

Justice and Children's Rights: The Role of Moral Psychology in the Practical Philosophy Discourse



Justicia y derechos de la infancia: el papel de la psicología moral en el discurso de la filosofía práctica

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ABSTRACT Justice for children meets specific obstacles when it comes to its realization due not only to the nature of rights and the peculiarities of children as subjects of rights. The conflict of interests between short-term and long-term aims, and the different interpretations a state can do on the question concerning how to materialize social rights policies and how to interpret its commitments on social justice play also a role. Starting by the question on why the affluent states do not seem to be motivated enough to fully assume those duties of justice toward children—derived from recognizing children's rights—, this article aims to explore and shed light on what psychology of motivation and moral psychology, and positive approaches could offer in relation to political and ethical challenges toward childhood. Hence this article advocates for the modification and enrichment of the philosophical discourse on children's rights with what psychology has proved to have a more efficient impact in agents' action and motivation. In doing so, practical philosophy could improve its role helping understand and eventually surpassing some akratic tendencies in the public sphere with respect to children's rights.

KEY WORDS akrasia; children's rights; moral psychology; justice; motivation.

RESUMEN La realización de la justicia para la infancia se encuentra con obstáculos específicos, no sólo debido a la naturaleza de los derechos y a

las peculiaridades de la infancia como sujeto de derechos, sino también al conflicto de intereses entre objetivos a corto y largo plazo y las diferentes interpretaciones que un Estado puede hacer cuando trata con cuestiones sobre cómo materializar políticas de derechos sociales y cómo cumplir sus compromisos con la justicia social. Empezando por la cuestión sobre por qué los estados ricos no parecen estar suficientemente motivados para asumir de manera completa aquellos deberes de justicia hacia la infancia, derivados del reconocimiento de los derechos de esta, este artículo sugiere prestar atención a qué podría aportar la psicología de la motivación y la psicología moral en relación a los retos éticos y políticos actuales concernientes a la infancia. Así, se propone modificar y enriquecer el discurso filosófico con aquellas estrategias que desde las disciplinas citadas parecen tener un impacto más eficiente en la motivación de los agentes. Al hacer esto, la filosofía práctica se beneficiaría del intercambio entre disciplinas mejorando su papel a la hora de ayudar a entender y superar algunas tendencias acráticas.

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42 **PALABRAS CLAVE** acrasia; derechos de la infancia; motivación; justicia; psicología moral.
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Throughout this article I will make two general assumptions that should be clarified as the starting points. Firstly, I assume that children are subjects of rights, and that they indeed are rights-holders. Secondly, I assume that rights and justice are two faces of the same coin (Nussbaum, 2006).

With respect to the first assumption, I will not discuss here why children have rights. I will not go into the discussion about the justification of human rights and children's rights. In doing so, I avoid the debate on moral dignity, anthropological dignity, eurocentrism and, in turn, the accusations that normally come out from both sides of the debate such as speciesism, the naturalistic fallacy, the genetic fallacy, moral relativism, etc. Likewise, I avoid making specific ontological assumptions that could scarcely be shareable.

On the contrary, as a matter of pragmatism, I take as sufficient for my goal here the fact that rights are recognized in international conventions, regardless why we have come to those international agreements.

There is also a wide discussion on the basic rights that can be attributed to children. However, here I will assume that children are right-holders of those universal rights —such as education, health, household, physical integrity, etc.— captured in the United Nation Convention on the Rights of the Child in 1989. As a result, a deeper analysis regarding the rich debate on which ones should be prioritized and parental rights would be out of the scope of this article.

Although the state is definitely not the only *agent of justice* (O'Neill, 2001) that has the responsibility to protect children's rights, my analysis in what follows takes as a starting point the fact that:

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation. (United Nations General Assembly, 1989, art. 4)

With respect to the second assumption, I take for granted that a society would be much more just if its population's rights were respected,

not violated, protected and guaranteed, that is, if their rights were realized at least to a sufficient level. Likewise, I take for granted that a country that violates, unprotects and does not guarantee its population's rights is an unjust country. Poverty, abuse, negligence, and violence prevent children from enjoying a minimum decent threshold of well-being as children. At the same, how a state faces and prevents these problems has a key role for children's well-being and well-becoming. Violations of rights during childhood deteriorate and diminish the chances of reaching a minimum healthy and decent threshold both in short term and in long term. Thus, a society would be fair if the basic capabilities of its citizens were granted at least to a threshold that would allow them to live a decent life. As Martha Nussbaum states, "the best approach to this idea of a basic social minimum is provided by an approach that focuses on human capabilities, that is, what people are actually able to do and to be" (Nussbaum, 2000, p. 5).

That being said, something would constitute a problem of social justice, and not only a negative event, if it endangers the best way of distributing goods and resources in order to minimize threats and guarantee equal respect to the (children's) interest in their well-being and well-becoming. That is, if it reduces the possibilities of achieving a minimum decent threshold.

In my view, rights—regardless of their legal recognition in concrete national constitutions, policies and legal codes—may be interpreted both as the content of a theory of justice and as the base of moral obligations from an ethical point of view. A theory of justice may generate some specific rights and those rights imply obligations to some agents. Even though human rights (and children's rights) may not be directly translated into each country's legal code, human rights are the content of a theory of justice. As a crystallization of justice, they generate duties to those states¹ that have signed those charters (United Nations General Assembly, 1948, 1989).

As moral rights, as prerogatives or privileges that we recognize to some beings for some reasons, human rights are at risk of being interpreted as supererogatory moral obligations, which no one is responsible of.

¹ I will use the term *state* in reference to the main branches of power, namely: governments, parliaments and senates, and not in a wide sense including other public institutions and civil society.

However, in light of these agreements, the realization of children's rights is neither a supererogatory nor an optional duty, but a question of social justice that, at least, the powerful branches of the states are responsible of as agents of justice. In this sense, they have a key role in the materialization of children's rights.

In what follows I will focus on the situation in western affluent countries where a state of welfare is theoretically defended. I will pay special attention to child poverty as an instance of injustice in the European Union and North America where around 20 per cent of the children live in poor households (Adamson, 2012).

Following what studies on the current situation of children in affluent countries reveal, I advocate for the idea that states fail to comply, at least to a decent threshold, with their duties toward children's wellbeing. I will also defend, as researches show (Ausín, 2010; Patel, 2012; Ziegler, 2013), that the reason why this happens is not a *can/ought* issue. The lack of effective measures and policies to properly realize and protect children's rights does not seem to be caused by a real lack of material resources in a Malthusian and Marxian sense. Rather, as those studies suggest, it seems to be a question on how states decide to distribute them, what they prioritize, how they interpret their duties, and eventually the level of commitment.

Obviously, one can derive from the right to live a need to invest in army and safety measures, or a need to invest in public health systems (Dyke, 1970, p. 52). This, in turn, reflects a state's values and priorities. Nevertheless, although states can fulfill their duties through different policies, the result should be the same, namely, the solution of the given problem of justice. In children's case, the result should reflect measures to warrant social justice toward children and not situations where children's rights are jeopardized and the instances of injustice are perpetuated.

Injustice and Children: Do States Really Fail to Protect Children's Rights?

As it has previously been mentioned, the UN Convention on the Rights of the Child affirms that the states have some concrete duties toward children's rights, such as the duty to "undertake all appropriate legislative,

administrative, and other measures for the implementation of the rights recognized in the present Convention”, or the duty to “undertake measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation” (Art.4) with respect to economic, social and cultural rights. However, this does not seem to happen, not even to a minimally decent extent. In fact, it is reasonable to affirm that affluent states fail to protect children’s rights and commit to these duties at many different levels by leaving the realization of these rights mainly in the caregivers and parents’ hands, and by not implementing preventive measures providing them with the necessary parental skills, tools and means.² The states’ responsibilities toward children are mainly materialized through civil and criminal laws and through institutional interventions in severe cases, once the damage is caused or once the parents or care-givers have failed to provide children with what they required. In this sense, there is still room for preventive measures, investment and new strategies that have neither been developed nor accomplished yet.³

One could surely think that the states do not fail to protect children’s right to life and well-being, or that the deficit is due to the recent economic crisis, for social rights seem harder to protect in times of scarcity. Nevertheless, some researches point out that it is more a question of priorities and how to distribute a given budget than a question of real

² This does not mean that the State should take the parents’ role. It does not intend to suggest that there is something unjust in delegating the realization of children’s rights to their parents. Rather, it simply tries to point out that although both parents and the States are the main agents of justice for children, in fact the burden of the realization of children’s right lies on parents’ skills and means. Thus, if parents lack the economic means and the psychological skills to provide their children with their basic needs, a waterfall of negative effects would appear violating so children’s rights. Moreover, parental incompetence are frequently the result of the system’s incompetence when it comes to deal with child poverty, dysfunctional households, etc. This could be avoided if preventive measures and responsibilities toward children’s rights were taking in a more serious way. In this sense, there is a lack of awareness and commitment by the states to warrant children’s rights to a sufficient threshold in a preventive sense.

³ An example here could be the single-parent households, which frequently are at a greater risk of poverty due to female unemployment (Ruggeri & Bird, 2014; United Nations Children’s Fund, 2007). If the state effectively assumed a role of agent of justice toward children, parents would be provided with the means and resources needed, which actually would be economically more cost-effective (as well as less traumatic for the child) than having the child moving from the parent’s household to a foster house or to the child-care service.

material scarcity (Shiva, 2003). In addition, the fact that social rights are seen as dispensable is exactly a symptom of the problem of commitment, will and motivation that I will address in the following sections. By way of example, it seems that it is enough to forbid torture in a country in order to realize the right of not being, while it seems that in order to defend a right to life or to health a state needs to invest much more. However, this is to some extent biased. Both positive and negative rights need efforts and investment in order to be guaranteed. It is not enough to forbid a practice, but you also have to invest in creating the alternative measures to torture, for instance, investing in human and material resources to guarantee fair legal procedures.

To provide an example on how states fail to take children's social rights seriously, one could delve into the so-called *family cap* in the United States.⁴ The fact that a caregiver (normally women) who receives the welfare payments for a child in a poor household will not obtain supplementary financial support upon the birth of a new child unless the child is the result of an involuntary event (rape, incest, and the failure of contraception or sterilization) (Joyce et al., 2004; Willis et al., 1997), shows how the main concern is not the child. Likewise it shows how it is not a question of lack of resources, but a question of values and motivations, for the focus is not the children's rights, but the woman's sexual and reproductive decisions.

Another example, especially in times of economic crisis, is the data before and after the financial crisis. Firstly, in relation to poverty and deprivation, studies show that approximately 15% of the almost 85 million children (aged 1 to 16) in 29 European countries lack at least 2 of the 14 items in the deprivation index and are therefore "deprived" (Adamson, 2012, p. 6). Taking the case of Spain⁵ as an example, as a country specially affected by the economic crisis, it is eye-catching how between 2007 and 2013 the figure of children who suffer a severe deprivation has increased from 345.000 to 700.000, that is, from the 4,4% of children in 2007 to the 8,3% in 2013 (Pascual, 2014, p. 27). The case of socially excluded children and adolescent from the Romani communities in El Gallinero (Madrid)—when theoretically,

⁴ This term refers to the Maximum Family Grant (MFG).

⁵ I will take in most of the cases Spain as an example of a European country where children's wellbeing has been especially affected by the economic recession.

also as members of the EU, their basic rights should be provided— can be interpreted as another example of a lack of political determination to take children's rights seriously enough (Pitillas & Gómez, 2014).

Recent paradigmatic cases also show how second generation policies are sometimes cautiously perceived as somehow supererogatory or extra measures closer to charity than to a (truly assumed) duty of justice. Austerity measures applied specially in education, and the social care system in Europe could be an example. More concretely, the recent rejection by the Spanish government to approve a law project (Boletín Oficial de las Cortes Generales, 2014, p. 2) against child poverty that would improve the children's access to proper meals is an example of the mentioned lack of commitment toward justice for children. Likewise, the denial of the United States to recognize a right to food in the United Nations—seeing food mainly as tradable goods—is another one (United Nations General Assembly Resolution, 2008) that goes directly to the core of the motivational problem.

Beyond the economic crisis, it may also be beneficial to remember that in 2005 8.4 in 10,000 and 120 in 10,000 children were victim of physical and emotional abuse in Spain and the US, respectively, so that the victimization rate from the US triples the European one (Cantón & Cortés, 2009). With respect to physical abuse, 1530 children were killed in 2006 in the US as a consequence of intra-family abuse. In order to highlight some important figures, it is also crucial the fact that more than 12 children die per year in an European country as Spain, victims of maltreatment, and around 20% of children under the age of 18 in Europe suffer or have suffered some type of sexual abuse (López et al., 1995; Noguerol & Saz, 2002). Epidemiologic data also show that 1 in 5 children suffers some kind of bullying (Finkelhor, 1994) while 1 in 6 children is bullied in Spain (Ortega, 2010).

Another example is child sex trafficking, which is one of the most common types of commercial sexual exploitations. Although many cases remain unreported, statistics estimate that around 325000 children in North America (Canada, United States and Mexico) are at risk of being sexually exploited (Estes & Weiner, 2001, p. 144), as well as 30% of shelter youth and 70% of street youth are victims of commercial sexual exploitation (Estes & Weiner, 2001, p. 131; Greene et al., 1999, p. 1406).

Needless to say, the fact that “many children recruited into prostitution in the U.S. and Canada appear to come from middle class families and engage in prostitution as methods of supporting themselves while living on the nation’s streets” (Estes & Weiner, 2001, p. 3) shows how states fail to implement and undertake preventive measures to protect and realize children’s rights.

One might think that a *risk o* situation and the complete elimination of criminality is a utopic horizon. However, when the data show how children’s maltreatment and death are related to other social problems of the caregivers,⁶ and that many negative outcomes could have been easily avoided by child-oriented measures, it seems that much more could be done on the preventive field (Conger et al., 1992; Coulton et al., 1995). If one is really committed to realize the children’s right to life, health, and education, then policies to protect and guarantee their rights would be implemented and improved—beyond the legal punishment to the offenders once some severe damages are already done—, and regardless of the caregivers’ mistakes, as mentioned in the family cap example. To phrase it differently, whether a state decides to invest a greater budget in developing criminal laws or in education and preventive measures to support children is a question of values and priorities. Economic decisions are also the result of assumptions, beliefs, values and interests.

However, at this point I would like to make clear that in this article I do not try to delve into the question whether children should be prioritized against other groups, but I just aim to highlight that they receive less attention than they should according to what is already signed on the paper and regarding their especial vulnerable condition. In this sense, the claim is not that states fail children because they cannot prevent instances of crime, but because there is a lack of awareness on how measures designed thinking only on adults will eventually affect children in a way that could

⁶ Almost 40% of the aggressors in Germany during the period 1985-1990 were chronic alcoholics and 50% of families belonging to the register of children social protection services in London had problems in relation to the consume of alcohol and other substances. The relation between maltreatment and addictions seems to be higher in the United States, occurring in 85% of the registered cases in 1999. In Spain around 30% of the registered abusers in the period 1998-1999 were consuming alcohol and drugs and in the UK around 50% of them had problems in relation to alcoholism (Sanmartín, 2008).

have been avoided if they were considered, as in fact happens in the house eviction laws show, just to name an example.

One might also think that a paternalistic state would not be either a solution. However, not being paternalistic toward children leads to negligence in relation to the prevention of all the cited situations (Arneson, 2006). It would be a severe case of blindness if the states ignored how the system fail children and how children are much more vulnerable and likely to suffer instances of injustice than adults (Mullin, 2014). Children are placed in an asymmetric interpersonal dynamic where they do not manage all the information; do not make their own decisions about the adults with whom they interact, the neighborhood in which they live, etc. In this sense, child abuse and exploitation, for instance, is not just an unchangeable side effect of modern societies. Rather, it is very often connected —neither necessarily nor only— to social exclusion, poverty, and a previous story of neglect and violence at home, which leads to cases of running away and leaving the household —sometimes, they are even sold by their own families. In these cases, prostitution is a way out to survive for them (Altamura, 2014). Thus, if the realization of children's rights were taken seriously by affluent countries, the way of approaching these problems would probably be very different. If educators were not only trained to identify some of the mentioned problems when they arise, but if they were also given the tools to intervene, if more means were invested in care-givers' education and orientation, if social pacts in relation to education, children's household, etc. were achieved, beyond economic fluctuations and changes of parties in the governments, then most of the cited situations could be avoid or at least reduced.⁷

Children are in fact a very vulnerable group of citizens, and childhood is a sensitive period in relation to the construction of the self. "Children are vulnerable because they need care not only to survive but also to develop their basic physical, intellectual, and emotional capacities" (Mullin 2014, p. 266). Just to provide an example, stress during childhood has a modulator effect shaping future experience and the construction of the self (Kim et al.,

⁷ A wide number of studies show how preventive programs that teach parents in risky situations to deal with stress, addictions, unemployment and social exclusion have a positive impact on how they take care of their children. However, these programs are not systematically protected and performed as a necessary part of social care systems (Cantón & Cortés, 2009; VVAA, 2009).

2013). It is well-known how being constantly under alert makes the cortisol increase, which may lead to neurotransmitter disturbances in early phases of life compromising the formation of neural circuits. "A series of studies spanning 2 decades shows that neglect, abuse, or parenting compromised by depression or substance abuse influence the development of the child's brain and biologic pathways" (Odhayani, Watson, & Watson 2013, p. 832) as well as it may affect children's immune systems and the normal functioning of biological stress mechanisms (Yoshikawa, Aber, & Beardslee, 2012).

As a result, it is not unreasonable to affirm that western affluent states fail, to a greater or lesser extent, to fulfil their acquired duties toward children as well as to undertake possible measures. Of course, one might think that this can be said in relation to other vulnerable groups, such as women, migrants, or the poor. Nevertheless, this article focuses on children because they have received less attention in practical philosophy compared to women, or non-human animals, and because they are especially vulnerable in a qualitatively different way compared to adults.⁸

When Your Duties do not Motivate You: Weakness of Will and Collective Responsibility

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When an agent has a duty—and recognizes it as such—and does not fulfill it, then one is facing a problem of motivation, which is normally related to at least one of these problems: a) lack of perception as the main agent involved, b) lack of the proper activation, c) lack of recognition in your motivational set⁹ of one of the values involved, d) lack of incentives, e) conflict between incompatible aims.

I will briefly analyze the nature of these problems of motivation in order to suggest, in the following section, some arguments to untangle them and make the ethicists' discourse more appealing and effective.

However, before doing so, it might be crucial to address a potential conceptual problem, namely, the gap between individual and collective agents.

⁸ At the same time, like in many vulnerable groups, two factors could be combined: being a child and a girl, being a child and poor, etc.

⁹ This expression refers to the set of beliefs, wishes, aims, and motives internalized by a moral agent (Williams, 1981, pp. 101-113).

One might find difficult, if not impossible, to consistently relate the outcomes from moral psychology to the political sphere or the State as an agent of justice, as we deal mainly with collective agents and institutions.

First of all, I would like to make clear that the aim of this article is not to translate the results from moral psychology to collective agents. In fact, this is a metaethical article. Rather, my aim is to translate and introduce some outcomes from moral psychology (mainly psychology of motivation and social psychology) in the practical philosophy discourse, concretely in the discourse concerning the realization of children's rights. Philosophy of childhood and theories of social justice for children commonly deal with the problem of a gap from what is stated from a long time on the paper and the effective realization of the content. In this sense, this article tries to explore a path already suggested in other areas, such as the environmental ethics, when those ethicists started shifting from catastrophic arguments to positive ones based on Hellenistic schools and positive psychology (Velayos, 2005).¹⁰ In a nutshell, the thesis of this article is not to take the lessons from moral psychology and show that they can be applied coherently to political institutions, but to take those lessons and delve into how they can provide new lines of argument to practical philosophers working on childhood —as philosophy of childhood has been an underdevelopment topic.

Nevertheless, I would like to make some brief clarifications on that topic, as moral psychology is actually aware of the changes in the decision-making process in relation to individual and collective responsibilities.

In this regard, there are two different levels in which this can be understood, namely, i) how individuals shape their agency depending on whether they are acting as part of a group or alone, and, ii) how institutions, enterprises, associations, etc., that is, groups or jointed agents, act as a qualitatively different moral agent becoming so an individual agent different from the sum of the persons in it. This, in fact, leads the moral spectator to treat them as an individual agent with moral responsibilities. For both cases, moral and social psychology can offer some interesting lines. In both cases there will be agents making decisions depending on their values which, in turn, are connected to beliefs and aims or, in other words, to a motivation set.

¹⁰ I will come back to this point in next section.

In relation to the first question (i), the gap between individual and collective agents, moral psychology could shed some light to better understand how the attribution of responsibilities is shaped and, as a result, it could help to increase the commitment to bring to reality what is already accepted in the charts. In relation to the second one (ii), understanding human motivation will shed some light in understanding not only physical persons, but entities, governments, corporations, enterprise, etc., when acting as moral agents.

Although the two levels are different, one cannot be analyzed without the other one, since that new moral agent is in turn made of individual ones, so that a change in how responsibility is perceived by one of those agents will change the outcome of the collective agent, and vice versa.

Just to provide an example. A person with a responsibility position in a company producing and selling coffee might act and decide slightly different when he faces some dilemmas in his private life than when making decisions as a member of that collective. Here, moral psychology informs us that in group we tend to reduce our empathy toward the others, and be more competitive, as I will develop later. However, this person is not totally determined. He can change his motivational set, the priorities of his values or assume more commitments that were seen as secondary before. This will have some consequences and an impact on how the collective agent rearranges himself. On the other hand, paying attention now to the second level, political philosophy should not ignore that enterprises, companies, governments, etc., behave in fact as a moral agent and, what is more, civil society treats them as such: not as a group made of many individualities, but as an agent. Coming back to the example, if that coffee company exploits some environmental valuable areas, or puts their workers in a risky situation, the civil society will frequently demand responsibilities as we will do with an individual agent, and even if the damage does not constitute a violation in legal terms, we will still make moral claims as we would do to a person. We would surely say that that company ought us an explanation, that company should be ashamed, is guilty of that, is cruel, etc. We do the same with governments and countries when we label their decisions and

actions as shameful, cruel, coward, brave, right, or wrong.¹¹ The fact that 1) we attribute them moral emotions and moral conscience as we would do with respect to an individual agent, and 2) this company behaves as such and will make a decision depending on their aims, priorities, and values, makes the translation of moral psychology's outcomes into the public and political sphere possible. What is more, this can help to surpass the lack of awareness in relation to the feedback between the two mentioned levels.

Likewise, one might think that this is hard to do as political agents are in many cases composed on many individual actors who vote within a democratic setup. However, it is precisely the reason why moral and social psychology can shed light on the ethical and political question of *akrasia* in public responsibilities and help philosophers to make their arguments more appealing. This is exactly the reason why taking into consideration how acting alone or in group modifies an agent's decisions is crucial to improve how the duties, agreements and commitments can be brought into reality. The worry about the leap from individual actors and political actors is in fact what moral psychology could help philosophy to tangle as the mentioned problem points out nothing but the role of the *discontinuity effect* between individuals and groups, being this one of the main challenges concerning collective responsibilities in realizing justice for children.

The individual and the collective context are interconnected the same way in which the moral and the political one are. In this sense, relating moral psychological and practical philosophy can lead us to find new synergies and to move some debates forward. Besides, in my view a relational perspective on these topics could bring more light. The real world lacks clear-cuts, so that, apart from analytic purposes, the assumption of a dichotomist cosmivision may lead to an excessive compartmentalization of human interpersonal relationships. This, in turn, may lead to forget that the public and the private sphere, the moral and the politic questions are deeply interconnected, since in the end they all remit to the values a society defends, what priorities, beliefs, and fears are internalized, and what aims are pursued. Simply said, the map is not the territory.

¹¹ On this topic some valuable articles are Gilbert (2014), Fieser (1996), List and Pettit (2011), and Montuschi's work (2002).

Once these points have been clarified, let's turn back to the five areas—mentioned at the beginning—that practical philosophy could explore to find more motivating paths of argumentation:

a) In relation to responsibility and the materialization of children's rights, it is crucial to highlight how collective responsibilities and omissions affect our sense of being responsible of some given results. The sharing of the responsibility with respect to damage along with the fact that responsibility is perceived as spread among different social agents, not just the states, may lead to apathy. The diffusion of responsibility in groups is part of the so-called discontinuity effect. It is well known in researches about groups' theories that we cooperate more in individual interactions than in groups (Brewer & Kramer, 1986; Insko et al., 1990). The interactions between groups are less cooperative and more competitive than the one-to-one relations, which imply that there is a rupture between our assumptions when interacting with one person and when interacting with a group, especially if one perceives himself as part of another group. If you do not cooperate and let someone in a bad situation as an individual person, you would feel completely responsible of it. However, if this happens and you feel part of the group, in this case, a powerful branch of the state, the responsibility will be shared with the rest of the members.

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In light of these researches, it seems sensible to suggest that this may also have a role when states decide about policies whose beneficiaries will be children who do not have the chance to gather in social pressure groups and make their voice visible. According to the discontinuity effect, a government, as a group, would be more competitive and less open to cooperate with those who are considered 'the others' and whose interests may collapse with their own ones.

Secondly, the lack of motivation and commitment can also be related to the fact that the negative consequences emerge from an omission instead of an action. The legislative and administrative arms of the states do not throw the food away from children's hands to prevent them from eating. Rather, they sign or reject measures that leave children unprotected when they are at risky situations, acting sometimes only when the damage is severe and already done. As moral psychology's literature points out (Foot, 1978;

Singer, 1972; Sinnott-Armstrong, 2008) we feel less responsible of letting someone die or suffer than of killing someone or hurting someone directly. The classic trolleys experiment lately also show (Mikhail, 2002) how we tend to feel more responsible of killing by touching than killing without any physical interaction with the victim (by pressing a button or by letting something happen). Hence, when a state decides to cut down the policies on dependency /disability laws, grants, education, or on health-care, without being in direct contact with the beneficiaries/victims of those policies, then that state's feeling of responsibility of the negative consequences of their decisions decreases. Likewise, the will to improve some given situations may decrease. It seems harder to see them as the result of the decisions and omissions made in group.

b) In relation to the proper level of activation, one is not motivated when his level of activation is too low or too high. The first case leads to apathy and lack of action, the second one to anxiety. This may happen when the problem is perceived as too big, complex or unsolvable, which leads to overwhelm. The activation of motivation works as an inverted U, so that too much activation or too less is paralyzing and not functional in terms of results (Yerkes & Dodson, 1908). If states think that the problems affecting children are not solvable, avoidable or that they could not do better, then their motivation will drastically decrease.

c) The lack of commitment toward these duties can also be treated as a type of practical irrationality (Stroud & Tappolet, 2007), concretely as a question of *akrasia*, since the agents do not feel motivated to act in favor of what is considered the best option or a duty.

Current moral philosophy has also developed a wide amount of research on moral externalism and internalism (Cabezas, 2011). Meanwhile, psychology of motivation has provided key explanations on what is involved in these cases. In a nutshell, this problem can be approached as a lack of convincement, where someone does not feel motivated because s/he has not interiorized the rule or value involved (internalism), or, secondly, as a lack of motivation itself (externalism), sometimes reduced to a problem of emotional interference, since it is common to believe *reason* has a minor role in motivation. However, as Festinger (2001) already pointed out in his

theory of cognitive dissonance, and lately also O'Neill (2001) and Gazzaniga (1996) did with his experiments on rationalization, humans have a will of rationality or coherence (Elster, 1999). Thus, human beings try to rebalance the situation searching for coherence when two beliefs, or a belief and an action, collapse. Nevertheless, normally it is neither the belief nor the action what is changed or reexamined, which would be the rational option. On the contrary, agents tend to add premises ad hoc, new exceptions, etc. in order to perceive themselves as rational and coherent, without revising, neither the initial values, nor the conduct. In fact, if a norm generates judgments against our basic intuitions about what would be valid, then we reconsider the norm, instead of our intuition (Broncano, 2003, p. 179). If this is applied to the current problem on childhood and justice, recognizing and signing charters in favor of children's rights generates duties to the states, which would have to realize them. This would collapse with the intuition that it is not the states' responsibility to provide children with tradable goods such as food, household, clothes, or preventive programs for the caregivers, etc. In this case, states do not check their approach toward material goods needed to the realization of what they have defended on those charters, but they add premises ad hoc on how to interpret their concrete responsibility toward children's social rights.

c) A lack of motivation is also related to a lack of internal incentive, that is, the duty is perceived as an external one, so that the potential incentives one could receive do not connect to the motivational set,¹² and, as a consequence, the levels of activations diminish, due to the fact that external incentives are less motivating than internal ones (De Charm, 1968; Deci & Ryan, 1985).

d) Finally, motivation and actions are affected by the potential conflict of interests when different aims seem to be incompatible.¹³ Shortly

¹² One might think that only individual's possess motivational set. However, political agents, and collective agents such as societies, corporations or governments, to name an example, also possess a motivational set as long as they are able to make decisions, for they decide in one direction or another depending on their beliefs, values, aims and motives. In other words, any agent able to making decision makes them depending on what she thinks of herself, their skills, possibilities, etc., what she thinks of the world (also in relation to herself), and what she wants to achieve and avoid, namely: beliefs, values, motives and aims.

¹³ By interests I mean in a general sense whatever goal or aim someone may have in life, both in

said, the improvement of children's well-being will not be a priority as long as the measures needed to achieve it are perceived as in conflict with other national interests, as an obstacle to get economic benefits, as a waste of the state's budget, or as an unproductive investment. It is therefore crucial that states do not perceive an investment in education, food, and health for children as a sacrifice or a high cost for themselves. Otherwise, there will be a tension between what you perceive as your duties and what you see as good for your country, as I will develop in the following section.

Some Proposals: Toward a Positive Discourse in Practical Philosophy

The logic of justification is not the logic of motivation. As D. Frede affirms, "a morally right action should be done with inclination but not because of the inclination" (Frede, 2005, p. 261). However, moral duties can be perfectly compatible with personal interests, even if that person in this case is formed by a group of persons such as a state. Certainly, national governments are formed by moral agents¹⁴ and, to that extend, they can be considered collective moral subjects influenced by the same factors as individuals are.

Probably one of the best ways for a discipline to surpass its own limits is to enrich its debates with different and external perspectives. Hence, I will suggest in what follows some paths of argumentation and changes of strategies that could be applied to solve the four previously mentioned challenges on motivation, coming especially from positive and moral psychology. The inclusion of these reasoning strategies could benefit the impact and reach of political philosophers and ethicists' discourse on childhood as these arguments take also into consideration the motivational component of the decision-making process. In this sense, these data could be successfully applied to the philosophical discourse concerning children's right's policies.¹⁵

short-term and long-term.

¹⁴ By moral agents I do not mean morally good agents, but agents provided with moral sense. *Moral* here is an antonym of *amoral*, and not an antonym of *immoral*.

¹⁵ Here it is important to point out that the focus on children does not mean that the realization of children's rights is a higher priority compared to any other group. The question of what group

The following are not reasons *why* children should be protected and treated in a fair way, but arguments that may help to realize the commitments already assumed at a theoretical level. They are neither focused on a threat to a worst scenario, since fear and worry does not keep motivation activated for a long period of time. On the contrary, these arguments consider the nature of human motivation in favor of ethical ideals. Hence, the aim here is finding ways of reaching the ideal horizon starting from how human beings seem to be motivated, instead of starting from an ideal construction of how we should be.

If practical philosophers want to provide appealing arguments to motivate states to realize justice for children and, concretely, if the philosophical discourse on rights and duties wants to have a more effective and practical impact, then one should find a way, beyond strict moral arguments on justification, to avoid the perception of a contradiction between personal/partial interests and collective ones. Likewise, the abrupt division between moral duties and happiness, or a normative ethics and ethics of happiness could be questioned.

That being said, a potential way to improve philosophical discourses and eventually the situation could be, firstly, to translate duties into wills, so that they are no longer perceived as intrinsically contradictory. If the results from psychology and neuro-linguistic programming (Korzybsky, 1995/1933; Yeager & Sommer, 2005) are taken into consideration, a perceived tension between an *ought* and a *will* is, in practical terms, at some level fictional, for it is really the expression of a tension between two different desires, commonly short-term and long-term ones. The perceived tension actually shows the non-recognition of our own real values, as individuals or institutions. In this line, practical philosophers should pay attention to how

should be prioritized, or even if a conflict between subjects of rights should be solved prioritizing a group, is out to the scope on this article. Focusing on one group does not mean to defend that their rights are a priority compared to adults, women, or animals. By way of example, a philosopher working on environmental ethics does not necessarily assume that ecological problems are a priority when compared to gender biases. The election of this field is simply due to the fact that a) children are very particular (and challenging) subjects of rights due to their special vulnerability and developing autonomy, b) there is still a long way to travel until their rights are implemented and not overshadowed by non-context-sensitive policies, and c) philosophy of childhood is a quiet young discipline inside practical philosophy (Archard & Macleod, 2002; Bagattini & Macleod, 2014; Graf & Schweiger, 2015; Mullin, 2014) that could be enriched by the current proposal.

the language and the words we use shape the way we interpret reality. As a result, it is essential to highlight how every time one says “I ought to but I do not want to”, one may be really expressing:

1) A desire exists underneath your ought. If this were the case, the tension would become: “I ought to because I want to”.¹⁶ For example: “I don’t want to recycle but I ought to” could easily be translated it into “I want to live in a healthier environment, and as I want to purchase that aim” —that I endorse as I want to live in that future situation that I perceive as a better option than an intoxicated world—, “I want to do the steps needed to achieve it, according to my values”. If philosophers are able to highlight this, the perceived tension in oughts and wills in political discourses become a case of short-terms and long-term goals. This transforms the decision making process into something more positive and motivating than the idea of starting a conflict between desires and oughts and sacrifices, if that aim is coherent to our values:¹⁷ “I ought to recycle because I want to live in a healthier planet”. The motivation lies in the ultimate goal (a healthier environment, being thin, etc.) more than in the steps in between (classify your waste, doing a diet, etc.). For this reason, it is essential not to forget the connection between those steps and the final goal in the discourse in favor of political measures for children’s rights. To phrase it differently: the positive benefits of policies —for both, the state and the direct beneficiaries— will be visible in time. In order to keep the motivation activated in public collective challenges where the result is not immediate, philosophical discourse should therefore keep in mind the importance of the impact of the little actions or policies avoiding so feelings of apathy, fear, or frustration in the discourse.

2) A desire does not exist underneath your ought. If this were the case, the tension would become harder: “I think that I ought to, but I do not want to”. In these cases the agents (of justice) are expressing that they do not feel committed to either the long-term duty or the means to achieve it. If someone expresses “I must recycle but I do not want to”, this may mean in this second case not only that you do not feel like investing your time

¹⁶ This because does not imply a reason in terms of justification. That is not the reason why duties are justified, but a reason in terms of motivation.

¹⁷ If that is not the case, we will be in option 2).

in selecting your organic and plastic waste, but that you do not really want, care or are concerned about living in a better or healthier environment. This means that the tension is fictional for that agent, for s/he does not really recognize an *ought* there, so that that ought is not interiorized, it does not represent a value for that person or, in Williams' terms (1981), it is not part of his/her motivational set. As long as an ought is external, its motivating force is weak. The same may happen concerning states' duties toward children's rights. One may be reacting here to external or social expectations. However, decisions based on this kind of duty will not be kept in time.

In those cases, philosophers should not forget in their discourse that beliefs provide us strong theses, and values work as criteria guiding not only our motivation, but also our decision-making process. For these reasons, philosophers should find different ways to give appealing discourses to those responsible agents who seem to be disconnected from their acquired duties. Possibly, as in other dichotomic pairs, practical philosophy has ignored that oughts are linked to a negative demotivating connotation. In fact, we generally associate *I have to*, *I ought to* or *I must to* actions that are hard to do or not very attractive, which explains why it seems hard to make them compatible with motivation and the ethics of happiness. We say "I ought to do the housework" or "I ought to go to the bank", but we never find ourselves saying "I have to have a nice afternoon in the swimming-pool" or "I ought to go to a party", unless we really hate swimming-pools, we do not actually want to go to that party, or we are workaholics who really do not *want* to do so.

In order to avoid this, and especially in light of positive psychology and NLP,¹⁸ it would be efficient to avoid negative arguments appealing to fear or catastrophic consequences given that fear, punishment and threats do not motivate in long-term, but paralyze the agent. They have a great impact, but only during a short period of time (you cannot be always afraid) and in an inefficient sense (if you think the situation is catastrophic you may end up feeling helplessness and overwhelm). To provide an example: If we are deciding whether or not to smoke, the effect on our perception, motivation

¹⁸ NLP stands for Neuro-Linguistic Programming.

and decision-making process is different if we think “I don’t want to have a lung cancer or arteriosclerosis”, “I don’t want to have a heart attack” or if we think “I want to be able to run, and hick without feeling that I lack some air, I want to feel better, I want to live longer”. Needless to say, this applies to public debates where catastrophic and negative images are frequently brought into our minds whenever duties, short-term commitments and long-terms consequences are addressed.

Environmental ethics have been an example in this direction (Velayos, 2005). Appealing mainly to the end of the word, saying that the chances of having a cancer are increasing or that the planet would be inhabitable in 100 years’ time makes you feel that you cannot do anything, and that whatever you do in the right direction is useless. However, appealing to the idea that you could be happier and live longer in a more respectful environment could motivate agents to do lasting changes toward what they want instead of trying to motivate them to make changes to avoid what they do not want. Therapies for sexual abusers are another example. If you try to convince the abuser about the morally wrongness of his actions, the argument will not be interiorized because in order to do so, first you have to feel some kind of concern and empathy for the victim’s suffering. If that is irrelevant to the abuser, knowing the negative consequences of his actions will not change his motivational set at all. It is more effective, on the contrary, if the argument focuses on what they are missing, i.e., the chance to have consented relationships. That connects directly to the agent’s benefits and interests. When the abusers are said that they are missing the chance to have better experiences, then the curiosity of having missed something is activated. Although this may lead to respect others’ rights not for the morally right reasons, the change of attitude is relevant and the first step to get a change in the ethical direction.

If this is applied to children’s rights, the philosophical discourse on their materialization should try to show it as a *win-win* process, avoiding those perspectives that see the realization of rights as a loss of privileges by some groups. In this sense, it would be effective to also include in the ethical discourse how states are missing the chance to have successful generations of children with a good education that could generate diverse

kinds of richness to their country: intellectual, artistic, economic, and scientific, for instance.

The win-win model—a theory of games and negotiation—is taken here as an example of ethical interactions where the solution/action/decision has to be perceived as good for and by all the agents involved and affected by it, as a filter to identify bad and unfair agreements. In this case, philosophy can apply it between governments and civil society, or governments and children, as a model for previous negotiations, before the damage is done. It could surely be seen as a practical and positive version of the Rawlsian veil of ignorance in which the motivation is not the fear of being in a disadvantage position, but the knowledge that whatever decision taken that implies hurting someone else's wellbeing is unfair and will end up damaging your own interests too. As banal as it might seem, history is however full of instances in this direction: the guillotined French king Louis XVI or the tragic end of the Russian Romanov family could be just two examples. For this reason, win-win type negotiations and interactions seem to be the most effective ones in long-terms in comparison to the other three possibilities; which I am not alone in recognising: "broadening and building—that is growth and positive development—are the essential characteristics of a win-win encounter" (Seligman, 2004, p. 43). In a nutshell, the argument is: if it is not good for the other one, it cannot be good for me. If in the negotiation of any agreement, measures, policies, etc. only one of the parts wins, it means we are facing a kind of abuse that will surely imply some damage to the most vulnerable part, and eventually to the whole. This type of negotiations helps us to identify damages. Hence, a lose-lose type of thinking could be found in suicidal terrorists, a *win-lose* one in asymmetric relations such as slavery, a *lose-win* type of thought would be the one when the subject puts herself in the place of the victim in favor of someone else's interests, and a win-win type of interaction would be the one where what is fundamental for both sides is respected in the final solution (Seligman, 2004).¹⁹ Hence, practical philosopher could

¹⁹ The win-win model does not imply that criminals should not be punished, for instead, but that before the damage is done they should be able to see how choosing a win-lose type of interaction will imply negative consequences also for them in the future (i.e., going to jail and not being able to pursue a better life). Another question is whether we justify some moral damages (as one might do

enrich their arguments showing how the realization of children's rights is cost-effective and positive also for those agents of justice who might firstly perceive it as an effort or a sacrifice with no visible benefits (lose-win). A way for practical philosophers to make their arguments more motivating is therefore to make the main agent of justice sees that those measures are not a duty with negative impact on their budget and interests, but that being a just state also benefits them in the short and long-term. A society with healthy, educated and autonomous children would surely be better than a society full of children suffering several types of traumatization, social exclusion and deprivations, also in economic terms, and in order to keep a welfare state.

One could also say that the states have a duty toward children, even though they see it as a win-lose interaction, even if it implies some sacrifices to the states. As true as this might be in the logic of justification and from an strictly ethical point of view, one might not forget that accepting great costs to your own interests would turn the responsibility of cooperating in a social problem of justice into a form of self-sacrifice and altruism, which is not the desired aim here in terms of justice. I do not take into consideration the case of altruism here, but the motivation in cooperation, for the aim is to find arguments not to make states altruistic, but to make them commit to policies of social justice. In order to do so, a path could be to give them arguments to perceive these policies not as a threat, but as a positive measure also for their own particular interests. Likewise, altruism implies an additional ingredient in comparison to prosocial behaviours, since the agent is focused on the other's needs, expects to improve someone else's well-being and does not expect anything in return, which is not the cases of affluent states. For this reason, the I lose, you win type of interaction is not efficient in the public sphere, for it implies sacrifices than one may not be willing to assume.

In light of positive psychology and the win-win model, one could analyze the cited position of the United States against the recognition of food as a right and not only as a tradable product, which of course affects the realization of children's social rights. The question here is why someone

sometimes concerning punishments).

would deny the right to eat to someone else. What could someone be afraid to lose in order to come to the conclusion that it is better to deny that food is a basic need? What could be the reasons behind the thesis that food should not be recognized as an essential part of the right to live? The answers to these questions would lead us to the core of the problem and eventually to other ways of arguing.

From the win-win model, it seems clear that the United States perceived such a resolution as an *I lose, you win* one. One of the main reasons may be a fear of negative economic consequences. If food is the source of one of the greatest incomes and it is only seen as the key element of an industry, then it is understandable that transforming it into public goods, and not only tradable products, can generate some fears. As it has previously been said, no one is normally willing to defend a measure that is perceived as against his own interests. And practical philosophy should not ignore this. If philosophy could also take into account the motivational elements of the arguments, it would be easier to reach to the core of many of our current disagreements and, eventually, to generate new arguments that would motivate and be more effective than the ones one could provide when one ignores what really motivates those with diverging points of views. In the mentioned example, one could argue in favour of the right to food from a win-win perspective, pointing out how public education and public libraries are not perceived as a threat to the editorial industry. Actually the editorial industry will be eventually nurtured by and from those who, thanks to having a public education and public libraries, are able to read and write and become passionate readers who eventually become clients of the editorial industry, not only buying books, but asking in their libraries for new titles, creating so a demand. Thus, part of the arguments to reverse the way states think about food only as tradable goods should address the question on how to make the food industry compatible with the realization of the right to eat, for instance.

As a result, it is central to change the negative way in which the investment in social policies is perceived, almost as a sacrifice against other —economic— interests. By changing the thought behind that emotion (of fear), the course of action would also be modified. In other words, our

thoughts, assumptions, beliefs, etc., generate some emotions and our emotions have an influence in the decisions we are prompted to make and eventually in our actions. If practical philosophers were able to untangle the beliefs underneath those fears, we would increase the possibilities to change the negative consequences emerging from those policies (i.e. the denial of measure in favour of children social rights). As it has been said, the problem of the realization of children's right leads to a problem of fear, for those measures are perceived as associated to losing economic benefits. When someone -a person, a group or a government- is afraid, it means that this agent has evaluated something as a dangerous input, as a risk to her well-being or her aims bigger than her skills to overcome it (Ekman, 1994). Being aware of the thoughts that shape our motivational set eases finding different perspectives.

Ultimately, one of the background challenges is to minimize the discontinuity effect between individuals and groups. Humans are ready to help and take some action if they think that the situation is changeable, their action is going to be useful and beneficial and not a waste of energy and time, and if they think that the investment they have to do will not imply great negative costs to them. If the agents of justice think that the problem is not solvable or that the solution is not in their hands, they could easily end up facing a case of learnt helplessness, which keep the agents in apathy (Seligman, 2004, p. 12). For this reason, it is crucial to also focus on what we could achieve, and not only on what is wrong. "A positive mood jolts us into an entirely different way of thinking from a negative mood" (Seligman, 2004, p. 38) and this applies also to states deciding what measures to develop.

Conclusion

In conclusion, all these proposals suggest the potential benefits of exploring the nature of motivation in relation to moral justifications in ethical and political philosophy to better translate theoretical achievement into practical goals. Likewise the conjunction of ethical theses shaped by motivational arguments could break the boundary between the ethics of happiness and deontology.

Paying attention to the motivation underneath public decisions would give us the opportunity to recognize our common aims and public values and would eventually help achieve a better communication with the agents defending a divergent point of view, which is crucial in the public arena. In doing so, practical philosophy could help check our collective beliefs, and eventually make better decisions surpassing *akrasia*, focusing so on what is important to us as a society in public debates concerning justice, and children's rights.

Finally, practical philosophers could benefit from interdisciplinary research as I have tried to present here. In this sense I have shown how practical philosophy has the opportunity to improve our public debates reducing the tensions and profiting the results from others fields, concretely in the cases of justice for children. In doing so, philosophical discourse could turn out to be more influential and appealing fulfilling also its social role.

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