children are those children who are able to learn, grow, and develop emotional and physical abilities which are generally seen as typical for (more paradigmatic) adults. For the scope of my investigation, I see the choice to focus on more paradigmatic children as the best option to make a start with a list of central

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<sup>9</sup> Gheaus, “Childhood: Value and Duties,” 1.

<sup>10</sup> Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 25; United Nations, “Convention on the Rights of the Child,” *Treaty Series* 1577 (1989), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>11</sup> Amy Mullin, “Children and the Argument from Marginal Cases,” *Ethical Theory and Moral Practice* 14, no. 3 (2011): 292.

capabilities for children. In my recommendations in the conclusion, I will recall that one of the ways to further improve the list is by verifying to what extent the suggested changes apply to more paradigmatic and less paradigmatic children alike and to make the necessary adaptations in favor of inclusion of all children. Yet, even if the analysis in this thesis cannot do justice to all aspects of the diversity within the group of individuals here defined as “children,” it is important to note that even the group of nondisabled children is very diverse, as Graf and Schweiger emphasize; there are enormous differences between babies, toddlers, preteens, and adolescents, and enormous differences between individual children of the same age group.<sup>12</sup>

Apart from the term “childhood,” the research question also comprises the term “capabilities.” What exactly is a capability? The notion “capability” is fundamental in an approach based on Aristotelian virtue ethics which came about in the second half of the 20<sup>th</sup> century called the capabilities approach and of which Nussbaum is a founder together with Amartya Sen. They have created a new “normative framework for the assessment of individual well-being.”<sup>13</sup> Sen and Nussbaum constructed their theory in response to the norm to use GDP to assess the wellbeing of inhabitants of a country. The capabilities approach holds that assessing the wellbeing of *each* human being is a better ground if we strive for just policies. Governments can strive for an equal distribution of at least a threshold of possibilities that allows every individual to be able to live a “life worthy of human dignity,” as Nussbaum expresses it.<sup>14</sup> These possibilities, or rather, that what an individual is “able to do and be,” are called “capabilities.”<sup>15</sup> Within the capability framework, what a person actually realizes of these capabilities, is called a “functioning.” Nussbaum determines that there is more freedom for adults than for children: of children it is legitimate to demand to attend school, which then becomes a realized capability, for instance, because she sees being educated as a prerequisite for wellbeing as an adult.<sup>16</sup> Also other thinkers have noted that in some ways functionings are more applicable to children than capabilities. Graf and Schweiger point out that differences in children’s competences as well as their vulnerability legitimize a paternalist attitude towards children which results in reduced autonomy for children.<sup>17</sup>

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<sup>12</sup> See, for example, Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 37-38, 59-60.

<sup>13</sup> Brenda Gladstone, Silvia Exenberger, Bente Weimand, Vincci Lui, Nina Haid-Stecher and Monika Geretsegger, “The Capability Approach in Research about Children and Childhood: A Scoping Review,” *Child Indicators Research* 14, no. 1 (2021): 453–475.

<sup>14</sup> Nussbaum, *Creating Capabilities*, 15.

<sup>15</sup> *Ibid.*, 18.

<sup>16</sup> *Ibid.*, 26.

<sup>17</sup> Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 37-38.

However, they add that as children evolve, they should always have capabilities suited to their developmental stage.

Now that the terminology used in the research question has been clarified, it is time for one last methodological concern. The capability theory is a very broad and somewhat vague theory. When commenting on Nussbaum's list it may be easy to bring up the counterargument that a newly introduced idea for a capability which enhances the wellbeing of children is already covered by it. It is a challenge to find discrepancies which truly conflict with Nussbaum's list. Another strong counter-argument is when it is possible to convincingly demonstrate that capabilities should be prioritized differently. Also, while investigating to what extent Nussbaum's central capabilities is suitable for children, issues may come up with the supposed universality for adults. For example, capability 10. *Control over one's environment*, determines that a person should be "able to hold property (both land and movable goods)," although in many cultures this is not as self-evident as it is in Western countries.

In order to answer the research question, I will have to identify which main differences there are between childhood and adulthood that affect capabilities, apply these findings to Nussbaum's list and hence to make an inventory of which adaptations should be made to do justice to children's needs, and finally, make suggestions for textual changes. In the next chapter, Chapter 2., I will analyze differences between childhood and adulthood related to the amount of acquired skills and knowledge. Specifically, I will characterize learning and epistemic injustice in childhood. Children's limited access to skills and knowledge are fundamental to other features of childhood. In this chapter I establish the importance of learning during childhood, which leads to the introduction of a specific capability, *Learning*, in the list of central capabilities for children. Further, I define what we owe children with respect to learning and with respect to reducing epistemic injustice inflicted on children. Lastly, I suggest textual changes in Nussbaum's list to accommodate children's needs regarding these differing capacities of children. In Chapter 3., I analyze the differences vis a vis children's autonomy, as well as their vulnerability and draw conclusions with respect to the list of central capabilities for children. Chapter 4. analyzes whether any changes flow from the so-called special goods of childhood. The analysis of each of the topics in Chapter 2., 3., and 4., generate substantive motives to make changes to Nussbaum's list so that it becomes more applicable to children. Finally, in the conclusion, I sum my findings, and produce a list containing these findings. Lastly, I will do suggestions for further research.

## 2. The differing capacities of children

Martha Nussbaum has intended her list of central capabilities to be applicable to all human beings. I claim, in accordance with other thinkers, that specific features of childhood require changes to Nussbaum's list of central capabilities if we want it to be fully applicable to children. These features of children that differ from those of adults, include differences in the levels of autonomy, dependency, and vulnerability, which in turn are based on differing capacities of children, amongst which the ability to make oneself understood. This chapter, chapter 2., analyzes the latter, the differing capacities of children, with the goal to decipher what we owe children, and hence, what capabilities they should have in order to be able to flourish. Hence, the first section of this chapter, section 2.1, claims that children have specific needs with respect to learning and exploration, and investigates what we owe children so that they can learn. The second section of this chapter, section 2.2, is about epistemic injustice. It makes clear how epistemic injustice is inevitably part of childhood and analyzes what we can offer children to minimize the amounts of both testimonial and hermeneutical injustice they are subjected to because they are children. The last section of this chapter, section 2.3, sums the findings of the previous two sections and proposes corresponding textual changes in the list of central capabilities.

### 2.1 Learning, exploration

It is clear that, when formulating capability 4. *Senses, imagination, and thought.*, Nussbaum has had adults rather than children in mind. To use one's capacities "in [...] a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training," does not apply to the youngest among us, who have not been educated in this sense, yet.<sup>18</sup> Rather, to them, it is life itself, the "being wired," which allows to use the senses and hence, learn. And with these first sensory experiences come emotions. And then associations form, and the capacity to think and imagine comes about. In this section, I investigate the difference between children and adults with respect to learning. What does children's learning entail? Do children *need* to learn? If so, why? How do children learn? What helps them learn? What do we owe them with respect to learning? And conclusively, what does this mean for the list of central capabilities for children? I will claim that, indeed, children have a need to learn and that we have a responsibility to facilitate this learning, and that Nussbaum's list of central capabilities requires several adaptations to

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<sup>18</sup> Nussbaum, *Creating Capabilities*, 33.

accommodate this need, notably, a separate capability, *Learning.*, should be introduced in the list.

In response to the question what childhood learning entails, Terzi distinguishes two types of education: informal learning and formal schooling.<sup>19</sup> Both are generally seen as crucial to healthy development, wellbeing and well-becoming of children.<sup>20</sup> Here, I first focus on informal learning. What does informal learning entail? To what extent is it a need of children? How can their informal learning be facilitated? Are there aspects of what children need to be able to learn which are not included in Nussbaum's list? After focusing on informal learning, I investigate the importance of formal learning.

The importance of informal learning is emphasized by sources which base their advice on the outcomes of empirical research. For instance, the U.S. Centers for Disease Control and Prevention (CDC) emphasize the necessity of an environment which stimulates learning and exploration: "Nurturing care for the mind is critical for brain growth. Children grow and learn best in a safe environment where they are protected from neglect and from extreme or chronic stress with plenty of opportunities to play and explore."<sup>21</sup> This is in line with Anca Gheaus's position that we owe children plenty of free time to play and investigate.<sup>22</sup> Both the CDC and Gheaus formulate what children need in order to be able to learn informally: plenty of opportunities to play freely and to examine the world around them. The CDC add another condition for learning: they emphasize that child abuse and neglect have a negative impact on learning and hence see the absence of these as a prerequisite for learning. This prerequisite is partially safeguarded by Nussbaum's inclusion of the clause "to be secure against violent assault, including sexual assault and domestic violence."<sup>23</sup> However, a necessary provision about emotional child neglect is not sufficiently provided for. Such a provision, which touches on what caretakers owe to children, could be included in capability 5. *Emotions.*, and in 7. *Affiliation*. Nussbaum's capability 7. *Affiliation* enables a human being to love and care for someone else but lacks the capability of stably receiving love and care which is crucial to children. This is because if there is no situation of stably receiving love and care, there is a

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<sup>19</sup> Lorella L. Terzi, "The Capability to Be Educated," in *Amartya Sen's Capability Approach and Social Justice in Education*, ed. Melanie Walker and Elaine Unterhalter (New York: Palgrave Macmillan, 2007), 17; Nussbaum, *Creating Capabilities*, 25.

<sup>20</sup> I adopted the term "well-becoming" from Graf and Schweiger, who think of it as complementary to wellbeing, "well-becoming over the whole life course" and use the combination of wellbeing and well-becoming to judge whether something is morally right for children. Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 14, 37.

<sup>21</sup> "Early Brain Development and Health," Centers for Disease Control and Prevention, last modified March 25, 2022, <https://www.cdc.gov/ncbddd/childdevelopment/early-brain-development.html>.

<sup>22</sup> Gheaus, "Childhood: Value and Duties," 7.

<sup>23</sup> Nussbaum, *Creating Capabilities*, 33.

situation of emotional child neglect. Furthermore, according to the CDC, a positive factor for healthy brain development and “development of physical, emotional, social, behavioral, and intellectual capacities,” is to have a beneficial relationship with members of its family and community.<sup>24</sup> Such healthy relationships are a positive counterpart of child neglect. They *form* a basis of self-respect: a child’s existence needs to be “confirmed” by the members of its community in order to welcome it in the world, first in a bodily way, by carrying it, feeding it, protecting it and by providing safe boundaries; and then in a more symbolic way, e.g. by supporting its endeavors, which a child then internalizes and can provide for itself.<sup>25</sup> This nurturing role of the community and caretakers, prerequisite to learning, is so essential that it deserves to be present more clearly in the ten central capabilities for children. Now that we have seen that informal learning is an important part of the development of human beings during childhood, and that children need certain things to be able to learn, like time and opportunities, and to be safe from child neglect by caretakers and their community, we will examine the role of formal learning.

In developed societies, education in schools plays a substantial role in how much children learn. Both Terzi and Nussbaum agree that education is prerequisite to the development of other capabilities and essential to be able to flourish as an adult.<sup>26</sup> Nussbaum argues that because education is conditional to other capabilities, it is legitimate to make education compulsory for young people up to “at least the age of sixteen” and stimulate further formation also after that age.<sup>27</sup> This is contradictory to the general understanding of the concept “capability” in that making formal education compulsory leaves out the freedom of choice which is inherent to the liberal character of the capabilities approach. It would then become a functioning, rather than a capability. Terzi adds that, except for the capability to be educated to have instrumental value, as a prerequisite to wellbeing later in life, it also has intrinsic value, because skills and knowledge are fun to work with and allow enjoyment by themselves, for instance of works of art.<sup>28</sup> Terzi would disagree with Nussbaum’s probable decision to not introduce the capability to be educated as a separate capability in a list of ten central capabilities for children. Apart from assessing the capability fundamental to other

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<sup>24</sup> Beverly L. Fortson, Joanne Klevens, Melissa T. Merrick, Leah K. Gilbert, and Sandra P. Alexander, *Preventing child abuse and neglect: A technical package for policy, norm, and programmatic activities* (Atlanta, GA: National Center for Injury Prevention and Control, 2016), 25.

<sup>25</sup> Marietta van Attekum, *Aan den lijve: lichaamsgerichte psychotherapie volgens Pesso* (Amsterdam: Pearson Benelux B.V., 2012), 35-36.

<sup>26</sup> Terzi, “The Capability to Be Educated,” 156.

<sup>27</sup> Nussbaum, *Creating Capabilities*, 156.

<sup>28</sup> Terzi, “The Capability to Be Educated,” 31.

capabilities, she sees the capability to be educated as a basic capability, because it is the way of fulfilling a *basic* need since a lack of this capability disadvantages a human being greatly.<sup>29</sup> Summarizing, we can distinguish three arguments why children need formal education according to Terzi and Nussbaum: it enables them to enjoy certain things in life, they will need their education later in life as adults, and if they miss out on education they will lag behind in comparison to others in society.

Considering the importance of informal learning and formal education for children, the question arises whether there should indeed be a separate capability in the list of ten central capabilities for children to accommodate the needs of children with respect to learning. I argue that yes, a capability, *Learning*, should be a separate capability in the list of central capabilities for children. The main reason for this choice is that learning is one of the most fundamental and automatic activities of children: a major part of their nervous system does just that. Even since before birth children are busy learning. This is a sufficient reason by itself because it makes the fulfillment of this basic need of children possible. This reason is non-instrumental as it departs from the innate need of children to learn and hence differs from Terzi's and Nussbaum's instrumental reasons. In accordance with this main reason, we owe children that we nurture their intrinsic motivation, that we preserve and feed their curiosity, that we dose the "input" in accordance with what they can greedily absorb, no more, no less. That we surprise them, that we give them rest, that we help them achieve goals, that we watch them, and encourage them when they go through difficult times because they are struggling to acquire new skills, support their experimenting and help them handle the outcomes of their actions. The instrumental reasons further support the decision to introduce a separate capability: learning during childhood is conditional to flourishing as an adult, as Nussbaum and Terzi convincingly argue.

In this section I have argued that two main reasons substantiate the choice to include the capability *Learning*, in the list of central capabilities for children. The first is that children have an innate need to learn. The second is instrumental: children need to learn so that they can flourish as adults. I have described that it asks a lot of caretakers to provide children with that what is necessary to learn from birth till in the late teenage years in terms of insights, time, patience, flexibility and means. The capability also makes a demand on communities and societal institutions to provide for the structures and means necessary for good quality education.

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<sup>29</sup> Terzi, "The Capability to Be Educated," 30.

The next section, section 2.2, looks into another aspect of the emerging access to knowledge and the development of skills, that of increasingly becoming able to successfully convey needs, desires and your own perspective as a child.

## 2.2 Epistemic injustice

In recent ethical literature there is a broadly accepted view that children suffer from epistemic injustice; they are wronged as knowers.<sup>30</sup> In *Epistemic Injustice: Power & the Ethics of Knowing*, Miranda Fricker distinguishes two kinds of injustice: testimonial and hermeneutical injustice.<sup>31</sup> Both kinds are frequently present in interactions with children. In this section I will investigate how *testimonial* and *hermeneutical* injustice is inflicted on children. This investigation yields ideas of how to avoid and diminish these kinds of injustice, and hence what children need to suffer less injustice. The outcome of this investigation is that we have a responsibility towards children to be keen, inventive, and charitable listeners, aware of potential prejudices. Subsequently, in the next section, the last section of this chapter, I will suggest textual changes resulting from the findings in the current section, about epistemic injustice, and the previous section, about learning.

*Testimonial* injustice happens when children are granted a lower level of credibility based on a prejudicial judgement of a hearer.<sup>32</sup> At such an instance a hearer will not believe a child on the basis that it is a child and the hearer's belief that what children say should not be paid much attention to, because they are children, and their remarks are not trustworthy and therefore not important. In other words, they are being discriminated against because they are children, i.e., on the basis of childism. Now a counterargument to the assertion that giving children a lower level of credibility is unjust, is that children do often have incorrect ideas resulting from their limited knowledge about the world. They are *learning* about the world, and they still have a lot to learn. Therefore then, one should not attribute the same level of credibility to a child's judgement as to an adult's judgement. This argument makes the case of testimonial injustice based on childism more complex than for instance, when someone's outings do not receive the same level of credibility based on their gender, sexual preference or skin color.

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<sup>30</sup> See, for example, Ben Kotzee, "Education and Epistemic Injustice," in *The Routledge Handbook of Epistemic Injustice*, ed. Ian James Kidd, José Medina and Gaile Pohlhaus, Jr. (New York: Routledge, 2017), 328.

<sup>31</sup> Miranda Fricker, *Epistemic Injustice: Power & the Ethics of Knowing* (Oxford: Oxford University Press, 2007).

<sup>32</sup> *Ibid.*, 1, 17, 43-44.



The complexity and importance of doing epistemic justice to children is nicely illustrated by examples of Havi Carel and Gita Györfly, and by Ian James Kidd and Havi Carel who reflect on interactions in medical contexts.<sup>33</sup> Carel and Györfly describe that hearers sometimes attribute either a too high a level of credibility or a too low level of credibility to children. They claim that in either case children are victim of testimonial injustice. In their article they encourage medical staff to be aware of potential prejudices and to become keen and charitable listeners.<sup>34</sup> Drawing on Kidd and Carel's notion of *participatory prejudice*; the idea that a hearer may hold the prejudicial opinion that a potential speaker is not able to interact in a sensible way, I would like to add the following appeal to hearers.<sup>35</sup> Children should be seen as important contributors to conversations that regard them.

Carel and Györfly address the problem of *hermeneutical* injustice that children endure in medical contexts. This occurs when there is a big difference in how the child expresses itself and the vocabulary of the hearer. For instance, when a hearer does not master the same vocabulary as the child and hence lacks the semantic skills to make sense of what is said. Or when a child does not have the linguistic capacities to express what it experiences. These situations unavoidably occur during childhood. Carel and Györfly give advice to medical staff which equally applies to caretakers: caretakers, too, should be aware of potential prejudices and be inventive, benevolent listeners in order to fight testimonial and hermeneutical injustice.<sup>36</sup>

To recap, caretakers can do a combination of things to avoid inflicting epistemic injustice upon children. They can be aware of their prejudices, they can create settings that are inviting for children to try and share their experiences, and they can do their best to understand what children have to say. Knowing that the hermeneutical gap may not always be avoidable, they can use all their senses to observe attentively any signals which can be helpful in the communication with a child. Several activities can help us acquire competences in this field. We can train our capacity for empathy. We can use the memories of our own youth. And also, as Nussbaum suggests, there are outside sources which can help us better understand children: "Humanistic disciplines such as clinical psychology, psychoanalysis,

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<sup>33</sup> Havi Carel and Gita Györfly, "Seen But Not Heard: Children and Epistemic Injustice," *The Lancet* 384, no. 9950 (October 2014): 1256-57; Ian James Kidd and Havi Carel, "Epistemic Injustice and Illness," *Journal of Applied Philosophy* 34, no. 2 (February 2017): 175.

<sup>34</sup> *Ibid.*, 1256-57.

<sup>35</sup> Kidd and Carel, "Epistemic Injustice and Illness," 180-81.

<sup>36</sup> Carel and Györfly, "Seen But Not Heard," 1256-57.

history, and literature also give us insight into the dynamics of a child's inner life."<sup>37</sup> All of these possibilities can help to lessen epistemic injustice inflicted on children.

### **2.3 Concluding remarks and suggestions for textual changes**

This chapter started by investigating what we owe children with respect to their need to learn and explore the world. It has been argued that there are good reasons to include a new capability in the list of central capabilities for children: the capability *Learning*. The main reason to do this is non-instrumental: I have argued that children have an innate need and desire to learn. Learning comes natural to children and starts even before birth. We have a responsibility to accommodate this innate need. Another reason is instrumental: only if children get the chance to learn and explore, they can acquire the knowledge and skills which enable them to become autonomous adults.

From this it has been concluded that we owe children that we facilitate their learning. Then, the question arises: what capabilities do children need in order to learn? We have seen that there are certain prerequisites to learning. For instance, children need low stress levels and one of the conditions for low stress levels in children is to be free from emotional neglect, which is not yet included in Nussbaum's list. To guide children in their emotional life, caretakers should be capable to have a good relationship with children and fulfill their emotional needs. This addition involves to a textual change in Nussbaum's capability 5. *Emotions*. We will further elaborate on this textual change at the end of chapter 4., about the special goods of childhood, since joy and play also require these capacities of caretakers. Hence, in that chapter, further adaptations of the formulation of this capability will be made.

Another prerequisite for learning leads to the following change in capability 5. *Emotions*. As we have seen, to have beneficial relationships with family members and members of the community is a prerequisite for learning. Hence, the addition of the phrase: "to have beneficial relationships with family members and members of the community." Next, the environment and attitude of the caretakers is of importance. This is accommodated by the following change in capability 4. *Senses, imagination and thought*. To facilitate informal learning especially, the phrase "to benefit from an inviting, challenging ... environment provided for by interested, respectful caretakers" is added to that capability.

Then, the question is, how can we insert the new capability, *Learning*., into the list of capabilities. Our aim is to end up with ten central capabilities which are fit for children. So, a

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<sup>37</sup> Nussbaum, *Creating Capabilities*, 183.

logical question is which capability in the list which is the least important for children or, which capability is the least applicable to children. Here, capability 6. *Practical reason.*, and 10. *Control over one's environment.*, seem to compete. The latter is about autonomy, mainly in the fields of politics and holding property. Political participation and holding property in the sense in which this applies to adults does not apply to children, at least not in the same way. However, it is important for children to acquire the skills necessary for autonomy and to practice with autonomy, as we will see in the next chapter. Therefore, capability 10. *Control over one's environment.*, will be maintained and adapted in the next chapter, chapter 3. "Differences in children's autonomy." Therefore, capability 6. *Practical reason.*, will be substituted by the new capability, *Learning*. The necessary changes are added to the text of this capability and result in the following formulation: "Being able to practice forming a conception of the good and to gradually learn to engage in critical reflection about the planning of one's life; to receive that what is necessary to learn in such a way that intrinsic motivation is nurtured and preserved; to receive an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training; to explore, experiment and be creative [...]; to learn at an appropriate pace; to be worry-free. (This entails protection for the liberty of conscience and religious observance.)" Some text will be added in the section 3.2 Vulnerability and safety.

Considerations about epistemic injustice can best be accommodated by capability 7. *Affiliation*. Another reason why this capability needs adaptations is because of the needs of children to be taken care of, to be loved and hence, to be free from emotional neglect and get appropriate guidance in their emotional development. This results in the following formulation: "(A) *be loved by stable, [...] and competent caretakers*; to live with and toward others *reciprocally*, to *be* recognized and shown concern for *by* other human beings, to engage in various forms of social interaction; to be able to *become able to* imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.) (B) *Being able to construct* the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination on the basis of *age*, race, sex, sexual orientation, ethnicity, caste, religion, national origin."<sup>38</sup>

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<sup>38</sup> For the purpose of clarity, additions to the text are presented in *italics*.

Hence, considerations about children's need to learn and their need for epistemic justice has led to suggestions for textual changes in capabilities 4. *Senses, imagination and thought.*, 5. *Emotions.*, and 7. *Affiliation.*

### **3. Differences in children's autonomy**

The previous chapter has explored the responsibilities we have towards children to enable them to fulfill their natural craving to learn, and their need to be taken seriously as knowers. Considerations about what children need to be able to learn from birth till their late teens has led to the introduction of a new capability, *Learning*. Considerations about children's vulnerability to epistemic injustice have also led to suggestions for textual changes to the list of central capabilities: to reduce testimonial and hermeneutical injustice, caretakers need specific skills and a benevolent attitude. They have to be aware of their own prejudices, be skilled listeners, inviting, prepared to train their skills. Children's predisposition to learn, as well as their more limited resources to convey their reality are differences with respect to adults which incite changes as to what children need in order to be able to flourish. This resulted in suggestions for textual changes in the list of central capabilities for children.

The first section of the current chapter, section 3.1 called "Autonomy, freedom and dependency," investigates the level of autonomy children should be granted, which is related to the capacities children have developed, and subsequently what the implications are as to what we owe children with respect to their evolving capacity for autonomy. The second section of this chapter, section 3.2 called "Vulnerability and safety," investigates the influence of the vulnerability of children on the capabilities they should have in order to be able to flourish as children and later in life, as adults. The chapter concludes with suggestions for textual changes which follow from the findings with regard to the autonomy and vulnerability of children.

The section on autonomy first attempts to give an adequate interpretation of the term "autonomy" in the context of childhood and adulthood. To illustrate this, examples of reduced autonomy in childhood are given. Subsequently, it indicates which capabilities in Martha Nussbaum's list of central capabilities need to be changed since they are based on an adult-centered view of autonomy. An analysis is given of what should be changed so that the capabilities serve children better with respect to their capacities to be and become autonomous.

#### **3.1 Autonomy, freedom and dependency**

At the start of life, we are fully dependent on others for our survival and wellbeing. Because we do not have the capacities to take care of ourselves, we have an interest in others deciding for us, hence an interest in our reduced autonomy.

What does it mean to be autonomous? Even though there are differing accounts of autonomy, a general conception of this notion is that an agent is autonomous if it has the power to act on its *own* values, rationale, or motives. This evokes several questions: when is one's motivation truly one's *own* motivation? And, to what extent does the agent have to be rational to be able to make judgements as to what it wants? Is a five-week-old baby who purposely hits a toy acting autonomously? If autonomy is defined as intentional self-government of a rational agent, then to what extent is anyone autonomous? Several thinkers, for example, Gunter Graf and Gottfried Schweiger, solve issues concerning autonomy in childhood by discriminating between "local autonomy" and "global autonomy."<sup>39</sup> An agent is globally autonomous if it has the power to govern its own life, make its own decisions based on its own values, rationale, or motives. Agents have local autonomy if they have autonomy over a smaller area of their life. According to Graf and Schweiger we owe children the latter kind, local autonomy, so that they can practice with autonomy and learn the skills to become (globally) autonomous adults.<sup>40</sup> Until they become autonomous, (paradigmatic) children have an, ever decreasing, interest in "being governed" by others. Amartya Sen gives a nice example of a situation in *adult* life where we have an interest in reduced autonomy: "When you are travelling in an aeroplane, your freedom to fly safely may be quite important to you. But that freedom is not typically best enhanced by your seizing control of the flight plan and cockpit operations."<sup>41</sup> Likewise, as long as children lack the skills to make decisions which are favorable for them and act upon those decisions, responsible others may legitimately decide what they do and what happens to them. In the daily lives of children, decisions are frequently being taken for them, legitimately, but also abusively. These decisions may conflict with their own preferences at a particular moment. They have to put up with all kinds of domination by government, caretakers, teachers, and peers. For example, children undergo medical procedures like vaccination, which is painful for them, dental visits, or even religiously motivated circumcision, get their diaper changed in an unwelcome way, move house, have their toys put away, have to shower and wash their hair, have to wear unpleasant clothes, are left alone involuntarily, have to interrupt activities that they are enjoying. They are not always allowed to eat with their hands, leave their belongings wherever they hit the floor first, choose freely whether they want to go to school or not, choose who their caretakers, siblings, classmates, and teachers are, choose freely what they eat, when bedtime is, what amount of

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<sup>39</sup> Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 32-33.

<sup>40</sup> *Ibid.*, 32.

<sup>41</sup> Amartya Sen, "Children and Human Rights," *Indian Journal of Human Development* 1, no. 2 (2007): 10.

screen time they have, when to wake up. And many undergo slapping and other nonbeneficial agony like punishment, being ignored, not receiving attention at a desired moment, or privacy breaches. Adults have a lot more influence in many of these areas of their lives. To some extent, the power of adults over children is legitimized by the goal of their actions: it seems fair to say that the exercise of power in the asymmetric power relationship between child and caretaker is legitimate if and only if it is in the interest of the child's wellbeing and well-becoming. However, in everyday situations, there is often little to no outside monitoring on whether caretakers legitimately or illegitimately exercise power over their children.<sup>42</sup> Hence, children need benevolent caretakers who understand what is in the interest of the child.

Several capabilities in Nussbaum's list of central capabilities describe the necessary amount of autonomy for *adults* to be able to flourish but are not suitable for children aged 0 to 16 or 18. For instance, 3. *Bodily integrity*. "Being able to move freely from place to place."<sup>43</sup> This is probably not such a good idea for young human beings, of which the very youngest do not even possess the physical capacities to autonomously go wherever they wish. In many instances, safety is in their interest, more than this liberty. Another example is 3. *Bodily integrity*. "...having opportunities for sexual satisfaction and for choice in matters of reproduction."<sup>44</sup> This is suitable for teenagers only to the extent that they have insight in the long-term consequences of their actions, and the power to act on their long-term interests. Rather, they need good education on sex and sexuality, some guidance, and appropriate protection. Also 6. *Practical reason*. "Being able to form a conception of the good and to engage in critical reflection about the planning of one's life," is an example where it is in the interest of children to be assisted by loving, capable caretakers, again, because young human beings themselves lack knowledge and experience to make accurate judgements of what they want later in life and do not comprehend what leads to the achievement of these goals. And lastly 10. *Control over one's environment*, which is about political capabilities and the capability to own property, is to a large extent adult-centered rather than child-centered.

Besides the duty of caretakers to provide for that what is necessary to become an autonomous adult, Graf and Schweiger also advocate "limited liability for children," compensated for by the duty of caretakers to take responsibility for their children's actions.<sup>45</sup>

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<sup>42</sup> Anca Gheaus, "Child-Rearing With Minimal Domination: A Republican Account," *Political Studies* 69, no. 3 (2021): 750, 758.

<sup>43</sup> Nussbaum, *Creating Capabilities*, 33.

<sup>44</sup> *Ibid.*, 33.

<sup>45</sup> Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 33.

An additional reason to grant local autonomy to children is that it directly affects their wellbeing if we grant their wishes.

An objection that we should grant children this kind of local autonomy could be that my interpretation of ‘local autonomy’ of young children is so weak that it cannot be considered autonomy at all, because the agent does not possess the rational capacities to decide what is valuable for them. I hold that this is a misinterpretation of the capacities of even very young children. They are very well connected to their senses, very sensitive and can express and follow up on needs from birth onwards and even before birth, for example by drinking amniotic fluid or sucking their thumb. All these actions, when done intentionally to enhance their own wellbeing, reflect their capacity to be locally autonomous. It is in favor of a child’s wellbeing and well-becoming that caretakers support these kinds of wishes. They should allow a child to satisfy their own desires as much as possible within the limits of other parental duties. Anthony Skelton, Lisa Forsberg, and Isra Black, who are concerned with adolescent wellbeing, which according to them should – for this age group, be provided for in the form of “valuable and supportive, even if not entirely personal, relationships” rather than limitations.<sup>46</sup>

Section 3.3 lists suggestions for textual changes which take the above considerations of the needs of children with respect to autonomy into account.

### **3.2 Vulnerability and safety**

A difference between children and adults is that children are more vulnerable than adults. Their bodies are vulnerable especially when they are very young, and psychologically and cognitively, they are also vulnerable. Because children cannot protect themselves in ways adults can, they benefit from the protection of caretakers. And quite often, their life depends on the care and protection provided by caretakers. For instance, young children’s bodies are more vulnerable to physical trauma, toxic substances, infections, and disease. Also, babies and toddlers do not have the mental capacities of adults to comprehend that pulling a tablecloth with a pan of hot soup towards yourself, or immersing your hand in a bowl of cappuccino, may lead to severe burns. And the psychological damage of traumatic events impacts young human beings more severely because adults generally have developed better strategies on how to handle such events and because it affects their forming personalities. This briefly indicates that children are indeed, in a diversity of ways, more vulnerable than adults.

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<sup>46</sup> Anthony Skelton, Lisa Forsberg, and Isra Black, “Overriding Adolescent Refusals of Treatment,” *Journal of Ethics and Social Philosophy* 20, no. 3 (2021): 237.



Accepting this premise, it is important to investigate whether the difference in vulnerability affects the applicability of the list of central capabilities to children, and if so, how.

In this regard, it is interesting to note, as Gunter Graf and Gottfried Schweiger do, that Nussbaum's capabilities approach is based in the acknowledgement of the vulnerability of human beings.<sup>47</sup> Nussbaum argues against the Stoic idea that humans have their dignity, their inner worth, untainted by outside circumstances, and embraces a more Aristotelian, down to earth, view on the vulnerability of humans, which says that humans need earthly things like clean water and education in order to be able to flourish.<sup>48</sup> Hence, it is not so that the list does not take vulnerability into account. Rather, it should become clear whether the specific needs children have because of their differing vulnerability are adequately covered by the capabilities in the list. Things like food, shelter and protection from violence are necessary to safeguard human life and human flourishing, regardless of age. These are already comprised in Nussbaum's list. Is anything lacking with respect to the vulnerability of children? A difference between children and adults is that the former need people who can make sure they can flourish despite their physical, psychological, and cognitive vulnerability. We could think of the addition of stable, trustworthy, capable caretakers who can guarantee safety for these vulnerable and young human beings, to Nussbaum's list, because they are indispensable.<sup>49</sup> It is namely very difficult or even impossible for children to realize what is necessary to stay alive, let alone flourish, by themselves.<sup>50</sup> This need for safety combined with their special vulnerability may legitimize paternalistic behavior towards children even in cases in which the domination by a human is conflicting with a particular wish of a child.<sup>51</sup> However, as Graf and Schweiger point out, vulnerability should not be abused as a pretext to dominate and hence reduce the capabilities of children unnecessarily, as is often the case when children have actually developed the capacities to act autonomously.<sup>52</sup> Hence, it should be concluded that stable, trustworthy, capable caretakers can differentiate between these two situations: when their actions are necessary to protect their child and when the child can handle a situation by herself. Because the vulnerability of children is dynamic, in the sense that

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<sup>47</sup> Gunter Graf and Gottfried Schweiger, *Ethics and the Endangerment of Children's Bodies*, 29.

<sup>48</sup> Nussbaum, *Creating Capabilities*, 127, 131-33.

<sup>49</sup> Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 25.

<sup>50</sup> Anthony Skelton, "Children and Well-Being," in *The Routledge Handbook of the Philosophy of Childhood and Children*, ed. Anca Gheaus, Gideon Calder and Jurgen De Wispelaere (London: Routledge, 2018), 96.

<sup>51</sup> Sarah Hannan, "Why Childhood is Bad for Children," *Journal of Applied Philosophy* 35, no. 1 (Spring 2018): 11.

<sup>52</sup> Gottfried Schweiger and Gunter Graf, "Ethics and the Dynamic Vulnerability of Children," *Les ateliers de l'éthique/The Ethics Forum* 12, no. 2-3 (Autumn 2017): 248; Graf and Schweiger, *Ethics and the Endangerment of Children's Bodies*, 27-28.

children, over time, generally become ever stronger and less vulnerable, caretakers need to be good at observing their child and at understanding which capacities have evolved to what extent and which vulnerabilities remain.<sup>53</sup>

### **3.3 Suggestions for textual changes**

This section gives suggestions for textual changes based on the previous two sections, “Autonomy, freedom and dependency,” and “Vulnerability and safety.”

#### ***Autonomy, freedom and dependency***

Some of children’s needs with respect to their reduced and evolving autonomy can be accommodated for by capability 10. *Control over one’s environment*. The suggestion is to replace the current text by “Being able to gradually learn to participate in choices that govern one’s life, guided by benevolent, loving and capable caretakers who assume liability; having appropriate rights of political participation, protections of free speech and association.”

“Capable,” here, refers to understanding the interests of a child and to assume liability.

Furthermore, the phrase in capability 3. *Bodily integrity*., “Being able to move freely from place to place.” needs to be left out, even though, it should be noted that older children benefit from ever more freedom to decide when and where they go. Also, the clause about sexuality in this formulation by Nussbaum needs adaptation to fit children. A suggestion is to substitute that clause by: “having appropriate amounts of opportunity for sexual satisfaction, protection, and choice in matters of reproduction; to receive favorable education on sex and sexuality,” to do justice to the capacities of children and support their evolving autonomy as sexual beings. Lastly, the first clause of capability 6. *Practical reason*., should be adapted to “Being able to practice forming a conception of the good and to gradually learn to engage in critical reflection about the planning of one’s life.”

#### ***Vulnerability and safety***

In the last section, we have seen that Nussbaum’s list of central capabilities already contains provisions for safety, for example, “protection from violence.” It is appropriate to expand two capabilities with a provision about safety. The first one is the capability *Learning*.; learning and experimenting should take place “under appropriately safe conditions.” The second one is

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<sup>53</sup> Graf and Schweiger, *Ethics and the Endangerment of Children’s Bodies*, 49-50; Schweiger and Graf, “Ethics and the Dynamic Vulnerability of Children,” 256-57.

capability 4. *Senses, imagination, and thought.*; similarly, caretakers have a responsibility to provide a “safe enough environment.”

This chapter has demonstrated that children need special arrangements to accommodate their needs with respect to autonomy and safety. They need caretakers who grant local autonomy to them in areas where they can handle this kind of autonomy and act paternalistically where this is in their interest. Similarly, caretakers have to be able to distinguish between situations when their actions are necessary to protect their child and when a child can handle a situation by herself. This has resulted in suggestions for textual changes in the list of central capabilities: children need safe enough but challenging environments and guidance of capable caretakers who support their development to become autonomous adults.

#### 4. Special goods of childhood

The previous chapters have taken the typical needs of children as a starting point to develop enhancements to Martha Nussbaum's list of central capabilities in favor of children's wellbeing by compensating for the hardships of childhood. Some thinkers argue that, apart from having special needs, children also enjoy special goods; advantages of being a child which adults do not have access to any more, or at least, not to the same extent. For the purpose of this thesis, it is relevant to know whether, if there really are special goods of childhood, we have a responsibility with respect to this feature of childhood. Anca Gheaus is one of the thinkers who investigates this idea of the special goods of childhood.<sup>54</sup> Sarah Hannan's point of view on this matter differs from Gheaus's. Hannan argues that the advantage of having these so-called special goods of childhood is negligible in the light of the bads of childhood.<sup>55</sup> In this chapter, I will explore the special goods of childhood to determine whether they should be provided for in the list of central capabilities for children, and if so, to what extent they already are included in Nussbaum's list central capabilities and subsequently whether this leads to any textual changes. To do so, I will contrast articles of Gheaus and Hannan and apply the findings to Nussbaum's capabilities approach.

##### 4.1 Special goods of childhood

This section, section 4.1, examines the so-called special goods of childhood by contrasting the writings of Gheaus and Hannan on this topic. I will claim that Hannan's the special goods of childhood are to a large extent inexistent and to the other not relevant, does not hold. Hence, I will conclude that the special goods of childhood are relevant for the capabilities approach. The next section, section 4.2, provides an analysis of what we owe children with respect to the special goods of childhood, and how this can be comprised by capabilities.

In "Childhood: Value and Duties," Gheaus characterizes the special goods of childhood as the goods which follow from abilities and inabilities which are typical for children, regardless of the environment they grow up in. The predicate 'special' refers to the perception that only *children* have access to these goods, or at least have access to these goods to a substantially greater extent than adults. She sums several of these goods: children are quick learners, they can benefit greatly from free time without organized or planned activity, they can be happier, they can be more worry-free, they are able to be more spontaneous, they can trust others more easily, they can be more freely creative, their brains have a high level of

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<sup>54</sup> Gheaus, "Childhood: Value and Duties," 1-11.

<sup>55</sup> Hannan, "Why Childhood is Bad for Children," 11-28.

neuroplasticity, they have a higher processing speed and are faster in certain ways, they explore more, they see more possibilities, they are more curious, they like to experiment more, and they are more prepared to take risks.<sup>56</sup> In this article, Gheaus argues that if the special goods of childhood contribute significantly to living a good life, and that if an adult who missed out on these goods cannot make up for them later in life, then, therefore, these goods are valuable and society and caretakers have a duty to grant them to children.<sup>57</sup> If we take the two premises in this argumentation to be true, this has implications for the list of central capabilities. For instance, the ninth capability, *9. Play.*, would probably need to be more prominent, and thus higher up in the ranking and probably also more elaborately formulated. But first, let's look into Hannan's arguments why the special goods of childhood would be insignificant. If Hannan is correct, there is no need to make changes, rightly because the special goods of childhood are either non-existent or insignificant. Hannan is a proponent of the so called 'predicament view' of childhood. This view has a long tradition: Aristotle regarded children as unfinished adults, deficient in certain ways, yet able to develop the features of an adult. In that sense, childhood is a predicament: a bad condition to be in, a dreadfully difficult and even bewildering situation.

In "Why Childhood is Bad for Children" Hannan scrutinizes assertions used to substantiate the contemporary view that childhood is inherently good for children because children enjoy certain special goods of childhood. She selects and rejects three assertions she commonly encounters in argumentation in favor of the special goods view, namely that "sexual innocence," "the ability to love and trust without reservation," and "being carefree" are special goods which either are good for children but not for adults, or are good for children and only or especially available to children.<sup>58</sup> As far as *sexual innocence* is indeed often brought forward as a special good of childhood, Hannan's rejection that this would be a good rather than a bad is quite convincing. Not having access to knowledge is bad rather than good: sexual innocence can be damaging, especially considering the vulnerability in children. However, at least two counterarguments against Hannan's reasoning can be made. The first counterargument is based on the idea that the path of discovering sexuality can justly be regarded as a worthwhile adventure that a person would not want to miss out on, because living the experiences which bit by bit uncover a person's sexuality, sexual preferences and possibilities is a valuable part of life. Already knowing everything you know as a grown up

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<sup>56</sup> Gheaus, "Childhood: Value and Duties," 1-2, 5-6.

<sup>57</sup> *Ibid.*, 8-9.

<sup>58</sup> Hannan, "Why Childhood is Bad for Children," 14-17.

straight away, would deprive one of the exciting experiences of the discovery. This discovery is only possible if a person starts off being sexually innocent in the sense that it doesn't have all knowledge about sex and sexual experience she has as an adult. In that sense sexual innocence is a good of childhood. Another counterargument is the following. The argument of sexual innocence is not very prominent in the literature. It is, for example, not mentioned in the account of special goods of childhood derived from Gheaus's article. Because Hannan presents this supposed good of childhood incorrectly as one of the three most prominent examples of the goods of childhood, Hannan's rejection of it partially forms a strawman.

Hannan also rejects the second common assertion, that "the ability to love and trust without reservation," which allows children to build "special relationships," is a special good of childhood. This ability makes children vulnerable because many people, including many caretakers, cannot harmlessly be trusted in this way, therefore, Hannan argues, this is a bad instead of a good.<sup>59</sup> The observation that the ability makes children vulnerable to untrustworthy caretakers is correct, but the reasoning ignores the fact that these "special relationships" are in themselves enjoyable *and* crucial for a healthy development. Children need a safe basis provided by loving, capable and trustworthy caretakers to be able to flourish when they are young, as well as when they are adults.<sup>60</sup> Children can only build these profound and trusting special relationships if they have access to the good of "the ability to love and trust without reservation." This is so, because if not their basic attitude would be to be distrustful in order to protect themselves, while not possessing the mental capacities to assess when they could trust a caretaker. They would exclude themselves from the bonds which are necessary for healthy psychological development, amongst which the development of self-confidence.<sup>61</sup> And exclude themselves from the wellbeing emanant from trusting relationships. On the condition that caretakers are loving, capable and trustworthy, the ability is a good and not a bad because it rightfully makes children carefree and gives them access to the enjoyment of profound, unconditional and trusting special relationships which form the basis for a good feeling about themselves later on in life. This good should be facilitated by the capabilities approach in the part on caretakers; the list should address the fundamental need for caretakers who are loving, capable and trustworthy. So, Hannan's claim that the ability to love and trust without reservation is not a non-instrumental good is incorrect: it is both an important instrumental good (because it facilitates valuable relationships and a

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<sup>59</sup> Hannan, "Why Childhood is Bad for Children," 16.

<sup>60</sup> Marietta van Attekum, *Aan den lijve*, 35-65.

<sup>61</sup> *Ibid.*, 39, 47-49.

healthy psychological development) and a non-instrumental good (because having carefree interhuman contact is enjoyable in itself), and hence it provides insight into what capabilities a child should have.

The third common assertion, that “being carefree” is a special good of childhood, is discussed briefly, and Hannan’s argumentation corresponds with the argumentation about the second assertion: being carefree is dangerous and therefore a bad instead of a good.<sup>62</sup> Similarly, however, “being carefree” is an instrumental bad if and only if caretakers are unfit, while it is a non-instrumental good in case caretakers are loving, capable of preventing harm and trustworthy because to be carefree means to be lighthearted, cheerful and happy. That is pre-eminently the state of mind of a flourishing child.

In her article “Why Childhood is Bad for Children,” Hannan subsequently argues that the lack of cognitive skills, the underdeveloped practical identity and having reduced authority over one’s own life are all features which cause children to be worse off than adults. She concludes that, because children are worse off than adults, we owe them more than we owe adults.<sup>63</sup> For the purpose of this chapter, it is necessary to draw a conclusion as to whether there are any goods of childhood; *if* they exist, whether they should be facilitated and why; next, whether they should be incorporated in the list of central capabilities for children; and finally, whether this inquiry leads to suggestions for textual changes. On the whole, we may conclude that Hannan’s arguments that there are no or hardly any goods of childhood, is not very convincing. Most of the goods of childhood Gheaus acknowledges, are unaffected by the objections of Hannan: to be a quick learner and have fast and highly neuroplastic brains, to be able to benefit greatly from free time without organized or planned activity, to be able to be more spontaneous and happier than adults, to be more creative, to want to explore and experiment more, to be more curious, and to see more possibilities. As brought forward in this chapter, the only good which sexual innocence entails, is the one of being able to take part in the *discovery* of sexuality. This is part of a more general good, the one of being innocent enough to be able to discover new things in the world: oneself, activities, relationships, other beings and perceivable entities. This is fun to do and the opposite of blasé. It is something we would miss if we lived for 200 years. Apart from this general good, there are good reasons to agree with Gheaus and Hannan that sexual innocence is not a good. Hannan convincingly concludes that it is a *bad* of childhood because a lack of knowledge about sex can damage vulnerable individuals which children unavoidably are. This implies that, as far as the feature

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<sup>62</sup> Hannan, “Why Childhood is Bad for Children,” 16-17.

<sup>63</sup> *Ibid.*, 16.

of sexual innocence is concerned, children's wellbeing depends on appropriate amounts of opportunity and protection, and on favorable education about sexuality. This should be part of the central capabilities for children and is, to a considerable extent, already part of Nussbaum's list of capabilities. Apart from the aspect of the joy of discovery, there is no persuasive reason to consider sexual innocence as a good of childhood. Hence, sexual innocence is not a special good of childhood which deserves to be made available to children or to be protected in order for children to flourish.

Hannan and Gheaus differ in their views on the closely related features of children to be more worry-free, and the ability to love and trust without reservation. Gheaus sees them as special goods of childhood, whereas Hannan sees them as bads of childhood because they contribute to the vulnerability of children. I have argued against Hannan, that, provided that a child is cared for by caretakers who are loving, capable and trustworthy, these features are instrumental as well as non-instrumental special goods of childhood. From this, it was concluded that, for children, to have caretakers who are loving, capable and trustworthy is a fundamental need, and therefore to be able to grow up by help of caretakers with certain features should be included in the list. Even though this is useful information for the goal of this thesis, it is not an answer to the question of this chapter: whether there are special goods of childhood which should be incorporated in the list of central capabilities for children. We may conclude that being worry-free, also when engaging in relationships, is a *conditional* special good of childhood. This characteristic of children deserves to be "handled with care:" we owe it to children to facilitate being worry- or carefree and protect it in order to give them possibilities to make them flourish. Drawing on the analysis of Gheaus's and Hannan's work, the other, uncontested, special goods of childhood are: to be a quick learner and have fast and highly neuroplastic brains, to be able to benefit greatly from free time without organized or planned activity, to be able to be more spontaneous and happier than adults, to be more creative, to want to explore and experiment more, to be more curious, and to see more possibilities. Also, I concluded that being innocent enough to be able to discover the world is a special good of childhood. From this, we may conclude that there *are* special goods of childhood, only or more readily available to young people, that it is not or hardly possible to make up for missing out on them later in life. These goods contribute to children's wellbeing. For that reason alone, we owe it to human beings to be able to enjoy these goods when they are children.



## 4.2 The special goods of childhood substantiated by capabilities

How can the list of central capabilities comprise the special goods of childhood? And to what extent are they already in Nussbaum's list? Is the list of central capabilities apt to safeguard these goods? In this section, the special goods of childhood acknowledged in the previous section are first clustered into three groups and then analyzed. The special goods of childhood which came forward in the last section are categorized in the following three groups: "learning," "play," and "joy." Subsequently, of each group is determined to what extent these clustered goods are accommodated by Nussbaum's list. The next section, section 4.3, suggests formulations to accommodate the needs of children related to each of the clusters of the special goods of childhood in the list of central capabilities for children.

### *Learning*

The category "learning" entails the special goods of childhood which enable acquiring knowledge and skills. Humans are born with exceeding neurological power. With that power comes curiosity and energy. What makes an environment welcoming to this power and these interests? Children need appreciation for their attempts to learn new things so that they will not be hindered from this innate desire to learn. They need positive feedback from loving spectators. And they need an interesting environment which gives them opportunities to experiment and explore the world at an appropriate pace.

To some extent, Nussbaum's list provides for this capability in *4. Senses, imagination, and thought.*, which states that humans should be given the chance to use their senses and mental capacities "in [...] a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training."<sup>64</sup>

However, the good we are addressing here, also exists independently of this kind of education. This is part of the reason why, in chapter 2., we have introduced a new capability, *Learning*. To do justice to learning as a *good* of childhood, we should somehow incorporate the necessary welcoming attitude of caretakers. Caretakers have to be interested, respectful, and capable of providing an environment which is inviting, challenging as well as safe enough. In this way they can foster the flame of self-motivated learning. This is not an easy task, also because it is a dynamic process: each stage of development requires a different setting. And the creative capacity of children, who often generate more ideas than a caretaker could have possibly anticipated, requires the willingness to make constant adaptations, in

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<sup>64</sup> Nussbaum, *Creating Capabilities*, 33.

physical situations, but also in the world of ideas. This willingness of caretakers to make constant mental adaptations accommodates the creativity as well as the capacity of children to see more possibilities than their caretakers.

### ***Play***

As we have seen, children can benefit from free time without responsibilities, organized or planned activity. Whereas adults can maybe unwind in such situations, they have lost the capacity to, for instance, to develop many new skills spontaneously during such unstructured time. To accommodate the special good of childhood which I call “play,” it is necessary to secure real time off. This means that children should not have distractions like hunger, upsetting emotions, or screens or algorithms which absorb their attention or energy. This, once again, requires the assistance of capable caretakers. That this kind of play should be arranged for by capable caretakers, constitutes a difference to the formulation of capability 9. *Play*. in Nussbaum’s list of central capabilities in that children need *abundant* time and opportunities for *undistracted* play. Another finding with respect to play is that it is very important to children, more important than to adults.

### ***Joy***

The last set of special goods of childhood consists of the ability to be more carefree, more spontaneous, and happier than adults, and to be able to trust others more easily. I have clustered this special good under the name “joy.” This calls upon adults not to interfere with this joy, not to interrupt it, but to leave it intact as much as possible.

In Nussbaum’s list of central capabilities, joy or happiness is not mentioned in 5. *Emotions*. This would be the right place to do so if we want to accommodate the special goods of childhood. A condition to secure the special good “to be able to trust others more easily,” is that caretakers are loving, capable and trustworthy. Hence, this, too, should be included in the list.

## **4.3 Suggestions for textual changes**

This section gives suggestions for textual changes resulting from the analysis of what we owe children with respect their access to three clusters of special goods of childhood: learning, play and joy.

### ***Learning***

In this chapter we have concluded that children have access to special goods of childhood related to learning: children are quick learners with fast and highly neuroplastic brains who want to explore and experiment more, are more curious, more creative, innocent enough to be able to discover a lot of new things in the world, and able to see more possibilities. To provide what is necessary to foster this good, an addition to capability 4. *Senses, imagination, and thought.* should be made: “to be able to benefit from an inviting, challenging as well as safe enough environment provided for by interested, respectful caretakers.”

### ***Play***

If we add “abundant opportunity for undistracted play arranged for by caretakers” to capability 9. *Play.* in Nussbaum’s list, we accommodate the special good of childhood associated with the typical ability of children to be able to benefit abundantly of unstructured free time. Also, capability 9. *Play.*, needs to be more prominent, because it is so important during childhood, and will be placed higher up in the ranking, right after capability 5.

### ***Emotions.***

### ***Joy***

The findings in this chapter lead to two additions in capability 5. *Emotions.*: being able “to experience joy,” and being able “to stably receive the care of loving, capable and trustworthy caretakers.”

To sum, in this chapter it was concluded that children enjoy special goods of childhood. For instance, children can learn very easily, they can benefit greatly from free time, they are innocent enough to discover the world, and they have a great capacity for joy. These features are only, or to a much larger extent, available to children. They contribute to a good life and to wellbeing during childhood. Some thinkers differ in their view on whether certain features of childhood are a good or a bad. An example of such a feature is “being carefree;” some argue that this is a good, other argue that it is bad because it endangers children. I have argued that, provided that children have caretakers who are loving, capable and trustworthy, such features are instrumental as well as non-instrumental special goods of childhood. Because of the provision that a child has loving, capable and trustworthy caretakers, I have called this a conditional special good of childhood. After having established that there *are* special goods of childhood which generate a responsibility to accommodate these goods during childhood, the

necessary provisions have been included as capabilities in the list of central capabilities for children.

## 5. Conclusion

In 2011, Martha Nussbaum published a list of ten central capabilities with the intention of it being universal for all humans. This thesis provides evidence that Nussbaum's list of central capabilities it is only partially applicable to children. By analyzing children's needs and deriving the responsibilities we have towards children, it is demonstrated that some of the capabilities central to children's wellbeing and well-becoming are not included in the list. This means that Nussbaum's list of central capabilities is only partially suitable to describe the central capabilities that children should have in order to be able to flourish. This finding is relevant because Nussbaum's list is influential, not only academically, but also in policy making. Knowing that human beings aged 0 to 18 form about 30% of the world population, it must be concluded that not including the capabilities of children neglects the needs of a large group of humans: children. Therefore, this thesis attempts to make a start with a list of central capabilities for children. A more elaborated version of this new list could be used as a source of reference for those who wish to increase wellbeing and well-becoming of children, such as policy makers, and thus have social and political implications.

Chapter 2. of this thesis analyzed the differing features of children with respect to their differing capacities with respect to their knowledge and skills, and with respect to convey their perspective, their needs and their desires. Chapter 3. analyzed children's reduced autonomy in comparison to adults, and their relative vulnerability. And chapter 4. analyzed which capabilities result from special goods of childhood. Each of these chapters gives suggestions for textual changes to Nussbaum's list to make it more suitable for children. This conclusion first sums the findings in these chapters, subsequently displays the resulting list of central capabilities for children, and lastly gives recommendations for research to further improve the newly constituted list of ten central capabilities for children.

Children differ from adults with respect to basic abilities in terms of skills and knowledge, from which children's relative vulnerability and reduced autonomy originate. During childhood, human beings learn to make themselves understood, and to learn all there is a need for to learn during childhood, two conclusions have been drawn. The first is that children have a need to learn and hence, that we have a responsibility to facilitate this learning. This asks a lot of caretakers and the community of which a child is a member: they must provide circumstances which nurture a child's innate motivation to learn and give appropriate emotional guidance. Considerations about the importance of learning for children have led to the introduction of a new capability, *Learning.*, in the list of central capabilities for children. The second conclusion is that caretakers must have a certain attitude to minimize the

epistemic injustice they inflict on children. They must be aware of potential prejudices, work on their abilities to understand children, notably their ability for empathy, and see children as important contributors to conversations that regard them. They have to be inventive and benevolent when communicating with children, and create inviting atmosphere for children to share their insights and concerns. These features of caretakers, necessary to minimize *epistemic injustice*, have been condensed to the description of caretakers as “competent caretakers.”

To the extent that children are not able to govern their own life and act upon their own decisions, it is legitimate that these competent caretakers, govern their lives for them, provided that they help them learn to master the skills necessary for *autonomy*. To practice these skills, children should be granted *local autonomy*: autonomy over smaller areas of their life. They need the assistance of caretakers who understand their interests, who can distinguish in which areas a child at a certain moment in their life should be granted local autonomy – hence, capable caretakers, and take over responsibility for the actions of their children. This local autonomy also applies to the area of sex and sexuality. Similarly, children need an appropriate amount of protection because of their *vulnerability*.

Childhood offers *special goods of childhood*: goods that are only, or to a much larger extent, available to children. For instance, children can learn very easily, they can benefit greatly from free time, they are innocent enough to discover the world, and they have a great capacity for joy. Because these features contribute to the wellbeing of children and to a good life, we have a responsibility to accommodate the special goods of childhood. This has resulted in giving a higher priority to the capability *Play*., and in textual changes which facilitate children’s learning, play and joy.

The considerations in this thesis have resulted in the following list of central capabilities for children:

1. *Life*. Being able to live to the end of a human life of normal length; not dying prematurely, or before one’s life is so reduced as to be not worth living.
2. *Bodily health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. *Bodily integrity*. Being able to be secure against violent assault, including sexual assault and domestic violence; having appropriate amounts of opportunity for sexual satisfaction, protection, and choice in matters of reproduction; to receive favorable education on sex and sexuality.

4. *Senses, imagination, and thought.* Being able to use the senses, to imagine, think, and reason; to benefit from an inviting, challenging as well as safe enough environment provided for by interested, respectful caretakers. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.
5. *Emotions.* Being able to have attachments to things and people outside ourselves, to have beneficial relationships with family members and members of the community; to love those who love and care for us, to grieve at their absence; in general, to experience joy, to love, to grieve, to experience longing, gratitude, and anger while being supported by caretakers who help recognize, describe and appreciate emotions; to stably receive the care of loving, capable and trustworthy caretakers. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. *Play.* Being able to enjoy abundant opportunity for undistracted play arranged for by caretakers; to laugh, to enjoy recreational activities.
7. *Learning.* Being able to practice forming a conception of the good and to gradually learn to engage in critical reflection about the planning of one's life; to receive that what is necessary to learn in such a way that intrinsic motivation is nurtured and preserved; to receive an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training; to explore, experiment and be creative under appropriately safe conditions and reduced liability; to learn at an appropriate pace; to be worry-free. (This entails protection for the liberty of conscience and religious observance.)
8. *Affiliation.* (A) Being able to be loved by stable, trustworthy and competent caretakers; to live with and toward others reciprocally, to be recognized and shown concern for by other human beings, to engage in various forms of social interaction; to be able to become able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and

political speech.) (B) Being able to construct the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination on the basis of age, race, sex, sexual orientation, ethnicity, caste, religion, national origin.

9. *Other species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.
10. *Control over one's environment*. Being able to gradually learn to participate in choices that govern one's life; having appropriate rights of political participation, protections of free speech and association.

This list is open to further improvements. A recommendation to further improve this list is to construct a more elaborate and precise explanation of the necessary features of caretakers and of the larger community of children. For example, as explained in this conclusion, the features of caretakers that enable children to suffer a minimum of epistemic injustice are now summarized too concisely, as just “competent caretakers.” The list could benefit from a more concrete description of the capacities of caretakers. Eventually, an internationally recognized document summing the necessary features of caretakers with respect to the capabilities of children could have policy implications. Also, the capabilities could be further specified. Some quite fundamental needs of children have not been accounted for, like the need to be touched and the need for physical interaction with caretakers. Yet, it is known that infants can die from the lack of physical interaction with caretakers. Also, it could be considered to somehow include the capability to be able to move and do sports. Furthermore, it would be nice to formulate the capabilities in such a way that they also apply to less paradigmatic children. Another endeavor could be to try to reformulate the capabilities in such a way that they become suitable for all humans, children and adults alike.

In fine, it is important to note that, if we can formulate the central capabilities for children and realize them through policy making, this will not only enhance the wellbeing and well-becoming of children, but also be reflected in their actions as adults. It is a worthwhile investment.



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