

SIGNATURE PAGE

This thesis for honors recognition has been approved for the

Department of Philosophy.

Elwiforeall
Director

28 April 2016
Date

S. J. [Signature]
Reader

04/28/16
Date

Jeanette M. Hoquicia
Reader

28.04.2016
Date

Exercising Power as a Care-Giver, Revisited: An
Argument for Virtue and Responsibility in Childcare

Connor Smith

Department of Philosophy

Carroll College

May, 2016

Abstract

This paper will set forth an argument for the ethical course of action for adult care-givers when dealing with moral issues regarding the children in their care. I will begin by setting the context for this argument by defining how a child differs from an adult as well as the nature of a care-giver. I then attempt to show how the traditional western normative ethical model of consequentialism is inadequate for dealing with situations involving children due to the potential inherent in childhood and the unique relationship between child and care-giver. Although a more modern Rawlsian ethical framework provides a better model than consequentialism, I will show how this framework is still ultimately inadequate due to the responsibility of care-givers for the children in their care. I will then set forth my argument that exercising the virtue of “temperance of power” when engaging in childcare prescribes the correct course of action as it accurately represents the relationship between child and adult. I will show that this thesis is firmly rooted in the intellectual traditions of feminist ethics as developed by writers like Baier and Walker as well as in the virtue ethics of MacIntyre and Aristotle. I will conclude by working through cases of interactions between children and adult to show how this thesis would work to explain the morality of the ideal course of action in these scenarios.

I – An Introduction

A mother rushes her seven year old daughter to the hospital after an accident in the home causes a concussion. Fearing the reproof and possible involvement of police, the mother chooses not to tell the doctor information about the cause of the injury. Instead she presents information which clears all family members of blame and implies that the girl is at fault for her own injury. Due to the concussion and the insistence of her mother on her own version of the story, the girl is unable to remember what happened to cause the incident. The doctors at the hospital treat the girl in a certain way, based on the description of the accident provided by the mother, but other treatment options are available. A toddler is crying for attention to her father who is focused on his work and thereby effectively ignoring the child. After screaming and screaming with no end in sight, the father loses his patience and strikes the child, who immediately falls quiet in fear and shock. A young patient is admitted to a psychiatric hospital for treatment. While in the care of the staff members at the hospital, the patient attempts suicide by cutting his arms repeatedly with his own nails. The staff members attempt to diffuse the situation verbally first, but when it becomes apparent that the patient is a serious danger to himself the staff intervene by holding his arms away from his body in a restraint, which they have been trained to perform as part of their job. The restraint continues until the boy agrees to stop harming himself and the situation is diffused. The staff members then take steps that do not involve physically restraining the child to ensure with the child that this harmful behavior does not repeat itself in the future. The staff members involved apologize in the end for having to restrain the youth. In these scenarios, the adult care-givers are exerting power over the children in their care, albeit in different ways. In the first two scenarios, the power is being exerted in an irresponsible, immoral way, while in the final example involving the psychiatric

patient, the degree of exercised power is in fact appropriate, considering the circumstances and extent of the power being exerted.

It is apparent to most that the adults in the first two situations have done something wrong, but what? Why were these actions unethical, and what would the appropriate response be? Furthermore, why is the third example not morally questionable? I will argue in this paper, due to the moral twilight that children inhabit before they possess the same amount of rationality and autonomy as an adult, in the vacuum left by the unsatisfactory arguments of dominant moral theories, ethics of care and virtue ethics must be considered when dealing with moral quandaries involving a care-giver and the child in his or her care. To do this I will coin the phrase “temperance of power” as a key virtue that one can possess and exercise in order to achieve the goods inherent to the practice of childcare and in doing so limit the force that one exerts over another, especially another in a vulnerable position. Acting in accord with this virtue would lead to the correct course of action for care-givers when dealing with children in their care and lead to the living of a good life *qua* caregiver.

II – What is a Child? What is a Care-giver?

To explore care-givers and children, we must first examine a fundamental question in modern philosophy: What is a child? *Childhood* has always been a fluid concept and some have even gone so far as to argue that it is a modern construct of industrialized societies.¹ Although we diverge in opinion later in his book *Children’s Rights and Moral Parenting*, Vopat and I agree that childhood is

¹ Vopat, Mark C, *Children's Rights and Moral Parenting*. (2015) 19.

partly empirical and partly constructed.² Vopat explains that empirically, we can see that there is a level of temporary dependency and major physical and psychological differences between adults and children as a result of the child's age.³ Normatively, however, the cultural ideas of childhood change dramatically across time and cultures, specifically the ages at which childhood begins and ends.⁴ While the age ranges that define childhood are constantly in flux, modern research has shown to some extent the above-mentioned physical and psychological differences between adults and children.⁵ As a result, we as adults can conclude that there is *some* difference and therefore we must act in *some way* differently towards children while they are children. This then raises the question of what constitutes adulthood and if there is such a stark polarity between childhood and eventual adulthood. The answer unfortunately is not clear cut. Again, I agree with Vopat in this case that ultimately there is a continuum from infancy and complete dependence through childhood and adolescence into more autonomous adulthood.⁶ I say *more* autonomous here as a qualifier to which Vopat alludes but does not use, as I would agree with recent feminist philosophers that we are never *truly* autonomous as earlier classical European philosophers perhaps imagined people to be; however there is clearly a continuum between less autonomous and rational and more autonomous and rational stretching along the continuum from infancy to adulthood.

² Vopat, 21

³ Vopat 19

⁴ Vopat 21

⁵ The World Health Organization (WHO) provides an excellent summary of the differences between Children and Adults biologically, medically, socially, and psychologically. This summary is well cited itself and can be found at this web address:

http://www.who.int/ceh/capacity/Children_are_not_little_adults.pdf

⁶ Vopat 21

A child then can be defined as a human who is lacking autonomy relative to an adult and is in fact more dependent than an adult due to the child's age. An adult therefore is one who, simply by the nature of his or her age has more autonomy and is less dependent on those around him or her especially. The two characterizations are defined with regards to each other, as unsatisfying as this is. I fear that there is simply no hard and fast rule by which one can define children and adults without doing so relationally. However this does not mean that this definition is useless. It seems to me that a relational definition of adulthood and childhood is much like a definition of light and dark, which, like development, are measured continually and relatively. One can perceive that something is darker or lighter relative to other things and there are scientific methods that one can use to clarify the ideas of light and dark. This is analogous with development and age. One can also perceive if one is more or less autonomous or dependent relative to another and there exist scientific means of measuring those qualities to clarify that perception. It is an imperfect analogy, but I think it clarifies the definition I propose here.

We are also able to turn to Maurice Merleau-Ponty for a broader conception of adulthood which illuminates the limits of adulthood in an edifying way while still staying true to the definition just now established.

In the case of children, primitive people, the sick, or more so still, animals the world which they occupy –insofar as we can reconstruct it from the way they behave – is certainly not a coherent system. By contrast, that of a healthy, civilized, adult

human being strives for such coherence. Yet the crucial point here is that he does not attain this coherence, it remains an idea, or limit, which he never actually manages to reach. It follows that the 'normal' person must remain open to these abnormalities of which he is never entirely exempt himself; he must take the trouble to understand them. He is invited to look at himself without indulgence, to rediscover within himself the whole host of fantasies, dreams, patterns of magical behavior and obscure phenomena which remain all-powerful in shaping both his private and public life and his relationships with other people...Adult thought, normal and civilized, is better than childish, morbid, or barbaric thought, but on one condition. It must not masquerade as divine law but rather should measure itself more honestly, against the darkness and difficulty of human life and without losing sight of the irrational roots of this life.⁷

The typical challenge leveled against moral autonomy by feminist ethicists applies aptly to children and adult care-givers. In contrast to the strained notion of dependence presented by classical European philosophy, my definitions of adults and children constitute these types of individuals as necessarily interdependent. Interdependence is much more clearly formulated as a hallmark of personhood in the field of feminist ethics which generally maintains that there is interdependence inherent in every human relationship such as that visible in the

⁷ Merleau-Ponty, Maurice *The World of Perception* (2004), 56 – 57.

relationship between child and adult care-giver. In this relationship a child should morally value their care giver higher than others primarily because it is from this care-giver that the child receives the things necessary for her survival and an education about the world she inhabits. The unique value that a child would place on his or her care-giver would make the child biased toward her care-giver or other more immediate source of care in any decision that she makes.

Similarly, by acting *qua* care-giver, an individual acts preferentially towards those in their care due to the responsibilities inherent in the role of care-giver. This makes utilitarian or consequentialist a poor framework in which children and care-givers should be asked to make decisions. In another line of thought, it is apparent that at no point does a child contract with her parents in a clearly outlined agreement or social contract for the rules of her care. These conditions pose problems to the consequentialist and contractarian frameworks since they seem to undermine the very foundations on which the theories rest. That is, childhood stretches the concepts of duty and responsibility as well as autonomy and dependency making the situation of children morally unique. Care-givers therefore have different expectations and responsibilities toward children in their care, expectations and responsibilities that they are not necessarily obligated to fulfil or act upon when in working with other adults.

Because of children's lack of autonomy they are fundamentally dependent on adults for their care, sustenance, and education both of morality and the world. We are not born into this world knowing all that we need to know in order to function. Judith Butler is very aware of this dimension of childhood. Butler writes

that we are “from the start, given over to the other” that we are from birth “given over to those we do not know”. She continues on to say “infancy constitutes a necessary dependency, one that we never fully leave behind”.⁸ There are several examples from the historical psychology of children abandoned at birth and forced to raise themselves in the wild show that none of the traits that we associate with human flourishing are found outside of society.⁹ When dependency is not addressed, when the responsibilities of care givers are not met, children are not able to flourish. Butler too is aware of this possibility for great tragedy in a child as a result of the unique dependency of children. She writes about the initial relationship between child and care-giver

...for some this primary scene is extraordinary, loving, and receptive, a warm tissue of relations that support and nurture life in its infancy. For others, this is, however, a scene of abandonment or violence or starvation; they are bodies over to nothing, or to brutality, or to no sustenance.¹⁰

It is the parents and care-givers of children that engender flourishing in children. Macintyre, when speaking about the development of a person into an independent practical reasoner, explains how it is parents and care-givers that bring children up to the threshold of adulthood, while also allowing children to become more

⁸ Butler, Judith *Beside Oneself: On the Limits of Sexual Autonomy from Undoing Gender* (2010), 548.

⁹ Although not readily discussed in peer-reviewed literature, a host of news-paper articles and recognizable case-studies from Psychology textbooks exist describing some of these children and their subsequent reintroduction to society.

¹⁰ Butler, 548

independent thinkers and flourish in their own way *qua* humans.¹¹ Macintyre expands on human flourishing later in his text *Dependent Rational Animals*. He writes:

If an individual is to flourish to the full extent that is possible for a human being to flourish, then my whole life has to be of a certain kind, one in which I not only engage in and achieve some measure of success in the activities of an independent practical reasoner, but also receive and have a reasonable expectation of receiving the attentive care needed when I am very young, old, and ill, or injured. So each of us achieves our good only insofar as others make our of their good by helping us through periods of disability to become ourselves the kind of human being – through acquisition and exercise of the virtues – who makes the good of others her or his good, and this not because we have calculated that, only if we help others, will they help us, in some trading of advantage for advantage.¹²

It is this definition of human flourishing and the achievable good which should be the goal for all care-givers in so far as they can instill this sense of flourishing in children. Macintyre, in this one paragraph, exemplifies the care that children are required to receive in order to flourish, while giving an outline of what that flourishing would resemble in a broad sense. This idea of flourishing

¹¹ Macintyre, Alasdair *Dependent Rational Animals* (2006), 74, 82-83.

¹² Macintyre, 108

will be elucidated in the penultimate section of this paper alongside the virtues that are necessary for flourishing.

It is therefore within the scope of care-giving for adults to act in such a way as to develop character and moral insight alongside the socialization of those in their care. For the purposes of this paper, care-giving will be largely characterized through Walker's understanding of responsibility in ethics. In *Moral Understandings: A Feminist Study in Ethics*, Margaret Walker provides a critique of the biases that she sees inherent in the theoretical-judicial model of ethics, many of which are also explored in this paper. She develops an idea of responsibility as a backbone for any feminist philosophy. A care-giver is one who has responsibility for others, one who has a special obligation toward another. These special obligations come about from "occasioning" vulnerability in others by "inviting reasonable expectations" and those vulnerabilities are based primarily on the history of the relationship between the care-giver and the vulnerable individual.¹³ A care-giver is responsible for protecting the child or children vulnerable to his actions and choices. A care-giver is more acutely responsible for those in his care than others primarily because of the fact that his past behavior has led to a pattern of mutual expectation that vulnerability is mitigated.¹⁴ This definition binds together parents, educators, and those in other caring professions in to a kinship of similar attitude they take toward those that

¹³ Walker, Margaret *Moral Understanding: A Feminist Study in Ethics* (1998), 81; In this section, Walker is critiquing and developing Goodwin's argument from *Protecting the Vulnerable* (1985).

¹⁴ Walker, 83

are vulnerable to them, those in their care. So, for the purpose of this paper, care-givers are adults to whom children are vulnerable due to their inaction or action.

I will not limit the definition to parents of children, as throughout a child's lifetime there are many that will take care of that child in a variety of circumstances. Educators, nurses, doctors, mentors, pastors, uncles and aunts, and a host of other adults act in relation to the child and must do so in a caring and virtuous way. Later in this paper I will argue that administering to the needs derived from the vulnerabilities of children is a primary function of caring and the pursuit of the goods internal to the practice of caring according to MacIntyrean virtue ethics.

As a qualifier to the idea that adults are completely responsible for the children in their care, Joan Tronto and Julie White point out that a mere lack of philosophical and physical autonomy are not to mean that children are *fundamentally* "dependents"¹⁵. Instead, they should be seen as who they are as individuals, in the situation that they find themselves, but of which they have very little control. Often times, children themselves are the ones that alert their care-givers to important information regarding their care depending on the child and situation. For example, often a child will need to inform their care-giver "my tummy hurts" or "I hurt my leg on the playground." In these cases, the child acts on her own volition to assist in her own care which challenges the definition of "dependent" and "care-giver", exemplifies the interdependent relationship she has

¹⁵ White, Julie A., and Joan C. Tronto. "Political Practices of Care: Needs and Rights." *Ratio Juris* 17, no. 4 (2004), 425-453.

with her care-giver¹⁶. Children do not fit into typical ethical models regarding the infirm, the disabled, and the unconscious as they are not fully dependent in such an extreme way. Children occupy a moral twilight zone between the moral state of an unconscious or radically disabled individual and the full autonomy of adulthood and as a result they are hard to quantify and qualify. In order to do so we must use responsibility as a moral dimension which care-givers engage in order to enable flourishing in a child.

Through this section one is led to see children as a unique group of moral individuals, separate yet of the same nature as their adult counterparts, lacking the key features that philosophers associate with human morality; namely, autonomy, independence, and rationality. Children are instead vulnerable and require care-givers to mitigate that vulnerability. I have defined care-givers as one who is responsible for protecting those who are vulnerable to the care-givers actions based on their relationship and history. Since children lack these key traits while they are developing through childhood and adolescence, they are not equal to adults in a moral sense. As a result of these fundamental differences, a certain amount of change must be made to any existing moral frameworks based on equality of all persons as autonomous and rationalist in order to accommodate the concept of children and childhood; or, better yet, an entirely different approach must be taken, one that is based in MacIntyrean virtue ethics.

III – Power and Consequentialism

¹⁶ Ibid.

In light of the claims made in Section I about the nature of children in comparison to adults, what would the dominant moral theories have to say about child-rearing? Because of the dichotomy of power between adults and children, it is an adult's responsibility in any interaction with a child to limit the power he may exert over a child through exercising a virtuous sense of temperance in order that the child can learn his or her place in relation to adults as a future equal and build healthy relationships with peers and adults through this modeled behavior. In traditional Greek society, there was a virtue similar to temperance called "*sophrosune*" which, as translated by Alasdair MacIntyre, describes "the man who could abuse his power but does not".¹⁷ This virtue is more characterized by a sense of heroic restraint rather than Aristotelian temperance. For clarity's sake, I will refrain from using the Greek word, for this definition does not wholly describe the virtue to which I am referring, although it does come close. "Temperance of power" in the context of this paper is based around temperance in the Aristotelian sense of adherence to the mean which separates it from the Greek virtue of *sophrosune*.

Throughout this paper I will use the phrase "temperance of power" to describe the virtue with which adults should act in interactions with children. The definition of power is defined here within the interactions between child and adult and by the discrepancy between the "having" of the adult and the "not having" of the child of key positive human features such as physical strength, social standing, moral sense, and gross knowledge of society and the world. Every adult possess

¹⁷ MacIntyre, Alasdair *After Virtue* (2007), 136.

some amount and combination of the power which these traits confer simply by their age. Children by comparison, simply by the nature of being children, lack these characteristics. The power is integral to the imbalanced relationship between child and care-giver. Without this disparity in power, the need for an adult to care for the child is no longer a pressing issue. In this paper I will look at physical power and the power inherent in the status of a care-giver more so than the other traits the having of which confers power to the adult.. However, before these are explored it is important to reason through why other moral systems are inadequate to describe interactions with children. After seeing the inadequacy of the other moral frameworks will the necessity of virtue ethics become clear I will begin with a critique of the consequentialist moral framework.

Simply put, the fundamental idea behind consequentialist reasoning is that one can predict outcomes based on known information and then work out the moral weight of those outcomes in order to determine the correct ethical decision an individual must make. This breaks down in the face of something with the amount of potential a child has. Children, in their youthful and fragile state of being, with no preconceived notions and very little information about the outside world and themselves, live in a constant state of potential with their entire lives ahead of them. All of their habits and behavioral patterns are open to change and the effects of accident at this point in their development. Because of this, it would be almost impossible to reason what the potential outcomes of an action might be on a child. There are too many variables in play, too much external to the action for the care-giver to make a sound choice based on the perceived consequences.

Therefore, a consequentialist framework is fundamentally flawed when dealing with children.

Consider for example, a child who is molested at a young age and experiences an almost total loss of social functioning as a result of this horrific trauma. For the next ten years this child is in and out of foster homes and schools until finally he is able to get the help he needs with a psychiatrist who is able to help the boy work through his trauma and difficulties. As a result of this counseling the child is able to live a relatively happy and fulfilled life working as a mechanic on airplanes, a field of work that he has dreamed about since he was young. He attributes his drive and motivation to a desire to get over the trauma of his past and his help from the therapist that did so much work with him to help him succeed. Furthermore the young man dedicates some of his time working with other youth who have been molested, granting them some degree of pleasure and peace which in turn leads them to live more fruitful lives, thereby producing a greater good for others.

Granted, there are a plethora of unknowns and uncertainties about the inner life of the young man in this scenario that would make justification in a consequentialist framework difficult, but that is simply another shortcoming of consequentialism. Consequentialism has serious difficulties when dealing with the inner lives of others and the unseen effects of actions and outcomes on individuals. Nevertheless, it seems here that a consequentialist argument could potentially say that the molestation of this child, because of the good outcomes it produced in the long term not only for himself but for more individuals, the other

children who were molested in the past, was at least morally ambiguous (because of the mixed results of the action) but perhaps even morally good as it was the start of a sequence of events that led to the child maturing into a happy and fulfilled young man.

This argument seems fundamentally flawed, does it not? There seems something inherently wrong about the molestation of a child regardless of the “outcomes” of the act (the majority which, in any case, psychiatry would say are overwhelmingly negative, this is of course an extreme case). This moral muck in which we find ourselves trapped when considering a consequentialist view on dealing with moral issues is precisely why it can’t be seriously considered when making these decisions or moral judgments on past actions, especially with children. Even day-to-day interactions must be viewed cautiously through a consequentialist lens; one cannot know how a stray word of scorn, indifference or praise will affect a child over time.

In an interesting critique of consequentialism, Kortenkamp and Moore examined uncertainty in the psychological setting and determined that many people would view traditional moral problems differently based on several uncertain factors that are hard to quantify and even harder to reason through¹⁸. In a review of the literature, Kortenkamp and Moore saw that a wide variety of circumstances affect a person’s view on the morality of a utilitarian dilemma. They conclude that “outcome uncertainty may lead to less acceptance of

¹⁸ Kortenkamp, Katherine V. and Colleen F. Moore. *Ethics under Uncertainty: The Morality and Appropriateness of Utilitarianism When Outcomes Are Uncertain* (2014), 2

utilitarian choices”¹⁹. Different emotional states such as anxiety and depression, the capacity to visualize the problem, and differences in brain state and hormone levels have been shown to have significant effect on the decisions made in these ethical scenarios, even though individuals felt that they were making the correct ethical decision²⁰. In light of this, we should view critically the usefulness of any utilitarian method (and by extension, consequentialism in general) in day to day interactions, especially with children, since some if not most people are apparently incapable of making rationalist moral decisions without bias which is inherently rooted in human nature. Most accounts of consequentialism do not account for the necessity and reality of these emotional states, instead asking individuals to examine outcomes rationally. Since this is the foundation of utilitarianism, the ability to objectively examine outcomes and determine which method brings the greatest benefit to the greatest number, utilitarianism as a practical system of ethics is called into question.

Furthermore, Kortenkamp and Moore accurately observe “In real life, the consequences of actions are rarely known with such certainty” as they are often presented in examples of utilitarian calculus.²¹ These researchers found in their own study that participants in utilitarian thought experiments were less likely to accept the utilitarian outcome if uncertainty was high. The participants were more likely to make decisions that avoided the worst case scenario possible in the

¹⁹ Ibid.

²⁰ Kortenkamp and Moore, 1

²¹ Ibid.

thought experiment, something that we see often in life²². This is evidence that we can't accept the utilitarian or consequentialist prescribed outcome for a scenario when those outcomes are uncertain or the result of implicit bias towards choosing the least harmful course of action rather than the logical decision when the two might differ. In a closed system with no uncertainty consequentialism is of course logical to some extent, but in "real life" perhaps a more moderate, and I would argue virtuous thought process is appropriate. Reasoning that a morally ambiguous action might produce more benefit for more people or the child in the future is therefore flawed in the respect that there is too much uncertainty in this scenario for us to make rational decisions regarding the predicted outcomes.

Unfortunately, phrases such as "It builds character" or "It will toughen him up" prove that this might not be widely held reasoning. Many people seem inclined to think of child-care strictly in terms of outcomes, in a consequentialist line of thinking. Margaret Walker provides an excellent critique to this outcome driven childcare. Walker uses the example of children as a vulnerable population throughout her text and bases many of her arguments on the conclusions drawn from examples involving the relationship between child and parent. Walker argues that consequentialist might reach very different conclusions about the moral course of action for the many, at the expense of the few, especially the vulnerable. She writes "Ministering most to those especially vulnerable to me will perhaps make the consequences 'best for them,' but can hardly guarantee

²² Kortenkamp, and Moore, 2

consequences ‘best for all’ without further (and usually ambiguous) assumptions”.²³

Walker makes an excellent point about the scope of consequentialist thinking and the possibility for the abuse of the few and the vulnerable for the needs and benefit of the many. But a care-giver has special obligations towards those in their care; obligations that, to borrow a phrase from Walker, consequentialism “has never been able to simulate comfortably”.²⁴ However Walker is quick to point out that outcomes do in fact matter and we agree that another practice besides consequentialism is needed to work out how much and in what contexts. Walker proposes a system which holds mutual responsibility, responsibility toward the vulnerable, and accountability has the highest ideals. She argues that these lead to the positive outcomes that we hope to see but are not necessarily the “ends” toward which care-givers are oriented.²⁵

Rawlsian contractarianism might offer a tempting alternative to blind utilitarianism and consequentialism in general as a rule-based model for dealing with children. Contractarianism has the benefits of setting up a framework in which individuals can reason through uncertainty and develops rules of actions for the marginalized (and by extension children) in the event that worst case scenarios do arise. However, contractarianism is also inadequate, for the reasons explored in the next section.

²³ Walker 91

²⁴ Ibid. 93

²⁵ Ibid.

IV – Contractarianism: an Unsuitable Alternative

In his aforementioned text, *Children's Rights and Moral Parenting*, Vopat presents a persuasive argument for Rawlsian contract ethics which he says offers an alternative to utilitarianism in dealing with ethical dilemmas involving children for many of the same reasons explored in this paper such as the special nature of children and the way consequentialism might lead us to ignore the needs of the vulnerable for those of the majority.²⁶ In Vopat's text he presents a methodology for determining a moral understanding of children in relation to adults. Vopat relies on Rawlsian justice to present his views on the rights and role of children in relation to the state. His focus is different from the focus of this paper as Vopat develops his argument in terms of the state, parents and children and the relationships between the three as abstract entities. However his view of children in a Rawlsian framework provides a possible alternative to the virtue ethics model presented here. Vopat's acknowledgment of the special nature of children leads him to develop an inclusive contractarian account of children's rights.

Contractarianism is a moral framework that holds that everyone is self-interested and should act in a way to maximize one's gains. In doing so, people would tend to act more morally by agreeing to a distribution of social goods that would result in all individuals benefiting from a more fair and just society.²⁷ Furthermore, Rawls takes this method of moral thinking and applies his idea of the "original position" to contractarianism. In the "original position", one is not

²⁶ Vopat 49

²⁷ Vopat 26-27

aware of their station, status, sex, or any other defining characteristics. One is asked to reason from this position when deciding how goods should be distributed so that biases do not factor into a decision and a more fair and just distribution is achieved. It then follows that an individual would then be able to make a decision that would best benefit everyone regardless of their station, status, sex, or any of their defining characteristics, because this would be in their own best interest in the event that the individual were ever to find oneself a part of a vulnerable population. People would be more inclined to make decisions about social goods that would result in the least fortunate in society having a more equal footing with those who are more fortunate, as people would have no idea if they were the less fortunate or the more fortunate. One could see how this might be an excellent method for determining moral outcomes for children, as a rational adult might theoretically plan for social goods to be distributed so that they might benefit children and adults equally as the adult would not know if they were the child or the adult in the relationship.

But Vopat and other contractarian theorists overestimate the utility of this method and the ability of a human mind to truly detach themselves from all prior presuppositions while perhaps mistakenly overestimating the value of this state of mind. First, from a purely practical standpoint, contractarianism is too complex and theoretical a procedure in which engage when caring for a child's immediate needs. One might argue that this is more of a tool for planning distribution of social goods on a global or national scale and not suited for individual interaction. Granted, this method of ethical reasoning might work in a limited way for policy

makers and those with a working knowledge of the social goods in place to be distributed, but for individuals outside of that realm, this method is simply not robust enough for proscribing the moral course of action in the mundane events in individuals' lives. It would be a herculean task to step back from a situation in which an individual such as a care-giver plays a crucial role in determining the correct course of action from the location of the "original position".

The crux of the issue lies in Vopat's second key principle of the Rawlsian idea of the "original position". He writes: "Freedom and equality are modeled by denying these individuals any knowledge of their personal identity – i.e., their social status, interests, and natural talents/abilities."²⁸ I argue that this is a fundamentally flawed assumption. It is an impossible and unrealistic task for humans to imagine themselves as beings without traits of being. As early as 1948, philosophers like Maurice Merleau-Ponty have been cautioning us about this form of pure abstract thought, this idea of disembodied thought. Merleau-Ponty criticized "classical philosophy" as developed and exemplified by Descartes for its separation of pure mind from pure body, an endeavor that Rawlsian contractarianism is still attempting.²⁹ Merleau-Ponty asks "exactly how it is that our reflection, which concerns the human beings as given, can free itself from the conditions it appears to have been subject to at the outset."³⁰ He goes on to explain how individuals do not start out as children as beings of pure intellect, "immersed in our own self-consciousness", but instead we define ourselves by our

²⁸ Vopat 28-29

²⁹ Merleau-Ponty 62

³⁰ Ibid. 65

relationships and through interactions with others.³¹ So I ask how individuals are to detach themselves from their relationships and interactions through which we have defined ourselves and which have shaped our mind which is to make these abstract decisions. The critique presented by Merleau-Ponty has been picked up by contemporary feminist philosophers and leveled directly against the dominant moral theories in Western philosophy, contractarianism included.

As has been pointed out by feminist ethicists throughout the 20th century, the dominant western modes of ethical thought have by and large grossly simplified individual differences in order to focus on the apparent similarities between all peoples, specifically human rationality, autonomy, and independence.³² This over-simplification of humanity is dangerous, because not all people possess these listed traits to the same degree and it might be an easy slip to consider those that do not possess those traits to be less human than those with the full compliment. Merleau-Ponty was well aware of this too in his critique of classical philosophy.³³ Ethical theorists have responded to this by “raising up” these vulnerable people to who lack some degree of rationality, autonomy, and independence to an imaginary level which is not represented in reality. Rawls falls victim to a similar heuristic. Instead of assuming that every individual possess these key traits, he asks us to imagine ourselves as nameless, faceless, undifferentiated people and this is equally unrepresentative of reality. We cannot picture ourselves as humans without status, gender, projects, interests, or natural

³¹ Ibid.

³² Walker, 18-26 Margaret Walker provides an excellent summary of the field of feminist ethics including the origins of the field as a response to the dominant modes of Western thought.

³³ Merleau-Ponty, 54

talents as this state is so completely outside the realm of human experience. Any decision that is reportedly made from this “original position” is therefore suspect, as we are never able to escape fundamental human biases and could be coming from an inherently dishonest position.

Even ignoring these glaring flaws, caregivers *qua* caregivers would be unable to use this method of moral analysis as they would lose their identity of care-giver by reverting to the “original position” and thereby their responsibilities as a care-giver. By attempting to reason towards the moral course of action from Rawls “original position” the care-giver would lose sight of his goal of caring for the child by stripping away his identity as such in order to become “free and equal” in the Rawlsian framework; that is he is being asked to forget his responsibilities and the vulnerabilities of the child which define his role as care-giver.³⁴ The care-giver in this scenario then might be compelled to choose a course of action which ignores his role as care-giver and the duties that arise from that, as well as ignore the nature of this child in his care *qua* this particular child. It seems imperative that a care-giver hold on to his or her identity as care-giver and hold in mind that the object of his or her care is a child with certain developmental characteristics that differ from adults and has certain vulnerabilities that are the care-givers responsibility to mitigate. The Rawlsian “original position” breaks down in the face of the conditional role of a particular care-giver caring for a particular child, a role that only exists as the care-giver is situated toward the child in his care. This argument casts considerable doubt on

³⁴ Vopat, 28-29

the utility and validity of Rawlsian contractarianism, as presented by Vopat in his text. Therefore, another answer is therefore needed.

In the vacuum left by the uselessness of consequentialism and contractarianism with regards to children, we return to the thesis of this paper, that it is an adult's responsibility in any interaction with a child to limit the power they exert over a child through exercising a virtuous sense of temperance. By limiting the power that care-givers exert over a child they allow for that child to learn about the world and explore new avenues for moral, creative, and formative action, all of which are avenues that lead flourishing in the child. Furthermore, as most cases of abuse and neglect are due to an imbalance in power between adult and child, this framework would easily decry these actions as immoral without needing to look at intangibles such as future consequences or social goods. This idea is decisively rooted in feminist ethics as well as the tradition of virtue ethics as explained in the following section.

V – Feminism and Children

In this section, several perspectives from the field of feminist ethics will be considered and brought into this conversation. I bring forward these thinkers in support of the propositions made about the nature of children and care-givers in this paper, in addition to the voices already introduced. In the following section on virtue ethics and later in addressing scenarios in which the direction toward moral conduct can be discerned through an exercise and possession of virtues

including the virtue of temperance of power, these points of view will be explored through a virtue ethics lens and used in support of a virtue ethics model.

The idea of limiting the power adult care-givers exert over children can be seen mirrored in the idea of limiting the power that adult men exert over adult women. Annette Baier and Alison Jaggar present arguments not in the context of interactions between children and adults, but instead in the context of interactions between women and men.³⁵ This does not mean that their ideas are wholly unrelated to my position. In describing the unchosen interconnectedness that resides at the basis of all human functioning, and on which many ideas in feminist philosophy are based; Baier, Jaggar, and others, use the example of a child and unchosen parents as a means of proving her points about the unequal distribution of power in today's society and our inability to choose the circumstances of certain aspects of our being.³⁶

Referencing the *Origins of Morality in Early Childhood*,³⁷ Annette Baier writes that there are two dimensions of moral development: achieving community and achieving autonomy.³⁸ For children, both community and autonomy are best achieved with the guiding hand of an adult, ideally an adult acting with temperance of power in mind. Baier argues that without community and autonomy a child never truly develops into a moral agent that can act morally on

³⁵ Baier, Annette "The Need for More than Justice." In *The Moral Life: An Introductory Reader in Ethics and Literature*, (2014), 465; Jaggar, Alison. "Feminist Ethics." In *The Moral Life: An Introductory Reader in Ethics and Literature*, (2014), 443

³⁶ Baier, 470

³⁷ "Origins of Morality in Early Childhood" is a book written by educational psychologist Carol Gilligan to promote feminist ideas of children's gender roles and flourishing, the content of which is not critical to this argument.

³⁸ Baier, 451-452.

its own.³⁹ The sort of adult that would facilitate the growth into a communal and autonomous person would allow and encourage a child to have a say in the community around him without forcing the child to do so. For example, a parent may want their child to participate in girl scouts, but the child refuses. Whatever the child's reason for this refusal, she does have some say in the activities and people that she socializes with. It would be an abuse of power for parents to watch movies which they do not like; or more unacceptably, force children to spend time with abusive family members. This is directly related to achieving a degree of autonomy as well. Tying this into a virtue ethics system, a virtuous, temperate adult would allow children to gradually make decisions for themselves in more adult scenarios, while learning from small amounts of responsibility and experience, without forcing them into adult situations prematurely such as being the primary care-giver for a younger sibling.

Baier critiques what she calls the traditional dominant moral theories as espoused by Kant and Hobbes for inadequately describing the relationship between unequal moral agents.⁴⁰ She says that in these theories, inequality is dealt with by implicitly “promoting” the weaker to the status of virtual equality.⁴¹ So, in the dominant moral theories, children are in essence treated as adults-to-be with an emphasis on the *adult*. Feminist ethicists such as Baier specifically state that children are not equal to adults, but are in fact dependent on adults for care

³⁹ Baier, 471

⁴⁰ Baier, 474

⁴¹ Ibid.

and life due to their deficits described in section I.⁴² These feminist claims and arguments support the thesis of a more temperate use of power by giving more focus and moral weight to the child *as he is* rather than to the adult he will become. In the immediacy of the decisions in which care-givers act it is important to see the child *as he is* instead of thinking about far off future realities, which is central to the critique of consequentialism provided in section II.⁴³

In her essay *Feminist Ethics: Some Issues for the Nineties*, Alison Jaggar argues that one of the fundamental erroneous assumptions of normative ethics as it existed before the advent of feminist ethics was that all moral agents are “similarly situated”.⁴⁴ Jaggar refers to the dichotomy between men and women when she wrote this, but the same critique can be applied to the relationship between adults and children in society as has been done throughout this paper. Children are obviously not similarly situated compared to adults, but they are still humans, and moral beings with different quantities of the characteristics that philosophers consider the hallmarks of humanity. Additionally, Jaggar argues that we must be watchful for “covert as well as overt manifestations of domination, subtle as well as blatant forms of control...” when referring to finding a way to transition power from men to a more egalitarian society.⁴⁵ The morally objectionable actions that care-givers take toward the children in their care are based on forms of control and exercise of power (that is the characteristics of

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Jaggar, 451-452.

⁴⁵ Ibid.

power described in section I) unvirtuously, rather than the temperance of power that would be morally preferable.

Jaggar's idea that children are not similarly situated to adults goes hand in hand with the definition of care-giver established earlier. Children do not have the same degree of responsibility as care-givers and care-givers do not have the same degree of vulnerability as the children in their care, therefore they are not similarly situated and to imagine them as such is an untenable position. Instead the focus of moral dilemmas should be placed on this relationship and distinction between the two, which is what virtue ethics does, as will be shown in the next section.

The framework of Feminist ethics, by decentralizing the role of impartiality in morality, supports the thesis that care-givers should limit power that they exert over children through temperance. By providing a qualifier (the dichotomy of power between child and adult) that inherently makes the relationship unequal and partial, an adult actor is required by virtue of the arrangement to give special, preferential treatment to the child in their care over other people with whom they engage morally. Furthermore, adults everywhere, regardless of their status of care-giver or not, are not required to limit their power over other adults in the same way, thereby making unequal relationships in which children are given special treatment that is not easily analyzed in consequentialist or contractarian thought, but is readily examined and illuminated in feminist ethics. Of course, it is virtuous to be temperate in all aspects of life, including the exercise of power over other individuals, but the relationship between adults is

fundamentally different than the relationship between a child and an adult, due to the differences between adult and child explored in section I.

Because adults have a certain autonomy and rationality of which children are bereft, they are able to exercise their own power in response to the power of another in a way that children cannot. That discrepancy between power exercised in adults as compared to children is key to the idea of vulnerability explored earlier and is most easily analyzed and explained in the feminist ethics framework as explained by writers such as Baier, Jaggar, and Walker. Therefore, feminist ethics better describes the relationship between child and care-giver and gives support for the necessity for the use of virtue ethics to prescribe how adults should act toward children as opposed to having the conversation within the flawed frameworks of the dominant moral theories of consequentialism and contractarianism.

V – Temperance in Virtue Ethics

Alasdair MacIntyre defines virtue as “an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.”⁴⁶ From here, MacIntyre defines the place of virtues in an individual’s life as “contributing to the good of that kind of whole human life in which the goods of particular practices are integrated into an overall pattern of goals which provides an answer to the question: What is the best kind of life

⁴⁶ MacIntyre, *After Virtue* 191

for a human being like me to lead?”⁴⁷ The virtues are therefore not relegated to specific practices, but are exercised and possessed in the context of the entire human life. For the sake of this argument it is helpful to limit the aspect of the complete human life to the dimension of human as care-giver. When a care-giver asks him or herself the question: “What is the best kind of life for a human being like me to lead? He or she can analyze the question in part through the lens of a care-giver. A “human being like me” in this context is therefore a care-giver, or a human like a care-giver and a life can be partially understood through this context later to be integrated into the whole life narrative.

MacIntyre’s text *After Virtue* defines the goods “internal to practices” as goods which cannot be had in any way but by participating in that practice.⁴⁸ In explaining the idea of goods internal to a practice, MacIntyre uses the example of teaching a child to play chess. When teaching a child to play chess, or any game for that matter, it might be useful to set up some system of tangible reward to encourage the child to play the game and succeed. In the chess example, this could be a reward of candy for every game of chess played, and even more candy for each game of chess won. There are now two types of goods available for the child to earn: the goods internal to the practice of playing chess (a love and appreciation of the game, competition, and strategic skill) and the goods external to the practice of playing chess (the tangible rewards, the candy).⁴⁹ The child can play to earn both, but he can earn the candy and tangible rewards through other

⁴⁷ Ibid, 275

⁴⁸ Ibid. 188

⁴⁹ Ibid.

means or through cheating, although this would deprive him of the ability to achieve those goods internal to the practice of chess. The goods internal to the practice of chess can only be achieved through playing chess virtuously, that is, as MacIntyre explains, by obeying the rules and striving for excellence in the practice.⁵⁰

The practice of childcare mirrors the chess example nicely. In childcare there are of course goods internal and external to the practice. There exists in most cultures a system of reward for those who take care of children which produces the goods external to the practice of childcare. These can take the form of monetary rewards for day care employees and educators, community awards for excellence in the field, and praise from friends and neighbors for excellent care of a community's children. These rewards are important in their own right, but are external to the practice of child care; that is, similar accolades can be achieved through other means. It is very important to point out here that I am in no way am I saying that childcare professions should be stripped of all external rewards and that those that teach and care for our children should do so only for the sake of the goods internal to the practice of childcare.

These goods are many and myriad, but two goods stand out that can be achieved by possession and exercise of the virtues specifically in the practice of childcare. Using the definition of care-givers as "adults to whom children are vulnerable due to their inaction or action" one can define the major goods internal to the practice of childcare as the flourishing of a child being cared for and the

⁵⁰ Ibid. 190

minimization of harm and vulnerability that befalls the child.⁵¹ By practicing the virtue of temperance of power and living the good life of a care-giver *qua* care-giver, the care-giver is not only living a good life in the eyes of virtue ethicist but is also treating the child in her care the best way that she can, developing a healthy relationship with the child, and ensuring the child develops into a healthy adult. These are the end goals of, and the goods inherent to, the practice of child-care.

As stated at the beginning of this paper with regards to the definition of children, MacIntyre explores the concept of flourishing in *Dependent Rational Animals*, especially as it applies to children and care-givers, as many of his examples are focused on how care-givers can instill virtue in a child so that they may flourish independently and rationally. MacIntyre's idea of flourishing is well supported in his work, and as stated earlier it is the concept of flourishing that I use here in this paper. According to MacIntyre, animals have needs that must be met in order to flourish *qua* members of a particular species.⁵² Additionally, flourishing means always "to flourish in virtue of possessing some such set of characteristics" and MacIntyre goes on to link those characteristics to the "good", defined as what benefits human beings as such and human beings in particular roles or contexts of practice.⁵³ In order to flourish, a human must overcome many obstacles and needs that they are unable to confront on their own, especially as a child in the early stages of life. And so, MacIntyre defines vulnerability as a state

⁵¹ MacIntyre, *Dependent Rational Animals* 64-65; MacIntyre develops the idea of flourishing as a key good internal to a practice in this text, an idea that I have included here with the other good "minimization of harm" which is my own insight.

⁵² Ibid. 64

⁵³ Ibid. 65

in which one must depend on social relationships as in order to flourish.⁵⁴ I would argue that the most important relationships in a child's life are the relationships he or she would have with the care-givers in his or her life, as these are those relationships that protect him or her from harm and vulnerability and that engender flourishing. MacIntyre realizes that often through our life "we need others to sustain us, to help us in obtaining needed, often scarce, resources...and to stand in our place from time to time, doing on our behalf what we cannot do for ourselves."⁵⁵ This seems to be the most straightforward definition of virtuous responsibility that would apply to a care-giver; a responsible care-giver would do these things for the child in his or her care virtuously.

MacIntyre defines the key virtues that are necessary for flourishing and excellence in any practice as justice, courage, and honesty.⁵⁶ He says that in any practice:

We have to learn to recognize what is due to whom; we have to be prepared to take whatever self-endangering risks are demanded along the way; and we have to listen carefully to what we are told about our own inadequacies and to reply with the same carefulness for the facts. In other words we have to accept as necessary

⁵⁴ Ibid. 72

⁵⁵ Ibid. 73

⁵⁶ MacIntyre's definition of justice is best summarized by this quote "Justice requires that we treat others in respect of merit or desert according to uniform and impersonal standards," and we have seen that these are the standards that are a part of a practice (*After Virtue* 192). A possible critique of MacIntyre's work (and my extension, my argument) could be leveled against this definition of justice. The crux of the issue lies in the phrase "uniform and impersonal standards". As much as I agree with MacIntyre's overall argument, and his inclusion of justice among the prime virtues, the notion that uniform and impersonal standards exist gives me reason to pause. However, justice must still be considered a prime virtue because it is imperative that one is able to discern what must be given to who based on need and vulnerability. Without the exercise and possession of justice as a virtue, this discernment would be impossible.

components of any practice with internal goods and standards of excellence the virtues of justice, courage, and honesty. For not to accept these...so far bars us from achieving the standards of excellence or the goods internal to the practice that it renders the practice pointless except as a device for achieving external goods.⁵⁷

To these three virtues of justice, courage, and honesty I add that temperance of power is specifically a virtue that is required in care-giving relationships for the reason MacIntyre presents above; that without this virtue we would be unable to achieve the goods internal to the practice of childcare. In order to minimize the vulnerability of a child and the harm that might befall the child and in order for a child to flourish, a care-giver must exercise temperance of power. For a definition of temperance we turn to Aristotle and his account of the virtues.

Temperance of power is indeed an acquired characteristic, the acquisition of which certainly enables adults to achieve the goods internal to the practice of childcare as in line with MacIntyre's definition of virtue. But temperance of power also entails not exercising too much power over a child to make them helpless before you, and not exercising too little power so that they do not learn proper boundaries and societal expectations. For Aristotle, as outlined in his *Nichomachean Ethics* virtuous action was an orientation toward the good as exemplified by

⁵⁷ MacIntyre, *After Virtue* 191

action and thought lying between the twin vices of excess and deficiency.⁵⁸ Examples for how this dimension of temperance of power could be exercised are explored in the examples in the following section.

MacIntyre incorporates Aristotle into his framework by pointing out the ways that they agree on the nature of virtuous and virtuous practice. In short Aristotle and MacIntyre agree on the fundamental nature of the virtues, that is they are voluntary, there are distinctions between intellectual and character virtues, and there exists a relationship between natural abilities, passion, and practical reasoning. They additionally agree that by evaluating virtuous actions (that is actions that “manifest or fail to manifest a virtue or virtues”) one is also taking the first steps to explaining the circumstances around the action.⁵⁹ Finally both MacIntyre and Aristotle argue in their own way that for a human to flourish *qua* human, his or her entire life must flourish. As both care-giver and child, the scope of true flourishing expands to the entire life history, not merely the relationship between care-giver and child.⁶⁰

Virtue ethicists such as MacIntyre place some emphasis on the relationship between the care-giver as a model of virtue and the child as a moldable individual devoid of the habitual energy needed for virtuous action.⁶¹ It is up to the care-giver to instill these virtues in a young child. In this way, the

⁵⁸ Aristotle; Crisp, Roger, trans. *Nicomachean Ethics*. Cambridge: Cambridge University Press, 2000. 1107a.

⁵⁹ *Ibid.* 197

⁶⁰ MacIntyre, *Dependent Rational Animals* 113; MacIntyre, *After Virtue* 203; Chapter 15 in *After Virtue* is an assentation of this point and its importance in a system dependent on virtue.

⁶¹ *Ibid.*

virtue ethics system proves itself to be extremely robust, as it self-propagates. That is, virtuous care-givers by acting virtuously *qua* care-givers tend to raise virtuous children who go on to be virtuous care-givers themselves. By exercising temperance of power, a care-giver does not force certain viewpoints and absolutes on the child as moral fact, nor does the care-giver ignore the moral and virtuous development of a child by allowing the child to do whatever he or she wants with no consequences or boundaries. Instead, the path of virtue lies between the two extremes and MacIntyre would go on to say that as a care-giver, one must instill in the child a desire to excel in any practice to achieve the goods internal to that practice.⁶² This mode of action would fall between the two extremes by letting the child excel at the practices that he or she wishes while providing the supportive structure for the child in which they are allowed to excel and/or fail.

In choosing the virtues to define the relationship between child and care-giver, the care-giver is choosing virtue for the sake of virtue, not based on the outcomes he or she might perceive for the child in the future, but out of the immediate effects that the virtuous action has on the relationship between the child and the care-giver and for the achievement of the goods internal to the practice of childcare. This has been alluded to earlier in this paper by the discussion about consequentialism and by extension outcome based decision making. MacIntyre critiques the idea that virtues are dependent on their consequences in a critical examination of Benjamin Franklin and his virtue ethics. MacIntyre explains “It is of the character of a virtue that in order that it be

⁶² Ibid. 336

effective in producing the internal goods which are the rewards of the virtues it should be exercised without regard to consequences....We cannot be genuinely courageous or truthful and be so only on occasion".⁶³ Here MacIntyre is stating what is intuitive and logical to some people within the virtue ethics system: sometimes by acting virtuously we sacrifice some goods for ourselves or those close to us. For example, by choosing not to give in to a child's demands for candy for breakfast, out of concern for the health and flourishing of the child (a good internal to childcare), a care-giver sacrifices a morning of peace and quiet (a good external to childcare, but desirable nonetheless).

In this section I have made a strong case for virtue ethics as the best ethical framework in which to talk about children and care-givers in light of the critiques earlier in this paper. Temperance of power as a virtue is based in the tradition of virtue ethics and the more recent framework of feminist ethics. These intellectual traditions provide a basis from which this argument is formed and writers from both fields support this thesis through their understanding of virtue and responsibility to others as has been explained in the proceeding sections. Through the practice and possession of the virtues of justice, honesty, courage, and temperance of power, a caregiver achieves the goods internal to the practice of childcare and in doing so lives a moral life.

VI - Examples and Elucidation

Returning to the examples of interactions between adults and children that I set forth in the first paragraph of this paper, I will show the correct course of

⁶³ MacIntyre, *After Virtue* 198

action for the adults in these situations by explaining how exercising and possessing the virtue of temperance of power over those who are in their care results in the moral course of action, that is the course of action will result in the flourishing and reduction of harm and vulnerability in the child. I will also explain why the course of action that these adults choose to take is morally wrong in a virtue ethics framework given the circumstances and the motivation behind the decisions. That is I will explain how the adults in these circumstances lacked the virtues of honesty, courage, justice and temperance of power. In order to act ethically, the care-giver would simply need to choose the most virtuous choice that limits the power that he or she might exert over a child from moment to moment, which necessarily requires Macintyre's three key virtues to accomplish. This is difficult, but it is not impossible, as the mental gymnastics that are required by consequentialism and Rawlsian contractarianism have been shown to be. In order to act virtuously, a care-giver would simply follow the course of actions that does not lead to abuse of the innate powers of adulthood (such as superior reasoning, strength, and emotional stability) over a child while allowing the child to avoid harm and flourish.

In the first example, in which the mother lies to the doctor at her child's risk, the mother is clearly at fault for omitting important information from her explanation to the doctor which leads to a possibility of erroneous treatment. But why is she at fault? Some ethicists have argued that lying in and of itself is not wrong, but in this situation the mother did not lie but merely omitted information,

a further moral grey area.⁶⁴ So this is clearly an ambiguous case as far as any rule based ethics are concerned. It could be that she was at fault because of the consequences suffered by the child as a result of her actions, but as shown in this paper, this is not an accurate model for talking about children due to the potentiality inherent in their moral life and the uncertainty of the situation. The best way to judge this woman is by her lack of the key virtues of courage, honesty, justice, and temperance of power.

At the moment in time that she was reporting her version of events to the doctor she had an opportunity to act in the best interest of the child in her care, but instead abused her power as a care-giver by misleading the doctors in order to protect herself. In doing so she failed to exercise the virtues of honesty, justice, courage, and temperance. In failing to present the correct information to the doctors, she failed to exhibit honesty. She misused her position as a care-giver to assure the doctors that she had her daughter's best interests in mind when she recounted her story of the events. The trust of the child and the doctors was implicitly placed in her as she reported the injuries suffered by the girl as a result of her role as care-giver, and she exerted too much power by choosing the description of the event which led to the injuries in a way that misrepresented the event as a whole in order to further her own aims and protect herself and in this way she failed to exhibit courage and temperance. This mother was not acting *qua* care-giver, in that she was not taking responsibility for the vulnerabilities and harm which befell her child.

⁶⁴ Charles Fried's *Right and Wrong* outlines the problems associated with lying in a variety of frameworks.

The correct course of action in these circumstances would have been to present the facts of the event impartially and with emphasis on how the child could have been harmed. By abusing the implicit trust that the doctors placed in her, she showed that she lacked of virtuous temperance in her actions considering her position *qua* care-giver. By acting *qua* care-giver, her role would have been to act as best she could to ensure the best care for her daughter so that she may flourish in spite of the injuries that befell her and minimizing future harm that might occur due to mistreatment, which would necessarily include providing accurate information. This misuse of information would be akin to a doctor knowingly lying when asked if he left a scalpel in a patient. Both lies are an abuse of responsibility and the power of knowledge and a clear demonstration of the actions of people that lack the virtues of honesty and temperance of power specifically.

In the second example the father exerts too much physical power when attempting to silence his crying child. Using this example along with the third involving the hospital staff and the at-risk youth, we can explore power differences between children and adults and how possessing a virtue and acting with virtue results in moral behavior. This example is the most obvious example of the power difference between a child and an adult; by the sheer size and strength of an adult as compared to a child, the adult is clearly at an advantage to enforce their will on the child, violating what little autonomy the child has. The father, in striking his child is imposing his will on her to achieve his own goals. He acts without temperance of power, and as a result his action is immoral. He

fails to minimize the harm that befalls his daughter and acts in a way that does not allow the daughter to flourish. Instead, it would have been better for the father to discipline the child virtuously, by exercising temperance above all, but also justice, honesty, and courage.

It is important here to point out an alternative scenario based off of this idea of power as a means of discipline. It would also be immoral to raise a child with absolutely no boundaries for the child, as this would be a warped reality for the child. Imagine a child growing up with no boundaries, a child that is allowed to scream and scream without any redirection, chastisement, warning, or correction whatsoever. Is this child being cared for? Is the care-giver acting *qua* care-giver, or as a disinterested bystander? Is the child able to flourish? I would argue that some discipline is extremely important to effective care-giving and therefore the virtuous nature of temperance of power is also required. A virtuous person would act with that amount of restraint which leads to enforcing the right amount of discipline. The middle path between the extremes of too much discipline as evidenced by the threat of physical violence as punishment for undesirable actions, and too little discipline as evidenced by a child that screams without correction from a care-giver is indeed the best course to follow.

Additionally, on the topic of physical violence, temperance would dictate that too little force in general would be poor for the development of the child and would lead potentially to the harm of the child. A drastic example to elucidate this would be found in a bystander forcefully grabbing a child and pulling them out of the way of an on-coming vehicle. By laying her hands on the child, the bystander

violates the small amount of autonomy that that child possesses, but if the bystander had not pulled the child out of the way, the bystander would not be acting with enough power and would be ineffectual *qua* care-giver; the bystander would not be acting towards the goods internal to that of a care-giver. In less drastic examples, it is necessary to hold and grab and maneuver children in a variety of tasks that are necessary in raising a child. These include dressing children, feeding children at a young age, and simply the act of holding a child at birth. Just as above, a critic would be hard pressed to argue that grabbing and moving children is wrong in these scenarios, even though the child's autonomy is being compromised momentarily. These scenarios serve as examples of the utility of virtue ethics to proscribe moderate behavior.

The third example of the at-risk youth being restrained by his adult care-givers is perhaps the most difficult to examine. I will argue that the adults in this scenario are acting virtuously in this scenario as it is described, but the potential for abuse is great and the care-givers that find themselves in situations such as this must possess and exercise virtues to a higher degree than others in order to act ethically. Remember:

While in the care of the staff members at a hospital, a patient attempts suicide by cutting his arms repeatedly with his own nails. The staff members attempt to diffuse the situation verbally first, but when it becomes apparent that the patient is a serious danger to himself the staff intervene by holding his arms away from his body in a restraint, which is a procedure which the youth knows is a possible result of his behavior

and which the staff have been trained to perform as part of their job. The restraint continues until the boy agrees to stop harming himself and the situation is diffused. The staff members then take steps that do not involve physically restraining the child to ensure with the child that this harmful behavior does not repeat itself in the future. The staff members involved apologize in the end for having to restrain the youth.

In this scenario the staff members act with justice when they exercise their responsibility to keep the youth safe just as they would do with any child. If their action is a standard procedure designed to keep the children in their care safe and is to be executed if a certain set of alternatives is exhausted, then it would be just for the staff members to act and restrain the child in their care. The care-givers act courageously when they risk their own health and safety to intervene with the child. As anyone who has worked in mental health care understands, restraints can be dangerous for the staff involved, as the child usually fights against being restrained. A staff member risks injury when he confronts a child for a restraint. Staff members also act with temperance if they follow the procedure as it is designed which minimizes the harm and vulnerability of the individual being restrained. No more or less force is applied to the child other than what is needed to keep the child from harming himself. The staff members finally act with honesty if they truly judge that this is their last resort, that they are not acting out of spite, that they truly use the minimum force, and that they are only doing this to minimize the harm that the youth causes

himself and to encourage flourishing, mainly through keeping the child alive and free from long term harm.

In all of these examples, intention is very much a large part of the decision making process. Physical contact itself is not morally wrong, but when used as in the example as an exercising of force and power in order to cause fear for the desired results, then it becomes morally culpable. It is not wrong to tell stories to children and leave out information. For example, keeping certain information about sex, drugs, and other risky behavior from kids until an age when they can decide for themselves the best course of action for themselves is not morally culpable under this understanding of care-giving. It is not wrong to lie when in play such as when one is pretending to be someone or something else, and it is fine to tickle, rough-house, and physically play with children as long as the intentions are good, since these do not involve drastic power imbalances between the adult and the child. Intention then is the key, and intention is an internal aspect of virtues of any kind, including that of temperance of power. It is important for the care-giver to reflect on why they are acting in the way that they are, and examine where the power imbalance lies between the child and the adult.

A question could be raised with regards to rough-housing or physically dangerous play between two children when supervised by an adult. By this I do not mean organized sport such as contact football, but instead mean the type of play found in young siblings who fight and wrestle with each other. The moral question in this scenario is when the adult care-giver is required to exert temperance of power and intervene between the children. Some rough play is key

to the development of boundaries and knowledge of how ones actions affect others, but too much and too violent play can lead to serious harm and injury to one of the children. So, it is the responsibility of the adult care-giver in most situations to allow the children to play in this way, but still monitor the play for signs of overt violence at which point it is the adult's responsibility to stop the play and attempt to instill a sense of virtuous temperance in the offending child. Instead of banning physical outright, each time children physically play together there is the opportunity for a learning moment in which children can learn the effects of their actions on others, and care-givers can teach the virtues of temperance of power.

In a situation in which a child does do harm, the care-giver and the child both can be found at fault for the incident, although in different ways. As the more developed moral reasoner, it is the care-givers responsibility to act with the virtue of temperance, not the child's. In any situation in which a child causes harm, acts without virtue, or in general acts irresponsibly, the child is less culpable for the action than if an adult had committed the same morally questionable action under the same circumstances with the same intentions. It would be unreasonable for the child to be in a position where it is expected of him or her to act with the same responsibility as the care-giver toward an adult. For example, a child having to decide whether to steal from a store-owner or work for food when they are starving would be indicative of this type of injustice. In art and literature this is seen often as a great tragedy for the child. Yes it is possible for a child to be a care-giver toward an adult but this should be seen as act of great

heroism, one to which not everyone is expected to rise. Exercising proper temperance of power calls for certain actions which stem from this virtue, and serve to exemplify how far reaching and useful this doctrine can be and how well rooted in reality it really is.

The scenarios explored here are merely guides to thinking in terms of temperance of virtue and are open to consideration depending on the circumstances of events and the route dictated by taking the so called middle path of virtue. Considerations might include the limitation of physical violence or restraint of children in all but the direst circumstances and the limitation of manipulating children through emotional or intellectual means. Care-givers are also required to speak for children in ways that an autonomous being can such as providing consent for treatment and providing information to other care-givers that a child might not be able to articulate. This mostly applies to a variety of medical scenarios and would include the proper transmission of information about a child's medical history. Care-givers would also be morally obligated to speak for children accurately but with respect to the privacy and rights of the child in a legal and political realm, as children are largely voiceless in these realms due to their lack of recognition by the state as fully developed individuals.

If my arguments have succeeded, this paper has successfully shown the extent to which an understanding and exhibition of temperance of power as the key virtue to care-giving in terms of childcare and rearing is the prime guidance toward the best moral practices. In the absence of the dominant moral theories of consequentialism and contractarianism, which have been shown in this paper to

be inadequate to describe a children's place in moral relationship with respect to adults, one must find an alternative ethics with which to talk about adults acting toward children. That alternative is the virtuous development and exercise of temperance of power when dealing with children. Using the support of the body of work surrounding virtue ethics as well as vocabulary and points of view from feminist ethics, one is able to see how this thesis is supported logically by these often overlooked moral frameworks. Exercising temperance of power prescribes the morally upright course of action for the three examples considered in this paper, as well as the scenario of children rough housing, and has the potential to prescribe the morally correct course of action in other examples as they may arise.

Bibliography

- Aristotle; Crisp, Roger, trans. *Nicomachean Ethics*. Cambridge: Cambridge University Press, 2000. 1107a.
- Baier, Annette. "The Need for More than Justice." In *The Moral Life: An Introductory Reader in Ethics and Literature*, edited by Louis P. Pojman and Lewis Vaughn, 451-452. 5th ed. New York, New York: Oxford University Press, 2014.
- Butler, Judith. "Beside Oneself: On the Limits of Sexual Autonomy from Undoing Gender." In *Feminist Theory*, edited by Kolman/Bartkowski, 546-52. 3rd ed. New York: McGraw Hill, 2010.
- Hobbes, Thomas, and C.B. MacPhearson. *Leviathan*. New York, New York: Penguin Group, 1968. 183-184.
- Jaggar, Alison. "Feminist Ethics." In *The Moral Life: An Introductory Reader in Ethics and Literature*, edited by Louis P. Pojman and Lewis Vaughn, 451-452. 5th ed. New York, New York: Oxford University Press, 2014.
- Kortenkamp, Katherine V., and Colleen F. Moore. "Ethics Under Uncertainty: The Morality and Appropriateness of Utilitarianism When Outcomes Are Unertain." *American Journal of Psychology* 127.3 (Fall 2014): 367. <http://www.press.uillinois.edu/>.
- MacIntyre, Alasdair C. *After Virtue: A Study in Moral Theory*. 5th ed. Notre Dame, Ind.: University of Notre Dame Press, 1984.
- MacIntyre, Alasdair *Dependent Rational Animals: Why Human Beings Need the Virtues*, Peru, Illinois: Carus Publishing, 1999.
- Merleau-Ponty, Maurice. *The World of Perception*. London: Routledge, 2004.
- Murray, Thomas H. "Honoring the Worth of a Child in Research." In *The Worth of a Child*. Berkeley: University of California Press, 1996.
- Schaprio, Tamar. 1999 "What Is a Child?". *Ethics* 109 (4). University of Chicago Press. 715-738. Doi: 10.1086/233943
- Vopat, Mark C.. *Children's Rights and Moral Parenting*. Blue Ridge Summit: Lexington Books, 2015.
- Walker, Margaret Urban. *Moral Understandings: A Feminist Study in Ethics*. New York: Routledge, 1998.
- White, Julie A., and Joan C. Tronto. "Political Practices of Care: Needs and Rights." *Ratio Juris* 17, no. 4 (December 2004): 425-453. *Academic Search Complete*, EBSCOhost (accessed November 11, 2015).