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Justice for Children After War

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Declaration

I, undersigned Giorgia Brucato, hereby declare that this dissertation contains no materials accepted for any other degrees, in any other institutions. The dissertation contains no materials previously and/or published by any other person, except where appropriate acknowledgement is made in the form of bibliographical reference.

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Giorgia Brucato

Abstract

Political societies are bound by law and morality to protect children from violence and shield them from the worst effects of war, yet children continue to suffer tremendously because of ongoing and emerging conflicts: when protection fails, and because children experience war in ways that profoundly affect the realization of their important interests and developing capacities, we ought to acknowledge the consequences and try to make up for the damages. During war, children's vulnerabilities are exacerbated, and they are exposed to extraordinary situations, the consequences of which extend into the post-war phase, creating special entitlements to justice; but such phases also offer unique opportunities for transformation in society's political arrangements, and there might be good reasons why children who experienced war should be allowed to contribute to the relevant political and other processes aimed at the realization of peace and justice in some various, adequate ways. While there seem to be widely shared assumptions about wars victimizing children, and the urgency of our moral obligations to assist children's recovery in their aftermaths, this research contributes to solidify the normative framework to identify and respond to the morality and justice salient features of children who experienced war. This work thus answers the questions of what is owed as a matter of justice to children who experienced war; investigating what is the morally right way in which societies transitioning from war to peace should their younger generations impacted by war, and what role, if any, children who experienced war could (or, should) play in building more peaceful, just societies, once the war is over. In order to answer, I first examine what happens to children in war, in terms of harms and experiences they may go through, and then develop three justice-based claims, of compensation of recognition, built around children's morally weighty interests, in particular: in having good childhoods, leading to the Lost Childhood Claim; in developing their moral powers (in their Rawlsian understanding, capacities for a sense of justice and to form, revise, and pursue a conception of the good), leading to the Moral Powers

Development Claim; and in living in a peaceful, just society, while further attracting participatory rights in the realization of peace and justice as important political goals after war, when they develop the relevant capacities to do so, leading to the Political Participation Claim. While the case of children who experienced war illustrates many ways in which such important interests can be frustrated, or prompted in surprising ways, the arguments built in support of children's war-related, justice-based claims could be further developed and adjusted to adequately identify and justify the urgent claims of children who experienced other types of pervasive harm, injustices, or critical political situations. In this work I ultimately focus on what justice demands society does *for* children who experienced war, but end up opening space to investigate what justice may demand *of* children, as potential agents of peace and justice.

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When CEU offered me a chance to pursue a PhD in Political Theory, which, admittedly, I had never really heard of before, it completely rocked my world. If I had known that there were branches of philosophical and political studies exclusively dedicated to normative research, done with analytical methods, I would have tried to learn how to do that much sooner! Although, in the grander scheme of things, perhaps it happened exactly when it needed to happen. I will forever cherish my time at CEU and the opportunities I had to meet and learn from people from all over the world, challenging and broadening my horizon in countless ways; in particular, I am grateful for the community I found through my involvement with *Szabad Egyetem*, a group of brilliant activists who tried to resist the attacks of the Fidesz government against the university, but more generally against academic freedom and education in Hungary. This gave me purpose, perspective, and depths to my understanding of the interconnectedness of the intellectual life and the social and political life, and of the importance of asking the right questions, at the right times. Writing these words today feels a bit like the end of something special, but I am convinced this was just a glaring beginning.

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Dad, your absence continues to fill all of the important moments.

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Forever Pirates, forever Children.

~

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Per sempre Pirati, per sempre Bambini.

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Introduction

Political societies are bound by morality and law to protect children[1] from violence and shield them from the worst effects of war[2], yet only in 2022, 468 million of children worldwide -more than 1 in 6- lived in areas affected by armed conflict (Save The Children 2023), a number which is expected to increase further in 2024, due to ongoing and unfolding wars and violence outbursts, such as in Afghanistan, Yemen, Ukraine and Palestine. During war, children's vulnerabilities are exacerbated, and that they are exposed to extraordinary, often harmful situations, the consequences of which extend into the post-war phase, creating special entitlements to justice.

While studies from multiple fields and disciplines, such as Psychology and Medical Sciences, or Peace and Conflict Studies and Human Rights, have been emphasizing the risks of long-term consequences of war on childhood, across various dimensions of children's lives and wellbeing[3], as well as children's and youth's potential as agents of both peace and violence within war and its aftermath[4], I have encountered surprisingly little research within political theory and practical philosophy about the normative principles and justifications behind the

[1] I use the term 'children' to broadly refer to persons below eighteen years of age, according to the well-established standards international law ('Convention on the Rights of the Child' 1989), unless clarifying when I am referring to older, younger, or other categories of children. I detail in Chapter One the philosophical views I endorse on what it means to be a child and to live a good childhood, and other relevant views and concepts that provide theoretical background to this work.

[2] I use the terms 'war' and 'conflict' (with added qualifiers like violent, or armed) broadly and interchangeably, referring to the violent clash between groups and/or states pursuing incompatible goals which is, as of today, still an inevitable, while tragic, human phenomenon. A typical way of characterizing kinds of conflicts is by scale, counting related deaths, or by actors involved: interstate conflicts involve violence between two or more states, while in intrastate conflicts violence occurs within a single state. As I will be discussing, Just War Theory further distinguishes between just and unjust wars. For simplicity, however, I will encompass all possible conflicts within the same term(s), setting asides distinctions unless otherwise clarified when appropriate.

[3] See, among others: (Barber 2008b; Barenbaum, Ruchkin, and Schwab-Stone 2004; Belsky 2008; Fernando and Ferrari 2013; Greenbaum, Veerman, and Bacon-Shnoor 2006; Machel 1996; Özer et al. 2018; Singer 2005).

[4] See, for instance: (Elliott 2002; Feinsten, Giertsen, and O'Kane 2010; Kemper 2005; Ozerdem 2020).

whys and how children and their justice-based claims should be adequately accounted for, and child-adequate political and legal frameworks tailored, in order to address their morally weighty interests *after* the war. Notable exceptions come from the field of Transitional Justice; however, such works have mostly focused on children's role within justice-seeking and restorative mechanisms, processes of harm reparations, and the reintegration of child-soldiers and children directly involved with violence into society[5]. While there seem to be some generally shared assumptions about how war victimizes children, and the urgency of our moral requirements to assist children's recovery and reintegration into society and back to normal life in the aftermath of war, this research contributes to solidify the normative framework to identify and respond to the morality and justice salient features of children who experienced war, which some of the current practices in post-conflict contexts already more or less implicitly take into account (such in the case of transitional justice and peacebuilding mechanisms), and should so if not. This dissertation is thus an attempt to answer, from a normative perspective, the questions of what is owed as a matter of justice to children who experienced war; investigating what is the morally right way in which societies transitioning from war to peace should their younger generations impacted by war, and what role, if any, children who experienced war could (or, should) play in building more peaceful, just societies, once the war is over[6].

Why examine the case and claims of children who experienced war? To be sure, children are at risk of encountering many horrible harms, wrongs, and injustices around the world in many different contexts; yet, not many other contexts seem to provide such deep, systematic

[5] See, for instance: (Parmar et al. 2010; Fisher 2013; Özerdem and Podder 2011)

[6] It is perhaps an optimistic assumption that every war must eventually come to an end: decades-long grievances such as those between Palestine and Israel gravely remind us just how destructive and seemingly unresolvable situations of protracted conflict can become over time. Nevertheless, bettering our understanding, and consequently our practices, of how to deal with younger generations coming out of contexts of war seems like a worthy and realistic task.

effects on the realization of children's morally weighty interests, as well as on their development of morality- and justice-salient capacities, as much as wars do.

First, the intensity, scale, and pervasiveness of the (often wrongful, or, as I will argue, always in some sense wrongful) harms suffered by children during war call for serious examination. In this work, I will show that children have morally weighty interests in *having good childhoods,* in *developing their moral powers* in timely, morally adequate ways*,* and in *living in peaceful and just societies*, all of which are especially endangered in contexts of war, giving rise to justice-based claims in the aftermath of war to both *recognition,* for the relevant ways in which exposure to war has affected children's interests and developing capacities, and *compensation,* for war's harmful consequences in their lives.

Second, while children who experienced war might have participatory and justice-based interests in justice and peace to be brought about and maintained in society, children's (adequate) inclusion into the relevant political and other processes aimed at peace and justice ultimately seems to benefit the processes themselves, too (as I will show). The consolidation of peace and justice in society after war requires tremendous collective and sometimes individual efforts, which require participating into processes that acknowledge what went wrong in the past, address war-related grievances, and promote values of equality, justice, freedom, social trust, democracy, and tolerance in transitioning societies, such as peacebuilding and transitional justice mechanisms, and peace-oriented education programs, for all of which there are crucial roles which children could (and perhaps, should) play. Hopefully, a better understanding of children's potential for contributing to the realization of peace and justice, as well as of the morality and justice salient effects of war on their lives, which this work aims to contribute to, may lead to better peace-oriented practices and more just processes of recovery from conflict in the future. It is a bleak task to think deeply about the kinds of harms and challenges children experience in wartime; I have sometimes wondered whether, because of the kind of abstraction needed to theorize about

problems and issues, I ended up detaching my analysis too much from children's tragic lived realities, to the point of sometimes romanticizing too much their capacities to positively react, mature, and stay resilient through war-related hardships, and their role as agents of peace and justice - perhaps, indeed, to make up for some of that bleakness. But maybe there is something universal about how we experience pain and growth during childhood, and something universal about how we think others should respond to both children's pain and growth in adequate ways, which hopefully I managed to capture in these pages. And there is definitely something about children and their *potential,* something about their remarkable abilities to experience and shape the world in ways adults sometimes forget, that after all these years of research I still think and hope that there must be better ways, worth investigating and pursuing, to protect children from the worst effects of war, to recognize and empower them in their roles as social and political actors, and to build a more peaceful and just world, *for* and *together* with them.

Third, by examining the normative complexities raised by children during and after war, and in identifying and justifying their war-related claims, there is indeed much to learn that can be generalized, or used to challenge and further clarify some of the assumptions and views that determine how childhood is to be regulated, and children to be treated. The case of children who experienced war provides valuable insight into our understanding of the important features of childhood and of the moral and political status of children in society, particularly when it comes to special obligations adults have towards them, and the way children's interests and responsibilities in contributing to the sharing of burdens and benefits in society are conceptualized. Furthermore, the framework and arguments built in this work, tailored for post-war contexts, could easily be adjusted, through further research, to adequately identify and justify the urgent claims of children who experienced other types of pervasive harm, injustices, or critical political situations, such as refugee children,

children who live in systematic conditions of extreme poverty, or children in societies struck by natural disasters.

Structure of the Dissertation. Chapter One, *Childhood in Just Societies,* introduces the theoretical framework that anchors my understanding of children as subjects of justice within moral and political theory, of childhood from the point of view of justice, and of children's interests-protecting rights. Here, I argue that children fall within the scope of principles of justices, that they have justice-based entitlements and claims in society (whatever one thinks the right metric and distributive principles of justice to be), and that any theory of justice aiming to explain what is owed to children needs to be sensitive not only to children's needs, interests, and capacities which are relevant for their development and the realization of their potential for adulthood, but also to their needs, interests, and capacities *qua* children. In particular, I defend the views that: children are subjects of distributive concerns within a Rawlsian conception of political justice as fairness, and a revised account of children-appropriate primary goods; childhood has intrinsic value and there are intrinsic goods of childhood; children have morally relevant interests, such as in having good childhoods and in developing moral powers, to the background of peaceful and just societies; and children's rights should protect their interests, in ways that are sensitive to how those interests and the relevant capacities gradually develop.

While Chapter One situates childhood in an ideal normative framework, Chapter Two, *Childhood in Warring Societies,* zooms into experiences of childhood to the background of contexts war, which are far from ideal and rarely without injustice and immorality. This Chapter makes a general case why children who experienced war always have special entitlements to justice in the aftermath of it, which are likely to include claims to special compensation and recognition for the ways in which exposure to war harmed them and impacted their lives in justice-salient ways. Here, I first overview the various experiences that children might go through during war and roles they might perform in it; second, I

overview some of the justice-salient consequences of war experiences on children's morally weighty interests and capacities, particularly on their interests in having good childhoods, in developing moral powers in timely, morally adequate ways, and in living in peaceful, just societies – sets of interests which I continue to investigate in the following Chapters, as I build the Lost Childhood, the Moral Powers Development, and the Political Participation Claims around the impact of war on those interests. I then consider whether and how the (un)justness of war, evaluated according to Just War Theory standards, bears on children's entitlements to justice, ultimately arguing that children's war-related harm can always be considered in some sense wrongful - either because the war causing it is unjust, or because the unjust warring side, which made war the only morally required response, must have committed some original wrong, or, in any case, wrongful if not adequately responded to, because the weight of children's war-related harms and their urgent vulnerabilities always give rise to claims which trigger adults' special obligations towards them, requiring the incurred harm-caused disadvantages (no matter how justified) to be mitigated and responded to with some adequate forms of compensation and recognition.

Chapter Three, *Looking at the Past: The Lost Childhood Claim*, advances children's claims grounded on children's morally weighty interests in living good childhoods, which include the enjoyment of intrinsic goods of childhood of the sort illustrated in Chapter One, and the idea that children who experienced war-related harm, particularly in ways that undermine their interests in having good childhoods, are always entitled to compensation and recognition for it. Here, I first introduce my understanding of harm as a setback to children's wellbeing (which gradually includes the realization of their important developing needs, interests, capacities, and preferences, as defined in Chapter One), specifying what forms and kinds of compensation and recognition might be considered adequate for children who experienced war, given the context and the relevant features of the harms suffered as well as of the children themselves. After overviewing the kinds of war-related personal, material,

intangible, and childhood-goods harms that children may suffer, particularly in ways that endanger the enjoyment of good childhoods, I consider the difficulties in identifying and measuring adequate forms of compensation and recognition, which partly have to do with the temporal nature of certain goods, and partly with the ever-changing nature of children. Chapter Four, *Looking at the Present: The Moral Powers Development Claim,* advances children's claims grounded in their morally weighty interests in developing their two moral powers - namely capacities to form, pursue, and revise a conception of the good (broadly understood as capacities relevant for personal autonomy) and a sense of justice (Rawls 1999), in timely, morally adequate ways, as well as on the empirically grounded observation that, during wars, children are more likely to face challenging situations which sometimes make it the case that they need to exercise (thereby, develop) capacities to make morality- and justice-based judgments and choices (in general, and comparatively more than children who do not grow up amid war), or, by contrast, situations which sometimes make it the case that their capacities for moral powers are stunted or cannot develop properly. In the first part of the Chapter, I examine both the process of 'normal' development of moral powers in children, and the ways in which war might impact such development, making a simplified distinction between children's responses to war experiences that seem to have an overall *negative* effect on development, like the appearance of severe disorders and psycho-pathologies in response to trauma, and responses that seem to have a *positive* effect on development, like a heightened sense of justice and advanced levels of cognitive and moral reasoning, as well as capacities to act upon that understanding. In the second part of the Chapter, I argue that if it is true that exposure to war-related circumstances during childhood impact the development of moral powers (for better or worse), and if it is true that moral powers ground the (im)permissibility of certain treatments (such as paternalism and the assignment of autonomy-protecting rights), then we ought to adequately assess the extent to which children who experienced war have developed their capacities for moral

powers, in order to give them due recognition and adequate compensation, thus tailoring post-conflict interventions in ways that allow for both the protected continue exercise, or 'corrective' development exercise, of children's moral powers. Given the significant variation in children's responses to exposure to war circumstances, I propose two versions of the Claim: for those children whose development of moral powers was *stunted* by exposure to war, the Negative Claim holds that they are owed compensation and adequate opportunities to make up for the developmental losses; while for those whose development was *advanced* by the exposure, the Positive Claim holds that they are owed recognition for their newfound capacities through opportunities to meaningfully exercise their moral powers, as well as however compensation for the untimely, morally inadequate ways in which such development was triggered. I then conclude by suggesting ways to translate the Positive and Negative Claims into legally codified rights within a children's rights framework of the kind discussed in Chapter One, giving examples of when justice requires the granting of extensive welfare-protecting rights and opportunities to recover, but also sometimes the relevant autonomy-protecting rights and opportunities to meaningfully exercise the morally relevant capacities matured, as a matter of compensation and recognition.

Chapter Five, *Looking Forward: The Political Participation Claim,* advances children's claims grounded on their morally weighty interests in living in peaceful and just societies, their gradually developing political participatory interests, and the unique situations brough about by post-war transitions, which create opportunities to include children who experienced war in the social and political life in ways that benefit at the same time children and the realization of their important interests, as well as everyone's interests in the realization of the political goals of peace and justice in society after war. Here, I first consider children's interests in peace, justice, and political participation in general, and how such interests are triggered by post-war contexts in particular. Second, I argue that children who experienced war have a claim to have their weighty political interests in peace and justice

met by others, while at the same time being themselves adequately included into political and other relevant processes aimed at peace and justice. I defend the view that as long as participation in political and other justice- and peace-oriented processes matches children's level of interests and capacities, and it is not too burdensome (i.e. too costly or harmful) for them to do so, they should be allowed to participate, sometimes through the granting of (some) political rights. I then clarify the implication of the Political Participation Claim regarding the right to vote in particular, arguing that children with full Positive Moral Powers Development claims after war, who are likely to have also developed capacities relevant for political powers and political knowledge alongside capacities for moral powers, have a claim to the full spectrum of political rights, including the right to vote; while for children for whom it would be yet too burdensome to vote (either because they are too young, too harmed, or have Negative Moral Powers Development claims), the Claim translates to obligations in adults both to provide such children with adequate, less burdening opportunities for political (and non) participation, and to realize children's political interests in peace and justice by advancing such interests in various ways, for instance through consultations with children, or even by establishing a system of fiduciary representatives to cast votes on children's behalf, towards decisions that aim to achieve the consolidation of peace and justice in society. I conclude by addressing the worry that the Political Participation Claim might be too demanding for children, advancing the novel proposal that while it is crucial to examine what justice demands societies do *for* children, it is worth considering what justice demands *of* children, particularly in certain unjust or critical contexts, such as children who experienced war, who in the course of developing capacities and attracting interests and rights, might indeed also gradually attract responsibilities and liabilities, which ultimately seem to justify their having to carry some of the burdens of participation for the realization of peace and justice in society.

Chapter One:

Childhood in Just Societies

Introduction

This chapter introduces the theoretical framework that anchors my understanding of children as subjects of justice within moral and political theory, and of childhood from the point of view of justice. In particular, I will illustrate the views that stand in the background of my reflections, substantiating the following claims: that children are subjects of distributive concerns within a Rawlsian conception of political justice as fairness and a revised account of children-appropriate primary goods, and that childhood has intrinsic value and there are intrinsic goods of childhood, in section 1; that children have morally weighty interests, such as in living good childhoods and in developing moral powers, to the background of peaceful and just societies, in section 2; and that children's rights should protect their interests, in ways that are sensitive to and balance how children's relevant interests and capacities gradually develop, in section 3.

There is widespread agreement among philosophers, today, that children are right-holders to whom various agents, such as adults and the state, owe duties of justice; that there is something from the point of view of justice that children ought to receive, from the share of benefits and gains produced in society. There is however less agreement about the exact content of such duties of justice. "In all this there seems to be a trend towards taking children seriously as distinct subjects of moral and political theory who have complex and evolving interests. [...] the challenge is to deepen our understanding of children's interests and to explore how the conceptualization of children's interests affects the character of the moral claims they have" (Archard and MacLeod 2002, 4). It is in the spirit of this challenge that I build the work that follows. Children do not have the exact same capacities, interests, and

normative powers as adults, which means, for one, that they cannot be held accountable or responsible the same way adults are (if at all), and they do not seem to have the same justice-based entitlements and claims as adults. Nevertheless, I take it as uncontroversial that children fall within the scope of principles of justices, and that they have justice-based entitlements and claims in society (whatever one thinks the right metric and distributive principles of justice to be). I also take it that any theory of justice aiming to explain what is owed to children needs to be sensitive not only to children's needs and interests which are relevant for development and the realization of their potential for adulthood, but also to their needs and interests *qua* children (MacLeod 2010).

1. Childhood Goods and Distributive Concerns

In this dissertation, I consider what is owed to children, as a matter of justice, within a normative liberal framework committed to basic moral equality and equal basic liberties as political ideals, such that any deviation from the standards of treating each other as free and equal must be justified. I thus rely on a conception of justice as fairness and the ideal of society as a system of cooperation between free and equal members, where the burdens and benefits of such cooperation are to be distributed fairly (Rawls 1999; 2005). I generally understand burdens as those responsibilities, obligations, and costs of various kinds that are necessary for contributing to the cooperative endeavour, and benefits as the gains of such cooperation to be enjoyed by all after their redistribution. Before elaborating on my understanding of childhood's value and intrinsic goods, I will consider in the next subsection some of the difficulties in identifying an adequate metric of justice for identifying children-appropriate goods, resources, and opportunities, ultimately endorsing a revised version of the Rawlsian primary goods account.

1.1 A Child-Appropriate Metric of Justice

In the Introduction to their ground-breaking edited book on the normative exploration of children's moral and political status, Archard and Macleod (2002) take the view that children should be given direct recognition as full, equal, and distinct subjects from the point of view of liberal equality, which implies that their interests, entitlements to resources, and opportunities to which these interests give rise, require direct[7] consideration from the point of view of justice. Because children's moral powers, capacities, and interests are different (i.e. still developing) compared to adults', justice demands that they are treated differently than adults, even if one agrees, like I do, that children stand as equal members of the moral community, such that their morally relevant interests matter at least as much as adults'. Equal consideration of morally relevant interests makes it impermissible to sacrifice children's interests for the sake of adults' (other things being equal)[8].

In order to assess how one's situation in society fares with that of others, so, to compare the enjoyment of one's benefits from social cooperation relevant from the point of view of justice, various metrics of individual *advantage* have been proposed in the literature. According to Rawls (1999), individuals have interests in developing and exercising their moral powers, namely capacities for a sense of justice, which allow them to act in accordance with principles of political justice, and capacities to form, pursue, and revise a conception of the good, which allow them to act autonomously. It is the possession of such powers, at least to a minimal degree, which makes persons equal members of the cooperative venture, and capable to enjoy the freedoms it provides to pursue a good life. As free and equal persons

[7] Direct in the sense that children and their interests need to be considered for their own sake and on their own, and not only, for instance, mediated through parental duties or by issuing resources to parents, or through the institution of the family.

[8] One might think that, similarly, it is impermissible to sacrifice adults' interests for the sake of children (other things being equal), and thus that the distribution of benefits and burdens in society should be equal between children and adults (beyond justified inequalities), but it is also widely believed that children's evident vulnerabilities trigger in adults more urgent, special moral obligations to tend to children's needs and interests.

with moral powers and interests in obtaining the means to pursue their conceptions of the good, each member is entitled to be allocated a fair share of what Rawls calls *primary goods,* which are goods that allow individuals to develop and exercise their moral powers, and include basic rights and liberties, powers and opportunities, wealth and income as all-purpose means, and the social bases of self-respect. So, in Rawls' theory, individual advantage is measured in terms of the share of primary goods made available to each member by the basic social and political structure in society (Rawls 1999; MacLeod 2010). However, in his model Rawls assumes that the free and equal members of the cooperative endeavour already possess a minimal level of the moral powers needed to claim and enjoy their fair share of primary goods. This is not the case for children, so more needs to be said to explain what grounds their own entitlements to (and, to which) goods. To be sure, liberal views typically grant that children are owed the assistance they need to develop their moral powers, such that they reach independence and autonomy while being prepared to live justly with others in society (Clayton 2006; Lindblom 2019)[9], but there is disagreement about which metric of justice adequately captures what seems to matter that children receive from the point of view of justice (Lindblom 2019), and there seems to be some goods which is important for children to receive, even when these do not serve the purpose of developing children's moral powers (MacLeod 2010).

Indeed, two important criticisms have been raised against primary goods as the correct metric of justice, by philosophers considering what we owe to children in particular: one regarding (a) the *agency assumption* behind social primary goods, and one regarding (b)

[9] Consider also the view expressed by Rawls related to the sense of justice: «In the instance of children, one supposes that the capacity for a sense of justice is there and only awaits development. Guardians must secure this development and they must decide for their wards in view of what a person is presumed to want and to claim once he reaches the age of reason» (Rawls 1963, 303); and the view expressed by Nussbaum's version of the capabilities approach, where capabilities are opportunities for functionings (which the approach considers to be the metric of justice), which considers one of the ten central capabilities the abilities for practical reasoning, defined as the capacities to form a conception of the good and critically reflect on the planning of one's life (Caruso 2021).

the suitability of those goods to pick out justice-salient (dis)advantages when it comes to childhood experiences.

Regarding (a), Archard and Macleod (2002) point out that liberal equality typically rests on an *agency assumption*, which makes a fair distribution of resources and opportunities, among adults, sensitive to the choices for which they are responsible (such that social and economic inequalities might permissibly obtain)[10]. So, to evaluate and claim (dis)advantages, Rawls assumes that persons have at least minimal levels of moral powers, that they are responsible in morally relevant ways, and that they give mutual recognition and respect for each other's moral powers. Since the *agency assumption* is presumably not applicable to children, who do not yet possess moral powers to a sufficient degree, Macleod (2010) has argued that primary goods cannot be the right metric of justice for them. Moreover, as the distribution of goods, resources, or opportunities should become responsibility-sensitive only later in life, as the relevant capacities for responsibility appear, Macleod suggested that the inequalities which a fair distribution of advantages should be able to pick should rather be, in the case of children, well-being sensitive (Macleod 2002). Because children lack developed capacities for responsibility, they can't be responsible in choosing which resources and opportunities they need, so instead, it is adults in society that ought to identify (and provide) the kinds of goods children need, both in order for children to develop their moral powers, and to ensure their wellbeing, i.e. the enjoyment of their childhoods as children. Macleod writes that, generally, "the relevant resources are those that contribute to the healthy development of children's cognitive, psychological, physical, and moral capacities as well as those that contribute to the well-being and happiness children enjoy as children. Some of the most important children-focused resources are: (1) education;

[10] By contrast, they claim that a liberal, egalitarian justice for children would require a *strictly* egalitarian distribution of resources directly to children, such that each of them may have at least decent life prospects (Archard and MacLeod 2002, 9–10).

(2) health care; (3) nutritious food; (4) safe and comfortable shelter; (5) a loving and supportive family; (6) opportunities for play" (Macleod 2002, 222)[11].

Furthermore, regarding (b), in later work Macleod (2010) advanced the idea that there are goods owed to children which seem to matter irrespectively of whether they contribute to the development (and exercise) of moral powers. Even if child-focused Rawlsian primary goods could be identified as those resources (or social conditions) that are essential to securing conditions necessary for the development of the moral powers (if not yet for their enjoyment), this does not seem to capture the full range of relevant goods that make a childhood go well. In other words, there are dimensions of the lives of children that matter from the point of view of justice even if they are not integral to the successful development of moral powers. Brennan and Gheaus, among others, have further contributed to developing an account that captures the saliency of intrinsic goods of childhood for the sake of justice (Brennan 2014; Gheaus 2015a), I consider this in the following subsection.

1.2 Intrinsic Goods of Childhood

[11] It is worth mentioning here an alternative view advanced by proponents of the Capability Approach (CA), notably initiated by Sen and Nussbaum. The CA contends that what matters, from the point of view of justice, is not that people receive resources, but rather opportunities for them to achieve - what they call - core "functionings", namely valuable ways of being or activities; so, we should not be concerned with the provision of goods, but with what these goods permit people to realize, since we largely differ among ourselves, and within our own lifetime, in our capacities to turn primary goods, intended as all-purpose means, into what is valuable for us to achieve or be. In order to compare (dis)advantages for the sake of distributive justice, we should thus weigh one's ability or opportunity to fully function in society in some relevant ways, for instance in being well-nourished, educated, and so on. It has however been observed that this view, too, rests on an assumption of agency according to which adults are capable of acting with moral powers and thus take responsibility for their choices in realizing or not certain functionings, and neither this nor a Rawlsian primary goods account seem to fully capture the saliency of certain goods that are important and justice-salient during childhood. One way this was answered was to point out that what matters, for adults, are *opportunities* to function; whereas what matters, for children, is not that they have opportunities, rather, that they *realize* certain core functionings, like *being* well-nourished and *being* in loving and caring relationships (MacLeod 2010). My take is that the metric of justice applicable to children under a CA, not unlikely Rawls' primary goods, could be better tailored to capture whatever children may need to function in age-adequate ways, but I believe that the formulation of the claims specific to children who experienced war, advanced in the following chapters, will be convincing even among holders of different views on which goods are salient from the point of view of justice in childhood.

As seen in the previous sub-section, the *agency assumption* behind Rawlsian primary goods makes sense within a conception of political justice which presupposes that the subjects of justice possess the two moral powers to a minimal degree, and which considers society as a cooperative scheme of free and equal members. As all-purpose means (which include basic rights and freedoms), social primary goods allow both everyone to enjoy the resources to pursue their own conceptions of a good life, and the liberties to do so without illiberal interference from the state, which ought to be neutral with respect to conceptions of the good. It seems plausible, based on our morally relevant interests, that children would be owed at least what is required for them to grow and develop their moral powers, and thus be able to enjoy their fair share of benefits in pursuit of their good lives, as adults. Yet, this does not seem to exhaust all of our obligations towards children. In other words, once children get what they need to grow into adults with moral powers and a good life, does justice still give us reason to allocate more benefits (i.e. resources) to them *qua* children? And if so, wouldn't the goods, resources, or opportunities we owe them be different than those we owe adults?

Before answering, I should take a step back and consider the question of whether childhood in itself is an intrinsically valuable stage of life, and not only an instrumentally valuable one in preparation for adulthood[12]. This in turn requires to adopt an account of well-being against which to evaluate and measure whether childhood can be good or bad for children (in comparison to adulthood). In considering these questions, Tomlin (2018b) observes that

[12] It is an interesting but hard to settle question, what counts as a 'normal' and normatively adequate process of development from childhood to adulthood. The fact that we have more or less similar experiences of biological growth and social development makes it difficult to disentangle our intuitions about how things should or could be, from what we normally expect them to be. One's view of childhood's value will impact how one answers questions like: is it better to have a longer or a shorter childhood? Is it permissible to sacrifice some childhood time for the gain of adult-like capacities and normative powers? Is it permissible to accelerate or slow down autonomy formation, and why? Unfortunately, I cannot give due space to these and the many more fascinating questions this topic arise, here, but I will continue to reflect on how children are harmed when their interests are frustrated and they do not receive their fair share of adequate childhood-relevant goods and opportunities in Chapter Three, and for the process of developing moral powers in Chapter Four.

childhood is, in fact, an amalgam of varied stages of life (much like the rest of adult or elderly life, it seems to me): biological and social reality makes it the case that some of what makes our lives go well will greatly depend on the phase of life we are living. This is how Tomlin illustrates an account of well-being sensitive to how interests change over time, within approaches to wellbeing that aim to identify objectively important interests and goods that make one's life go well[13]: "What we require is a list-based theory of well-being (but the list can include both desire-satisfaction and happiness) under which the different elements of the list are more or less important to overall well-being at any given time. Sometimes an item may be *all* that matters to well-being, other times it may not matter at all, but its overall contribution to well-being will grow or diminish gradually. Think of it like the mixing desk of a recording studio. At the very beginning of life, we might set physical health and physical pleasure at the very highest setting, and have autonomy and sexual relationships set to zero. At the age of two, unstructured play might be set very high. By 13, that may have decreased, with autonomy playing a bigger role. The point is, any plausible view is not actually going to be a view about "the account for children and the account for adults" but rather a set of goods which continuously and gradually vary in importance (including continuing on into adulthood)" (Tomlin 2018b, 86). As my discussion on the balancing of children's developing interests and capacities, at the end of section 3, will confirm, my work generally aligns itself with this kind of approach to well-being, and takes the satisfaction of developing (and *weighting differently,* across life-stages) morally relevant interests as constitutive to well-being[14]. I think that objective list theories of wellbeing are more likely to capture why and when the interests of children are relevant for concerns of justice, and how to account for

[13] Traditionally, three main approaches have described well-being as what makes life go well in terms of, respectively: happiness; desire-satisfaction; the satisfaction or realization of certain objectively important values or interests that all humans share (Tomlin 2018b).

[14] These include, for instance, interests in welfare and autonomy, but I leave this discussion for section 2.

the intuition that there are things which are good for children (and important that they receive, from the point of view of justice) based on interests they share with adults, and things which can be more or less good for children, or more or less good for adults, based on their particular needs and interests across a lifetime, in the way Tomlin describes it – as tunes in a recording studio set at different volumes at different times. It further makes sense to discuss children's wellbeing through objective-list accounts, in the context of the question of what goods are owed to children, also because unlike adults, who can exercise their moral powers and have authority over themselves and how they may use their share of primary goods, children cannot always know or claim what is best for them, hence they are legitimately paternalized by adults and the state, who ultimately exercise authority over them to ensure that they get what they are owed; it then becomes an essential task to identify what these owed goods, resources, and opportunities are[15].

So, going back to the question of childhood's intrinsic value and goods: presumably, if it is valuable to start life as children (if it is better to spend a part of life as a child than to never experience childhood)[16], so if childhood is *intrinsically* good, then some of childhood's own goods, i.e. goods that make for a good childhood, also have intrinsic value, and are not only important in virtue of their instrumental value for later stages in life (Brennan 2014; Gheaus 2015a). As argued by Gheaus (2015a), the existence of intrinsic childhood goods has indeed direct implications for the metric of justice and our distributive concerns towards children. While philosophers have traditionally seen childhood as a state of being "unfinished" adults, evaluating children's features and capacities by adult standards, thus seeing children as defective in some ways - incapable of fully flourish, reason, or exercise moral agency, and

[15] See, for instance, (Gheaus 2015a; MacLeod 2010).

[16] Several philosophers have offered an answer to the question of the value of childhood by advancing thought experiments involving scenarios in which we are asked to consider how good or bad it would be if childhood could be avoided or somewhat significantly altered. See, for instance, (Tomlin 2018b; 2018a; Brennan 2014; Gheaus 2015a; 2015b).

they have taken childhood to be valuable mainly for its role in leading to adulthood[17], a few philosophers have more recently advanced what I take to be more appealing and convincing views, revendicating positive and desirable features of being a child and arguing in favor of childhood's intrinsic value. They have pointed out that childhood is a phase of life distinguished by certain capacities, conditions, and opportunities for enjoyment which seem to defeat the idea that childhood does not have intrinsic worth: compared to most adults, children have indeed greater abilities to learn, making discoveries, and marvel at the world, they have greater mental and bodily flexibility and imagination, and they overall care and feel a great deal (Gheaus 2015a). In fact, some of the aspects that have typically been seen as contributing to childhood's *badness*, if evaluated by adult standards, seem to be rather contributing to childhood's *goodness*: being unburdened by the knowledge of the problems of the world, not having to make morally difficult choices, and not having capacities for full moral responsibility and reasoning, for instance, make it the case that children can more easily experience carefreeness, innocence, and fun; it also seems good to have a period of life in which we are entitled to make mistakes and experiment, where someone else has to worry about bad consequences. Indeed, Brennan (2014) has listed, among what counts as childhood goods: unstructured imaginative play, time spent outdoors and in nature, physical affection, physical activity and sport, music and art, opportunities to contribute to the household and community, emotional well-being, physical well-being and health. Some of these are clearly of great importance regardless of whether one is a child or an adult (this can be captured by the idea of basic needs across a lifetime), but some are obviously more available and accessible during childhood. All contribute to some extent in making childhood a good one. Similarly, according to Gheaus (2015a), a good childhood should include significant amounts of free time, unstructured play, opportunities for joyful and

[17] See, for instance, (Shapiro 2001; Hannan 2018; Gheaus 2015b).

experimental social interaction, and a sense of being carefree, on top of ensuring the satisfaction of important basic needs such as protection from violence and cruelty; freedom from hunger; clean water and air; shelter; loving and caring adults. Gheaus further explains intrinsic goods of childhood not as goods which are specific, or unique, to children, but rather as goods that seem to be either more easily or more importantly realized during childhood. As she suggests, one might think for example that unstructured time is equally good for children and adults, but that it is owed as a matter of justice only to children. One might also think that unstructured time is both good for children *qua* children, and good for them as future adults by virtue of having developmental, and not only intrinsic, value, but this instrumental value need not subsist for such a good to be relevant to our distributive concerns.

Some of the intrinsic goods of childhood mentioned, such as innocence, play, carefreeness, as well as generally important goods, such as protection from harm, violence, and cruelty, will be particularly relevant for my considerations of the case of children who experienced war, so I will go back to this in Chapter Three, when I discuss children's Lost Childhood Claim grounded in children's morally relevant interests in having good childhoods and enjoying childhood goods. My formulation of the claims of children who experienced war in the following Chapters should, however, convince even those who endorse views of childhood as a predicament (namely, as an overall bad condition to be overcome), and are sceptical about the existence of intrinsic goods of childhood. This is because contexts of war severely harm children and put at serious risk the satisfaction of their basic needs as well as their overall development, which as I will show gives us reason to compensate then as a matter of justice, although sceptics might find less convincing, for instance, the idea that lack of adequate opportunities for carefree play or unstructured time should be counted towards compensatory claims. Furthermore, depending on the level of development of the relevant capacities in the child, there are to consider opportunities to pursue one's pro-

attitudes and desires owed as a matter of justice. Even if we think that children do not have the same entitlements (and capacities) to pursue their ends as adults, many would concede that adults should defer to children at least to some extent and, presumably, increasingly so as they develop. This suggests that they would have further important interests frustrated, when they do not receive adequate goods and opportunities.

To conclude, Bou-Habib and Olsaretti (2015) have suggested that children's autonomy, on a conception of it that is appropriate to their developing capacities, might be relevant for identifying the kinds of treatment that children have a claim to receive, as children might be, to some extent, capable to fit within the requirements of the agency assumption behind Rawlsian primary goods. Their recommendation is thus to rather revise the assumption to more precisely reflect children's developing capacities for moral powers, rather than reject the metric of primary goods entirely. I agree that primary goods and the assumptions behind the justification for their identification can be adjusted to better reflect children's claims and their specificities, namely by including in our distributive concerns intrinsic goods of childhood, and by appealing to children's interests in developing, and not only enjoying later in life, their moral powers. I will explore in the following section some of children's morally important interests that will be relevant in grounding children's claims formulated later in this work.

2. Children's Morally Relevant Interests

I take it that the morally relevant features of childhood, such as vulnerabilities and the gradual development of capacities and interests, are determined and related to reasons for avoiding harm to children, ensuring their protection and well-being, and granting the development and respect of their moral powers, to the background of reasonably just and functioning societies. Morally relevant interests elicit certain morally appropriate responses, as suggested for instance by both concern- and promotion-based attitudes towards

wellbeing and welfare interests, and respect- and promotion-based attitudes towards autonomy interests and the development of moral powers. Certain values, too, ground moral responses, such as obligations deriving from political morality, or respect anchored in the value of autonomy.

Children clearly have morally relevant interests in having their basic needs met[18], but they have at least three other sets of fundamental interests, in (1) *having good childhoods,* (2) *developing moral powers*, and (3) *living in peaceful, just societies*, which I am going to treat separately, as I believe they will be particularly relevant for the discussion of the claims of children who experienced war in the following Chapters. What is morally relevant from the point of view of justice is that children are allowed to develop, pursue, and enjoy the realization of these interests; this sometimes implies that they are owed adequate goods or resources, and sometimes that they are owed adequate opportunities, where *adequate* means sensitive both to fairness in distributive concerns and to the ways in which children gradually mature and develop needs, interests, and relevant capacities.

(1) Children have morally relevant interests in *having good childhoods.* As discussed in section 1, I understand this to mean that they should have, and successfully *realize*, opportunities to live at least decent lives as adults, but also as children, with access to intrinsic goods of childhood. It is thus possible to identify justice-based claims related to the realization of important childhood interests, to which morally appropriate responses would entail protection, promotion, and concern, or compensating children for the harm deriving from the frustration of such interests. I will consider ways in which the frustration of these interest give rise to claims in children who grow up during wartime in Chapter Three.

(2) Children have morally relevant interests in *developing moral powers,* to which I would add 'in a timely, morally adequate way', by which I mean that we have reasons to promote

[18] As captured by almost universally endorsed human rights to health, shelter, nutrition, education, just to mention a few, and codified specifically for children in the UN Convention of the Rights of the Child (1989).

and assist children's development only in just ways, so ways that neither violate general principles of justices nor jeopardize children's otherwise 'normal' advancement through developmental stages[19]. Following Rawls, we can understand the two moral powers as the sense of justice, that is capacities to identify and act from principles of (political) justice, and the capacity to form, revise, and pursue a conception of the good (of what constitutes a good life), broadly understood as capacities for personal autonomy. As mentioned before, there is general agreement in the literature about adults having obligations towards children to assist such development, which happens gradually. An adequate assessment of children's moral powers also matters in justifications for paternalistic or autonomy-respecting treatment. One aspect worth mentioning, that is however often neglected in discussions of children's moral powers and development, is that while it is clearly in children's interests to grow up into beings with full moral powers, and thus in having opportunities to develop and exercise them accordingly, children also have interests (presumably less and less as they mature) in going through a period of life unburdened by weighty moral considerations and the responsibilities that follow from having moral powers in adulthood[20]. Another upshot (very much discussed) of children not having full moral powers is that they are justifiably exonerated or partially excused from moral responsibility, legal responsibility, and criminal liability when they commit wrongdoing or make serious mistakes. I will examine in depth

[19] To be sure, there are significant variations in the cultural, social, and legal landscapes regulating childhood, childrearing practices, and the assignment of legal rights at specific age thresholds, but there is general agreement that the child moves through different developmental stages and experiences while acquiring (relevant) knowledge and capacities, stages which are partly linked to biology ("nature") and partly to culture ("nurture"), and that this make it 'apt' that they are treated differently at different stages.

[20] To clarify, the idea here is that children benefit from not being burdened with thinking how to survive the month, where to sell their labour, or how to pay for bills (i.e. adult responsibilities), and from receiving guidance and assistance from the adults in their lives when it comes to figuring out the ethical, just ways in which to behave in society and with others (i.e. being burdened only by age-appropriate, limited moral considerations). This does not mean they have interests in not having any kind of moral considerations at all, particularly when it comes to treating the relevant others in their lives, such as parents, friends, or pets. Indeed, the development of moral capacities occurs through gradually thinking about the relevant moral concerns, but in age-appropriate morally-loaded situations.

the process of development of moral powers in Chapter Four, where I consider how exposure to war experiences during childhood impacts such development in various ways, and how this gives rise to justice-based claims.

(3) Children have morally relevant interests in *living in peaceful, just societies*[21]. Perhaps more controversially than for the previous sets of interests, I think children have social and political interests, in the sense that they have interests in how society is organized and distributes benefits and burdens, and how it realizes peace and justice as important political goals, from which they clearly benefit. While I will discuss at length children's interests in relation to the successful consolidation of *peace* and *justice* in the aftermath of war in Chapter Five, I should introduce here what I generally understand as justice interests, and point out that a political condition of peace (or at least, absence of war) seems to be necessary to ensure that justice and other important interests are realized in society. I take it as uncontroversial that children and adults have interests in living in peaceful societies rather than warring ones, even though in cases of *just wars*[22], whose necessary aim (with reasonable prospects of success) is to ensure that more justice is realized than if the war were not to happen, our justice interests might weight in favour of engaging in war. It is less straightforward that we always have interests in justice. If justice is sensitive to one's interests, it seems that someone benefiting from injustice might have volitional interests in benefitting from it being committed, thus would not have an interest in bringing about justice. However, they might still have critical interests in living in a just society[23]. If we consider justice and living well (in the Dworkinian sense) valuable, this makes our interests also sensitive to justice, because we have interests in something valuable to be realized. So,

[21] I must thank Patrick Tomlin and Victor Tadros for prompting me to clarify the interests involved here.

[22] By *just war* I mean a war that complies with the principles and criteria set out by of Just War Theory (and, following Oberman's account, a morally required and not a morally impermissible war), as I will explain in Chapter Two.

[23] For the distinction between volitional and critical interests, see: (Dworkin 1989).

I understand justice interests as interests in being part of a just society *and* in being treated justly (which includes receiving one's fair share of benefits). Rawls for instance talks of "the good of justice" as the good from living in a just society (1999): a well-ordered society with just arrangements, which respects reasonable principles of political justice, is necessary for the realization and exercise of one's moral powers, whose importance was just discussed. One can understand the claim that people's moral lives go worse when they live in unjust societies, at least in two ways: superficially, one can understand it to mean that A's life goes worse if A is treated unjustly, suffers deprivations, and the like; more significantly, one can understand it to mean that A's life goes worse if A lives in a society in which others are treated unjustly, suffer deprivations, and the like. Dworkin distinguishes between the idea of living *good,* that is of living a *good* life, in line with our own conception of the good, and the idea of living *well,* that is living ethically, within the constraints of justice and morality (Dworkin 2013). If we agree that our moral lives go worse when we cannot live well, for instance when we live in societies torn by war, which often implies cruelty, destruction, violence, the breakdown of social norms, and pervasive injustice, then the lives of children who grow up in warring societies are in some significant respect worse[24], too, whether or not they are already capable to appreciate the wrongs of injustice and war (even though, as I will show, they are more often than not). In other words, children have interests in living well even when they do not yet have capacities to live well. Not only children are beings with the potential to appreciate the wrongs of injustice, such that they would prefer a world with justice rather than one without, if they were mature enough to have capacities to appreciate

[24] As I will explain in the next Chapter, whether a war is just or not (by just war theory standards) complicates the normative picture: presumably, the lives of adults and children of just societies that are engaging in morally required, just wars ideally need not to be morally worse, as their interests in living well would not be violated in the pursuit of justice. Real-life cases of war, however, are far from ideal, which makes it plausible that even wars with a justified cause, and fought in reasonably just ways, will sometimes cause serious violations of people's fundamental interests and standards of law and morality, and it still seems regrettable to experience widespread suffering, violence, and death in society, even when war justifies them.

those, but they are also beings with developing capacities to appreciate, and indeed exercise claims of, justice in the present. Moreover, I contend that justice interests sometimes give us instrumental reasons to grant participation in the relevant political or social processes, when participating and having a say in matters that affect us increases the chances of justice to be realized and of being treated justly. At the same time, participation interests are sometimes the kinds of interests that give us reasons to ensure we have adequate opportunities to participate in the shaping of our shared political and social life, e.g. in political decision-making processes, regardless of whether this increases the chances of a just outcome. Adults normally have participatory interests, but to the extent that children have developed the relevant capacities, and have matured sensitivity to the relevant justice interests, they also have interests in participating, more or less authoritatively, in collective decisions on issues that are important to them and affect them.

Having introduced here what I take to be some of children's morally relevant interests which will play a part in grounding the justice-based claims formulated in the following Chapters, I dedicate the next section to discuss a framework of children's rights for the protection of their fundamental interests.

3. A Children's Rights Framework

The protection of the fundamental interests of children is considered a particularly urgent moral requirement, at the same time, deliberate or negligent harm inflicted upon children is morally condemned. One way to express the moral urgency associated to children's morality and justice-based claims is through the concept of *rights* (Archard and MacLeod 2002). Not all rights legally recognized are moral, nor every moral claim translates to rights, so it is helpful to keep this distinction in mind when asking how children's justice-based claims, such as the ones of children who experienced war in particular, formulated in this dissertation, can be translated into legally codified rights. I anchor here my understanding

of children's rights within an 'interest' theory of rights and a gradualist framework capable to account for the fact that children's relevant interests and capacities develop in stages, and thus that the acquisition of rights that protect their welfare-promoting and autonomy-protecting interests should be tailored accordingly[25].

3.1 Protecting Children's Interests

The mainstream position today is that children do have at least some rights, and that children's rights should protect their interests. The almost universal international ratification of the Convention on the Rights of Child (1989) was both expression of a shift in the understanding of children as right-holders, and what helped consolidate such position. An 'interest' theory of rights holds that the function of rights is to protect what is fundamentally important to us, like certain things, goods, and values, that are in our interest. As Raz (1984) explains, there is a direct connection between interests, rights, and duties. According to him, an individual is capable of having rights when her well-being is of ultimate value, such that an aspect of that individual's well-being, her interest, is a sufficient reason for holding others under duty. So, when a certain aspect of her well-being is a reason for holding others under duty, that person has a right.

The 'interest' theory is about what function rights should serve, but more needs to be said about what interests should be protected by rights. The core reason for protecting an interest is that it is presumptively beneficial for the claim-holder, so if the claim-holder does not have the competence to realise the content of the claim, the claim lacks strength[26]. Rights that typically presuppose competence are, for instance, rights to enter into economic or marriage

[25] Parts of section 3 of this Chapter have been published in (Brucato 2023).

[26] Cowden (2012) illustrates the point by considering that it would be odd, for example, for a blind person to claim they have a right to illumination, simply because they would have no benefit or enjoyment from something they cannot access, even if it were made available to them.

contracts, from which children are excluded on the grounds of lack of competence to make such decisions for themselves, or the right to drive, which is typically conditional on having passed some competence test. If the function of rights is to protect fundamental interests, it is rather straightforward to attribute certain rights to children, and to publicly articulate them, such as interests in care, shelter, health or education (Brighouse 2002, 38), which are instances of *welfare rights*, that is rights that promote and protect, as well as provide opportunities to satisfy, basic needs and the well-being of people. I see two other strengths of an 'interest' theory of rights in accommodating children's rights. One is that it is capable to account for the intuition that we should not assign children the exact same rights we assign adults, as some of those rights will actually fail to protect their interests, and children and adults have, as we have seen, different set of interests, or give different weight to same interests at different times. The other is that it can account for children's interest in making autonomous choices (which tracks the development of the relevant capacities in making such choices), secured by *autonomy-protecting rights*, that is rights that protect and promote one's agential capacities to act autonomously and according to one's judgement. *Welfare* and *autonomy rights* can be further distinguished by the normative source that gives strength to the right: welfare rights are derived from a concern-based attitude for the objective identification and protection of fundamental wellbeing interests, while autonomy-protecting rights are derived from a respect-based attitude for the recognition and protection of autonomy. The 'interest' theory is thus capable of explaining how children are holders of rights, but the rights typically justified for children - by holders of this view - are welfare ones, as they place more weight in children's vulnerability and dependence from others than their agential capacities (Brennan 2002, 51).

A more nuanced understanding of what it means for a child to be autonomous, and appreciating that capacities for autonomy develop gradually and over time, challenge the idea that children should be recipients of welfare rights uniquely. While I will be discussing

the development of capacities for autonomy in children in more detail only in Chapter Four, it is worth mentioning that a conception of autonomy appropriate for children is indeed relevant to identify the kinds of treatments they have a claim to[27]. A common view, also found in the Convention on the Rights of the Child (1989), is that children should be consulted and, importantly, *heard,* in matters that affect and are important to their lives (Brighouse 2003); that is, their views should be taken seriously and children should be given opportunities to express them, nevertheless children's decisions should not have authoritative force. Yet, a view that takes seriously children's developing capacities for autonomy (globally and locally) needs to consider that, in the natural development of the child, capacities appear in stages, and when such capacities reach the relevant threshold for a specific domain of choice, children's interests in autonomy, in making certain choices authoritatively, might override children's interests in being paternalized over such choices. Because children seem to care about being considered to some extent autonomous, and to perceive their dignity harmed when they are not, their acquisition of autonomy-protecting rights should also be thought of in stages, corresponding to the stages through which they acquire the relevant capacities (Brennan 2002).

Any 'interest' theory of rights that wants to adequately respond to children's development should thus be sensitive to the gradual development of different capacities to hold different attracting-rights interests, including interests in sometimes making choices that go against one's welfare interests, when one has the relevant agential capacities to make such choices. Brennan (2014; 2002) has formulated a mixed approach in order to account for processes of intellectual, emotional, and moral growth in children when it comes to rights. In her framework, rights are initially understood as functioning merely to protect children's interests, and then, as children grow into autonomous agents, to ensure that their choices,

[27] See, for instance, Bou-Habib and Olsaretti (2015) and Mullin (2007).

even those which do not serve their welfare, are respected. I believe Brennan is right in her intuitions that as our capacities evolve, so our interests shift, and I agree that once capacities for autonomous decision-making (first locally and then globally) appear, respect for autonomy generally trumps concern over welfare. However, one can apply a gradualist framework without necessarily departing from an interests-based approach to rights, if one takes into account the mix of welfare and autonomy interests and their development, which in turn tracks the development of the relevant capacities in children[28].

3.2 Balancing Children's Developing Interests and Capacities

As discussed in section 2, children have important morally relevant interests to be protected by rights, such as interests in: the satisfaction of basic needs and in living good childhoods, that is, in not being harmed and enjoying intrinsic childhood goods; in growing into autonomous beings with morally developed powers, that is in developing the relevant capacities; and more broadly in living in just and peaceful societies. It is easy to imagine how war endangers and frustrates all such interests, but children who grow experiencing war keep growing and developing their interests and capacities, sometimes in unexpectedly positive ways, and often in morally salient ways, all of which I will discuss at length in the following Chapters. It is not obvious, then, how a framework of rights can be tailored to ensure the realization of all such interests in children, and how to balance contrasting interests in welfare and autonomy, once the war is over and societies need to tailor processes, interventions, and services, to the specific needs and features of their younger generations.

[28] Since an interest theory allows for the overall balancing of autonomy and welfare considerations, one might argue that it also allows paternalism when welfare is severely put at risk by autonomous choices. However, as autonomous agency interests grow with capacities, the point of a gradual approach within an interest-attracting rights theory is precisely to ensure a better respect of capacities for personal autonomy, locally and globally, once they develop. This means that paternalism towards children might be justified in less instances than it is usually thought to, even if it would still be justified in seriously risky situations, such as life-or-death decisions (but that would sometimes offer us reason to paternalize adults, too).

My approach in understanding children's interests and rights (towards their legal codification) is thus to endorse a gradualist framework, within an interest theory of rights, sensitive to how interests change over time, which also tracks capacities relevant to attract and exercise specific rights as well as interests in having opportunities to exercise such capacities. I believe this respects both their future interests as developing beings, but also their present interests and capacities, and it better accommodates the gradual nature of the development of both morally relevant interests and capacities in children (Brennan 2002; Noggle 2019). This is so especially if we agree that concern and reasons to promote children's wellbeing (and treat them paternalistically) are increasingly trumped by reasons to instead recognize and respect children's capacities for autonomy as they gradually appear, overall and within specific domain of choices. This means that, in most cases, it might not be permissible to paternalize children with the relevant capacities for particular choices, even when such choices do not seem to promote their welfare.

One implication of such a gradualist approach is that it requires us to consider, just as children gradually acquire interests, capacities, and rights, that they also gradually incur responsibilities and justice-based reasons to act, such that they can be increasingly expected to respond to principles of morality and political justice. This means that, as children mature, they become more liable both to be held accountable for their actions, and to share some of the costs of the collective burdens and responsibilities in society. Gheaus (*forthcoming*)[29] considers whether it would be permissible, in non-ideal circumstances, to sometimes sacrifice the interests of children for the sake of realizing justice: if we agree with the general requirement that the costs of ensuring justice ought to be shared fairly, children too might be morally required to carry some of the burdens of justice. While there are some discussions in the literature regarding children's responsibilities and distribution of fair

[29] This work-in-progress piece advances a revised version of her account on the Best Available Parent, available in (Gheaus 2021).

shares of burdens[30], one example of common theory and practice which already reflects the idea that who children gradually develop the relevant capacities, also attract the relevant liabilities and responsibilities, is criminal justice. Notwithstanding differences between various country-specific practices and identification of the relevant age thresholds in legal codifications, almost every country in the world accepts that: a) young children below a minimal threshold of relevant capacities are to be considered *incapable* of committing a crime under the law, thus they can never be liable and if they commit any wrong - those are fully excused rather than mitigated (this is what the historical legal doctrine of *doli incapax* presumes[31]); b) there is a (varying) threshold for the age of culpability, namely the age after which children can be treated as at least partially responsible, and thus subject to reduced liability for the commission of criminal offenses - this typically covers children above the *doli incapax* threshold but below, commonly, 18 years of age, which is widely considered the age of maturity and hence of full legal responsibility; and c) there is no reduced liability past the threshold for the age of maturity merely on the grounds of age or youth[32]. Indeed, one of the main idea behind juvenile justice is that children are beings in the process of developing and maturing into law-abiding citizens who remain under the ultimate care of the state, which is responsible for facilitating such development ('Juvenile Justice' 1998).

While there is almost no reference in the literature to the idea of children as duty- and not only right-bearers, it seems plausible to imagine children as at least responsibility-bearers, surely in ways that suit and respect their own developing capacities, and it seems plausible

[30] For instance Gheaus (*forthcoming*) mentions: familiar relationship and filial duties (although, the latter often focus on duties of grown-up children towards their parents/caregivers); reasons to contribute to the burdens of medical research; reasons to absorb some of the costs of just schooling and not to set back other children's educational interests).

[31] Albeit often contested, it is endorsed by the United Nations' *Convention on the Rights of the Child* (1989), which requires signatory states to establish 'a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.

[32] Except, perhaps, discounts on responsibilities and punishments for wrongs committed in very old age, which also carries features that might count as mitigating factors for culpability.

to imagine, as I will discuss in the following Chapters, that particularly unjust or critical conditions might render children's reasons to act in certain ways weightier, such that in certain situations we (adults in society) would expect 'more' of children and younger generations than we would do, if we were to live in more ideal conditions of justice and peace. To conclude, let me consider the objection that a gradualist framework, sensitive to children's unique developmental trajectories, such as the one described here, would be too difficult to implement in practice. Any legal codification of rights recognized by the state typically identifies (and justifies) specific thresholds for the assignment of certain rights, not least because it would be very costly to devise and deploy a system that individually assess both every child's level of development of interests and relevant capacities, overall and for specific domains of choices. Perhaps, specific thresholds to access specific rights could be agreed upon within societies transitioning from war to peace, in consultation with children and in ways that reflect the cultural and social reality of the situation. Or, standardized, easily administered competence-based tests could be designed in order for children to have access to certain rights on an opt-in basis. In any case, this work and the claims advanced in the following Chapters remain at the level of what morality requires, so while I do not give a more satisfying answer to this objection, I believe that the framework of children's rights spelled out here can base further reflections on how to identify and translate morally adequate responses to children's justice-based claims into legally codified rights and policy recommendations.

Conclusion

This chapter introduced my understanding of children as subjects of justice within a Rawlsian conception of political justice as fairness and a revised, children-appropriate metric of justice. I have argued that childhood is an intrinsically valuable stage of life, and that there are certain goods of childhood which it is important children get to enjoy, not only

in preparation of a good life as adults, but as children. I further argued that children have important morally relevant interests, particularly in living good childhoods, in growing into beings with developed moral powers, and in living in peaceful and just societies; (some of) which ought to be secured, gradually and sensibly to children's relevant capacities, by both welfare and autonomy-protecting rights within an interest theory of rights. In the next Chapter, I introduce the specificities of experiencing childhood in the midst of war, which give rise to special demands of justice.

Chapter Two:

Childhood in Warring Societies

Introduction

"In a world of diversity and disparity, children are a unifying force capable of bringing people to common ethical grounds. Children's needs and aspirations cut across all ideologies and cultures. The needs of all children are the same: nutritious food, adequate health care, a decent education, shelter and a secure and loving family. Children are both our reason to struggle to eliminate the worst aspects of warfare, and our best hope for succeeding at it." (Machel 1996, 10).

This Chapter makes a general case why children who experienced war have special entitlements to justice, by showing how exposure to war impacts their lives in justice-salient ways. Despite the internationally recognized legal and moral framework that regulate the protection of children from the harsher effects of war hostilities, children remain greatly, and often disproportionately, affected by the tragic consequences of violent conflict. While the previous Chapter situated childhood in an ideal normative framework, this Chapter zooms into experiences of childhood to the background of contexts war, which are typically far from ideal and rarely without injustice. First, I overview the various experiences that children might go through during times of war, and roles they might perform, in section 1; second, I identify morality- and justice- salient consequences of war experiences on children's morally relevant interests and capacities, in section 2, although I later continue their discussion while grounding the claims advanced in the following Chapters; I then consider whether the (un)justness of war bears on children's entitlements to justice, as, presumably, if war-related harm can be justified, it cannot be considered wrong, and thus might not have the normative force to ground compensatory claims; however, one might

think that harm may be all-things-considered justified, such as when it is necessary to avert a greater harm or wrong in the case of just, morally required wars, and yet give rise to some compensatory claims afterwards. So, I ultimately argue that the severity and scale of children's war-caused harms and their special vulnerabilities, in the face of the harsh realities of war and difficulties of complying with just war principles, always give children who experienced war special entitlements to justice, which include special compensation and recognition for the ways in which wars harmed them and impacted their morally relevant developing needs, interests, and capacities.

1. Children's Experiences in War-Torn Societies

Experiences of childhood in war-torn societies can look very differently. For instance, some children will experience more or less severely different kinds of harm, suffering from the consequences of war; some children will experience more or less intense hardship in satisfying basic needs and accessing essential services; some children will be more or less exposed to violence, directly or indirectly, sometimes also contributing to it; some children will be more or less successfully protected and supported by caring families, while some will have to go through separation from loved ones; some children will experience relocation (within or across the borders of the warring countries), and face very unfamiliar situations. I introduce in this section some of the ways in which children's lives are generally affected by exposure to war-related *harm*, *hardship*, *separation*, *violence*, *relocation*, and *social breakdown*. To be sure, the impact of certain war experiences will hit differently individual children, not just because there can be great variation in the kinds of situations they might go through, but also because children themselves greatly differ in their abilities to respond to them, due to their specific, individual characteristics such as age, gender, social background, personality, dispositions, and internal emotional and mental resources. Experiences of childhood, with or without the complications of war, might also look quite

differently in different societies, because of the various cultural, behavioural, and ethical systems that characterize them. Since there is significant variation across cultures, the way children are particularly treated and integrated into society depends on the specificities of the contexts. Even though these are aspects set aside in the dissertation (which indeed aims to provide a universalizable framework to identify children's claims of justice in the aftermath of war, and generally morally appropriate responses to them), understanding how particular conceptions of childhood are reflected into particular societies and their institutions is crucial to an adequate tailoring of processes aimed at peace and justice, such as reconstruction and reintegration mechanisms, in the aftermath of war[33].

That said, it is nonetheless possible to identify some generally shared experiences of children who grow up during war and the effects these are likely to have on them, in order to identify some general, empirically grounded claims which will help substantiate some of the arguments for justice-based claims advanced later[34]. The first systematic attempt, by the United Nations, to report on the impact of war on the lives of children was the groundbreaking document *Promotion and Protection of the Rights of Children - Impact of armed conflict on children*, authored by Graça Machel (1996). The Report called attention to the scale and severity of the hardships of children growing up in the midst of ongoing wars, casting light to the ways in which they can be harmed. Children's important needs, and the urgency of our moral obligations towards them in situations of crisis or emergency, where those needs are endangered, are almost universally recognized, as reflected by today's international law standards and the advocacy and practices of various institutions concerned with the wellbeing and protection of children around the world[35]. While expressing all of

[33] See, for instance, Kemper (2005).

[34] Parts of section 1 of this Chapter have been published in (Brucato 2023).

[35] There is no disagreement that children who experience war have rights to ensure they are adequately protected during hostilities, indeed a well-established standard in International Law. States ought to protect children from war, and to take any feasible measure to ensure that minors below fifteen years of age take no

those sentiments, the Machel Report (1996) further advanced the idea that children need not to be seen only as innocent victims of war, or as passive recipients of services within reconstruction and reconciliation peace-building processes in post-conflict phases, rather, they can be a crucial resource and take on the role of active agents of peace: as Machel rightly points out, the successful reconstruction of a society devastated by war takes place on a physical, economic, political, legal, cultural as well as psychosocial level, and it moves from the child to the family, the community, and the country as a whole. Before investigating children's claims against their societies, and their interests in the consolidation of peace and justice in the post-conflict phase, we need to examine how experiences of war overall affect their lives and the satisfaction of their important developing needs and interests.

1.1 War's Impact on Children's Lives

Only in 2022, 468 million of children worldwide -more than 1 in 6 children- lived in areas affected by war (Save The Children 2023), a number which has increased from 2019, which counted around 420 million children living in conflict zones, and that is expected to increase further as ongoing wars fail to de-escalate and new violence outbursts occur, think for

direct participation in the hostilities, as affirmed by the UN Convention on the Rights of the Child (1989) and strengthened by its 2002 Optional Protocol on the involvement of children in armed conflict. Under international regulations, the threshold for the voluntary recruitment and use of soldiers is set at fifteen-years-old. Ensuring the threshold is respected has been problematic, as for one it is unlikely that in the turmoil of war a fourteen years old child is clearly distinguishable from, say, a seventeen-years-old one: the traditional distinction between combatants and non-combatants, when children are involved, gets easily blurred. The 1977 Additional Protocols to the Geneva Conventions, foundational to International Humanitarian Law (IHL), also stipulate that states shall take any feasible measure to protect children from assault, while granting a special protected status to captured children and to children below fifteen. The threshold for recruitment is now set, by customary law standards, at fifteen years of age. Another important source adding to the legal framework available for the protection of children during war is the 1998 Rome Statute of the International Criminal Court, which as an instrument of international criminal justice codifies criminal conduct during conflicts, defining and limiting the conscription, recruitment, and use of minors (below fifteen years of age), and condemning as war crimes deliberate attacks on educational and medical infrastructures, in part also because it aims to avoid the worst negative effects these attacks have on the most vulnerable. Despite such a consolidated set of legal tools, children continue to suffer tremendously because of war all over the world, and to have their rights gravely violated, as this Chapter sadly reminds us.

instance of the war in Ukraine and the Israeli-Hamas conflict. That children's lives are greatly *negatively* impacted by war, is, sadly, obviously true. United Nations research identifies, and monitors, at least six 'grave violations against children' during war: children are vulnerable to be recruited and used for war purposes; they get killed and maimed; they are at even greater risk of sexual violence; they suffer from the consequences of attacks on schools and hospitals, in particular; they are at greater risk of being abducted; sometimes, they are even denied access to humanitarian aid (Save The Children 2019; UNICEF 2022). Let me suggest a summary of the many different situations in which children might find themselves during war, and roles they might play in it, which builds off the UN Machel Report and the relevant empirical research:

(a) During wars children can experience *harm* and *hardship* in various ways. Children's normal vulnerabilities get exacerbated in unstable contexts of widespread violence and collapse of social norms, as often happens in war contexts, which leaves them even more likely to encounter situations where they are at risk of being deprived of basic needs such as food and shelter, or even being denied humanitarian aid, thus failing to satisfy their basic health and nutritional needs. Children also are at serious risk of being physically injured, physically or sexually abused (either in retaliation, or as a way of threat in order to secure some war-related advantage), and of being exposed to various traumatizing situations, the results of which can lead to temporary or permanent damages[36]. Exposure to war and political violence as well as unresolved trauma can provoke serious emotional wounds and psycho-social pathologies in childhood and adolescence, which are often carried into adult life. To be sure, factors like age, gender, culture, and nature and intensity of the traumatic

[36] Heartbreakingly, thousands of children are *killed* in wars around the world every year. Because in this work I am interested in identifying justice-based claims of justice for children in the aftermath of war in terms of the appropriate primary goods and opportunities they are owed, I set aside the question of whether children who lose their life, and/or vicariously their families, may be entitled to some form of *compensation* or *recognition* for such a loss.

event(s) impact how children perceive and respond to trauma, but that psychological consequences of war-related trauma can be wide-ranging and long-lasting is undisputed[37].

(b) Children often experience *separation* from their families and loved ones, in the midst of war. Temporary or permanent separation can happen voluntarily or not, because they got separated from the parents by some events, such as in the process of fleeing, by being kidnapped, or by getting lost in the turmoil of warfare, or because the parents, guardians, or relatives died and left them orphaned. Since children have unique physical, emotional, and mental developmental needs (e.g. they need to be learning about the world and themselves as they grow up, learn to socialize, and build up their knowledge, personalities, and social networks), and since families and parents or guardians are uniquely suited to provide for such needs while granting a safe home environment, when children separate from their families, they are likely to experience much more vulnerabilities and difficulties. At the same time, being on their own also make children more likely to face situations in which they have to make morally loaded choices and exercise and thus develop capacities for personal autonomy – something which I will return to in Chapter Four. Given the various effects of family life on the wellbeing and life of the child, it might make a difference whether children who experience war went through the experience together with or separated from their families, for the overall calculation of compensatory, justice-based claims. While I acknowledge this, I am going to set the issue aside, and in the general formulation of children's claims that follows, I will not specify, except from some brief remarks, whether and how the presence of family may affect children's claims and access to resources and opportunities: for their post-war claims, I consider children as direct subjects of justice and distributive concerns, as argued in Chapter One; while for an adequate calculation of their harms and hardships experienced during war, I think that my formulation of children's Lost

[37] See, for instance, Baker and Shalhoub-Kevorkian (1999); Greenbaum et al. (2006).

Childhood's claim, discussed in Chapter Three, can capture to some extent the positive or negative effects of families, since it looks at whether certain relevant interests and goods are satisfied or not, including familial relationship goods (Brighouse and Swift 2014), childhood goods, and developmental needs.

(c) During wars children are might be subject to *relocation:* violence, deprivation, and destruction may force children and their families, by violence or threat of violence, to flee their homes and sometimes even their countries, thus becoming Internally Displaced Persons or refugee children. I am convinced that children who end up in a country different from the one in which they were living, because of war, have their own special claims of justice, both against the warring societies and against the society in which they currently sought refuge. For instance, they might be owed special assistance in their recovery and integration, much like in the case of Lost Childhood claims of their former fellow children who remained in their country; they, too, will have claims of recognition of Moral Powers Development, although in order to avoid unfairness and discrimination between refugee children and children of the same age of the hosting countries, those claims might not result in the same entitlements to the same opportunities or autonomy-protecting rights they might otherwise have; and they will also plausibly carry some special responsibilities, if not in contributing towards the consolidation of peace and justice once the war is over, perhaps in sharing their stories and advocate for peace in their hosting countries. This is however something I will not consider further[38].

(d) Children in war are directly or indirectly involved with *violence,* in various ways. One of the most studied categories of children involved with armed conflict across disciplines, and

[38] Because of time and space limitations, and because of the scope of the justice of the framework I am using in this dissertation, which seeks ways and principled reasons to fairly redistribute benefits and burdens in individual societies, that is, within the borders of single states, I will not consider this particular sub-set of children, although this is certainly a pressing topic worth further exploring elsewhere.

codified in international law, is indeed that of child-soldiers, but children's experiences with violence are not limited to such roles. The situation of children involved with war-related violence is a particularly complex one, which would call for whole separate doctoral research. It has been widely documented in the literature that children participate actively in the majority of armed conflicts in the world[39]. Children can be the victims of, witnesses to, but also perpetrators of violence in the midst of war. For all of these roles, children can suffer traumatization and serious, negative consequences. Within different academic fields, such as Peace and Conflict Studies, Just War Theory, and Transitional Justice, children have mainly received attention either as a particularly vulnerable segment of the civilian population, or for the occurrence of child-soldiering. As civilians, children are considered the paradigmatic innocent victims in need of special protection: to kill or target minors intentionally, within hostilities, is morally impermissible, although they might suffer harm as a consequence of morally permissible strategic attacks (as "collateral damage", just like the rest of the civilian population), as prescribed by Just War Theory principles which regulate warfare, and International Law standards which codify children's specially protected status. Children's direct involvement with violence has also been extensively studied, given that hundreds of thousands of child-soldiers keep participating into conflicts all around the world every year, despite their use in war being heavily regulated and criminalized by international standards. The widespread use of children for the purposes of war is partly due to contemporary developments in warfare instruments and tactics, and to children's vulnerabilities and war-exploitable features (Singer 2010). Despite the level and nature of their involvement with armed groups and roles as perpetrators of violence and wrongdoing, children have traditionally been considered, at the same time, more or less morally innocent victims themselves of wars and its circumstances. Their ''innocence'' is

[39] See, for instance, (Singer 2005; Gibelli 2005; Rosen 2005; Barber 2008b; Fernando and Ferrari 2013).

evidenced by the fact that, mostly, children within armed groups are either forcibly recruited, or act under extreme duress, motivated by survival and often acting under the effect of autonomy-constraining substances, which excuses if not entirely exonerates them from moral responsibility and legal liability (Gade 2011; Özerdem and Podder 2011; Thomason 2016; Fabre 2018). Yet, some of them join armed groups for ideological reasons, and seem motivated by principled and moral reasons to act, which might suggest advanced capacities for moral powers (I will return to this in Chapter Four), and perhaps the recognition of children's moral responsibility in wrongdoing, even if excusable, when the relevant capacities for moral responsibility are there, would have instrumental value in facilitating children-perpetrators' reintegration into society and reconciliation with their victims, which would ultimately contribute to the obtaining of justice and breaking the cycle of violence in the aftermath of war. Besides child-soldiering, there are many histories of violence and intergenerationally transmitted collective trauma in which children have been socialized into oppressive, authoritarian norms, or into resistance movements against oppression, and expected to fulfil certain practical as well as symbolic roles in society, with which they eventually identify. Think for instance about the Italian fascist youth organization, Opera Nazionale Balilla (Gibelli 2005), or the case of Palestinian children, whose involvement in the conflict against Israel goes way back before the first Intifadas (Rosen 2005), or cases where youth played an important part fighting against discrimination, such as during the Apartheid in South Africa ('The June 16 Soweto Youth Uprising' 2022; Chepkemoi 2017). This potential for mobilization, too, invites to consider children for the politically and morally salient roles they intentionally (or are indoctrinated to) pursue in conflicts. I believe that a more nuanced understanding of how children's moral morally and politically relevant interests capacities, and powers, and how sometimes those positively develop in response to situations of war, and not just of how they are victimized by war, would ultimately lead to a more adequate recognition and to the implementation of

more adequate attitudes and responses towards children. Acknowledging that children who commit wrongdoing in war sometimes have the relevant capacities for moral responsibilities, does not however mean that they should not be treated and evaluated more leniently, as we need to take into account children's overall vulnerabilities and proneness to experience duress and manipulation, which is likely to exculpate, in the majority of cases, child-soldiers and child-perpetrators in war. Whether children are (or could be) morally responsible and to what extent liable to harm and punishment because of their war-related wrongdoing is an important question, which also bears on the general considerations on the distribution of burdens and costs to be carried for the realization of justice and peace in the aftermath of war, since, as wrongdoers, they might themselves owe something back to their victims and society at large, but, as victims of war, they are still overall entitled to justice-based compensatory and recognition claims grounded in the effects of war exposure to their important interests and capacities. Because the possibility of children being perpetrators of war-related injustice and wrongs does not dismiss their independent claims as children who experienced war, I leave a more nuanced discussion of their responsibility aside for the purposes of this dissertation, and will only briefly consider the issue again in Chapter Four.

(e) Lastly, children's lives are always broadly impacted by the general consequences of war on society as a whole, by what might be called the *social breakdown* caused by war. Warfare damages the economic system, infrastructures, the provision of basic services, such as water, electricity, and gas, as well as medical assistance, transportation, and food availability, war also causes physical destruction, such as of houses, streets, schools, and hospitals, but there also seem to be deeper effects that war, violence, and deprivation cause to society, which have to do with the moral relations of the people involved, and the breakdown of social

norms and ethical and cultural values that often occurs[40]. All of this is likely to seriously affect experiences of childhoods and the development of important capacities and interests in children, not only, as seen so far, in negative ways, but sometimes also in surprisingly positive ways, since contexts of war provide opportunities, for instance, to exercise autonomy or develop a strong moral and political consciousness – as I will discuss in Chapters Four and Five. Children's overall needs, interests, and developing capacities are likely to be more challenged than those of children who would otherwise be entitled to growing up in just, peaceful societies.

While this section served the purpose of briefly illustrating how children's lives are generally affected by war experiences, focusing on the kinds of *harms*, *hardships*, risks of *relocation*, *separation*, and exposure to *violence* and *social breakdown* they may go through, the next section introduces in more details the ways in which children's morally important interests and capacities, relevant for considerations of justice, are likely to be affected during wars.

2. Justice-Salient Features of War-Time Childhoods

The brief examination of the myriads of ways in which war may impact children and their lives, offered above, calls forth an investigation of the ways in which children's morally relevant interests are endangered during war, which I introduce here. The most obvious consideration is that violent conflict deeply, negatively impacts the lives of children on many levels, sometimes similarly and sometimes differently than adults. There is widespread agreement in the literature, and at the international level, that children's vulnerabilities give rise to morally urgent needs which require our protection and assistance, particularly during wars, where they are more likely to incur harm, but special obligations towards children,

[40] See, again, (Machel 1996); (Kemper 2005); and for a first-hand recollection of children's own experiences of wartime, in which they often reflect about what they perceive to be the broader effects of war in their lives, their communities, and their countries, I warmly recommend (Filipovic and Challenger 2006).

because of their vulnerabilities and war's effects, are carried also in post-war phases, in which children are entitled to receive the adequate assistance and protection, but also compensation for harm and recognition for the ways in which war impacted their morally relevant developing needs, interests, and capacities, as I will argue. The scale and severity of the general and particular morality- and justice-salient consequences of war on the lives of children creates special entitlements to justice in the aftermath of war, which means transitioning societies ought to address the recent sufferings of their younger generations and their consequent claims of justice in the aftermath of it, also by acknowledging and compensating the ways in which children were harmed and in which war-exposure affected their developing needs, capacities, and interests. This also implies tailoring adequate legal and institutional mechanisms to protect and assist children in their recovery, return to 'normal' life, and continued development of capacities and interests, which in turn requires that enough resources are made available to have well-functioning public services and infrastructures (such as hospitals and schools).

As shown above, there are some generalizations which we can mark about children who experienced conflict, that prompt our intuitions about justice:

(1) Children that belong to warring societies are more likely to be exposed to severe, various harms and hardships, compared to children who do not live in conflict-zones. To be sure, children who belong to warring societies, but who do not reside in zones of active hostilities, are less likely to experience some of the effects of violence and destruction, but they will nonetheless be exposed to situations which impact their needs, interests, and development. For instance, they might experience deprivation because of scarcity of resources, consumed by war efforts; they might experience separation and mourn the loss of relatives in battle; or they might be subject to moral and political awakening and mobilization. The claims advanced in the following Chapters are meant to capture the demands of children who experienced childhood in a context of war, under the assumption that either side of the war

is liable to, and often is subject to, attacks in their own territories, thus making children on either side likely to experience the kinds of situations described above, and thus entitled to raise justice-based claims against their own societies[41]. However, it is important mentioning that the specific content of the claims, in the case of children who do not experience some of the situations described above, or who do not experience any proximity with war hostilities and their destructive consequences, will be different, and likely less weighty, than those of children who do. The same will be true of children in societies going through internal turmoil and civil conflict, who are likely to experience grave internal fractioning of their society, and are just as liable to suffer from all of the effects triggered by the situations described above. Children's vulnerabilities, their dependence on family and a functioning society which grants essential services, such as health and education, and their opportunities to socialize, interacting first with the family, and then with society at large, internalizing principles of morality and political justice, can be profoundly affected by no matter which kind of war. It is thus plausible to suggest that children who experience war are in general less likely to see their basic needs satisfied, but also less likely to see satisfied their interests in *living good childhoods,* and to have opportunities to enjoy childhood goods of the kinds described in Chapter One. But I will return to this in the next Chapter: it is the frustration of these interests, and the relevant harm children suffer, which give rise to the Lost Childhood Claim advanced there.

(2) Children may respond very differently to war-related situations and challenges, displaying an array of effects – on their psychological and emotional developments, the development of their private and public personalities, or on their ability to cope with and respond to traumatic events, but also, more broadly, on their level of capacities to reason in

[41] Later in this Chapter I also address whether the *(un)justness* of war changes the normative picture, but show that while it has some effects on the expected distribution of burdens in society, it does not dismiss the validity of the compensatory and recognition claims of children which I consider, so the matter can be set aside.

a moral and ethical sense and act from a sense of justice, which might be triggered or distorted by war-related events and reflections, and on their capacities to form, revise, and pursue conceptions of the good, which they might be more or less able to exercise in the extraordinary situations provided by contexts of war, where they are more likely to face morally loaded choices. In other words, wars impact children's morally relevant interests in *developing their moral powers,* by providing opportunities to further develop or stunt children's development of the relevant capacities. There seems to be a distinctive way in which war impacts moral powers, because it typically disintegrates that very broader societal framework that children need to engage with to mature into functioning adults with moral powers: social norms are usually broken down, and societies at war are likely to suffer from killing, cruelty, and the disruption of trust, among society member and in institutions. I will return to how war frustrates children's morally relevant interests in developing their moral powers, or at least in doing so in timely and morally adequate ways, and what that implies for the obligations of adults in their societies, when I discuss children's Moral Powers Development Claims in Chapter Four.

(3) War clearly endangers children's morally relevant interests in *living in peaceful and just societies*, and the roles they might play as a socially and politically significant and influential group in society in times of conflict, as well as within the efforts towards the consolidation of peace and justice after war, calls forth a more detailed investigation, which I offer advancing children's Political Participation Claim in Chapter Five. While it is obvious that children who experience war fail to benefit from the advantages that peace brings to society at large, and their childhoods in particular, it is less obvious that war always frustrates their justice interests, because wars are indeed fought either in favour or against overall justice. Since it matters to establish whether the (un)justness of war affects the normative force and weight of children's overall entitlements to justice, not least because only wrongful harm demands compensation under certain views, this is something which I consider more in

detail in the next subsection, where I show that regardless of the just or unjust nature of the war fought (according to Just War Theory standards), children are always owed special compensation and recognition for the ways in which wars, no matter to what extent, harm them and impact their morally relevant developing needs, interests, and capacities. To settle this issue, I will refer to the theoretical, normative framework provided by Just War Theory, which investigates what, if anything, makes a war ideally (un)just. But to be sure, it is more often the case that, in practice, wars are fought in violation of both international legal standards, and of the moral laws and principles that inspire them. The social breakdown caused by war usually leads to widespread violence, cruelty, wrongs, and indeed injustices, and wars are also likely to cause resource scarcity, which in turn endangers children's justice interests in receiving their fair share. And as mentioned in Chapter One, other than on a practical level, children's lives may go worse in an important moral sense, when others in society suffer from widespread injustices and moral breakdown, which is again more likely the case if their societies are fighting against, rather than in favour of, overall justice. Appealing to the harsh realities of armed conflicts, and how they tragically affect children's lives every day, backs the intuition that children's justice interests are more likely to be frustrated in war rather than not, surely more so than in peaceful times. And it is further likely the case that post-war periods and the efforts towards the consolidation of peace, once hostilities are over, also entail the restoration of justice in society – which is something children clearly have interests in, too. These interests, however, seem to be important independently of whether the war recently ended was a just or unjust one; after all, it is up to each warring party or society to take up the laborious task of rebuilding and reconciling institutions and people, mending the tragic effects of war, and re-establishing peace and justice in society.

Before I nonetheless return to the issue of (un)just wars, for the sake of children's entitlements to justice, let me conclude this section by noticing once more that there are

indeed many factors that influence the extent to which children may experience the effects of war on their morally relevant interests listed above, which will bear on the specific content and weight of children's claims formulated in more generalizable terms in the following Chapters - factors which deserve far more consideration than what I can give here, but deserve mentioning. Not only there is great variation in the kinds of war-related experiences children may go through, there can also be significant variation in the exposure itself. For instance, it is plausible to expect that a longer or a shorter duration of exposure to war is more or less likely to trigger a greater amount of effects, of more or less severity; similarly, exposure to situations of more or less gravity and intensity is more or less likely to induce traumatic responses; whether exposure to traumatic, war-related situations happens through a single or repeated event, and if so with which frequency, but also whether the harm suffered is temporary or led to long-lasting, or permanent damage, are essential aspects to be determined in the calculation of the overall impact war has on the specific lives of those who experience it, which is what partly substantiates children's claims after the war. Moreover, as mentioned previously, children (and adults) themselves greatly differ in the features which have an effect on their responses to certain situations. For instance, younger children, who tend to have more immediate, simple needs, are more likely to be harmed along the lines of those interests when they aren't sufficiently protected, and less likely to have the experience and inner resources to manage on their own[42]; as children age, however, they mature interests, capacities, and some significant experiences, thus they both become vulnerable to a broader set of harms, because they have more complex needs and interests which can be frustrated by war, but they also gradually acquire abilities and coping mechanisms, sometimes in unexpected ways, which may make their responses to war

[42] The horrifying news of premature babies in critical conditions to be urgently transferred to the south of Gaza as I am writing this only confirms that the devastating effects of war have no age limitations. Indeed, given how external conditions affect children' development in the womb through the mother, it's plausible that war's effects on children may appear well before they are even born!

exposure less predictably negative. Besides age, one's gender, and the gender norms of the society one belongs to, also bear on one's development of interests and capacities overall, and on the kinds of war-supporting roles one has access to during conflict, as well as on the kinds of war-related harms one becomes more vulnerable to. Not only gender norms, but more generally the cultural and social norms that characterize specific societies, as well as the specific motivations and history that led to a specific war, may also affect both how children experience and respond to situations of war, and in turn the content and weight of what they are justly entitled to, in the post-war phase. All of this should be kept in mind for the identification and measurement of the actual claims of justice of children, after specific wars occur.

At this point, I should also clarify that by concluding that children who experienced war have certain *claims* resulting from their experiencing of war, throughout these Chapters I mostly limit my considerations to what children who experience war might be justifiably *entitled to*, which precedes the more specific questions of which rights and duties are to be specifically assigned for the fulfilment of children's claims; following Feinberg (1966), I take *claim* to broadly mean *entitlement*[43]. Even though I will consider what compensation and recognition might entail, in the context of each of the Lost Childhood, Moral Powers Development, and Political Participation Claims I advance in these Chapters, I do not detail by whom exactly, or how in detail, children's entitlements to justice after war could be realized. Yet, I plausibly assume that fulfilling children's compensatory claims, as well as claims of recognition, falls within the scope of adults' special obligations towards children

[43] According to the Hohfeldian system of rights, *claims* are one of the four basic 'elements' that compose rights alongside *privileges*, *powers*, and *immunities*. A right is a claim when it is raised against someone that has a duty to respond to it: A has a claim that B φ, if and only if B has a duty to A to φ. Some claim-rights exist independently of whether they are 'activated', and some results into indeterminate duties. For example, a child's claim-right against abuse exists independently of anyone's actions, and it correlates to a duty in every other person not to abuse the child.

in their society, and within the broader political goals of consolidating peace and justice after war. I also take it that to have a claim to x (or, similarly, an entitlement to x) does not need to conceptually include the capacity to raise (or, articulate and demand) such claim, which places the responsibility of identifying and responding to young children's claims on others in society.

2.1 Evaluating War's (Un)Justness for Children's Special Entitlements to Justice

One might point out that children's suffering from the overall impact of war on their morally relevant interests, while always at least regrettable, is not always *wrong*. That is, sometimes it might be all things considered justified to fail to provide children with the full extent of what justice would otherwise require they receive. If the frustration of children's important interests caused by war can be justified, this might imply that they will not be able to claim *compensation* for the harms and missed opportunities incurred, but perhaps only *recognition* for the ways in which their morally relevant interests and capacities, such as those for moral powers, have changed through exposure to war. Non-ideal circumstances of scarcity, emergency, and hardship in which wars are likely to happen, and which wars themselves are likely to cause, might legitimately strain the bundle of resources available in society, and justice can sometimes require to endure heavier burdens than usual, including those of sustaining the efforts of war, and the efforts of peace, when it would ultimately improve the prospects of justice, even if it comes at very high costs. So, whether a war is justifiable or not seems to bear on children's overall entitlements to justice. However, I will contend that children's war-related special entitlements to justice *always* require at least some compensation and recognition. This is because, simply, children's vulnerabilities and harms suffered, exacerbated by war, specially oblige us to tend to them; although I also

suggest, more controversially, that under a more stringent view on the (im)permissibility of engaging war, the harms they suffer ultimately count as *wrongful* harms.

So, what, if anything, makes a war *just* or not is the core concern of Just War Theory, which distinguishes between principles that justify the use of force, so the starting and declaring of war, the *jus ad bellum;* principles that regulate permissible warfare, the *jus in bello*; and principles about post-war justice and just peace, the *jus post bellum*[44]. Such distinction mirrors three distinct phases of war: one preceding its declaration, one during warring activities, and one which follows the cessation of hostilities, where efforts towards the consolidation of peace are made[45]. Following the principles identified by the *jus ad bellum,* a war is morally justified if it complies with the following: it has a just cause (which can either be in self-defence from an unjust attack, or in just defence of others, i.e. in humanitarian interventions); it is a last resort, necessary measure, which means that there are no available alternatives left; it needs to be declared by a legitimate authority; it should have a reasonable chance of success (otherwise its costs would not be worth it, overall); and the means used to fight it need to be proportional to its justified ends. While it might be justified to start a war when such conditions obtain (even though, in practice, assessing whether a situation may comply with such principles could be very difficult), a war can be considered just if it is also fought only in just ways. Hence, *jus in bello* requires that, during combat, the warring parties comply with the principles of discrimination, which determines legitimate targets of war and traditionally sustains non-combatant immunity; and proportionality, which determines how much use of force is morally appropriate.

44 See, for instance, (Lazar 2020; Frowe 2022).

45 For each of these phases there are presumably burdens and costs to be carried and distributed in society for the maintenance or pursuit of justice (and peace, once possible). Delving into which burdens those might be, exactly, falls beyond the scope of this dissertation, but it suffices to imagine those as whichever costs might apply for ensuring that the relevant sets of just rules and principles, before, during, and after the war, are upheld.

These principles are often challenged when children are involved: when given due weight, the gravity and scale of children's harms caused by war are likely to put strains on the due calculations of *proportionality,* and consequently *necessity,* in war - both at the time of evaluating whether to start or react to one, and, even more so, during the strategic evaluations of morally permissible targets and collateral damage in war attacks. The gravity and likelihood of harming children within war normatively raises the costs of inflicting collateral damage on the civilian population - category under which children fall, thus making it difficult for contemporary warmaking, which seriously affects children's lives, to comply with the criteria to be considered just; however, the gravity and likelihood of children's harm is something to consider also when establishing the moral permissibility of engaging in a war that aims precisely to avoid or minimize such harm: whether the costs of harming children disqualify a war from being considered just will depend on the relative costs of carrying out the military actions or refraining from doing so, thus we would need to know about the overall balance of war's effects on justice, and not just whether one variable changes, to establish definitely that children's harms make wars unjust. It is plausible to think that taking more seriously the costs of war for children, and its effects on their lives, might challenge the use of warfare tactics that more heavily impact the civilian population, at least more than what currently condoned. But this shouldn't lead us to think that no war ever could possibly be justified: a necessary, just war aims to bring about *more* justice than the overall injustices and harms it tries to prevent as well as risks to inflict, and would thus be morally permissible (even required, under some views). At the same time, it seems plausible that even in the chances of a war all-things-considered justified, children who suffered from its effects and experiences would still be entitled to some claims of compensation and recognition, given the kinds of obligations transitional societies have towards children, in distributing and mitigating fairly the burdens of war and its consequences.

Considered as innocent civilians within Just War Theory and International Law standards, children are deemed illegitimate targets of war, so they cannot be intentionally attacked, however they might be legitimately harmed in collateral damage, if the appropriate calculations to comply with the relevant principles have been made. However, children seem to be a specially normatively protected category of civilians: in decisions, for instance, to strategically bomb a combatants' hide-out, where one is situated in the proximity of a school, and one near a train station, all other things being equal except the chance of harming a greater number of children in one case, rather than a greater number of adults in the other, it might seem clear why one should opt for the attack with the least chances to harm children, and target the station rather than the school. Many people intuitively think of children as innocent victims of war, and judge more harshly attacks when their consequences visibly affect children. One only need to think about the unequivocal, loud contempt warring parties typically receive from the international community when children are seen suffering from war attacks. Assuming that killing innocents is always wrong, regardless of age, and that most people share this view, such reaction might nonetheless be explained: witnessing children's suffering might trigger stronger psychological reactions of sympathy (children are extremely vulnerable and paradigmatically innocent); or one might think it worse, by comparing life prospects, that those who already had fewer years to live, also have to lose their lives early[46].

Furthermore, children who more actively participate in the midst of hostilities, may it be as child-soldiers or simply as children who might pose a serious threat of harm to others, civilians or combatants, might also pose difficult dilemmas about the permissibility of intentionally targeting them, or on their liability to defensive harm, and thus on the further

[46] On this, see, for instance, (Brauer 2009; Bidadanure 2021b; 2021a). Fabre, too, discusses the intuition that killing children is *worse* than killing adults: "Children's lives, it is often felt, matter more, other things equal, than adults' lives. For this reason, many would say that killing children is morally worse, *ceteris paribus*, than killing adults." (Fabre 2018, 408)

difficulty in interpret and apply Just War principles when it comes to interactions with children. This is because, once again, children's specially protected status, their vulnerabilities, and the presumption of their innocence (or, at least, of justifying reasons for their conduct), even in the face of the threat they may pose, prompt our special obligations to rescue and avoid harming them, which plausibly impose higher costs than those expected to be incurred in avoiding harming adults posing a similar threat.

As anticipated, the presence of children by itself cannot tell us much about the applicability of Just War principles in specific cases, since adequate calculations require to weight the overall gains of certain attacks, and of the war itself, which might justify the circumstances of war despite the severe consequences on children's lives. But the normative implication of a war being just is that the collateral damage it causes, in terms of destruction and harm towards the innocents and non-combatants, is also justified, hence not *wrong,* and thus not suitable for claims of compensation under certain accounts of compensation. However, two observations should be once more marked here: hardly any of the wars fought today or in the past have complied with any and all of just war principles, and this is particularly true for *jus in bello,* given the scale of gross violations of International Humanitarian Law we witness every day, which makes it likely for children to be wrongfully harmed in ways that entitled them to raise compensatory claims against their society; and even when wars are fought justly, there is a case to be made that children's war-related harm and exacerbated vulnerabilities *always* require that they receive adequate compensation and recognition as a matter of justice after war, something which I continue to explore in the next Chapter. So, children's war-related harm can either be considered wrongful in the immediate sense (it is wrong that they suffered unjustified harm), or it is wrongful when they are not later compensated for (at least some) such harm. Even when the war-related harm suffered is not wrongful because necessary to avert some larger harm (i.e. the injustices and harms which a morally just, or required, war aims to avert), children's special vulnerabilities and needs,

exacerbated and frustrated by war, always justify adults' obligations towards them, and, as I will argue in the next Chapter, always give them reasons to *prioritize* children to some extent, when distributing the burdens and benefits of war and its consequences, which makes it wrong when children are not adequately compensated after the occurrence of the harm. In other words, failing to compensate children for war-related harm is the relevant wrong in the case of morally required, just wars. Furthermore, from the point of view of the child, the war-related harm suffered might be wrongful whether or not the set-back to their wellbeing and interests is caused by just or unjust warring parties, and whether or not it can be justified, and once more this is so because of the weight of children's vulnerabilities and urgent needs, which, as mentioned, always ground adults' special obligations towards to them in the distribution of burdens and benefits in society. A similar strategy to set aside the issue of whether the just or unjust nature of a war (dis)qualifies children's entitlements to justice is to appeal to the uncontroversially accepted intuition that children are always innocent victims of war, whether they are on the just or unjust side, and whether or not they directly engage in it as perpetrators, which is what Fabre does (2018). I agree with Fabre that there is a case to be made why children are victimized by war, and thus endorse the conclusion that children who experienced war are always owed special entitlements to justice as war victims, which are likely to include claims of compensation. However, I think it would be sufficient to appeal to children's overall vulnerabilities and harms likely to be suffered to reach such conclusion, rather than their moral innocence as a ground for considering victims, since, as I have mentioned before, children might indeed sometimes display capacities for moral responsibility and moral powers in certain war situations.

I would like to suggest an additional, more controversial route to support the same conclusion, namely that children who experienced war *always* have compensatory and recognition claims: because at least one of the warring parties must have committed some injustice which made it so that a war against it became necessary and just, one could

interpret such injustice as the 'original wrong' to decline children's war-related harm as wrongful. To explain, let me go back to Just War principles, which traditionally serve as ideal criteria against which evaluate whether a war is just, even though much leeway is given both to how to interpret the requirements of such principles in practice, and to whether wars that are just are merely morally permissible, or rather morally required. Presumably, unjust wars are morally impermissible, while just wars which show to comply with the relevant principles are permissible. Oberman (2015) has however shown that optional (permissible) wars are a myth: if a war is morally permissible, it is also morally required. He argued that the kinds of war typically justified by just war standards, namely wars of self-defence and humanitarian intervention, are, in fact, either impermissible, because their costs exceed that which combatants and society at large is required to bear, or required, because if not made impermissible by the exceeding costs, the reasons to wage them, given the weight of our duties of humanitarian aid and self-defence, are weighty enough to not only justify, but require, that such injustices are rectified[47]. Children may belong to either side of warring parties, so they are either part of a just society that is unjustly attacked, or that justly wage war in defense of others, or part of the unjust society which either unjustly attacks or make war the necessary response to their unjust conduct. If wars are morally impermissible, children on the just, defensive side are wrongly harmed by the unjust aggressors, less liable to absorb the costs of war efforts, and would be entitled to raise claims against their own just

[47] He also concedes that, while in a world without optional wars, morality would always provide a determinate answer to the question of whether a war should be waged or not, it is also the case that: "the denial of optional war still leaves plenty of room for debate. While morality is determinate, it is not transparent. Ascertaining whether a war is morally required or prohibited is difficult. It involves complicated normative and empirical judgments on such matters as the war's likely consequences, the justice of its cause, the feasibility of peaceful alternatives, and the level of cost to which cost bearers can permissibly be subjected. While governments and voters must make these judgments as best they can, disagreement is almost inevitable. Nor should the denial of optional war radically change the nature of public debate. A belief in optional war may be widespread, but it tends not to be invoked in arguments for or against particular wars. Instead, when states consider waging war, public debate focuses on precisely those factors that go into determining a war's deontic status: the war's likely consequences, the justice of its cause, and so on." (Oberman 2015, 285)

society, to compensate and recognize the effects of war on their lives, just society which in turn would be entitled to raise claims of war reparation against the unjust society[48]; while children on the unjust side are wrongly harmed by their own societies, which means they will have justified compensatory claims against their own societies for the wrongful harm endured, but they might not have a claim against the just, defensive side for the war-related, justified – and thus not wrongful - harm it might have caused them. Whereas if wars are morally required, justice plausibly requires that everyone (in either side) carries some extraordinary burden to either contribute to or absorb the costs and consequences of just war efforts. This has an important implications for justice considerations: when a war is morally required, children on either side might be all things considered beneficiaries of the war efforts, even if they are harmed in the process, because they would have otherwise lived in a worse injustice; consequently, because their societies might be expected to endure heavier burdens for the realization of justice, their claims to resources and opportunities, needed for the adequate compensation and recognition of war's impact on their morally relevant interests in the aftermath of war, might turn out to be less weighty than they would otherwise be. Nevertheless, having reasons to endure some of the extraordinary burdens required for the realization of justice does not entirely disqualify children from claims of compensation for the serious harms suffered, nor recognition for the impact of war experiences on their morally relevant interests and capacities; it merely affects availability of benefits to be allocated towards them, both by plausibly reducing the availability of

[48] Since after all my aim is to investigate children's urgent claims in the aftermath of war, I treat the issue as one of distributive justice within specific societies, I will set aside further considerations about war-related responsibility, war reparations, and about whether the specific war fought was a just or unjust one, even though I maintain that a just society might have legitimate claims against the unjust society to war reparations, or against the international community to international aid, which would affect the bundle of resources available to the transitioning society, which would in turn affect how benefits and burdens are to be distributed in society. Locating the main subject against which children's claims are raised in their own society (which can be responsible for some of the incurred harms, even when it fights on the just side) further avoids the problem of unmet claims in cases where unjust aggressors cannot provide reparations.

resources overall, and by plausibly slightly raising the costs they are expected to incur. Moreover, there might be good reasons to distribute the costs of just wars unequally, in ways that favor the carrying of burdens by adults (who are generally more capable and liable than children to carry burdens), while also favoring the allocation of benefits towards younger generations. Prioritizing the satisfaction of children's justice-based claims can be justified either instrumentally, as investing resources earlier in life increases the prospects of returns which ultimately go on to benefit society at large later on, or by appealing again to the intuition children's suffering is normatively worse than adults', and thus demand to prioritize its compensation. Since it is generally appropriate to think of years of a worthwhile life as a *distribuenda,* in so far as years of life afford opportunities to satisfy morally important interests (and thus, to flourish), Fabre (2018) too explains the intuition that killing (and generally harming) children is worse than adults, and thus that it would be fair to prioritize them in the allocation of resources available for compensation, in terms of distributive justice.

To conclude, I believe I have shown that regardless of the just or unjust nature of war, the severity and scale of children's war-caused harms and their special vulnerabilities, in the face of the harsh realities of real conflicts and the difficulties of complying with just war principles, always give children who experienced war special entitlements to justice, which are likely to include special compensation and recognition for the ways in which wars, no matter to what extent, wrongfully harmed them and impacted their morally relevant developing needs, interests, and capacities. Before moving on to the next Chapters, in which I consider in more details the claims of compensation and recognition that children who experienced war might legitimately raise against their societies in the post-war phase, let me note that while my framework intentionally focuses on ex-post claims of justice within single societies, the analysis offered in this chapter, of the large-scale, overall severity of war's impact on childhood, might very well prompt the justification of ex-ante moral obligations

to, for instance, indeed refrain from engaging in war or prevent certain effects of war, and of ex-post moral obligations beyond state borders, such as of aid or rescue at the international level, which however I will not be investigating here.

Conclusion

In this chapter, I have shown that children who are exposed to war are likely to experience severe and numerous *harms* and *hardships*, risk *relocation*, *separation*, and exposure to *violence,* and suffer from *social breakdown*. I also introduced how war-related experiences may significantly impact children's morally relevant developing interests and capacities, in particular endangering their interests in living good childhoods and in developing moral powers to the background of a peaceful, just society. I have thus carefully considered whether children's entitlements to justice, grounded on the morally salient impacts of war on their lives and interests, are invalidated or diminished when a is justified, according to Just War theory principles. I have concluded that whether children belong to a just or unjust warring party or state, and whether the war is a morally required or a morally impermissible one, children always have valid justice-based claims to be raised against their own society, which sometimes requires prioritization in the allocation of resources such that their claims can be satisfied. This is because, simply, children's vulnerabilities exacerbated by war, and the gravity of the effects of war suffered by children, specially oblige adults to tend to them once hostilities are over, as a matter of just distribution of burdens and benefits in society. So, children are always owed some special compensation and recognition for the ways in which wars, no matter to what extent, harms them and impact their morally relevant developing needs, interests, and capacities. I have alternatively argued that children's war-related harm is always deserving of compensation, under accounts of compensation that see it as a response to *wrongful* harm, because it can ultimately count as such, since caused by

the original wrong committed by the unjust side, under a more stringent view of the (im)permissibility of engaging war.

Chapter Three:

Looking Back: The Lost Childhood Claim

Introduction

From the wartime diary of Zlata Filipović's, written in Sarajevo, on June 29th 1994: "DEAR MIMMY, BOREDOM!!! SHOOTING!!! SHELLING!!! PEOPLE BEING KILLED!!! DESPAIR!!! HUNGER!!! MISERY!!! FEAR!!! That's my life!! The life of an innocent eleven-year-old schoolgirl! A schoolgirl without a school, without the fun and excitement of school. A child without games, without friends, without the sun, without birds, without nature, without fruit, without chocolate or sweets, with just a little powdered milk. In short, a child without a childhood. A wartime child. I now realize that I am really living through a war; I am witnessing an ugly, disgusting war. I am one of thousands of other children in this town that is being destroyed, that is crying, weeping, seeking help, but getting none. God, will this ever stop, will I ever be a schoolgirl again, will I ever enjoy my childhood again? I once heard that childhood is the most wonderful time of your life. And it is. I loved it, and now an ugly war is taking it all away from me. Why? I feel sad, I feel like crying. I am crying." (Filipovic and Challenger 2006, 214)

This chapter advances what I call the Lost Childhood Claim of children who experienced war, grounded on children's morally weighty interests in living good childhoods, which include having access to intrinsic goods of childhood of the sort illustrated in Chapter One, and the idea that children who experienced war-related harm, particularly in ways that undermine their interests in having good childhoods, are always entitled to receive compensation and recognition for it, from their own societies, in the aftermath of war.

In the first section of the Chapter, I introduce my understanding of harm and compensation; namely, I rely on a conception of harm as a setback to children's wellbeing, which however

gradually include the realization of important developing needs, interests, capacities, and preferences, and the view that children's war-related harm always requires compensation and recognition. Since I have shown in the previous Chapter that children who experience war are always wrongfully harmed in some sense, I detail here the kinds of personal, material, intangible, and childhood-goods harm that children may incur during war.

In the second section of the Chapter, I present the argument showing why children who experienced war deserve compensation and recognition for the various harms which they individually and collectively suffered and are still suffering from, because of exposure to war, focusing in particular on the harms which endanger the enjoyment of good childhoods[49]. I conclude the section by discussing what it means to compensate and recognize children's war-related harm in transitioning societies, given the difficulties of identifying and measuring adequate forms of compensation, which have partly to do with the temporal nature of certain goods, and partly with the ever-changing nature of children.

1. War-Related Harm Endangering 'Good Childhoods'

1.1 On Harm's Currency, Measurement, and Compensation

Before I analyse children's harms related to war exposure, I should first situate my understanding of harm, particularly within theories that consider harm as a setback to wellbeing, after defining children's wellbeing as constituted by the satisfaction of and access to objectively morally important goods, interests, and opportunities, including in exercising developing capacities for moral powers, the way I discussed it in Chapter One. *Preferences, interests,* and *wellbeing* have competed in theories of harm to do the normative work in explaining why their set-back may count as harm. Mill, for instance, has traditionally

[49] I will later consider separately which claims of compensation and recognition rise from the frustration of children's morally weighty interests in developing moral powers, in Chapter Four, and in living in peaceful and just societies, in Chapter Five.

defined harms as wrongful setbacks to interests to which people have rights, which is a conception of harm that needs to further rely on a theory of rights, and one to explain what counts as wrongful, for the sake of identifying harm. Feinberg, too, suggested an account which broadly (perhaps too much so, too) picks out harm as wrongful set-back to interests (Feinberg 1987). A viable concept of harm has to be able to pick out paradigmatic examples, matching our intuitions about what counts as harm, but it also needs to do a moralized thing: whatever harm is, it gives others reasons for acting on behalf of the victim of harm, to help them, and possibly to mitigate the disadvantages caused by the harm.

These reasons, paired with reasons to respond to wrongness (and as I argued, children's war-related harm often counts as wrongful, and when not, its nevertheless weighty enough to attract compensatory claims), suggest certain morally appropriate responses in the face of harm: both from those morally responsible for (wrongfully or not) it, such as regret, reparation, or apology, and from society at large, such as blaming those who fail to prevent harm or have unjustifiably imposed harm. Harm further gives victims a claim against society at large to receive adequate, public moral recognition for the disadvantages caused by the harm and, when appropriate, for its wrongness, and to expect that the harm is mitigated, which means receiving adequate *compensation* for it.

By narrowing a conception of harm specifically to children, I rely on a definition of harm as set back to children's *wellbeing,* as defined in Chapter One, which thus gradually includes the satisfaction of their morally important *interests,* and can also reflect the importance that *preferences* acquire over time for wellbeing, as the relevant moral capacities and interests (which develop and weight differently, across life-stages) mature in children[50]. Given the kinds of questions I ask about children's entitlements to justice, I think it suitable to rely on

[50] Tadros, who also endorses an account of harm as set-back to *wellbeing*, thinks that preferences may gain their importance in considerations of wrongful harm, but only because of their relationship with wellbeing – which is best understood as multidimensional, and not reducible to the satisfaction of the will (Tadros 2014b).

such a conception of children's harm, as I believe it better captures the justice-salient disadvantages that children are vulnerable to, during and after wars.

Besides defining what harm is - in other words, its *currency* – an account of how to *measure* harm is needed in order to pick out whether harm, which is also experienced in degree, has occurred. While it is important to know when one is well or badly off with respect to wellbeing (or other morally important aspects), which is a non-comparative question, the concept of harm identifies something which has a temporal, and arguably comparative, dimension. According to Tadros (2014b), asking about whether an event caused harm depends not simply on the state in which the event leaves the person affected by the event, it depends on whether the event improves or erodes the person's quality of life: it requires to ask whether a person is overall harmed or benefited, which is a comparative matter. On the counterfactual account of harm which I endorse, opposed to temporal or non-comparative accounts, you are harmed if you are left in a worse state than you would have otherwise been, had the harm not occurred. Both simple and complex counterfactual views have been proposed in the literature: on a simple version, *you are harmed only if you are worse off than you would have been had it not been for the harm*; but since there are cases in which harm is justified, for instance as a way to prevent an even greater harm to occur, a more complex view states that *you are harmed is you are worse off that you would have been in one or more relevant possible worlds where the harm did not occur* (Tadros 2014b). For the sake of this dissertation and the claims of children who experienced war that I advance in these Chapters, I think that a simple counterfactual account will do to help identify what children have a claim to, considering what we already know about how childhoods in just societies *should,* and childhoods in warring societies *could,* look like, and the argument that children who experienced war always requires compensation and recognition for the effects of war and its related harm.

While harm might justifiably elicit certain morally appropriate responses, such as concern or regret, sometimes mitigation, it is generally believed that *wrongful* harm always gives rise to a duty in the person causing the harm to fully compensate the victim, and that the magnitude of compensation depends on the magnitude of the harm suffered (Tadros 2014b). That war overwhelmingly impacts children's lives and wellbeing and exacerbates their vulnerabilities, in ways that give rise to distributive justice concerns, is something I have already shown in the previous Chapter. There, I made a *prima facie* case why we ought to consider children's war-related harm as wrongful in some sense[51], which gives us reasons to later compensate them for such harm. Such compensation, I contend, is paired with giving due recognition to the harms suffered and the various ways in which war-exposure affected children's morally relevant, developing interests and capacities. But how is such compensation defined, and what would it entail?

'Compensation' is typically used to refer to some sort of mitigation for a disadvantage suffered, *something* which would leave the victim of harm in the same or some equivalent position, had the harm not occurred. On Nozick's understanding of compensation, a loss is fully compensated when one is neither pleased nor sorry that the loss was suffered, which is a state identified tracking the overall level of one's preference satisfaction (Wolff 2002). According to Goodin (1989), compensation aims to bring the victim of harm back up to some baseline of wellbeing which they would have otherwise enjoyed, had the harm not occurred.

[51] To recap, in Chapter Two I have argued that war-related harm to children during war is always wrongful in some sense. If a war is unjust, it wrongfully harms children (and everyone else affected by it). Moreover, not only hardly any actual war qualifies as just by just war principles, and thus wrongfully harms children in practice, but even in cases of just wars, children's war-related harm can be considered wrongful when they are not later compensated for it: children's special vulnerabilities and needs, exacerbated and frustrated by war, always justify adults' obligations towards them and give them reasons to prioritize children to some extent when distributing the burdens and benefits of war and its consequences, which makes it wrong when children are not adequately compensated for war-related harm. I also argued that if it is true that wars can only be either morally impermissible, thus unjust, or morally required, thus just, children on either side of the war who are harmed by it can be said to be wrongfully harmed, since the unjust side will have caused the wrong/injustice which made a just war the only available, necessary response in the first place.

I understand compensation, broadly, as a way to mitigate for the disadvantages caused by harm, thus realizing the collective corrective duties of justice which harm elicits, and which can take different forms, from apologies, to monetary or other forms of compensation, and to other types of transfers and provision of relevant services and opportunities. Goodin (1989) makes a distinction between kinds of compensation, to be imagined on a continuum: *restitution,* which consists of returning exactly was lost (but is often impossible); *means-substitution compensation,* which provides one with alternative but equivalent means to pursue the same ends one would have pursued in the absence of harm, e.g. providing maimed children with artificial limbs and opportunities to resume and complete their education; and *ends-displacement compensation,* which helps pursue some other substitute ends which leave one subjectively as well off as they would have been, had they not suffered the loss, e.g. providing older children with alternative opportunities for professional training, or monetary compensation to pursue some other life projects.

Even though I will return to the difficulty of compensating adequately children who experienced war later, I should mention here that there are two complications in measuring the right form and right amount of compensation for harm: some losses might be infinite, and impossible to compensate for that reason; some losses might be incommensurable, so we could never know whether compensation was adequate to cover the losses (Goodin 1989). An example of the former might be suffering from an injury which makes one permanently and irremediably blind[52], while an example of the latter is suffering the loss of a loved one. But even when exact levels of compensation are impossible or very difficult to determine, in practice it should be possible to approximate the kinds and amounts of resources that may be made available to respond to children's claims after war and compensate for their war-related losses, and which best use should be made of them, given the specific post-war

[52] I imagine that by 'infinite' loss Goodin meant something like a permanent, ever-felt throughout a life-time kind of loss.

contexts. Monetary compensation is generally considered a practical and plausible kind of compensation for harms which cannot be restituted, precisely because money can act as a mediator between damaged interests and other interests. Victims of large-scale past injustices, for instance, have claimed reparations in the form of financial compensation, which some states have been including in programs aimed at remedying past wrongs (Satz 2012). Since children continue to grow up and mature over time, and since children who go through experiences of war, in particular, sometimes grow up and develop interests and capacities faster and differently than children normally do (I will return to this in Chapter Four), it seems that forms of ends-displacement compensation, which might provide children with alternative means, services, and opportunities, would be particularly suited to adequately respond to children's claims in the aftermath of war. This is so both because some particular ends might not be available to children anymore (e.g. enjoy a summer of careless childhood play by the beach), and because children's changed interests and capacities, and thus preferences-satisfaction, might require something different to be realized that it would have otherwise required, had the exposure to war-related harm not occurred.

Both means-substitution and ends-displacement kinds of compensation are meant to counterbalance or offset the losses caused by the harm, and could be tailored in post-war contexts to respond to the specific losses that children suffered during war, individually and collectively. As Satz points out, victims of large-scale past harms and injustices "most often seek compensation as part a larger set of goals. These include the goals of coming to terms with their pasts, receiving acknowledgment of the harms that were done to them, attempting to regain a way of life that was lost, and punishing the perpetrators" (Satz 2012, 131). Furthermore, such compensatory efforts should be understood as part of the broader project of consolidating peace and justice in society after war: "societies involved in reparative efforts also usually have larger goals than simply compensating losses. This is in part because projects of repair have a special place in societies undergoing transitions to democracy.

Compensation, in this context, is the most tangible manifestation the efforts of the new state to remedy the harms that these victims have suffered, and to re-instill a sense of trust and social solidarity" (Satz 2012, 131). Compensating children for war-related harm seems then to require not only adequate forms of compensation for their specific losses, but also, less tangibly, adequate forms of compensations that acknowledge and give due recognition to the harms suffered, such as apologies or public expression of responsibility, and a commitment to the consolidation of peace and justice moving forward. Satz argues that the obligation to compensate victims of past grave harms for their losses, such as in contexts of transitioning societies, is disconnected from the wrong done and the wrongdoer, and thus falls more generally on the state. Similarly, I have argued in the previous Chapter that the compensatory and other justice-based claims of children who experienced war are raised against their own societies, who can fulfill their obligations towards children through the state and its institutions, even if they might further have, collectively as a society, a claim to reparations against the unjust society which made war the only just, necessary option.

After clarifying what it means to suffer harm, why it deserves to be compensated, and how, in the next subsection I detail the particular kinds of harms that children growing up amidst war may be subject to, namely material, personal, intangible, and childhood-goods kinds of harm, all of which seriously endanger children's morally weighty interests in living good childhoods.

1.2 Children's War-Related Harms

To realize their morally important developing needs, interests, and capacities, and achieve wellbeing, children need more than the satisfaction of their basic needs in protection, shelter, or health; they also need opportunities to enjoy intrinsic goods of childhood and to exercise their developing capacities. Yet, based on the analysis of the kinds of experiences and roles children might go through during war, offered in the previous Chapter, it should

already be clear that contexts of war not only greatly deprive children of opportunities to realize their morally important needs, interests, and capacities, but indeed denies children the resources and opportunities that would otherwise be owed to them in order to have a good childhood and enjoy the intrinsic goods of childhood of the kind described in Chapter One.

War-related harms to childhood can be felt directly or indirectly, and to a greater or lesser extent; to illustrate more clearly which kinds of harms I have in mind, I suggest a list of (a) material, (b) personal, and (c) intangible harm, which builds off Elster's categorization of suffering under a general framework of wrongdoing and victimhood (Elster 2004), to which I further add the category of (d) childhood-goods harm, meant to illustrate the special ways in which some of the war-related harms belonging to the previous categories, but also some special harms themselves, are related to the lack of enjoyment of intrinsic goods of childhood.

(a) Children in wars may suffer from *material harm*. These are the kinds of harm linked to the loss, destruction or confiscation of property, which indirectly affect children, not as legal property-owners, but as beneficiaries of material goods belonging to the family nucleus or generally available in society. Such are cases of children losing their shelter and safety because their family homes being bombed.

(b) Children exposed to the violence of war, just like adults, are also directly subject to *personal harm*, which refers to harassments, persecutions, injuries, and in general physical, mental, and emotional harm; children often lack access to important goods and are likely to be exposed to severe, traumatizing situations, because of which they may suffer long-term psychological and physical negative consequences (as illustrated in the previous Chapter). Children growing up in war are rarely sufficiently protected from violence and cruelty, often experience a lack of clean water, food, and shelter, and often suffer from separation from family - almost all of these important, basic goods are endangered by war, but children also

miss out on goods which seem to bear significantly on their wellbeing, like the enjoyment of opportunities for free time, play, joyful and experimental social interaction, and a sense of being carefree, whose realization, in conditions of instability and systemic violence, is presumably much more difficult. The lack of opportunities is however better captured by the next category of harm.

(c) Children victims of war may further suffer from *intangible harm*, which, according to Elster (2004), refers to the harm deriving from the lack or loss of opportunities[53]. I believe that claims potentially grounded in this third category are particularly weighty when it comes to children. Harm of the intangible kind suffered in childhood seem to have a more grievous effect throughout a lifetime, given the long-lasting impact that experiences lived (or not lived!) in childhood have for living a good, stable adulthood, but also in the present, given children's ability to feel and suffer intensely, and their incomplete maturation of certain coping mechanisms and self-regulatory mechanisms that could otherwise help them to react and recover from the losses suffered. Childhood is a stage of life characterized by a unique rate of cognitive development and physical and mental transformative growth and change, hence missing on certain opportunities in childhood, and more generally the loss of good childhood years, seems impossible to fully compensate later in life: once passed, those years cannot be re-lived, at least not as children. A way to illustrate that is to think that whether you have the opportunity to enroll in university at 20 or 40 years of age, while your experience will be different, it will also be similarly beneficial and accessible, in a way similar to what the normal experience would be (normal, given the social norms that generally govern our societies); whereas typical experiences of youth would not have the same function in one's development, nor the same appeal and enjoyment, if approached during adulthood. Educational and socializing experiences available during primary school or high

[53] Given the view that what matters, from the point of view of justice, is that morally important interests and opportunities are sometimes *realized*, and sometimes merely *provided* adequately.

school, for instance, would look very different if attempted as an adult (not least because they require a context of peers, going through similar processes at similar times). Yet, in times of war access to education is also often crucially precluded or heavily disrupted. Since the enjoyment of goods which are intrinsic to childhood requires opportunities to access such goods, but children in wars often dramatically lack such opportunities, this category of harm significantly overlaps with the next one.

(d) This fourth category of *childhood-goods harm* is meant to capture harms that have to do with the justice-salient enjoyment of the relevant opportunities and intrinsic goods of childhood, and how certain harms of the personal, material, and intangible kinds indeed affect the enjoyment of childhoods goods, and, ultimately, the enjoyment of a good childhood. Following my analysis on the impact of war on childhood, it is evident that physical and emotional wellbeing are immediately at-risk goods, but the disruption of normal life and dynamics further undermines opportunities, as contexts of war endanger childhood goods experienced within the family and the social life. For instance, by depriving children of a stable, happy family life and opportunities to bond and share experiences with their loved ones (i.e. family relationship goods), or of opportunities to contribute to the community and for social interaction in a safe and supportive environment. At the same time, the disruption of services and general situation of instability and danger prevents most opportunities for the enjoyment of otherwise normal childhood activities, like carefree outdoor play, the practicing of sports, or attending artistic and cultural events; even children's imagination and their dreams are affected by war experiences. Furthermore, harms of the material, personal, and intangible kinds are likely to endanger the enjoyment of childhood goods, too. For instance, when family houses are destroyed by bombing, children materially lose their shelter, they personally suffer from the loss of safety and protection, as well as important means of sustenance, but they also lose belongings of affectionate value, such as toys to play with, they lose objects and places that carry happy

memories, now replaced with images of destruction and suffering, and through encounters with loss, grief, violence, and hardship, they might lose some (or all) of their innocence and carefreeness. Or, when schools are damaged or shut down because of the hostilities, children may lose access to education, but also to opportunities for socialization and play. If, as seen in Chapter One, there are goods intrinsic to childhood, such are goods of temporal character which need to be, and can more easily be, satisfied *during* childhood: what matters is that you experience them at the right time you should experience them. As in the case of intangible harms, one implication of this is that it would be extremely difficult to make up for their loss later in life. As discussed, however, compensation in post-war phases should track children's currently developing level of interests, capacities, and preferences, and, when appropriate, take the form of ends-displacement compensation, for instance by providing alternative but equally preferrable and adequate opportunities to children.

Notwithstanding disagreements on what goods might be owed to children (based on views of what might make a child's life go well), there are some goods which clearly contribute to good childhoods whose lack thereof constitutes injustices, and whose realization is often under greater threat in a situation of violent conflict. So far, I have shown that children who experience war are likely to suffer from material, personal and especially intangible harm, as well as from missing out on opportunities to access intrinsic goods of childhood and thus to suffer from childhood-goods harm; given such harms and their impacts on the enjoyment of childhood, it is clear that war ultimately endangers children's weighty interests in living good childhoods. In the next section, I lay out the argument supporting the Lost Childhood Claim of children who experienced war.

2. The Lost Childhood Claim of Children Who Experienced War

From *Zlata's Diary: A Child's Life in Sarajevo*, July 17th 1993: "Suddenly, unexpectedly, someone is using the ugly powers of war, which horrify me, to try to pull and drag me away

from the shores of peace, from the happiness of wonderful friendships, playing and love. I feel like a swimmer who was made to enter the cold war, against her will. I feel shocked, sad, unhappy and frightened and I wonder where they are forcing me to go, I wonder why they have taken away the peaceful and lovely shores of my childhood. I used to rejoice at each new day, because each was beautiful in its own way. I used to rejoice at the sun, at playing, at songs. In short, I enjoyed my childhood. I had no need of a better one. I have less and less strength to keep swimming in these cold waters. So take me back to the shores of my childhood, where I was warm, happy and content, like all the children whose childhood and the right to enjoy it are now being destroyed» (Filipović 2006, 361–62).

2.1 A Claim of Lost Childhoods

As argued in Chapter One, what matters from the point of view of justice is that children develop, pursue, and enjoy the realization of their morally important needs, interests, and capacities; this sometimes implies that they are owed adequate goods or resources, and sometimes that they are owed adequate opportunities, where adequate means sensitive both to fairness in distributive concerns, and to the ways in which children gradually mature and develop their relevant needs, interests, and capacities. The Lost Childhood Claim formulated here is grounded in children's morally weighty interests in living good childhoods, and thus in having access to intrinsic goods of childhood, which wars dramatically endanger. The idea of 'lost childhood' intuitively refers to childhoods marked by some kind of tragic event, such that it makes it very difficult, if not impossible, to enjoy again the typical goods and experiences which make a childhood good. Netland (2013) uses the term 'lost childhood' to describe the situation of Palestinians kids who grew up during the First Intifada and their experiences, which included aspects categorized as 'lost child-friendliness' and 'lost childlikeness'. Such experiences, of having to grow up in the context of large-scale, harsh and unavoidable political violence, reportedly provoked in children a sense of "lost" childhood, but traces of this concept can be found elsewhere, particularly in studies and

memories produced after World Wars experiences, and more recent wars. In the introduction to the moving collection of war-time diaries written by children across the world and throughout the twentieth century, titled *Stolen Voices: Young People's War Diaries, from World War I to Iraq,* Zlata Filipović, known herself for having published her own childhood diary, documenting the horrors sieged Sarajevo, writes: "Of course, it is always problematic to talk of universality, to amalgamate various individual's experiences into one joint existence-but it is also impossible, when looking at various young people's war diaries, not to notice themes and similarities. In all of them, I recognize the moments of desperation, of confusion, of injustice and pain; the awareness of *lost childhood,* youth, and innocence that I personally wrote, felt, or thought about" (Filipovic and Challenger 2006, XII–XIII - *emphasis mine*). Building on the position that childhood is an intrinsically valuable stage of life and that the realization of certain childhood goods has direct consequences for the metric of justice towards children (Brennan 2014; Gheaus 2015a; MacLeod 2010), I argue that wartime childhoods, marked by terrible, in some sense always wrongful, harms and scarcity of opportunities for what would otherwise constitute good childhoods, deserve, in the aftermath of war, proper recognition and compensation for the types of personal, material, intangible and childhood-goods war-related harms that children had to endure, and are still affecting their lives.

The argument for the Lost Childhood Claim thus runs as follows. Children have morally weighty interests in having good childhoods, which implies having access to generally important goods but also intrinsic goods of childhood. War endangers the enjoyment of many goods relevant for having good childhoods: for instance, safety, care, shelter, health, and education, but also carelessness, play, imagination, innocence, and family relationship goods. Because of the lack of opportunities to realize such important goods, children who experienced war are more likely to suffer from severe physical, mental, and emotional consequences than children who do not live through war, both in the present and throughout

a lifetime. As described in the previous section, children in war experience[54] various kinds of material, personal, and intangible harm, as well as childhood-goods harm, all of which can be so grave to ultimately undermine the possibility of living a good childhood. Since such harm requires compensation and recognition (as argued before), the war-related loss of goods relevant for having good childhoods, and of opportunities for the enjoyment of good childhoods, requires compensation and recognition (when children's weighty interests in the particular goods which are relevant for the enjoyment of a good childhood are frustrated by war, they are entitled to be compensation). In other words, children who experienced war have a claim of compensation for the lack of access to goods and opportunities relevant for the enjoyment of a good childhood caused by war-related harm, and of recognition for the kinds of harm suffered in the past, and the ways those bear consequences on children's wellbeing, but also developing needs, interests, and capacities, in the present.

Such compensation and recognition, which should be tailored according to the specific children's losses and features of post-war societies, might for instance take the form of medical and psychological assistance towards healing and recovery, opportunities that facilitate social reintegration, free and accessible education and professional training, and financial compensation. Given the weight of certain intrinsic goods of childhood, and the effect of war-related harms on their enjoyment, it might seem tempting to think that compensation for children's war-related harms should approximate, however much possible, the kinds of goods and experiences "lost". Namely, that we should attempt to restore children to completely carefree, happy lives. However, I have anticipated that some intrinsic goods of childhood are of temporal character and cannot be enjoyed with the same

[54] On some views, the *risk* of experiencing harm counts as harm in itself, and thus deserves some kind of compensation in itself, which then tracks the level of risk involved; on some other views, a risk needs to actualize as harm, in order to count for compensation. Although I don't explore this in detail, my view is that while the risk of harm seems morally important, and should elicit at least some concern and recognition, only actualized wrongful harm qualifies for tangible compensatory claims.

ease, or to the same effect, once the life-stages of childhood are over; indeed, children keep growing and maturing different needs, interests, and capacities over time. Thus, children who experienced war have a claim to indirect compensation for what it could have been in their childhoods, and can be no more (as they cannot be children again), which means that they must be indirectly compensated (e.g. through ends-displacement and means-substitution compensation); similarly, the (in)tangible loss of opportunities to enjoy certain goods relevant for a good childhood often cannot be compensated for in the same kind, but should rather be compensated by tracking the kinds of interests, capacities, and preferences that children matured (or didn't) in the aftermath of war, in order to provide only adequate kinds of compensation and recognition. To clarify, by adequate, I mean that compensation should match both what the specific harms experienced by the child were, but also how war experiences might have transformed children, affecting also their ability to benefit from compensatory goods.

2.2 The Problem of Compensating 'Lost Childhoods'

As mentioned, there seem to be some difficulties around the issue of finding adequate forms and measure of compensation for children's war-related harms.

First, many losses of the kinds of material, personal, intangible, and childhood-goods harms seem impossible to restitute or to fully compensate in kind, both because some goods relevant to having good childhoods are of temporal character[55], so it is important that they are enjoyed during childhood[56], and because children's needs, interests, capacities, and

[55] To be sure, important temporal goods seem to be a general category of compensation particularly difficult to make up for. For example, a grandparent, who may never have the joy of caring for her grandchild in the right way because of war, is also harmed by the loss of such family relationship goods. Perhaps other temporal goods throughout a lifetime, endangered by war, are just as weighty as the temporal goods relevant for having a good childhood. Or perhaps not all temporal goods have the same importance, given that we live life moving forward and different interests have different weight at each stage. I will consider whether indeed we have good reasons to prioritize the allocation of resources for the satisfaction of children's morally important claims shortly.

[56] Gheaus (2015a) suggests that a miserable childhood cannot be compensated by a good adulthood.

preference-satisfaction change over time, making it more appropriate to respond with tailored means-substitution or ends-displacement forms of compensation, which adequately tracks children's overall state after conflicts. One implication of this is letting go of the idea that, once wars are over, we should aim to restore as much of children's 'lost childhoods' as soon as possible: while for some children it will still be possible to access certain goods of childhood, such as innocence, carefreeness, or a sense of openness for the future, and thus would be owed as much as possible of opportunities to enjoy that, for some other children it will be too late to enjoy those same goods, either because time naturally ran its course and they simply aged, or because the effects of war exposure irremediably transformed them in some relevant way; hence, transitioning societies should aim to identify the right type of means-substitution or ends-displacement compensation that would be morally adequate and available, and provide children with valuable, alternative opportunities[57].

Second, the intensity and systematic experiencing of war-related harms make it hard to measure its scale and the overall cumulative effects, both individual and collective, that war has on childhood, and thus to identify a right amount of compensation later on. It can however be approximated: for instance, by allocating a national budget to (re)build adequate facilities and services for the realization of basic needs (e.g. schools and hospitals), for the physical and psychological assistance needed to recover from harm, to cover for some monetary compensation to facilitate the reintegration into social life (a child with a severe

[57] Imagine we had a magic wand that could either bring the child to whichever 'normal' stage of development and level of interests and capacities they would have, had they not been through war; or provide the child with adequate forms of compensation, recognition, and opportunities to recover from harm and continue to grow towards a hopefully good adulthood. It seems clear to me that it would wrong children, to use the magic wand to modify their current personalities. Or imagine we had a time machine, and we could go back in time and make children re-live their childhood years without war-related harm. It seems to me this would be permissible (although, I'm not fully convinced) only if: (a) the time machine works in a way that brings you back in time *with the age you had at that time,* and (b) it is used with the consent of those children who are old enough to understand the choice.

physical or mental disability caused by a war injury could claim for instance a certain amount of life-long compensating income, for example), but also by extending welfare rights, rights to free education, vocational and professional training, and the provision of leisure and socializing opportunities, as well as through forms of symbolic recognition of the struggles endured.

Lastly, while exact compensations for specific losses should depend on the kinds of harms involved in particular cases, their availability also depends on the likely scarce bundle of resources available in transitioning society, on other competing morally urgent claims (e.g. of wrongfully harmed vulnerable adults), and on the magnitude of resources urgently needed for the consolidation of post-war peace and justice. It is a separate but valid question the extent to which societies that are transitioning towards peace have enough material resources and political legitimacy to comply with all and any justice-based demands, no matter how justified. However, there might be reasons that justify a principle which would prioritize children in the allocation of resources for the satisfaction of their justice-based claims, once other more urgent claims can also be accommodated. So, prioritizing children's claims applies only when it does not come at the cost of unfairly bringing others below a certain reasonable threshold in the distribution of burdens and benefits in society: only once adults and children have sufficient resources, more can be allocated to children. An *intrinsic* argument based on fairness suggests that, since children had comparatively less opportunities to realize their morally weighty interests than adults already had, under scarcity one should prioritize children in the provision of adequate resources and opportunities, other things being equal[58]. The idea here is that children have comparatively more to lose than adults, if they are not adequately compensated, because they have more years ahead where prospects for wellbeing, without compensation, would look dire, whereas

[58] A similar argument has been proposed in the context of scarce medical resources, within age rationing and lifetime prudence accounts; see for instance (Bidadanure 2021b; Brauer 2009).

adults presumably already had more years lived in relative well-being[59]. Moreover, as mentioned before, children's vulnerabilities exacerbated by war put pressure on adults' obligations towards them, giving them reasons to prioritize the satisfaction of children's demands[60]. There also seems to be a consequentialist argument which justifies the prioritization of children who experienced war: because children simply have more years to live ahead, and thus to generally put to good use the benefits of resources and opportunities allocated to them, an investment on children is ultimately a more fruitful investment for society as a whole[61].

Conclusion

In this Chapter, I have argued for the claim that children who experience war-related (in some sense wrongful) harm, particularly harm which endangers their morally weighty interests in living good childhoods, deserve compensation and recognition for such harm. Responding adequately to such claims of compensation and recognition, however, requires tracking the ways in which war-related harms and experiences might have changed children's current abilities to benefit from certain compensatory goods, thus, to identify the kinds of means-substitution and, in particular, ends-displacement compensation, which seem better suited to satisfy children's weighty entitlements to justice as they attempt, together with their society, to recover from war's worst effects and move forward.

While there is no doubt of the importance of responding adequately to children's suffering from war-related harm, there is another justice-salient effect that wars have on children,

[59] It seems plausible to imagine this to be the case, at least to the background of a just, peaceful society; it might however be pointed out that while all adults by definition had more years to live than children, not necessarily those were years in which they struggled or suffered harm independent of the war.

[60] The potential worry of committing an expressive wrong towards adults, in prioritizing children, can be mitigated by observing that adults will also have vicarious interests that the lives of their younger generations go well.

[61] For this and more issues having to do with justice across generation, see (Bidadanure 2021a; 2021b).

particularly on their process of developing moral powers, which, as I will show, also elicit further claims of compensation and recognition. I move on to investigate these claims in the next Chapter.

Chapter Four:

Looking at the Present: The Moral Powers Development Claim

Introduction

This Chapter advances the Moral Powers Development Claims of children who experienced war, partially answering to the question of the morally right way to treat children given the impact of war on their childhoods, in particular given the impact of war on processes of development of moral powers in their Rawlsian understanding (Rawls 1999)[62].

This claim is built on the empirically grounded observation that, during wars, children are more likely to face difficult, often traumatic situations, which in turn sometimes make it the case that children need to exercise (thereby, develop) capacities to make morality- and justice- based judgments and choices (in general, and comparatively more than children who do not grow up amid war). While it is clear that exposure to war and violence can, and often does, negatively impact children - exposure to traumatic, war-related circumstance can often disrupt or stunt the rate of development in children, undermining their abilities and opportunities to cultivate moral powers-, there is some evidence showing that they can respond positively to traumatic circumstances, for example by building up resilience[63] and capacities. An examination of the impact of war on children's development of capacities relevant for moral powers indeed confirms great variation in the ways children cope with

[62] An earlier version of the claims advanced in this chapter has been published in (Brucato 2023).

[63] The concept of resilience, understood as the capacity to figuratively 'bounce back in shape' after trauma, and how to promote it in children living amidst hostilities is also much discussed in the literature. See, for instance, (Fernando and Ferrari 2013; Hall and Ahmad 2022). By definition, resilience indicates a return to the state in which one were before the trauma, which seems to suggest, if not a positive improvement in absolute terms, at least not a negative set-back overall, thus I would rather consider resilience as a response with potentially 'positive' effects.

and respond to war experiences. As I will be discussing, such variation has to do with varied internal and external factor, such as age, attitudes and predispositions, familiar relationships and settings, duration and intensity of exposure to war. I make a simplified distinction between responses that seem to have an overall *negative* effect on development, like the appearance of severe disorders and psycho-pathologies in response to trauma, which affect one's cognitive and rational abilities as well as emotional regulation, and responses that seem to have a *positive* effect on development, at least in some regard, like a heightened sense of justice and the appearance of advanced levels of cognitive and moral reasoning, as well as capacity to act upon that understanding.

In the second part of the Chapter, I thus advance the Moral Powers Development Claim, by arguing that if it is true that exposure to traumatic, war-related circumstances during childhood impacts the development of moral powers (for better or worse), and if we think that moral powers typically ground the (im)permissibility of certain treatments (such as paternalism and the assignment of autonomy-protecting rights), then we ought to adequately assess the extent to which children who experienced war have developed their capacities for moral powers[64], in order to give them due *recognition* for their morally relevant capacities in the aftermath of war as well as *compensation* for the morally inadequate ways in which their development was impacted, thus tailoring post-conflict interventions in ways that allow for both the protected exercise or 'corrective' development of children's moral powers. Given the significant variation in children's responses to war exposure, I propose two versions of the Claim: for those children whose development of

[64] To say that we ought to adequately assess children's developing capacities for moral powers, as this constrains what justice permits and requires us to do with respect to them, is not a radical proposal, nor it is uniquely relevant for children who experienced war as opposed to children who had different life experiences that also prompted or hindered the development of moral powers. Yet, there seem to be distinct ways in which contexts of war, characterized by widespread violence and trauma, impact childhoods by disrupting or altering the conditions for such developmental processes, so it is worth exploring the grounding and implications of such claims for these children in particular.

moral powers was *stunted* by exposure to conflict, the Negative Moral Powers Development Claim holds that they are owed compensation and adequate opportunities to make up for the developmental losses; while for those whose development was *advanced* by the exposure, the Positive Moral Powers Development Claim holds that they are owed recognition for their capacities through opportunities to exercise meaningfully their moral powers, as well as compensation for the wrongful way in which development was triggered. I further discuss the translation of the Positive and Negative Claims into legally codified rights within a children's rights framework of the kind discussed in Chapter One, giving examples of when justice requires the granting of extensive welfare-protecting rights and opportunities to recover, but also sometimes the relevant autonomy-protecting rights and opportunities to meaningfully exercise morally relevant capacities; and then I conclude by addressing some potential worries raised by the Claims.

1. War and Children's Developing Moral Powers

1.1 Developing Moral Powers

As discussed in the previous Chapters, I take it that besides morally weighty interests in having good childhoods, children also have morally weighty interests in developing into autonomous being with moral powers, to which I would add 'in a timely, morally adequate way. The following subsections provide the background to understand what I mean by capacities for moral powers and their 'adequate' development.

A Sense of Justice & Capacities to Form, Revise, and Pursue a Conception of the Good (or "Personal Autonomy"). Following Rawls, we can distinguish two different morally relevant interests, one in developing into an autonomous agent, which is based on the moral power that is the capacity to form, revise, and pursue a conception of the good (of what constitutes a good life), and one in developing into a moral individual, which requires to form a sense

of justice, that is capacities to identify and act from principles of (political) justice, which constitute the other moral power. Rawls (1999) presupposes that citizens have these two moral powers (and thus that they are moral individuals), and appeals to the possession of such powers to anchor his view of free and equal citizens in society as a cooperative venture, and to derive entitlements to basic rights and liberties and "primary goods". Because such capacities gradually mature over time, this leaves open the questions of how to adequately ensure their development, and how to adequately respond to children's partial or under-developed exercise of such capacities, which I partly address in the next subsection.

As far as capacities for a *sense of justice* go, Rawls (1963) provide us with some indications of what they consist of and how they might evolve (although, more obscurely on the latter). He claims that the construction of a minimal sense of justice stems from the universal feelings of trust, love, and affection, paired with basic intellectual abilities. Capacities for a sense of justice include capacities to intuitively understand principles of justice and their application, but also to have certain feelings and attitudes taken as responsive to justice, such as resentment, indignation[65], and particularly guilt. Building off Piaget's work on children's development, he argues that our sense of justice derives from the psychological orderly development of three forms of guilt feelings, moving from authority guilt to association guilt, and lastly to principle guilt, described as a sort of 'final' stage of development by which we have internalized principles of justice such that even experiences previously triggering authority or association guilt are now explainable in terms of principled judgments.

[65] He defines the moral feeling of resentment as the reaction to the injuries and harms which the wrongs of others inflict upon us, and that of indignation as the reaction to the injuries which the wrongs of others inflict on others (Rawls 1963, 299). It seems worth pointing out that children seem to be capable of feeling both, *plenty*.

Rawls describes authority guilt as the guilt felt by children, who feel love, faith, and trust for their parents, when they violate the set of (reasonable) rules imposed by parents on them. The violation is experienced as a breach of that loving and trusting relationship, which is why children are more inclined to confess and seek forgiveness, in order to restore it. While this guilt is tied to parent-child relationships, that is relationships we usually form early in life, association guilt is felt when one takes part in a joint activity which also imposes a set of rules on them. In those cooperative situations, when one fails to do their part, they experience guilt which is expressed through the inclination to admit the breach and apologize, and to make reparations and accept penalties. Both authority and association guilt originate from natural attitudes we feel towards certain people, be they parents or fellow associates. Principled guilt, however, originates from internalized principles of justice: with a just scheme of mutually beneficial cooperation in the background, one's sense of justice will show in the acceptance of just institutions (just according to Rawls' two principles of justice), and the appeal to accepted principles of justice in the explanation for one's moral feeling of guilt to infractions - explanation which will invoke moral concepts, principles, and references to right or wrong (Rawls 1963). In a nutshell, reasonableness in abiding fair terms of cooperation and endorsement of its underlying principles of justice is what constitutes a sense of justice according to Rawls.

If reasonableness is associated with the sense of justice, rationality is associated with the capacities to *form, pursue, and revise a conception of the good*, namely a view of what is valuable in one's life[66]. Although Rawls did not explicitly refer to this moral power as

[66] To explore the link between the two moral powers themselves goes beyond the scope of this chapter, however it should be noted that because not all choices have a moral character, an advanced sense of justice (and morality) does not necessarily make someone more autonomous; similarly, advanced capacities for personal autonomy do not necessarily make someone a more capable and just moral agent. At the same time, one's sense of justice and conception of what counts as a good life are part of the motivations that lead to the autonomous pursuit of certain options rather than others, and capacities for autonomy are needed for the realization and exercise of one's sense of justice.

capacities for *autonomy* (and instead spoke, separately, of "rational autonomy"), what he describes is what is generally referred to as (global or full) personal autonomy in current literature. Personal autonomy as a general concept reflects the idea that most of us have the capacity to make independent decisions about our lives and thus should be left to self-govern and direct our lives. Children clearly aren't fully autonomous, but they do show capacities for autonomy in degrees. On a simple account of personal autonomy, autonomous individuals are thought to have some level of capacities for critical reflection on the authenticity of one's preferences, values, and commitments, which are usually called 'authenticity' conditions for autonomy, as well as capacities for living according to those preferences, values, and commitments without interference, such as means-ends reasoning, rational thought, and self-control, but also for instance freedom from debilitating pathologies, which are usually called 'competency' conditions (Christman 2020). Under many accounts of autonomy, some external, enabling conditions, such as social freedoms and substantive options for choice, are also considered if not constitutive of, at least contributing to autonomy.

Whether children are capable to satisfy both sets of authenticity and competency conditions is doubtful. Nonetheless, some views suggest that the autonomous agency of children, on a conception of it that is appropriate to their developing capacities, is relevant for identifying the kinds of treatment that children have a claim to receive[67]. Personal autonomy can be understood as global but also as local, and while it is unlikely for children to show full/global personal autonomy, they can show capacities for local autonomy in degrees, in some areas of their lives and domains of choices (Mullin 2007). Among those who look at children as meaningful moral agents, some have suggested that because children gradually acquire capacities for local autonomy before they reach global autonomy, they generally should be

[67] See for instance Bou-Habib and Olsaretti (2015), and Mullin (2007).

allowed to exercise that local autonomy, at least in the areas of their lives where they are capable for it (Mullin 2007). For example, children aged ten might not be autonomous in how to handle the choice of undergoing a particularly important medical treatment, but they are capable to choose who they would rather be friends with; or they might not be able to choose an adequate diet, but they can choose how to dress or which haircut to have. Even in cases of medical treatment, and many other presumably less consequential domains of choice, it is now widely agreed upon that it is important to consult with children about the choice (Wiesemann 2016). This is partly because children should have a say in decisions that affect them[68], and partly because to become autonomous, that is, develop capacities for autonomy, children sometimes need to be treated as if they were already autonomous[69], that is be allowed to make choices in situations, at least when stakes are not too high[70]. But how to balance the stakes, and to what extent are adults allowed to manipulate circumstances in order to trigger advancements or setbacks in children's development? In the following subsection I shall first consider how we generally think about processes of development of moral powers in children.

The Development of Moral Powers in Children. The process by which we develop our capacities for moral powers is a gradual one, which follows the more broadly understood (and studied across different fields) development of cognitive and moral reasoning during childhood and adolescence[71]. Through new experiences and by gaining more knowledge through education and social interactions, by having to make increasingly difficult choices and learning to deal with their consequences, by sometimes making mistakes and learning

[68] As implied by the rights and principles formulated in the Convention on the Rights of the Child (1989); also see Lansdown (2005) and Lundy (2007).

[69] LaFollette quoted in (Brennan 2002, 61).

[70] See, for instance, (Anderson and Claassen 2012).

[71] See, for instance, (Peto 2018).

to fix them, and by generally experiencing and reflecting on moral feelings, such as indignation or guilt, something eventually triggers that sense of justice and morality that we typically take adults to have acquired in full, but which has in fact been gradually cultivated from much earlier in life. Various life experiences and opportunities to make decisions also trigger reflection on one's preferences and values, and the exercise of capacities such as means-ends reasoning, self-control, and critical judgment, all of which counts towards the improvement of both one's moral powers. Such development normally starts within the family, and later advances through engaging in education and interactions with society more broadly and non-parental authority, and culminates with the encounter and internalization of social norms and principles.

Children's moral conceptions, built through experiences, show concern for issues related to justice, fairness, harm, authority, and explicit social rules and customs; and concepts of rights and freedoms emerging in early childhood are linked to developing conceptions of autonomy and personal choice (Smetana and Killen 2006). As seen in Chapter One, there is general agreement in the literature about children having morally relevant interests in developing into autonomous being with moral powers, and adults having obligations towards them to assist such development (Clayton 2006). It is, for instance, broadly agreed upon that as children grow and their capacities develop, the relevant adults should adjust their treatment accordingly, granting more or less autonomy in certain domains of choices, or more or less regard for children's opinions. However, relatively little has been said about exactly *how* development can be justly promoted. By claiming that the development of moral powers in children should happen in a timely and morally adequate way I mean, roughly, that we have reasons to promote children's development only in just ways that do not jeopardize the advancement through the stages typically considered the 'normal' stages of

development[72]. Ways, that is, which do not stunt or wrongfully delay development, nor accelerate it. To give an example: even if we had good reasons to believe that putting young children to work would trigger, as a side effect, the improvement of certain practical and cognitive capacities, which in turn would make them more autonomous, at least in some areas, this should not lead us to conclude that child labor is overall desirable for children: we would have better reasons to protect children from the burdens and risks of labor and we would be right to question whether putting them to work would be the right way to promote their autonomy.

Notwithstanding significant variations in the cultural, social, and legal landscapes that regulate childhood, the practices of childrearing, and the assignment of legal rights, there is a generally shared understanding that as the child moves through different developmental stages and experiences, she acquires (relevant) knowledge and capacities, hence our reasons to treat them in certain ways shift. Namely, as the relevant capacities for choices appear and consolidate in children, the justification to paternalistically either enforce or prohibit those choices gradually diminish, both overall and in regard to particular capacities.

The importance of 'getting right' the extent to which children have moral powers is linked to the idea that those normative powers are what typically do or do not justify paternalistic treatment[73],, particularly over children, the exercise of authority over them, as well as their exclusion from certain rights (particularly autonomy-protecting ones). An adequate assessment of children's moral powers is also relevant for the agential capacities argument that when an agent possesses certain morally relevant capacities – those whose promotion and protection is relevant as a matter of justice-, then they are owed the relevant rights and

[72] Highly influential and still debated/updated works from cognitive studies and psychology, focusing on children's intelligence and morality, are Jean Piaget's theories of development, and Lawrence Kohlberg's stages of moral development (1981).

[73] Being considered autonomous stands as a barrier to unchecked paternalism, both in the personal, informal spheres and legal arenas (Feinberg 2014).

opportunities to exercise those capacities. Differently from cases where adults may lack such capacities (for example, due to permanent mental impairments), the case of children has different moral constraints because children usually don't stay long in their under-developed state. Rather, they keep growing and developing, which requires a regular assessment of capacities and consequent adjustment of how to respond to them, since part of what promotes overall development is the continued exercise of newfound, gradually improving capacities. However, sometimes the exercises of children's present capacities can preclude future opportunities, both for the further development and exercise of that very same or some other important capacity. It is generally thought to be a special responsibility that adults have towards children, to sometimes restrict their autonomy or preclude the pursuit of certain choices, in order to leave their futures as 'open' as possible (Feinberg 2014). In the balancing of present and future interests, and in the provision of opportunities to exercise capacities through the assignment of rights, clearly this should be kept in mind.

The claim that to have and exercise developed moral powers is, in itself, a desirable state whose realization is owed to everyone as a matter of justice, and that thus adults have special obligations to assist children in their processes of development of moral power, are not controversial claims. Nor it seems controversial to claim that there are justice-based constraints in how desirable ends are to be realized, such that not every experience which would prompt growth (of moral powers) should be considered morally adequate, such as when it causes one to experience harm or fall below a minimal threshold of wellbeing. Yet, it might seem controversial to claim, as I will do in the next subsections, that sometimes wars have a positive effect for the development of children's moral powers, or that children with an advanced development because of war exposure are nonetheless entitled to compensation. It is worth pointing out that, after all, any childhood entails experiences that will influence, promoting or disfavoring, the development of moral powers. The questions of what should count as a normal process of development, or a morally permissible

promotion of any such experiences in children's lives, are not straightforwardly answered, and answering also requires going back to debated axiological views on childhood's value. For my current purposes, it suffices to say that there seems to be widespread understanding that children go through different stages of development over time, stages which are partly linked to biology ("nature") and partly to culture ("nurture"), and that this make it 'apt' that they are treated differently (either encouraged or restrained) in making autonomous choices at different stages. But if we want to take seriously the way certain experiences affect the development of moral powers, under a view which takes such development as a morally relevant interest to be fulfilled by justice, we need to consider the ways in which children are harmed when such processes cannot unfold in a timely and morally adequate way.

As discussed in Chapter Three, a common way to understand whether someone has been harmed is to consider counterfactual scenarios; since it is not always easy to draw a baseline for what counts as an ideal development of moral powers during childhood, counterfactual comparisons can be tricky. However, based on what was discussed so far, I take it that a good childhood is a childhood in which one has access to childhood goods and one's morally relevant interests are met, which implies both that one should have the opportunity to go through a period of life characterized by the enjoyment of goods like innocence and carefreeness, generally unburdened by difficult moral considerations and the responsibilities and liabilities that follow from having fully developed moral powers, but also that eventually childhood should be outgrown. In other words, part of what makes childhood good is growing out of it: it would be bad to remain a child forever, just like it would be bad to never be a child. I also take it that there is an amount of exposure to challenges and difficulties whose surmounting is beneficial, perhaps necessary, for growth: the development of moral powers is triggered through both positive and negative experiences, and capacities for autonomy are often cultivated through trials and errors. Yet the case under examination, namely the case of growing up amid war-related violence and difficulties,

clearly fails to qualify as an 'acceptable', 'normal' level of exposure to difficulties and challenges: when growth is setback or prompted by (often wrongful) harm caused by war and violence exposure, it cannot qualify as development reached in timely, morally adequate ways. So, while it is clear that children have an interest in developing capacities for a sense of justice and autonomy, such that they are harmed when prevented from doing so, children who are forced to "grow up prematurely" are also wronged and lose something valuable. I hope to show, by the end of the chapter, why important yet under-theorized claims related to children's development of moral powers, particularly in contexts of war, are worth investigating, and make some clarity as of which shape the arguments supporting them can take.

1.2 War's Impact on Children's Developing Moral Powers

As mentioned before, it is evident that wars differ significantly in their features, such as scope, duration, warfare tactics, and stakeholders, just as children differ significantly in their characteristics, such as age, gender, natural variations in the brain and nervous system, physical abilities, inner resources, but also in their positioning and assigned roles within families and communities[74]. This means that the experiences of children growing into agents with moral powers amid war can look very differently. That said, just as it was possible to generalize and identify types of children's war-related harm suitable for compensatory claims, it is possible to identify some shared significant types of war-related experiences and draw some conclusions about ways in which children exposed to war are likely to be harmed in the development of their moral powers and are likely to respond to such harms (which again vary also depending on the intensity and duration of war exposure and relevant

[74] See, for instance, (Barber 2008a) and (Barenbaum, Ruchkin, and Schwab-Stone 2004); on personal, family, and community mitigating resilience factors, (Belsky 2008) and (Slone and Peer 2021).

experiences). These conclusions will go to substantiate the empirical premises of the argument for the Claims later advanced in this chapter.

General Considerations on Children's Experiences and Responses in War. As discussed in Chapters Two and Three, there are many different situations in which children might find themselves harmed during conflict, and some of those will have an impact in the process of developing moral powers. Children who experienced war-related *hardships* and physically and/or emotionally *harms* of various kinds in various way may develop psychological and psychiatric disorders of various kinds, feelings of demoralization and depression, and are at risk of deviant or disturbed behaviors later in life because of unresolved trauma may, over time, lead to deviant or disturbed behavior (Baker and Shalhoub-Kevorkian 1999; Greenbaum, Veerman, and Bacon-Shnoor 2006). The UN Machel Report (1996) confirmed alarming data concerning children's psychological wellbeing, which triggered psychologists' interest in furthering research about war-related Post Traumatic Stress Disorder (PTSD) in children. Such negative psychological consequences clearly can disrupt and set back the development of a sense of justice and capacities for autonomy in children. At the same time, recent literature is exploring the positive effect traumatic events sometimes have for victims of trauma. The relatively novel concept of Post-Traumatic Growth refers to the idea that sometimes the adversity of a traumatic event or crisis can (unintentionally) bring about positive psychological changes to some individuals (Ferris and O'Brien 2022): surviving trauma can lead one to improve one's sense of worth and inner strength (e.g. through the knowledge of having successfully overcome hardship), as well as one's relationships with others, which goes on to contribute to one's functioning as a moral and autonomous individual. As Post-Traumatic Growth can co-exist with PTSD and negative effects of trauma, it does not exclude that, overall, one might be more negatively rather than positively affected by certain traumatic life events. Yet, Laufer and Solomon (2006) report that while studies on youth in conflict areas often highlight *negative effects,* such as somatic problems,

truncated moral growth, attention, memory, and learning problems, nightmares and sleeping problems, depression and anxiety, as well as behavioral problems, like disobedience, violence, and risk taking, several researchers have also recorded *positive effects* on youth exposed to war, such as pro-social behaviors, elevated self-esteem, some advanced capacities, and greater well-being - findings which suggest that stressful events can have positive outcomes, even though these remain comparatively under-studied. The authors contend that positive growth and negative consequences of traumatic event are not an either/or response, rather, most people experience both resilience and vulnerability in the aftermath of trauma: "Whereas the negative effects of trauma express themselves mainly as psychological symptoms, the positive effects are manifested in world-view, self–esteem, and relation to one's surroundings. The results of the current study thus point to the complexity of the human response to traumatic stress and suggest that most trauma victims may be able to compartmentalize their response to trauma: negative effects occur, but they usually do not interfere with subsequent psychological development. Conversely, these findings also indicate that even when a person is able to grow and experience positive changes following a traumatic experience, this does not undo the ongoing suffering that the event has created", furthermore "Some researchers believe that the relationship between exposure and growth may be curvilinear. A certain level of event severity may be required for growth to occur, but at extreme levels, it serves to undermine growth" (Laufer and Solomon 2006, 441). The implication of this for the claims I formulate later in this chapter is that it is possible that children who are exposed to war can grow up and mature faster or earlier than children not exposed to the traumas of war, but also that this growth comes with a cost in terms of suffering and harms, which I contend makes these children both eligible to compensation for the ways in which they were harmed and recognition for their acquired maturity in certain areas.

During war, children may further experience *separation* from family and loved ones. Since children have unique physical, emotional, and mental developmental needs (e.g. they need to be learning about the world and themselves as they grow up, learn to socialize, and build up their knowledge and personalities), and since families and primary caretakers are uniquely suited to provide for such needs, while granting the safety of a home environment, when children are separated from their families they become even more vulnerable and miss out on the kind of assistance they need to develop in a timely and morally adequate manner. At the same time, it seems also plausible that, alone and away from familiar contexts, children are more likely to face situations in which they have to rely on themselves for survival and make important decisions, which provide opportunities to exercise and thus develop capacities for autonomy[75]. Sometimes, even without separation children find themselves occupying different roles within their families and communities which makes them more responsible, either because they need to take on more caring responsibilities towards other family members, or because they need to take up jobs helping with the household economy. Kemper (2005, 8–9) writes: "The situation of war makes 'growing- up' a matter of surviving, often turning a child into the sole caretaker of his/her younger siblings or a relentless warrior. A child thus acquires a *de facto* status of adulthood. A child's performance in the emergency can, however, conceal whether the child has adapted to the growing challenge of surviving or whether this is merely an ad-hoc coping mechanism followed by permanent psychological damage. The effect ultimately depends on the predisposition of the individual and the existence of protective factors".

[75] Even though I do not consider it here, it should be noted that under a different understanding of the concept of autonomy, the capacities and conditions to look for, to 'track' autonomy, would look differently. For instance, a relational understanding of autonomy, which attributes an important role to certain positive, autonomy-enhancing human relations for the development of autonomy, would consider *less* autonomous children in war-torn societies who get separated from family, friends, and community - even if they were capable and morally and/or cognitively developed - because they would be lacking such autonomy-enhancing relations. I am thankful to an anonymous reviewer for raising the point while I worked on (Brucato 2023).

Children who grow up amid hostilities are also often directly or indirectly involved with *violence*. Indirectly, they can suffer trauma from witnessing violence or by mourning the effects of violence in the lives of their loved ones. Directly, children can be targets of violence or perpetrators of violence. Mostly, children within armed groups which act either as child-soldiers or in other capacities in the support of armed groups are forcibly recruited, but some of them willingly join the armed groups. The reasons to do so usually have to do with ensuring their own survival and protection, but sometimes also because of ideology. The first two reasons indicate conditions of duress[76], while the latter can be the product of indoctrination or manipulation, which children are vulnerable to - all of which suggest overall lack of autonomy, however, ideological reasons could also be an indicator of autonomy, when the ideology is authentically endorsed[77]. In a study testing whether Palestinian children's ideological commitments can act as a mitigating factor, protecting their psychosocial wellbeing in times of war, Punamäki observes: "psychological "counterforces," such as ideological beliefs and active coping, may be beneficial for children in conditions of political violence. But we have to be aware that these psychological processes may lose their effectiveness when the traumatic experiences are devastating. The results further showed that the more children had been exposed to political violence, the more they expressed ideological commitment. A substantial positive relation was further found between strong ideological commitment and low levels of psychosocial problems. Thus, the children who glorified war, expressed unfailing support for their national cause, and were

[76] Often, children involved with armed groups were abducted and are forced to be under the effect of substances that are autonomy constraining. Nonetheless, they sometimes display capacities to make autonomous choices within a constraint set of options. See on this, for instance, (Özerdem and Podder 2011); (Fisher 2013).

[77] I have in mind here examples of children taking part of resistance movements, often within histories of violence and collective trauma generationally transmitted, such that children are socialized into those movements and expected to fulfil certain actual as well as symbolic roles, which they eventually identify with. An example of this is the case of Palestinian children, whose involvement in the conflict against Israel goes way back before the Intifadas, where they had a prevalent role (Rosen 2005), but also cases of resistance movements against oppression and discrimination where youth played an important part, such as in South Africa ('The June 16 Soweto Youth Uprising' 2022).

ready to join the fight suffered less from anxiety and insecurity, depression, and feelings of failure and enjoyed better social support and had less family problems than did the children with weak ideological commitment. The moderating and mediating functions of ideological commitment imply that children living in conditions of political violence should not be generalized as "traumatized" or "stressed" children, but we should rather understand in which ways the reality of war and political conflict intrude into a child's life. War experiences and the death of family members form a special issue for child development (Metraux, 1991). It is evident, however, that hardships do not just happen to children and affect their mental health; rather, children's responses are based, at least in part, on the interpretations and meanings they attribute to these events. Ideological commitment is one way of constructing meaning out of war-related experiences." (Punamäki 1996, 66–67)

As mentioned in Chapter Two, children involved with violence who themselves commit (or are forced to commit) serious wrongdoings, are themselves profoundly harmed by such acts. Literature on child soldiers shows that indeed they often recognize their own wrongdoing and report feelings of guilt for the wrongs and violence committed. Thomason (2016) has argued that child soldiers' moral feelings of guilt are intelligible and morally appropriate, and they can be taken as an indication of children's developed moral understanding. Since such feelings are part of the appreciation of the wrongness of one's action, according to the author they signal that those child soldiers see themselves and their victims as moral agents[78]. On the other hand, the commission of violent, cruel acts can leave long-lasting emotional and mental scars which can debilitate one's functioning (Özerdem and Podder 2011): many former child-soldiers report suffering from psycho-pathologies, such as

[78] Thomason (2016) also adds that since feelings of guilt are part of the realization of the wrongness of one's actions, the guilt of child soldiers is an important part of their reintegration into the moral community, which is in line with my point about the importance of acknowledging children's capacities for moral responsibility in cases of their war-related wrongdoing, for instance within post-war processes of transitional justice, because of its instrumentally beneficial effect towards the aim of reintegration into society.

depression, and may display deviant social behaviors, which have a clearly detrimental effect on the development of moral powers.

Lastly, children are impacted by the general consequences of war on society as a whole, namely what I previously called the *social breakdown*. If processes of development of moral powers normally start within the family, and later advance through interaction with society more broadly, through schooling and by engaging with authority and social norms, there seems to be a distinctive way in which war impacts their development, because it typically disintegrates that very broader societal framework that children need to engage with[79]. Reflecting on the effects of war on adolescence in particular, Özerdem and Podder (2011, 9) note: "in post conflict settings youth face a dual and complex transition, while life-stages preceding adulthood are characterized by complex and challenging transitions, conflict exacerbates the transition to adulthood by breaking down social norms and cultural practices, disrupting education systems and employment opportunities and for many youth, promoting a sense of identity based on the exertion of power through violence".

Despite the risks of widespread exposure to violence and harmful situations, as already mentioned children's responses vary, and even amid war they might experience growth-promoting situations which aren't harmful, as well as a surprisingly positive development of moral powers: growing up in contexts of political violence can result in a premature emotional development and unusually advanced capacity to think and reason in a moral and ethical sense (Greenbaum, Veerman, and Bacon-Shnoor 2006). One of the early studies on the impact of political violence on moral reasoning in children, by Elbedour, Baker, and Charlesworth (1997), shows that children's moral reasoning and orientation is a function of their perceived conditions and circumstances. Their study shows that children exposed to

[79] I am grateful to Zoltan Miklosi for this point. See also Kemper (2005) and Özerdem and Podder (2011). During conflict violence permeates the social fabric, involving not just military organizations, but all war affected areas more generally (Özerdem and Podder 2011).

war and resource inequity have higher justice- and care-oriented responses, recognizing victimhood and expecting reparations for perceived past injustices, however it also shows that their levels of moral functioning can be compromised by the exposure to violence and economic deprivation, making it harder for them to formulate moral judgments and to reflect on justice and morality on a more abstract levels (as opposed to reflecting on their application in situations they can relate to). Analysing the experiences of youth exposed to political violence in the conflicts in Bosnia Herzegovina and Gaza, Barber (2008a) observes that children display of a combination of negative but also under-researched positive effects of participating into conflict. While the conflict in Bosnia provided little opportunities for direct involvement (and Bosnian youth reported a more difficult psychological recovery and general passivity), the Palestinian experience was characterized by high rates of activism and involvement in the conflict of various sorts, as well as a more active engagement in reflections about the conflict, such as differentiating between victimizing experiences both at the personal and community level. The author notes that, interestingly, both children's groups in the study reported 'growing' from the war experiences, the majority of them indicating that after the conflicts they felt they had matured, discovered their identity as persons, and were more concerned about social issues. Recent research is also highlighting striking resilience (that is, capacity to respond to challenges, return to stability, adjust to a new normal, and transform to survive and flourish) as well as increased prosocial behaviour among children exposed to war violence[80]. Barber (2008a) further remarks that, common to all children from the study was the taking care for the wounded, which is in line with the findings of Raboteg-šaric et. al (1994) on children's war-prompted pro-social behaviour. There, the authors point out that despite the worry commonly expressed in the literature of 'violence breeding violence', "Instead, children identified with the helping forces. They

[80] See, for instance, (Hall and Ahmad 2022); (Fernando and Ferrari 2013); (Slone and Peer 2021).

wanted to become nurses, doctors, teachers, or lawyers, who could improve their country's situation. Most of all, however, they wanted peace" (Raboteg-šaric, Žužul, and Keresteš 1994, 202). The authors' findings support the idea that children exposed to war develop pro-social behaviors possibly because of increased empathy, sympathy, and capacity for vicariously feel for victims of violence due to a sense of connectedness and solidarity with others, stemming out of shared experiences, particularly among older children: while younger children may have limited helping skills and be less capable to behave altruistically and interpret their own vicarious arousal of emotions, "As children develop greater prosocial competencies and are more able to interpret their own sympathetic reactions, one would also expect a stronger association between empathy and prosocial behaviour" (Raboteg-šaric, Žužul, and Keresteš 1994, 210).

When it comes to various, non-harmful life experiences amid war with the potential to prompt the development of political and justice-related interests among children, what I have in mind are, for instance, moments of play, family life, discussions among peers or in educational settings: within schools, families, and society at large, conversations and narratives are likely to center around the importance of war efforts and their causes and consequences. Today, access to the internet and social media further amplifies exposure to war-related content and opportunities to engage with it, even among children. All of this suggest that certain war-related experiences can trigger the development of capacities relevant for the two moral powers in children.

It seems only fair to conclude this discussion by giving some space to children's own voices and reflections about their experiences of war, which I believe truly speak of enhanced sense of justice and capacities for autonomy: an examination of children war-time journals (Filipovic and Challenger 2006) suggests that those children's intellectual, emotional, and social worlds are indeed permeated by reflections about the meaning of war, peace, death, suffering, justice, and their own commitments within it.

For instance, Inge (12 years old) writes from Austria, on August 1939: "I can be justly proud of what I've experienced at only twelve years old, I think, and all the other Jewish children, too. I'm sure we've all become more mature, sensible, and clever. Unfortunately, also sadder. Sometimes, when I chat and laugh at mealtimes, I suddenly stop and ask myself: "What reason have you to laugh? Your situation is much too terrible for you to laugh. So STOP!" (Filipovic and Challenger 2006, 25).

Zlata (around the same age as Inge while writing) reports from Sarajevo, in 1992: "Everything is being destroyed, burned, the people are in shelters. Here in the middle of town, where we live, it's different. It's quiet. People go out. It was a nice warm spring day today. We went out too. Vaso Miskin Street was full of people, children. It looked like a peace march. People came out to be together, they don't want war. They want to live and enjoy themselves the way they used to. That's only natural, isn't it? Who likes or wants war, when it's the worst thing in the world? I keep thinking about the march I joined today. It's bigger and stronger than war. That's why it will win. The people must be the ones to win, not the war, because war has nothing to do with humanity. War is something inhuman" (Filipovic and Challenger 2006, 208–9); later reflecting: "I keep wanting to explain these stupid politics to myself, because it seems to me that politics caused this war, making it our everyday reality. War has crossed out the day and replaced it with horror, and now horrors are unfolding instead of days. It looks to me as though these politics mean Serbs, Croats, and Muslims. But they are all people. They are all the same. They look like people, there's no difference. They all have arms, legs, and heads, they walk and talk, but now there's "something" that wants to make them different. Among my girlfriends, among our friends, in our family, there are Serbs and Croats and Muslims. It's a mixed group, and I never knew who was a Serb, a Croat, or a Muslim. Now politics has started meddling around. It has put an "S" on Serbs, an "M" on Muslims, and a "C" on Croats; it wants to separate them. And to do so it has chosen the worst, blackest pencil of all—the pencil of war, which spells only

misery and death. Why is politics making us unhappy, separating us, when we ourselves know who is good and who isn't? We mix with the good, not with the bad. And among the good there are Serbs and Croats and Muslims, just as there are among the bad. I simply don't understand it. Of course, I'm "young" and politics are conducted by "grown-ups." But I think we "young" would do it better. We certainly wouldn't have chosen war…A bit of philosophizing on my part, but I was alone and felt I could write this to you" (Filipović 2006, 245–46).

While reading these children's war-time diaries, one finds glimpses of love, compassion, and brilliance of thought, as well as expressions of sorrow, sympathy, and empathy for the dead and the wounded, often questioning why a god or the adults in their societies allowed the war to happen, questioning the sense of life, questioning loyalty for a certain faction or experiencing dilemmas when one's family member associates with the 'enemy'. Within their words, one can find evidence of reflection over difficult decisions, such as staying with family or fleeing to safety, or even abandon them to join the fight, but also over how to ensure one's survival, how to help their families, and a heightened sense of justice in relation to resources scarcity and management of resources distribution, as well as maturity in doing their part and abiding fair terms of cooperation, for instance when enduring extremely harsh conditions while in hiding. They mourn the losses of their friends and loved ones, they reflect on the meaning of death, imprisonment, and fighting, they question one's identity and ask what they did wrong to deserve such suffering. They ponder on and suffer from their 'lost childhoods' and worry about a lack of future. All of this suggests that they can be capable beyond their years, particularly when it comes to capacities for a sense of justice and capacities for autonomy and a conception of the good. It also suggests they might develop earlier capacities relevant for understanding and being an active participant of the political life, but I shall return to this in the next Chapter in which I advance the Political Participation Claim.

General Conclusions on Moral Powers-Related 'Losses' and 'Gains'. During war, children are (often wrongfully) harmed, experiencing extraordinary suffering and loss (as discussed in the previous Chapters); but they also continue to have various life experiences different than those in normal, peaceful times. Both possibilities expose them to situations that will foster and/or hinder the development of capacities for moral (and perhaps other normative) powers. There is an argument that can be made from moral psychology that for a sense of justice (and political attitudes) to be triggered, one needs 'some' experience of injustice, although there might be a threshold above which too much injustice triggers the internalization of a wrong view of justice and what it requires[81], which suggests that children growing up amid war's injustices could develop either a particularly heightened sense of justice, or internalize wrong moral principles (e.g. that wrongful killing is right) and develop a distorted sense of justice. At the same time, based on my above discussion of circumstances in which children who experience war might find themselves, it seems plausible that they would also find themselves in situations which require that they exercise (and thus develop) capacities relevant for autonomy, for example by having to make important choices and face difficult challenges, often on their own, by using means-ends reasoning to ensure one's survival when separated from family, and by critically reflecting on the reasons of the warring parties and which side to take in the war and why[82]. Or, conversely, they might encounter significant obstacles to experiencing situations where they can exercise and develop autonomy.

[81] I am grateful to Tom Parr for this point, which he credits to Jeff Howard. See also (Laufer and Solomon 2006).

[82] It could be argued that capacities for autonomy entail more than just minimal capacities for reasoning and decision-making, and that full personal autonomy might require capacities to self-regulate and control emotions, which might disqualify children who developed psycho-pathologies or suffer from emotional trauma from being considered autonomous. I will consider this objection later, but the general point I wish to make is that when capacities for (local) personal autonomy in certain domains of choices are present, they need to be recognized.

While most experiences of children exposed to war have a negative effect for their overall development, some of them need not to be negative (e.g. moments of routine and play, experienced despite the war, or opportunities to build self-esteem, resilience, and empowerment through resistance, experienced ''in virtue'' of the war). In fact, some of these experiences (both negative and positive) can be conducive to 'desirable' outcomes, like development of a sense of justice and capacities for personal autonomy. By 'desirable' I don't mean *desirable all things considered,* as the process by which such outcomes are realized, for instance when it entails exposure to trauma and violence, is clearly not desirable, as it puts children at risk of harm or actually harms them. Also, this is not to say that war experiences are *necessary,* nor the *morally adequate* way, to achieve such outcomes: this matters because it allows to rule out any 'discount' to compensation when considering the case of children that reach desirable end-states despite or in virtue of having been exposed to war, as indeed they would still be entitled to compensation for the morally inadequate and untimely way in which such development came about[83]. As seen, research shows that the exact effects of war on children's moral development can vary: from severe mental disorders and internalization of distorted moral categories, to enhanced resiliency and cognitive, emotional, and moral reasoning capacities, with higher engagement with concepts of right and wrong and capacity to act upon that understanding [84].

Based on what has been discussed so far, it is possible to conclude that: when children experience war-related harms that negatively affect their development of moral powers,

[83] There is also a general philosophical question in the background here, about how to work out compensation for wrongdoing that is beneficial for the victim of wrongdoing. One might think that just being exposed to the *risk* of being worse off because of wrongdoing requires compensation, or one might think that no matter how beneficial wrongdoing ended up being for the victims, the *wrong* still requires compensation. In the cases explored here, it seems evident to me that no matter how positively children can react to war circumstances, those are still both wrong and harmful, such that they require compensation.

[84] See, for instance, (Baker and Shalhoub-Kevorkian 1999); (Barber 2008b); (Elbedour, Baker, and Charlesworth 1997); (Fernando and Ferrari 2013); (Greenbaum, Veerman, and Bacon-Shnoor 2006); (Hall and Ahmad 2022); (Özer et al. 2018).

their morally relevant interest in growing into autonomous agents with moral powers in a timely and morally adequate manner is frustrated, because their development is either truncated or slowed down as a result of such harm; when children respond to war-related situations and harms through positive growth and maturity of certain morally relevant capacities, in ways that positively affect their development of moral powers, they might fare better in terms of having satisfied their morally relevant interest in growing into autonomous agents with moral powers (whose acknowledgement has implications for how to permissibly treat them, as they become more similar to adults than other children of the same age who did not go through such changes in their moral powers), however, since the interest is better qualified as being realized in a morally adequate and timely manner, it is nonetheless frustrated in some way, because the circumstances in which the development happened were neither timely nor morally adequate.

2. Moral Powers Development Claims and Implications

If Lost Childhood claims are more directly related to children's morally relevant interest in having a good childhood and opportunities to access childhood goods, the claims formulated in this section are more directly related to children's morally relevant interest in developing their moral powers in a timely and morally adequate way. Since, as discussed at the beginning of this Chapter, having adequate opportunities to do so is part of what counts as a good childhood, the claims discussed here might very well be a sub-category of the Lost Childhood one. Nonetheless, the formulation of the Moral Powers Development (MPD) Claims single out the particular (in some sense wrongful) harms that children suffer during war related to the development of moral powers, and identify implications on the morally right way to treat these children in the aftermath of war. Given the variation in children's responses to war-related situations that affect processes of development of moral powers, I propose two versions of the claim, a Positive one, and a Negative one, discussing for each

one what is entailed by 'recognition' of the under- or over- developed relevant capacities, and 'compensation' for the (wrongful) harms suffered in relation to such developmental processes. Because moral powers shield us from autonomy violations, unjustified paternalism, and the exclusion from certain rights, it seems that every child would have a claim to have recognized the extent to which she developed particularly advanced capacities for moral powers, as that would make a difference in how she would be permissibly treated by adults in society. However, I limit my analysis to the versions of this claim that apply to children who experienced war. Both because of the systematic effect wars have over entire generations, and because of the gravity of the circumstances of war and the high stakes in the opportunity to collectively rebuild society after war, which make this evaluation particularly urgent.

From MPD Claims to Welfare-Promoting and Autonomy-Protecting Rights. As discussed in Chapter One, I anchor my understanding of children's rights within interests-based theories of rights, taking into account that both children's morally relevant interests and capacities develop gradually (and in response to certain circumstances) over time. I also distinguish between welfare (-promoting) and autonomy (-protecting) rights. Given how war deeply and diversely impacts children's interests and capacities, including those for moral powers, it is not obvious how a framework of rights can be tailored to ensure the realization of all such interests, and how to balance contrasting interests in welfare and autonomy, once the war is over. Indeed, rights serve both as protections and set of options for the individual, as well as constraints on the behaviour of other moral agents, both in a positive sense, meaning that rights put constrains on others to contribute to certain rights' realization, and in a negative sense, meaning that they restrict others' interference in the satisfaction of certain rights. Parents or guardians usually balance the status of the child as chooser, present as well as future chooser, with whatever is at stake in the decision for the child. In order to do that adults can, for instance, follow LaFollette's model of autonomy

gradualism which acknowledges the different stages of a child's development, moving along the spectrum of recognized autonomy from 'administered autonomy', where the guardian has the final word, to 'minimally constrained autonomy', where children are allowed to make their own mistakes and live with the consequences (Brennan 2002). If it seems intuitive that a model of the sort is already in place within many (more or less liberal) families in many contexts, it is more complex to identify the boundaries of which sets of choices children are allowed to take autonomously, and from which age on, when thinking of the state and the institutionalization of rights. Any legal codification of rights recognized by the state typically identifies (and justifies) thresholds for the assignment of certain rights, not least because it would be very costly to implement a system that individually assess both any child's interests and level development, and the development of relevant capacities for specific domains of choices. My suggestion is nevertheless to translate the Moral Powers Development and other claims of children who experienced war into an adequate framework of rights, capable of accounting for the specificities of post-war contexts and younger generations.

2.1 Negative Moral Powers Development Claims

The argument for the Negative MPD Claim runs in the following way. Children have morally weighty interests in developing their moral powers, that is capacities for a sense of justice and capacities for personal autonomy, in timely and morally adequate ways. Exposure to traumatic, war-related circumstances can negatively impact the development of moral powers by stunting it or setting it back in various ways. Regarding capacities for autonomy, some children exposed to war can, and often do, develop psychological issues and debilitating pathologies which undermine autonomy's competency conditions (by for instance undermining self-control, emotional regulation, and logical-reasoning abilities), and as targets of war propaganda and indoctrination by warring parties, children are vulnerable to manipulation and to a wrongful (distorted) internalization of moral principles, which undermine autonomy's authenticity conditions. War-related widespread destruction,

lack of basic services (including the developmentally crucial provision of opportunities to learn and socialize in schools), and the almost constant risk of being endangered also restrict the set of choices available and generally undermine the external circumstances needed for the exercise of autonomy. Regarding the sense of justice, some children exposed to war, particularly when the exposure is extreme in intensity and duration, can internalize a wrong or distorted idea of what justice requires and its principles, and have more difficulties in reasoning in a moral and ethical sense at the abstract level.

When children's development of moral powers is forcefully set back by war-related harmful circumstances, it calls for compensation as a matter of justice. Such compensation could take many forms, such as monetary allowance for long-lasting mental issues, adequate assistance from adult professionals towards children's recovery, and the provision of relevant services for such recovery[85].

Moreover, because moral powers are what ground the impermissibility of certain treatments, like paternalism, the entitlement to autonomy-protecting rights, and, following Rawls, the distribution of basic rights, freedoms, and primary goods, it is important that they are developed in a morally adequate and timely manner. Children exposed to war for whom the development of moral powers was either stunted of slowed down are owed recognition for the ways in which the morally relevant interests related to the development of moral powers were frustrated by war, and consequently adequate opportunities to make up for the developmental losses they suffered. This implies that they might be owed adequate opportunities to resume and complete their education, to have safe autonomy-promoting experiences to exercise the relevant capacities (including occasions to play, socialize, and overcome traumas), and to collectively and individually reflect on the experiences of the war,

[85] The extent to which the likely scarce resources of transitioning societies can be allocated for this will depend, once again, on the balancing of other justice-based claims of other members of society and after-war reconstruction priorities (but recall the discussions on the prioritization of children's claims and the compensatory framework in Chapters Two and Three).

for instance through child-friendly transitional justice mechanisms. These children have what I call a Negative Moral Powers Development Claim.

Compensating Moral Powers Developmental Losses through Rights. The suggestion that children with a Negative Moral Development claim are entitled to opportunities to advance their set-back capacities for moral powers, that is opportunities to correct a mistaken internalizations of moral categories and principles of justice, and/or advance their slowed down development of capacities relevant for autonomy, translates to granting them an extensive set of *welfare* rights, that is rights that protect and provide opportunities for satisfying basic needs and the promotion of welfare. To illustrate, such children should be granted: rights to physical health, as they will need medical assistance towards healing; rights to mental health, as they will need psychological assistance towards recovery; rights to education, as they will need opportunities to make up for any missed time in school, receive adequate training to prepare for the future, as well as benefit from peer interaction and socialization; family rights, as the state should promote, when possible, family reunification and reintegration, as well as children's welfare through services and resources offered to families; rights to care and protection, as the state should ensure that children are adequately cared for and protected, within families or state-care facilities (when children are separated from their families or orphaned) and within institutions that interact with children.

To clarify, these welfare-promoting rights should be granted to all children who experienced war-related harm[86], and not only those with a Negative Moral Development claim, but the claim highlights that children who were particularly harmed in respect to their moral powers

[86] Including welfare rights that are less directly connected with moral development, such as rights to sustenance, as they might have suffered from malnutrition or lack of supplies during the hostilities, and should now have the opportunity to adequate nutrition; and rights to shelter, as their homes might have been destroyed or damaged during the hostilities.

require additional resources and opportunities for their recovery, for instance in the form of additional psychological and medical assistance, additional programs within schools tailored to promote reintegration and socialization, and opportunities to safely exercise their developing autonomy in low-stakes decisions[87].

2.2 Positive Moral Powers Development Claim

The argument for this claim runs in the following way, similar to the previous one. Children have morally weighty interests in developing their moral powers in a timely and morally adequate way. As seen, it is possible that sometimes children, particularly older ones, respond to war-related experiences and even harms in positive ways. This is because they are more likely (than children in peaceful contexts) to find themselves in situations where they have to engage with morality- and justice-based reasoning and autonomous choices, making considerations based on what is right and wrong and what justice requires, and act on such considerations (e.g. whether to joining rebel, armed groups, separate from families, flee their homes, support a side, engage in social, political, and resistance movements, etc.), thereby developing capacities relevant for personal autonomy and the sense of justice, despite sometimes also suffering from negative (mostly physical and psychological) consequences from such experiences[88]. Reflecting on children within transitional justice, Siegrist notes (2010, 25–26): "The discussion of children's evolving capacities needs to acknowledge that, in situations of conflict and instability, children's political sensibilities are likely to be heightened, leading them to become responsible beyond their years. During armed conflict and political violence, children may be exposed to both short-term and long-term physical, mental and emotional harm. They may also find ways to survive in the face of

[87] There is an ample body of literature within transitional justice that discuss adequate conditions for the rehabilitation and reintegration of children (however focusing often on child-soldiers), some of which I cite in this paper, such as: (Fisher 2013); (Kemper 2005); (Özerdem and Podder 2011); (Parmar et al. 2010).

[88] See again, among others, (Kemper 2005); (Parmar et al. 2010).

extreme hardship. Following the genocide in Rwanda an estimated one-hundred-thousand children were orphaned and living in child-headed households. This may be a sign of their resilience or an effort to cope or may simply indicate that they have prematurely taken on adult responsibilities, depending on the specific factors and conditions that individual children face. The principle of evolving capacities cannot be applied indiscriminately; it must be considered from the perspective of a child's own experience and life skills". Regarding capacities for autonomy, some children exposed to circumstances of war show remarkable resilience and enhanced capacities to act autonomously (at least locally) and make decisions about their lives. Growing up amid war might provide a smaller set of choice options and adequate experiences to develop autonomy, but the chaos and breakdown of social norms caused by war can provide more enabling conditions for autonomy, as children (sometimes voluntarily, sometimes forcefully) often try out various roles in which they can test and develop their skills, ideological commitments, values, and sense of identity, for instance by turning them into workers, combatants, supporters of war efforts, activists, and caregivers. Regarding the sense of justice, exposure to war circumstances, particularly when the exposure is limited in intensity and duration, can trigger it early. Some children in the aftermath of war show enhanced cognitive and moral reasoning capacities, a deeper engagement with issues of justice that affect their societies, and a heightened sensitivity towards resource scarcity and distribution. Contexts of war indeed provide opportunities to reflect on morality- and justice-based concepts and principles. So, exposure to war-related circumstances can positively impact the development of moral powers by accelerating or advancing it in various ways.

Even though it is in children's interests to grow into morally capable, autonomous agents, when the development of moral powers happens in contexts of war, triggered by (often or in some sense wrongful) harmful situations, such development does not happen in a morally adequate way, which would otherwise require non-traumatic and non-harmful mechanisms

of maturation. Nor it happens in a timely manner, since part of what counts for a good childhood is to not, or to only partly, be burdened by moral worries and morally weighty decisions, relying on others to make the 'difficult' and 'right' choices, and learning how to be just and autonomous by having experiences and making mistakes, at least when the stakes are not too high[89].

Thus, children who experienced war for whom the development of moral powers was accelerated or advanced have a claim to compensation for the morally inadequate, untimely way in which the development came about[90]. As for the Lost Childhood claims, the kinds or forms of compensation which might be adequate to respond to these claims will depend on the ways in which children's interests and capacities have changed, over time and because of the exposure to war, including those relevant for the exercise of moral powers. This means that the Positive Claim of children who experienced war calls for extensive welfare rights, and sometimes adequate autonomy-protecting rights[91], in order to be able to adequately exercise their moral powers as a matter of compensation

Because developed moral powers are what ground the impermissibility of certain treatments, like paternalism, as well as the entitlement to autonomy-protecting rights, and, according to Rawls, the distribution of basic freedoms and primary goods, I argue that

[89] This idea that there are periods of life in which we benefit from a lack of fully developed moral powers, and their consequent burdens like responsibilities and liabilities overlaps with the idea in the background of the 'best interest' argument advanced by philosophers of childhood who justify children's disenfranchisement - I consider this in the next Chapter. One might also think that the acquisition of capacities for moral powers is an accomplishment that ought to take time, and to happen gradually.

[90] There is going to be some overlap between this particular compensatory claim, and the compensatory claim for harms related to the goods of good childhoods as discussed in Chapter Three. I don't mean to suggest that the same harmful event should be counted twice towards compensation, just that compensation should be sensitive to the particular ways in which harmful events have consequences, in this case for the development of moral powers. It should also be noted that, like mentioned before, the strength of this compensatory claim will depend on its weight relative to other urgent justice-based claims and resource scarcity in society.

[91] For example, a child who might have missed out on opportunities to socialize and play with peers in carefree ways that require the supervision of adults, but has developed the relevant capacities for autonomy, might be owed as a matter of compensation opportunities to socialize and play, but autonomously.

children exposed to war for whom the development of moral powers was advanced or accelerated, are further owed recognition for the ways in which they grew into autonomous, moral agents, to determine how they are ought to be treated by society and its members in the aftermath of war. In other words, they have a claim to have recognized the extent to which they have developed capacities for moral powers and are thus owed adequate opportunities to exercise them, for instance by being granted, besides an extensive set of welfare-promoting rights, also certain autonomy-protecting rights. These children have what I call a Positive Moral Powers Development Claim.

As far as the development of autonomy go (provided that the child has also developed capacities for a sense of justice[92]), I have shown that children exposed to war sometimes develop capacities for local autonomy, which according to the claim require that they are granted the relevant autonomy-protecting right. For instance, they might have a claim to decide for themselves whether to live separately from their family, or whether to resume their education or stay/enter into the workforce, and they might even qualify to exercise themselves political rights (more on this later). When children exposed to war develop advanced, adult-like moral powers, that is an appropriate sense of justice and full, personal autonomy, the Positive Moral Powers Development Claim would require that they acquire the full set of adult-like rights (and consequently, duties!), although it is not likely that many children would qualify for this version of the claim.

It might be objected that, if the moral powers development-related harm suffered by children with a Positive Claim has to do with the loss of experiencing the enjoyment of being un-burdened by morally weighty choices and worries that come along with moral powers, forms of compensation and recognition expressed in terms of autonomy rights, that expect

[92] It is important to notice that children exposed to war who develop a distorted, wrongful sense of justice cannot qualify for a Positive Claim, which requires a joint positive development of the two moral powers, and will thus be treated accordingly to what the Negative claim recommends.

them to be further burdened by the exercise of moral powers, can hardly pass as adequate. But as I have observed before, it is not really possible to be un-burdened by one's sense of justice, once acquired, nor un-learn how to be autonomous, once having become so: once acquired certain morally salient capacities and interests, there is no going back. So, perhaps, more adequate forms of compensation would be those which do not aim to bring children with a Positive Claim 'back' to the stage of moral powers development that would be 'normal' given their age, but rather those who allow them to exercise their capacities safely and adequately. In any case, as I argued, the granting of autonomy-protecting rights when the relevant capacities for moral powers appear is ultimately a matter of recognition, which requires providing adequate opportunities to exercise such capacities as a matter of justice.

Recognizing Moral Powers Developmental Gains through Rights. The suggestion that children with Positive Moral Development claims are entitled to opportunities to exercise their newfound, advanced capacities relevant for moral powers, translates to granting them the relevant autonomy-protecting rights, that is rights to act on one's judgment, and not only welfare-promoting ones. To illustrate, such children should be given opportunities to access: civil rights, such as rights to free information, free association, and protest, or freedom rights of religion and thought[93]; rights to work[94], as in being allowed to decide whether to resume with their education, pursue vocational training, or seek employment, since there might be cases of children who had to interrupt their studies and start working to help their families or ensure their own survival, but once the conflict is over have a preference to work rather

93 It could be argued that they should have some political rights, but I discuss those within children's Political Participation Claim in the next chapter.

94 See, for instance, Parmar's chapter in (Parmar et al. 2010) for an interesting discussion of economic justice for children in processes of transitional, and the discussion by (Özerdem and Podder 2011) about making the situation of children who experienced war economically sustainable in the aftermath of it, particularly given for children who suffered war-related situations of separation or loss.

than going back to school[95]; rights to make medical decisions, that is having an authoritative say on whether to undergo or refuse a certain treatment and how to proceed in their physical (and mental) recovery; rights to emancipation, as there might be older children orphaned or separated from their families that cannot or would rather not reunite with them, nor would like to stay in state-care facilities, but have proven to know how to take care of themselves and live independently. So, in cases where the child has developed local autonomy with regard to some specific areas or values, the relevant autonomy rights should be granted. In the rare cases where through war-related experiences a child has reached full autonomy and a sense of justice, that is adult-like capacities for moral powers, then they have a claim to the full set of adult-like rights (including, however, the responsibilities and duties that may come with them).

Clearly, there will be situations where welfare and autonomy rights overlap, such in the case of medical treatment: children should have a welfare right to have the treatment made available, but also an agency right to decide whether to take it (or refuse it). There will also be situations where the two sets of rights are in tension, like in the education case. One might argue that it would go against the child's 'best interests' to have autonomy rights in respect to decisions that would go against their welfare or undermine their future interests, but the concept of 'best interest', as one of the underlying principles of the UN Convention, has been used to justify paternalistic treatment and the exclusion of children from decisions that affect them, because it is often assumed that adults know best what is in the interest of the child. Yet, if we believe that respect for autonomy, and not only interests-related concern, is the right attitude towards children's developing capacities, and if it is plausible that children

[95] Concerns related to leaving children's future as open as possible, and concerns related to the idea that they would be something missing valuable in their lives if they did not complete at least the years of mandatory education, make we wary of the suggestion. On the other hand, a respect-based attitude for autonomy would recommend that, as long as the child proves to be capable to make such choice for herself (which includes considering long-term consequences), and as long as she had the options explained and made available, she should be allowed to do so.

with a Positive Claim are better situated to judge what their relevant interests are, a more nuanced understanding of the concept would recognize that, in some cases, it is the autonomous exercise of agency, rather than constraining their choices, that is in children's best interest.

It might be observed that some autonomy-protecting rights discussed here, such as rights to information, association, protest, and thought, are already codified and granted by the UN Convention, which sets standards for almost every country in the world; or they are already considered the standard in some legislations, such as the right to work or make medical decisions. What I have explored in this Chapter are the arguments normatively justifying the claims to such rights in post-war contexts[96], identifying the distinctive losses as well as gains to children's fundamental moral interests, protected by rights, related to the development of the moral powers, which adds to reasons to dedicate resources for the promotion and protection of welfare rights (and some autonomy-rights) for children with both a Negative and Positive MPD Claims as a matter of compensation and recognition, but also opens to the possibility of additionally granting autonomy-protecting rights for children with a Positive Moral Development claim as a matter of recognition.

2.3 Worries

The arguments advanced for children's justice-based claims in this Chapter rely on empirical premises which are difficult to substantiate. What is the exact impact of war-related experiences on children's development of moral powers, to what extent such impact can be monitored and assessed, and to what extent such impact is determined by external factors (like specific experiences, duration and intensity of exposure to war, and the social and cultural background of specific contexts of war), and internal factors (such us inner

[96] Meant not only for the transitional phase itself, but as setting standards for the younger generations affected by war that will continue to apply in the future.

dispositions or emotional and mental resources of children), are all difficult questions to which we do not have definitive answers to. Nevertheless, my goal was to provide a way to think about children's claims in the aftermath of war based on conditional, plausible premises (given some of the empirical evidence available) and reflect on the implications of such evidence by beginning to spell out a normative (and legal) framework to justify and recommend a more nuanced approach when dealing with children's treatment and reintegration into society after war. Of course, there are a few worries to my proposal, which I try to address here.

General Worries to the Moral Powers Development Claims. One might generally be unconvinced by the idea that we should care whether children who experienced war have consequently suffered losses or gains in terms of their capacities for moral powers, because 'children should be children', and perhaps it would be better for them, in the aftermath of war, to simply continue or resume being treated as children. I considered a similar objection within the discussion of the Lost Childhood Claim, and I give a similar answer here. The life-stage of childhood cannot be lived again once it passes: once children mature in certain ways, their morally relevant interests and capacities also change, such that they can no longer enjoy or access childhood-related goods in the same way. It seems plausible, for instance, that some of the children who suffered or matured (or both) through war-related experiences, would not be able to, nor would have an interest in, having childhood experiences of carefreeness and innocence, or in being completely unburdened by not knowing of or thinking about the war and its consequences. It also seems plausible that some of them, particularly older ones who will have exercised and gained adult-like capacities through war experiences, might feel offended not to be treated like adults. In any case, if we want to take moral powers seriously, we should care about getting right the questions of how developed those powers are in children, and whether that development was unjustly impacted by particular circumstances, like those of growing up amid war.

As a matter of implementation, it could be objected that my proposal has feasibility constraints, since it would be rather costly to both individually assess a child's overall level of development of both moral powers, and the development of specific capacities for local autonomy needed for specific domains of choices. It would also be difficult to find a mechanism that strikes the right balance between promotion and protection of children's welfare and autonomy interests when they are in tension. However, post-conflict settings typically provide services of assistance and recovery for war-affected people, for instance within reconstructing efforts, peace-building initiatives, transitional justice mechanisms, and international aid[97]. When those services are made available to children, they would have the opportunity to interact with professional adults from the medical, psychological, and legal fields, providing guidance and recommendations in navigating difficult choices and facilitating their reintegration into society. Societies transitioning from war to peace also typically rely on the creation of commissions of experts, who are familiar with the war and its consequences, as well as the broader social and cultural setting in which it happened. These commissions would be a suitable mechanism to establish, in consultation with younger generations, adequate criteria for the distribution and prioritization of specific services as well as context-specific opportunities for children to receive what they are owed (in terms of compensation and recognition), and for that to be reflected into rights codifications. Instead of assessing children individually, such commissions could rely on the general assumptions on the features of the war and its consequences on their younger generations, and lay out general solutions which follow the framework of compensatory and

[97] I have not discussed, so far, what would be the implications of children's justice-based claims for the international community. I have argued that these claims are raised from children who experienced war against their own societies, leaving open the possibility that at least societies defending themselves from an unjust attack would have a claim to war reparations against the unjust society, and that some of the resources made available thanks to those reparations should be used towards children's compensatory claims. I leave open the possibility that societies external to the war would have certain obligations to 'rescue' children of warring societies (Schweiger 2016), or to trying prevent wars from happening (obligations ex-ante), and to contribute with assistance and resources people in need (obligations ex-post).

recognition claims spelled out here, for instance by establishing that all children should be granted extended welfare rights, and that some categories of children, specified accordingly, should have access to certain autonomy rights; while special accommodations could be granted to children on the basis of them actively applying for the accommodation, which would then require an individual assessment, but not as costly as if assessments were to be done by default. These are broad suggestions, but further theoretical and context-specific research could point to more effective solutions to the issues raised here.

Worries particular to the Positive MPD Claim. One might object to the plausibility of children having a Positive MPD Claim: after all, children might only *appear* to have advanced, adult-like moral powers. They might have developed *some* local autonomy, for instance, but, overall, not have the emotional stability and self-control to count as adults, and thus enfranchising them with adult-like rights would in fact go against their interests. While getting right the extent to which children's moral powers are developed seems to be a difficult issue to settle, in practice, my proposal suggests that children who do not reach adequate levels of capacities for a sense of justice and autonomy would have a Negative Claim, and should thus receive assistance towards gaining the relevant capacities they might be lacking. Yet, the Positive Claim allows for the possibility that even when lacking full, global autonomy, a child with a sense of justice who displays capacities for local autonomy should be allowed, when stakes are not too high, to exercise them. One might worry that giving autonomy-protecting rights to children increases the risks of manipulation or abuse by adults, for example by exploiting their labor when they have a claim to the right to work. But as long as states ensure that an effective system of protections and assistance is in place, made available and tailored to children's needs, that worry could be contained.

It could also be objected that a better interpretation of autonomy-protecting rights for children, particularly those with a Positive Claim but without global autonomy yet, would imply only rights to *develop* the exercise of autonomy under justified paternalistic

limitations. This might be true for the cases in which children are still developing particular capacities relevant for particular domains of autonomous choice, but not in case of developed capacities. Ultimately, this seems to be a matter of finding the right way to balance welfare-promoting interests and autonomy-protecting interests, but states should do so from the perspective of children, which means giving children adequate opportunities to recognize both their strengths and limitations, to be well-informed of their options, and to be able to express their needs and preferences – something to be done *together* with children, and not imposed by adults.

The Issue of Children's 'Responsibility'. Given that children can pose a significant threat to others by their capacity to wrongfully harm others or contribute to such harming, and are more likely to do so in wartime (think of the evidence from child-soldiers, contemporary features of warfare, and resistance movements), the Positive MPD Claim could have the undesirable implication that children with advanced moral powers, that is children with Positive claims, should bear moral responsibility for their wrongdoing and thus, under some views, punishment for such wrongdoing, whereas typically children are excused from responsibility and punishment, precisely because they are thought to lack the relevant capacities to qualify for them. A way to mitigate this worry is to point out that the MPD claims evaluate and mirror children's transformed capacities at the *end* of the war experience, such that even if it is true that some children have developed into morally capable and autonomous individuals in the *aftermath* of war, they might not have yet been so at the specific time of the commission of the war-related wrongdoing. Yet, it is possible for some children to have already developed the relevant capacities for moral responsibility during the war itself, either independently or because of exposure to it. This possibility deserves to be considered separately. When children do not have the relevant moral capacities to commit wrongdoing, they should be considered morally innocent, and thus exonerated from punishment (McMahan 1994). Some have argued that any child who

commits wrongdoing in war should receive a blanket exoneration from moral responsibility, in light of their moral innocence (Fabre 2018). Since there can be cases of children who commit wrongdoing intentionally and capably, I am not satisfied with appealing by default to children's moral innocence: when the relevant capacities are there, they deserve recognition, even if they are used unjustly to commit wrongs. Besides, such acknowledgement has important instrumental value in transitional justice processes aimed at reconciliation and reintegration into society, as well as justice for victims[98]. At the same time, it is hard to deny that children who commit wrongdoing during war are also victims of the circumstances of war themselves, and thus a more promising strategy to maintain children's potential for moral responsibility but nevertheless excuse them from punishment is to point at their vulnerabilities and their likely experiencing of conditions of duress amid war-related wrongdoing.

The responsibility worry can be pushed further, because even if we are willing to exonerate children from responsibility for war-related wrongdoing, giving due recognition to children with a Positive Claim in the aftermath of war implies assigning them not only autonomy-protecting rights, but also the responsibilities and duties that come with them. But it seems to me consistent with the Claim, and unproblematic, to, for example, assign the responsibility of paying taxes to those children who would exercise their right to work. Or to incur in legal responsibilities if they enter into contracts or break the law, even criminal one, once the war is over, provided that they have the relevant capacities.

[98] Some of the instrumental reasons to push for the necessity of holding children responsible for wrongdoing (without implying that they also deserve to be punished) are, for instance, that acknowledging moral responsibility helps coming to terms with what they did, serving the purpose of personal healing (processing past traumas), and reintegration into society (setting the basis of the future moral relationship with the other members of the society); it also helps with reflecting and learning how behave in a morally responsible way. While ascribing responsibility when acting within extreme circumstances might seem too demanding (maybe even more so, in the case of children in war), the perception of such demandingness may depend on specific cultural beliefs. For instance, approaches to justice coming from some indigenous traditions make it socially acceptable (even necessary) for someone who has committed a wrong to go through the process of assuming individual responsibility in order to be accepted back into society.

Conclusion

In this Chapter, I have considered how war impacts children's morally relevant interests in developing moral powers in timely, morally adequate ways, and advanced two versions of justice-based claims that children who experienced war have, given such impact. When it is true that exposure to war-related situations and harms sets-back the development of moral powers, it seems like an appropriate response to ensure that children who experienced war have access to rehabilitation, reintegration, and recovery opportunities, such as by granting extensive protection and assistance through extensive welfare-promoting rights. On the other hand, when it is true that children develop premature, advanced capacities for moral powers because of their war-related experiences, it seems right to compensate them for the unjust, morally inadequate and untimely ways in which the moral powers developed, but also to recognize their advanced level of development, particularly in ways that grant the exercise of important autonomy-protecting rights. As there can be tensions between children's interests in welfare and autonomy, and correlative measures to promote and protect them, it is important to further research potential mechanisms (and justifications) that help states and adults in societies strike a correct balance, for instance within the legal framework and that of transitional justice processes and mechanisms of truth-seeking and reconciliation. While some of the premises for the MPD claims require settling difficult empirical questions about specific processes and contexts, the proposal advanced here is meant to suggest a normatively convincing framework to think about and deal with the question of how we should treat children who experienced war given the impact on their development of moral powers, once the conflict is over and societies have the opportunity to re-negotiate and transform their political and legal settings, all while giving due weight to children's important both present and future interests and developing capacities.

Chapter Five:

Looking Forward: The Political Participation Claim

Introduction

In the previous Chapters, I have shown how war exposes children to extraordinary situations, the consequences of which extend into the post-conflict phase, creating special entitlements to justice; in particular, I have examined how war impacts children's morally weighty interests in living good childhoods, and in developing and exercising their capacities for moral powers in timely, adequate ways. The key question I (partly) address here is about what role, if any, should children who experienced war play in the realization of peaceful and just societies in the aftermath of war. This chapter advances children's Political Participation Claim, grounded on their morally weighty interests in living in peaceful and just societies, their gradually developing political participatory interests, and the unique situation brough about by post-war transitions, which create opportunities to include children who experienced war in the social and political life in ways that benefit, at the same time, the realization of their own interests and of everyone's interests in the realization of the political goals of peace and justice after war.

In the first part of the Chapter, I discuss children's interests in peace and justice and their political participatory interests in general, and consider how such interests are triggered in post-war contexts in particular. In the second part, I argue that children who experienced war have a claim to have their weighty political interests in peace and justice met by others, while at the same time being themselves adequately included into the political and other relevant processes aimed at peace and justice. By adequately, I mean that different forms of participation might apply to different children, depending on their level of relevant capacities, defending the view that as long as it is not too burdensome (i.e. too costly or

harmful) for children to participate in political and other justice- and peace-oriented processes, they should be allowed to do so. I then argue that for some children, namely those with Positive Moral Powers Development claims, the Political Participation Claim translates to a claim to the full spectrum of political rights, including the right to vote; while for children for whom it would be yet too burdensome to vote (either because they are too young, too harmed, or have Negative Moral Powers Development claims), the Political Participation Claim translates to obligations in adults both to provide children with adequate, less burdening forms of political (an non) participation, and to realize children's political interests in peace and justice by advancing such interests in various ways, for instance through consultations, or even by establishing a system of fiduciary representatives to cast votes on children's behalf. In conclusion, I address the worry that the Political Participation Claim might be too demanding, by advancing the novel proposal that while it is crucial to examine what justice demands societies do *for* children, it is worth considering what justice demands *of* children, particularly when they experience unjust background conditions, like children who experienced war, who might indeed gradually develop incurring responsibilities and liabilities that justify having to carry some of the burdens of participation for the realization of peace and justice.

1. Children's Morally Weighty Interests in Peace and Justice

1.1 Living in Peaceful, Just Societies: On Children's Political & Participatory Interests

In Chapter One, I introduced the idea that children have critical social and political interests, namely interests in how society is organized and distributes its benefits and burdens, and

whether and how it realizes peace and justice as important political goals[99]. In other words, children have morally weighty interests in *living in peaceful, just societies*. I have argued that children have interests in living well, in the Dworkinian sense, even when they do not yet have the relevant capacities: not only they have the *potential* for developing the capacities to appreciate the wrongs of injustice, and to choose to pursue justice, they *have* developing capacities relevant to appreciate, and indeed exercise claims of justice of some kind. An example of such capacities, which in times of war are likely to be significantly impacted, are indeed those for moral powers, as discussed in the previous Chapter. I also pointed out that a political condition of peace seems to be necessary to ensure that justice and other important interests are realized in society. In this Chapter, I continue to explore the link between peace, justice, and how their realization after war involves younger generations. But before I analyse children's interests in peace and justice in post-war contexts, I should first clarify what such interests normally entail.

Children clearly benefit from living in a condition of *peace*, which is both morally desirable and practically conducive to political stability and a more likely availability of resources, which are necessary for the provision of important services and the general functioning of society. I have considered in Chapter Two that there might be cases in which justice calls for a justified or morally required war, to correct some great injustice; on such occasions, children's interests in justice would be better served by war, rather than by keeping the peace, and such war might indeed require that they, too, along with their society, contribute to justice by fairly (and appropriately) contributing to just war efforts in some way. Otherwise, children's important interests, including those in justice, seem to be better served by politics under conditions of peace, rather than war.

[99] When I refer to the 'consolidation of peace and justice' in society after war, I take peace and justice to mean the broader political goals of reaching a state of positive peace, and of achieving the restoration of the legal system as well as the accommodation of war-related claims of (transitional) justice.

Children also clearly benefit from *justice* being realized in society: their lives go better in a moral sense when justice obtains, and they are able to realize their morally weighty needs and interests thanks to the fair share of resources and opportunities made available for them as a matter of justice. Justice interests might further ground both principled and consequentialist reasons to grant children, and not only adults, adequate forms of participation in the relevant political and social processes. At the same time, political *participatory* interests are the kinds of interests that give us reasons to ensure we have adequate opportunities to participate in the shaping of our shared political and social life, e.g. in political decision-making processes, regardless of whether this increases the chances of a just outcome. Adults normally have participatory interests, but to the extent that children have developed the relevant capacities, and have matured sensitivity to the relevant justice interests, they also have interests in participating, more or less authoritatively, in collective decisions on issues that are important to them and affect them. It is widely believed, indeed, that children should participate and have a say in matters and decisions that affect their lives, as evidenced not least by the provisions of the UN Convention on the Rights of the Child (1989). It is however less clear in what ways, and how much authoritatively, such participation should be granted, particularly outside the realm of private life (such as in family custody or medical choices), namely within the realm of the political, public life.

Typically, political interests are protected by political rights, which are meant to ensure one's ability to participate in the political life without discrimination or repression. They include political freedoms such as thought, consciousness, expression, information, peaceful assembly, and association, but also the quintessential right to vote. All but the last one, which I will return to later, are indeed protected by the UN Convention on the Child's Rights (1989), but their interpretation, when it comes to children's exercise of such rights, is constrained by both the principle of *best interest* of the child, which often justifies

paternalistic interference with children's exercising of rights and decision-making, and the mediating role of third parties, e.g. family or state guardians, which are legally responsible to guide and assist children towards the adequate and appropriate enjoyment of their rights, given their gradually developing capacities (as stated in Article 5). Children surely benefit from having rights tailored to protect the specific interests they have. As discussed before, a view that claims their rights should be the same as adults fails to recognize two aspects: a good consequence of paternalism, as children's interests are sometimes best served by overriding their immediate desires; and that the enjoyment of rights should be sensitive to the interests of others. Because through political rights, but voting in particular, we exercise political power over others, and because some interests are gained through maturity and the relevant capacities in certain fields, it has been argued that only politically mature individuals should be allowed to vote[100] (Chan and Clayton 2006; Mráz 2020). In the second section of the Chapter, I will argue that at least some children who experienced war have a claim to the right to vote, namely those with a Positive Moral Powers Development Claim; and that those who did not yet develop the relevant capacities to exercise the right to vote and the full spectrum of political rights, have nonetheless weighty reasons to have their morally weighty interests, including those in peace and justice, fore-fronted in the political

[100] About the justification for excluding children from the right to vote based on their lack of competence, and on everyone's interests in everyone voting competently, it is worth mentioning here that sometimes children (like people with certain mental disabilities) might lack the capacities to fully understand the substantive stakes of political elections and decisions, but might not lack the capacities to understand what voting is, and what it means for someone's status to be denied it or be otherwise excluded from the political life. When the social interest in others to vote competently is weighed against the personal interest in having a vote, the impact of the vote is also significant factor to consider: if the group of the 'incompetent' voters (which arguably includes children) is sufficiently small, and evenly distributed across society, their votes would have such negligible impact, that denying them the right to vote would be worse, insomuch as it would cause greater harm and disadvantages, than allowing them to do so would. It falls outside the scope of this dissertation to evaluate the pros and cons of children's enfranchisement, so I will limit my consideration to children's right to capacities-adequate and age-appropriate political participation, and how they translate into post-war contexts. I will however suggest, later in this Chapter, one exception to children's exclusion from the right to vote in political elections, namely that of children with a Positive Moral Powers Development Claim.

agenda, and are further owed capacities-adequate forms of political participation. While undoubtably special, the right to vote is but one way to exercise political participation, so even if sometimes children are justifiably excluded from it, it does not mean that they have to be excluded from political life and political participatory activities in general (Archard and MacLeod 2002). I will thus argue that all children who experienced war have a right to be included, in various, adequate ways, in the various political and other relevant processes, such as peacebuilding and transitional justice, aimed at the consolidation of peace and justice as political goals in society after war.

A shift in the understanding of the relevance of children's political agency can be seen in the interpretation of the principle of participation formulated in Article 12 of the CRC (1989), which grounds children's right to be involved in processes that affect them, and ties with children's right to *have a say*, as in positively having opportunities to speak their minds, and to be *heard,* as in being given due weight and taken seriously for the views expressed, about matters that directly affect them. Participation is thus both a substantive right, which generally recognizes children as active stakeholders in their own lives, as well as a procedural right through which other rights can be realised (Lansdown 2005). We can understand children's political participation on a scale, distinguishing between forms of participation that need not entail authoritative force, nor risk being too "burdening" for children (i.e. forms of involvement which are beyond their capacities, which would be personally too costly, or which would put them at serious risk of being harmed or traumatized), such as exercises of consultation on specific decisions that affect children, peaceful marches, and adequate opportunities to take part in the social life; to more "burdening", as well as more authoritative, exercises of political interests, such as permanent youth councils, age- and context- appropriate opportunities to exercise political rights, such as the occasional right to vote in specific peace or decision-based referendums; to, finally, the full spectrum of political and participatory rights, as well as responsibilities, that are typically acquired fully

in adulthood. While it is easy to make a case why younger children could, and should, be only given opportunities to be involved in the social and political life that are fitting to their age and level of capacities, it is not as easy to justify the exclusion of older children from more burdening political activity and the right to vote, particularly in contexts where certain generations, or certain groups of children, have acquired the relevant experiences, interests, and capacities to have a say and cast their vote on certain politically salient issues that are likely to going to impact their lives more intensely, and for longer, than older generations in their society[101]. Forms of political participation which haven proven to work more or less adequately for the inclusion of children in public matters and decisions are, for example: consultation exercises, through youth forums or advisory groups; youth councils or quotas in parliaments; protests and strikes; and hearings in and outside of tribunals, within transitional justice processes. I will continue the discussion of how different forms of political participation should be tailored to match children's developing capacities (and responsibilities), in the context of transitioning societies, in the next sections.

To conclude, it seems uncontroversial that children should have a say in issues that affect both their present and their future, such as issues of intergenerational justice, educational reform, and climate-related policies. But whether that means that adults should give only due weight to children's views and interests when ultimately making the decisions for them or on behalf of them, or that children should be allowed to advance their interests by directly taking part of the decision-making process, and how to promote so in capacities-adequate ways, is up for debate. Giving due weight to children's important interests implies giving

[101] Notable, recent examples of children being vocal about policies that are affecting and are going to affect them negatively, while demanding for political change, are children's strikes, protests, and marches for the climate crises across the world, and the waves of youth protests against US gun law. Alternative contexts in which certain generations might be forced to react to emergencies or situations in ways that also prompt the development of capacities for moral powers, such as periods following natural disasters, which might result in heightened sense of solidarity or other justice-promoting virtues, yet very few contexts seem to trigger politically salient opportunities for reflection and action such as war, which after all *is* a political phenomenon.

equal weight to equal interests, whether of adults or children[102]; these interests exist independently of children's capacities to claim them, and thus do not require children to be ones publicly articulating them and advancing them through politics. To be sure, it falls within adults' special obligations towards children that their important interests are protected and successfully realized. However, when children develop the relevant capacities, such as to understand, exercise, and raise claims regarding specific interests, and contribute to the discussion of issues of common interests, their participatory interests require that they, too, are given the right opportunities to do so: being denied the opportunity to be the one authoritatively advancing your interests in the public arena, when you are capable and willing to do so, carries the expressive wrong of having denied your equal moral standing as a society member. According to Dworkin (2002), it matters that you are the one articulating your views, in order to see yourself as an equal member of society, regardless of the effect this might have on the outcomes of the political decision-making[103]. I will return to this when I consider children's political participation in post-war contexts, after reviewing how children's morally weighty interests in peace and justice, and their opportunities for participation, are impacted by war in the next subsection.

[102] Although, sometimes there can be good reasons to give more urgency to and prioritize the realization of children's interests, as argued in the previous Chapters.

[103] Dworkin explains that an equal distribution of power over political decisions, a *democratic* political process, has both distributive and participatory elements; it doesn't only distribute resources and rules for the public and private life, it has also at least three kinds of participatory consequences: symbolic, agency, and communal. For the first, the community declares a person's membership as free and equal by according them a role in the collective decision-making. For the second, the community recognizes the importance of political participation for the lives of moral agents. The third has to do with the sense of fraternity and cohesiveness that stems from sharing the consequences of collective decisions. Furthermore, under certain conceptions of democracy, equality of political power matters as a procedural rule, but also as a way of expressing (and perhaps partly constituting) equality of status, and thus requires for everyone the same opportunities to be included into the collective decision-making, irrespectively of the effects of such inclusion in the outcome of the decision (Dworkin 2002, 186–87).

1.2 Interests of Children After War: Between Peace & Justice

While I take it that all children have the same important interests in living in peaceful and just societies, and that all children gradually acquire participatory interests as they develop the relevant agential capacities, I will argue that certain political contexts and consequences of lived experiences, such as indeed war and post-war transitions, affect the way children relate to, and develop capacities to claim, their various participatory and political interests in peace and justice.

In the aftermath of war, regardless of the just or unjust nature of the war, children in transitioning societies clearly have interests in the consolidation of peace and justice, namely, in the successful realization of peace and justice as political goals. Not only they would immediately benefit from a more stable and functioning society, they are also the ones who have the most to gain, long-term, since they are the ones who will inherit the results of such processes and have more years ahead to enjoy the advantages of peace and justice obtained. At the same time, they have also plausibly the most to lose, in case peace fails and society relapses into the violence, harms, and injustices caused by war. I should mention that the relationship between peace and justice, in post-war contexts, is however not always so linear. There is an evident connection between peace, justice, and the involvement of the relevant stakeholders in processes and mechanisms, including political ones, which aim to bring about their realization. The core idea here is that "there can be no peace without justice", and, reversely, that peace is a necessary (although, of course, not a sufficient) condition for justice, but two clarifications are in order. First, this idea, mostly present within transitional justice, or post-war justice, namely within processes and mechanisms such as Truth and Reconciliation Commissions or War Tribunals, appeals to the kind of 'justice' which has to do with the prosecution of war-related wrongdoing and addressing of war-related grievances, while the conception of justice I use here is broader, and as explained in Chapter One, it encompasses distributive issues, such as indeed what is owed

as a matter of compensation and recognition to children who experienced war. Second, this idea has been challenged, and sometimes reversed to "either justice or peace", implying that a very thorough pursuit of post war (criminal) justice can, in fact, hinder processes of reconciliation and exacerbate frustrations and perceived differences in societies freshly out of hostilities, thus endanger the success of peace. Indeed, standards of international law and practice typically focus on the criminal prosecution of only those in the highest positions of war-related responsibility, or those personally accused of the gravest, largest-scale commission of war crimes. Striking a balance between this kind of criminal, post-war justice and the realization of peace through processes aimed at reconciliation and the healing of the past is not easy, and it also depends on the specific features of the society going through such processes and the specific war experience. While perhaps not easy, striking a balance between peace and the realization of claims of distributive justice of the kinds I described, however, should not lead to much controversy. A condition of political peace makes it more likely for children's justice-related interests (and not only theirs), such as the satisfaction of their Lost Childhood and Moral Powers Development claims, to be realized; while a condition of justice in society facilitates the pursuit of peace-related interests and the re-negotiation of adequate socio-political arrangements, in ways that grant the rightful inclusion of children (and others) in the political life, and thus in turn increase children's opportunities to satisfy their peace- and justice-related interests.

I have suggested in the previous subsection that justice interests may give us an instrumental reason to generally allow political participation – you should have a say *if* this increases the chances of justice being realized and of being treated justly; as for participatory interests (of the outcome-insensitive kind), those may give us direct reasons to give everyone a say, e.g. through voting or other appropriate forms of participation. But how to interpret participatory interests in the case of children who experienced war, particularly related to the realization of peace and justice as political goals? One might think that their justice and

participatory interests in participating to the relevant processes are about *trying to bring about justice* (e.g. in doing their part - or voting - justly, which is independent of whether the outcome is, in fact, just), or about *helping to bring about justice* (e.g., in doing their part, or voting, justly, so participating in the right way, in processes that do bring about justice, so ultimately just decisions and peace in society).

To the extent that participatory interests are of the first kind, so *outcome-insensitive*, these simply track the development of the relevant agential capacities (assuming that the ability to properly participate is necessary for having the interest in so participating); as seen in the previous Chapter, it can be the case that, due to the effects of war, some children acquire some capacities earlier than they otherwise would have, such as capacities for the two moral powers, which ground our interests in the political life and, once developed, help us navigate communal decisions. War-related experiences may indeed make children more generally aware of current political issues and problems in society, so, more politically knowledgeable, or might trigger in children a heightened sense of political identity and of what is at stakes during the transition to peace. As seen in Chapter Two, children are also often politically instrumentalized during war. By their (in)direct involvement with violence, and because of the symbolic dimension younger generations typically take in society, as evidenced by how often those are called upon to motivate war efforts, children can, and often do, acquire important political and military roles during conflicts, and even have the potential to influence a war's outcome. Children and youth are often targeted by political campaigns, because of their potential to contribute to politics and changes in society as well as for the transmission of national ideologies, identities, and myths: historically, younger generations have been the first to be both objects and subjects of war propaganda, for instance through education and nationalistic mobilization (Gibelli 2005; Rosen 2005). In order to ensure the support of the critical recruitment pool of youth, rebel groups, opposition groups, and nationalistic groups have often attempted to appeal to younger generations by offering, at

least apparently, opportunities for safety, employment, social status, education, and space for political expression (McIntyre 2006, 329–33). Certainly, we should be aware of the risks of indoctrination even within peace-oriented post-conflict interventions, but likewise we should be aware of the potential benefits children's involvement in the political life could bring, for instance, through peace-promoting education children could be taught the values of justice, and democracy, rather than violence and resentment. I will return to the implications of the effects of war on children's capacities which are relevant for their claim of political participation in the second section of this Chapter.

To the extent that participatory interests are of the second kind, so *outcome-sensitive*, post-war situations (in which, typically, important political decisions that will determine the future character of the society are made) provide unique opportunities for political change in which much is to gain (i.e. peace and justice, and their advantageous consequences), as well as much is at risks (i.e. the relapse into war or disadvantageous protracting of war-related violence and grievances). Children who experienced war might have the same important morally interests as other children, however they face greater opportunities and greater risks than in the normal political situation of a settled political society, so it is the unique post-war political situation that makes stakes higher for these children[104]. At the same time, children might in fact be in a unique position to help in the realization of their interests in peace and justice, sometimes as bearers of important knowledge about their interests and the war experience, and sometimes as authoritative decision-makers, about individual and/or collective decisions, depending on their developed relevant interests and capacities. As I will go on to argue, if it is true that the more inclusive the peace processes the better are the chances for successful outcomes, and that the capacities-adequate political inclusion of children who experienced war instrumentally contributes to the successful

[104] I am particularly grateful to Patrick Tomlin for helping me clearing out these interests-related distinctions.

realization of peace and justice, then it seems that children's important interests in the consolidation of peace and justice after war, through political and other means, are in fact better realized by including children in their pursuit, which give us reasons to grant them (adequate) political participatory rights and opportunities. I move on next to explore these and other reasons that ground the Political Participation Claim.

2. Political Participation Claims of Children Who Experienced War

I argue here that children who experienced war have a claim to participation in the social and political life, although different claims to different forms of participation will apply to different children. In the following subsections, first, I present both backward- and forward-looking considerations which give us reasons to adequately include children who experienced war in the social and political life; second, I clarify what it means to provide children with capacities-adequate participation, advancing the proposal of finding and providing less or more burdening forms of participation in ways that tracks both children's gradually developed capacities and interests, and the risks of being harmed or overly burdened by participating; third, I defend the view that at least some children who experienced war, namely those with strong Positive Moral Powers Development claims, should be granted the right to vote, showing that some of the reasons typically given against children's enfranchisement are no longer applicable for such children; lastly, I address the worry that the Political Participation Claim might be too demanding, suggesting that children, too, might have justice-based reasons and responsibilities, and not only claims, to contribute to peace and justice, which opens space for further research on the important political roles children may play in society, and perhaps their duties to do so.

2.1 Forward- and Backward-Looking Considerations: Children's Political Participation Claims After War

I consider here several reasons which, taken in conjunction when applicable, justify the claim to adequate forms of Political Participation of children who experienced war. I distinguish between reasons which are of the *backward-looking* kind, so, principled reasons for political participation derived from the effects of certain past experiences on certain morally weighty interests and capacities of children; and those of the *forward-looking* kind, so, reasons which look at the potentially advantageous future consequences brought about by the (adequate) inclusion of children into processes aimed at peace and justice as political goals.

Backward-Looking Considerations. While the assumption of moral equality[105] does not equate with that of political equality, under some views the possession of capacities for moral powers of the Rawlsian kind (i.e. capacities for personal autonomy and a sense of justice) is sufficient to attract interests in participating to the communal political life. As shown in the previous Chapter, during wars children are more likely (than children in peaceful contexts) to experience situations where they have to engage with morality- and justice-based reasoning and morally weighty choices, making considerations based on what is right and wrong and what justice requires, and act on such considerations, thereby sometimes developing the relevant capacities for moral powers; additionally, as mentioned earlier, children who live through war are more likely to go through experiences which will affect their awareness of (at least some of) the collective problems in their society and of their own political identities, and will prompt them to acquire (at least some) politically relevant knowledge, interest, and capacities. My suggestion is thus that children with claims of full

[105] I have presented before, in Chapter One, a general normative framework of political justice which treats everyone as a free and equal member in society, entitled to receive and required to contribute with their fair share of benefits and burdens in a cooperative, just society.

Positive Moral Powers Development further have, as a matter of recognition[106] for the effects of past war experiences on the development of their capacities for moral (and sometimes political) powers, a claim to the full spectrum of political participatory rights (including the right to vote, which I discuss more in detail in the following subsection 2.3), since their capacities to raise claims and make decisions on public political issues and matters entitle them to exercise such capacities - entitlement indeed protected by political rights. However, regardless of the possession of fully *developed* capacities relevant for granting interests in the exercise of political participatory rights, children always have at least *developing* capacities which are relevant for the exercise of some political participatory interests, and, as seen, rather weighty interests in the successful realization of peace and justice after war, pursued through political and other means. Given these, I argue that children who experienced war, who have weighty political interests in peace and justice, but haven't yet developed the relevant capacities to be able to exercise their full spectrum of political rights, have nonetheless both (a) a claim to have their developing capacities and their urgent political interests recognized, and (b) are thus owed capacities-adequate forms of political participation and inclusion in the relevant processes, such that their important political interests in peace and justice, and in being the ones contributing to their consolidation when capable to do so, can be realized. This means that, to the extent that children's capacities to participate ground their (adequate) inclusion into the relevant political and other processes aimed at the realization of peace and justice, they should be given (adequate) opportunities to do so as a matter of justice; however, when children have not yet developed all the relevant capacities to participate, or to do so without it being too burdening for them, and given our special obligations to protect them and their weighty interests in peace and justice, my

[106] While this claim is based on the *recognition* of the level of children's capacities in the post-war (and not on compensation), which I list among back-ward looking considerations because it has to do with what happened in the past that changed children's capacities and interests in the present, the claim itself also has forward-looking components.

suggestion is that their Political Participation claim ultimately entails that others, namely, adults as well as enfranchised and participating children of transitioning societies, advance and promote children's interests in the political life, and pursue justice and peace through various political and other means, on their behalf too (more on this later).

Anca Gheaus ((forthcoming)) has suggested that children's interests in being involved in politics, particularly through the exercise of the right to vote, are weightier when they live in a society where injustice is pervasive and many adults fail to comply with their duties of justice. She argues that in such contexts, despite the potential burdening effects of political activity, which might endanger the enjoyment of intrinsic goods of childhood (such as carefreeness, innocence, and free time), having the right to vote could be instrumental in protecting their own stakes in inheriting a more just society, since it would force the political class to pay more attention to their interests[107]. If it is true that children's weighty demands of justice and political interests can be more easily addressed if they are given the opportunity to correct them through politics, this gives us reason to provide them with adequate political opportunities to do so. I will return to this while discussing forward-looking considerations and options of political participation later.

It might be objected that, at least in same post-war contexts, children's interests in peace and justice and their political participatory interests not always align: sometimes, the inclusion of children and youth (or of a significant cluster of them) into post-war political processes, might turn out to be detrimental to the realization of peace and justice. Specific historical and political features of some contexts may result in young generations, let's call them Belligerent Youth, that are either particularly vulnerable to suffer negatively from the

[107] One might indeed think that the inclusion of children in the political process might lead the *adults* in society to vote in ways that better take into account children's interests and those of future generations (some democratic theorists advocate for wider inclusion of children in general on such grounds).

effects of war on their development of politically relevant capacities (e.g. children that have Negative Moral Powers Development claims), or that are particularly prone to belligerence or drawn to violent political mobilization, and given the choice, would rather opt to unjustly pursue the solution of war-related grievances through violent means. In those cases, however, I believe that the weight of their critical interests in peace and justice would be heavier than the weight of both their potential volitional interests in pursuing injustice and the re-lapsing into an unjust war, and their participatory interests, which would give us reasons to pursue peace and justice on their behalf, while providing those generations with opportunities to overcome the negative effects of war suffered, for instance through taking part in transitional justice mechanisms, and opportunities to practice political and participatory interests, without incurring the risks of harming either themselves or others in the process. Indeed, the framework I developed through these Chapters would be able to identify whether the children of the Belligerent Youth kind are also children which have internalized distorted or mistaken senses of justice and morality, so indeed children with negative Moral Powers Development claims, who would thus be owed adequate assistance to recover and properly develop moral powers as a matter of compensation and recognition[108]. So far, I have considered whether the effects of past war experiences on

[108] Let me clarify whether the granting of political participatory rights (some or all of them), in response to children's justice-based claims, is also a matter of both recognition and compensation, in the same way I have described children's Moral Powers Development Claim. In Chapter Four, I have justified the assignment of autonomy-protecting rights as a matter of *recognition,* although I have maintained that autonomy, and not only welfare, rights can be a sometimes-adequate form of compensation in response to certain effects of war on children with a Positive Moral Powers Claim who, through war exposure, have developed interests and capacities in ways that need to be accounted for. I believe that political participatory rights should also be granted as a matter of recognition, in the sense that they become important once the relevant capacities to participate appear (as seen, on the other hand, their weighty political interests in peace and justice, which are not participatory, are not tied to any specific capacity, and thus their recognition implies their advancement and protection by others). I am however more wary of suggesting that political participatory rights should be assigned as a matter of compensation, although they might be considered as a compensation, if they serve the new important political and participatory ends that children might have acquired early due to war, and thus represent a form of ends-displacement and means substitution compensation, or perhaps they might represent a public form of symbolic compensation, to express both how much children have meant (and will mean) for the political situation brought about by war, and for the future of peace and justice in society. Munn (2020) has argued, for instance, that providing opportunities to participate in the relevant processes and issues that

children's lives sometimes change their entitlement to participate to political and other relevant processes aimed at peace and justice; next, I consider reasons of the forward-looking kind for the inclusion of children in political and other relevant processes after war.

Forward-Looking Considerations. One way to consequentially defend children's claim to (adequate) forms of political participation after war, is to show that it benefits them to participate; another is to show that it additionally (or independently) benefits the political and other relevant processes aimed at peace and justice themselves, if children participate. Independently of the effects of children's participation, having opportunities to adequately participate in the political and social life might benefit children who experienced war insomuch as these opportunities can have an educative function, serving the purpose of increasing children's capacities and appreciation for the enjoyment of political and moral powers, which children have important interests in developing, and whose practice would ultimately better prepare them to fully function as members of the cooperative, just society. This reason seems weak, given that surely there are alternative ways to practice the exercise of capacities relevant for political rights, for instance in school and through experiencing other forms of social aggregation, which do not require the authoritative exercise of powers over others, and which do not carry the burdens of political knowledge; but because of the importance of the future character of the society which will inherit the transition to peace, it might add weight in favour of participation rather than exclusion, when taken in conjunction with other reasons.

The reasons which I consider next are however conditional on it being the case that the participation of children in the relevant processes aimed at peace and justice is beneficial for

affect them can indeed function as a form of symbolic reparation for victims of past injustice, and that political inclusion is crucial for the realization of justice. Or, alternatively, it can be argued that participation into politics, that is, having a more or less authoritative say in shaping one's life, is an adequate form of compensation for the war-related harm of not having been able to shape one's life, since opportunities to do so are frustrated by war. Nevertheless, I think that recognition is better suited to give normative force to the claim in the case of political participatory rights, too.

their successful realization, that is, they depend on whether children's participation can in fact improve the chances of peace and justice in society. It is a predominant view, in Peace & Conflict and Transitional Justice Studies, that the more inclusive the peace processes, carried at various levels, the more likely they are to succeed. Social structures depend on continued support and maintenance by the people who live within them, and children are instrumentally important in building long-lasting and successful social structures, within political arrangements as well as processes of transitional justice and peacebuilding. The adequacy and feasibility of certain political agreements, particularly those aimed at justice and peace, require the involvement of the entire population, including children. While we might not have definitive proof that this is true, there is enough evidence showing that the inclusion of children in various ways has been, or is expected to be, indeed beneficial for peace and justice[109]. If this is so, it gives children both self- and other-regarding reasons to participate: children seem to have at least prudential reasons to participate, if this increases the chances of success, not least because given their young age and the longer lifespan ahead, and the having more to gain from future stability and breaking the cycle of violence, they are the ones who will be affected more intensely and for longer by the outcomes of peace and justice processes after war. As seen, post-war contexts provide special windows of opportunity for political change which can either succeed in bringing about peace and justice, and thus their advantages, or fail, and risk relapsing into disadvantageous unjust violence and war, so children have much to gain and much to lose from the success or failure of such processes, but given their instrumental role in benefiting the processes themselves, children seem to also have justice-based reasons to participate in them.

[109] In support of this view, see the corollary of report and publications of the website Inclusive Peace (sources available at https://www.inclusivepeace.org/resources/library/), such as *Civil Society & Inclusive Peace: Key insights and lessons from a global consultation convened on Peace Insight* (2019), or *Implementing Peace Agreements: From Inclusive Processes to Inclusive Outcomes?* (2020). See also, for instance, (Brunk 2016; Gow 2002; Ozerdem 2020). I provide further support to the idea that children can meaningfully contribute to peace and justice and their relevant processes in the following subsections.

The adequate inclusion of children, for instance in educational programs, peacebuilding initiatives, and transitional justice processes, might indeed increase the prospects of their success, as well as indirectly promote positive value of integration, tolerance, and democratic participation, thus benefiting themselves as well as everyone in society, all of which ultimately gives us good reasons to adequately respond to their Political Participation claims.

2.2 On Capacities-Adequate Forms of Political Participation

I have argued before that children who experienced war have especially weighty interests in peace and justice to be realized through political and other means, and gradually developing political participatory interests which track the development of their relevant capacities. This means that when children in transitioning societies have not yet developed all the relevant capacities to participate in politics, or to do so without it being too burdening (that is, too costly) for them, there are two ways in which adults can adequately respond to their Political Participation claims (although, different responses will be more or less adequate depending on the different contexts and societies undergoing transition): one is to find and provide less burdening forms of participation that include children into political, legal, and social processes aimed at peace and justice which adequately match their gradually developing capacities, such as transitional justice and reconciliatory practices, peace-promoting education, or consultation mechanisms on specific issues at various local or national levels; the other is to advance and promote children's weighty interests related to the political life on their behalf, and thus pursue justice and peace through various political and other means, for instance through committees and councils dedicated to advance children's interests, various commissions specially tasked with seeking children's views

providing them with opportunities to express their views, or by a system of fiduciaries or guardian body that could cast votes on children's behalf[110].

Since voting is but one political right, which does not exhaust the expression of our political participatory interests, even if children who experienced war are excluded from it (except perhaps those with a positive claim of fully developed Moral Powers, as I will show next), it does not mean that they have to be excluded from political life altogether. As mentioned, we can envision forms of political participation, as well as forms of participation into processes aimed at peace and justice which, if not political, still require a political background (with the same goals) to operate, on a scale from less burdening forms of participation, which do not require extensive capacities and does not risk to (re)harm children[111], to more burdening ones, which require more advanced capacities and some level of politically-relevant knowledge. In line with a child-centred approach that considers children's gradually acquired interests and capacities for the assignment of certain rights, I suggest that in the case of political participatory rights of children who experienced war, we should take children's capacities and the personal costs of participation to the relevant processes (so, the risks of harming or overly burden them with participation), as the markers to distinguish between forms of participation and identify the specifically adequate ones. Some examples of consultative and deliberative mechanisms that have been attempted and recommended for children's inclusion in the political and social life are, for instance, temporary or permanent youth councils and fora, youth parliaments, and youth representatives within

[110] Consider that this type of fiduciary representation entails a commitment to deliberative engagement with children, such that fiduciaries or guardians would still have a duty to positively provide opportunities for children to be *consulted* on their interests (Leib and Ponet 2012). For similar proposals and ideas discussed in the literature, see for instance: (Schrag 2004; Van Parijs 1998; Wolf, Goldschmidt, and Petersen 2015).

[111] Sometimes, sharing war-related experiences and re-living the past, for instance through testimonies and story-telling, can re-traumatize children or trigger strong emotional reactions which they might not be ready to handle, at least not yet. But child-friendly adjustments and child-sensitive training for adults engaging with them can mitigate such risk, when dealing with children's inclusion into the relevant processes, as evidenced and suggested for instance by transitional justice practices (Aptel and Ladisch 2011).

political bodies. Other forms of participation may provide children the opportunity for active engagement at any stage of specific decisions, initiatives, or projects, and for dialogue with the governing bodies on all relevant aspects of policy development (Percy-Smith and Nigel 2010). Indeed, even if most children who experienced war don't qualify for fully developed Moral Powers claims, or to claim the exercise of political rights through voting, they might be have the relevant interests and capacities (and thus be owed as a matter of justice) to be included in the constituency called upon to cast a vote on a specific peace-related referendum, or referendums on singular issues that might be particularly relevant for younger generations. The support of various child-led initiatives may further help to identify issues of concern for children, and provide them with an adequate space to organize, do advocacy, policy analysis, and raise awareness. Other non-political means to influence public decisions include the development of child-friendly and collaborative public services, including access to the media, systems of peer education, and inclusive community mobilization (Percy-Smith and Nigel 2010).

When it comes to children's inclusion into processes aimed at peace and justice during post-conflict contexts in particular, literature abounds with more examples of participatory activities and 'best practices' recommendations, particularly within peacebuilding and transitional justice processes, to which children have been given increased access to, and rightly so. Children have been engaging in peacebuilding, for example by "raising awareness of peace, promoting the social values needed for peace, strengthening (and in some cases rebuilding) social relationships, and in some contexts demonstrating peaceful ways of resolving conflicts with families, schools and communities. To some extent children are also rebuilding social structures and contributing to the creation of safer environments and a stronger civil society, by organizing children's clubs and networks, groups and organizations; and by influencing school, community, local and national governance planning through dialogue between children and adults, which, in turn, contributes to

monitoring and better implementation of children's rights[112]. However, children are also advocating for increased space in political processes affecting them, including formal peace-talk, reconciliation and reconstruction processes, so that they may more meaningfully contribute to efforts to identify, address and monitor the structural factors which inhibit peace and the fulfilment of children's rights" (Feinsten, Giertsen, and O'Kane 2010, 56–58). Examples from peacebuilding experiences in Nepal, Northern Uganda, Bosnia-Herzegovina, and Guatemala show that children can, and are willing to, influence, among others: negotiations by building pressure through child clubs, advocate for peace through workshops and rallies, influence constitutional elections by developing children-focused declarations, engage in consultations towards peace talks, accountability, and reconciliation, take part in round-table discussions on children's rights and needs, maintain historical memory of the war through educational activities, and promote values of peace, justice and democracy though civic engagement (Feinsten, Giertsen, and O'Kane 2010). Experiences of transitional justice in countries like South Africa, Liberia, or Sierra Leone have also shown to be beneficial, both for children and the outcome of the processes. Children can be meaningfully included within the workings of Truth and Reconciliation Commissions or other truth-seeking mechanisms, as well as processes of criminal justice, reparations programs, and even institutional reform, for example by providing testimony and being given opportunities to share their stories and reconciliate with their past and those responsible for it[113]. As Aptel and Ldisch put it (2011, 4) "Failure to address the concerns of children and youth can undermine the long-term recovery of transitional or post-conflict

[112] For further studies on the role of children in peacebuilding, see for instance: (Elliott 2002; Felice and Wisler 2007; Ozerdem 2020)

[113] For studies on the involvement of children in transitional justice processes, see for instance: (Aptel and Ladisch 2011; Parmar et al. 2010; Ramírez-Barat 2012).

societies. Children and youth need to understand the past to play a constructive role in building the future".

Indeed, such evidence from peacebuilding and transitional justice experiences involving children ultimately seems to confirm the idea that children have a crucial political role to play as agents of peace and justice, which suggests that they might have strong justice-based reasons to participate, even when it is burdening for them to do so (more on this later).

2.3 On the Right to Vote of (Some) Children Who Experienced War

As shown before, during wars children are more likely (than children in peaceful contexts) to find themselves in situations which prompt the development of capacities relevant for personal autonomy and the sense of justice; I have thus argued that some children have a Positive Moral Powers Development claim, anticipating that this entails the recognition certain autonomy-protecting rights, as well as sometimes political participatory ones. Not only children who go through war have especially weighty interests in the consolidation of peace and justice, and might develop advanced moral powers, but if they do, they are also more likely to have developed other relevant capacities for the exercise of political powers, and to generally have more knowledge of the politically relevant situations and problems of their transitioning society. I argue here that the Political Participation Claim of specifically these children entails that they ought to be treated as fully functioning members of the political community with the full spectrum of political rights, including voting.

I shall refrain from arguing whether children with the advanced relevant capacities should be allowed to vote in general; rather, I shall defend the right to vote for those children who experienced war and have thereby developed the relevant capacities for moral and political powers. To do so, I should consider the extent to which reasons typically given in favor of

children's enfranchisement are applicable, or weight as much, for such children[114]. Children are generally thought to *lack the adequate competence* to exercise the right to vote, namely, to lack overall capacities for political maturity and cognitive functions (ends-means reasoning, deliberation, a stable sense of self, etc.); and even when they do (which is often the case, at least among older children), they are nonetheless thought to *lack the sufficient relevant experiences of the social and political life*, in particular, of the politically salient problems and issues faced by their societies, which matters for making an informed exercise of the right to vote[115]. Additionally, a child-centred argument has been advanced by advocates of childhood goods, appealing to the idea of children's *best interests*: since children have an interest in having good childhoods and enjoy childhood goods, which imply enjoying a certain carelessness, innocence, and free time, and since an informed exercise of the right to vote requires having sufficient knowledge of the harms and problems in society, take time to research candidates, political parties, and their platforms, engaging in public political deliberation, and so on, they argue that exercising the right to vote in fact undermines the interests of children, who are better off when they are not required to be informed enough to vote. This gives us reason to protect them from the burdens of the exercise of political powers, and thus exclude them from the right to vote.

There are many ways in which these sets of reasons have been challenged (and countered with reasons in favour of children's enfranchisement[116]), but I shall limit my scope to consider them given my observations on the case of children who experienced war. As for reasons for excluding children from the right to vote built around *competence* and

[114] I draw the following from reasons given against children's enfranchisement overviewed by, among others, (Brando 2022; Chan and Clayton 2006; Fowler 2014; Gheaus (forthcoming); Mráz 2020; Peto 2018).

[115] Whether one takes democracy, expressed as one vote to each, to have an intrinsic or instrumental justification clearly bears on the plausibility and weight of the reasons advanced against or in favour of children's enfranchisement, but is not an issue that needs to be settled in order to evaluate how such reasons fare in the case of children who experienced war.

[116] See, for instance, (Brando 2019; 2022; Peto 2018; Priest 2016)

experience, my previous discussions should have shown how these are hardly applicable for children who experienced war with Positive Moral Powers Development claims, as they will have gone through the relevant experiences and thereby develop the relevant capacities to be politically competent and will have, on average, more knowledge of the politically relevant issues in society. Which also means that, to the extent that the *best-interest* justification is centred on the duty to *protect* children and their interests in not being burdened by politics, that justification no longer applies in their case: their protection has clearly failed, as these are children who presumably went through significant war-related harm and acquired burdening, politically salient knowledge and capacities already. One might object that just because we have failed to shield children from the burdens of acquiring politically salient knowledge and capacities, it does not mean we should stop trying to shield them from further harms and burdens: I will return to this in the next section, where I mitigate the worry that children's Political Participation might harm and overly burden children by pointing at the role that children's gradually developing capacities, but also responsibilities, play in attracting their political participatory interests and in giving us reason to let them exercise their political powers, including the right to vote, once they have acquired the relevant capacities to do so.

To conclude, given the inapplicability of the reasons typically given based on competence, experience, and best-interests, I have argued that children who experienced war with a positive Moral Powers Development claim and the relevant capacities for the exercise of political powers, have a claim to the full spectrum of political (participatory) rights, including voting, all the while having weighty interests in the consolidation of peace and justice, and being owed other adequate opportunities to realize such interests through political and other means, like the other children.

2.4 Justifying the Burdens of Participation?

Despite the various reasons in favour of the Political Participation claims of children who experienced war given so far, and the criteria of adequacy requiring to identify and provide non-harmful and non-burdening forms of participation, it might still objected that to expect children to participate in the relevant political and other processes aimed at peace and justice (which, presumably, carry some more or less high participatory costs) might be too demanding for children; even more so, in light of the spirit of the Lost Childhood Claim and of their other weighty demands of justice, which require us to compensate them from the war-related harm endured, and if we agree that part of what it is to be a child is indeed to not have to bear the burdens of political activity. But I have shown in the previous sections why, as long as children's relevant capacities and participatory interests have developed and changed through exposure to war, they would be entitled to their recognition and to matching, adequate opportunities to participate, which indeed include the exercise of some, and in some cases all, autonomy-protecting and political rights.

It is furthermore worth considering whether children can be subjects to demands of justice, too, and not mere recipients of them: when background social and political conditions are particularly unjust, or adults have failed to comply with justice, justice might require of them to carry greater burdens than usual, including those of participatory costs for the successful realization of the relevant processes[117]. Given children's weighty interests in living in peaceful and just societies, and the instrumental value of their inclusion within the relevant processes, my suggestion is that, just as children gradually acquire (autonomy and political) rights and capacities, they also gradually incur duties, or at least justice-based reasons, responsibilities, and liabilities, which in post-war contexts mean carrying some of the

[117] I have discussed briefly, in Chapter Two, the distribution of burdens of justice while pursuing just wars; in this case, too, the realization of peace and justice as important political goals in the *aftermath* of war seems to justify the sharing of extraordinary burdens related to efforts of post-war recovery, reconstruction, and peacebuilding, independently of the nature of the war that made them necessary.

collective burdens (namely, incur participatory costs) towards the realization of peace and justice. This is a possible way to formalize the argument:

P1. When an agent is in a unique position to do something good, and it wouldn't impose significant costs on them to do so, then they should do so.

P2. Unjust background conditions (such those brought about by war) impose extra costs on agents to overcome those as a matter of justice.

P3. In post-war contexts, such costs consist on carrying the burdens of participation in peace, justice, and political processes aimed at the consolidation of peace and justice.

P4. Children are in a unique position to contribute, through political and other means, to the success of processes aimed at the consolidation of peace and justice.

P5. Justice requires that children, too, carry (at least some) burdens.

Therefore, C1. Children have justice-based reasons to carry at least some participatory costs for the realization of peace and justice.

Because P6. Children attract rights, and therefore duties, gradually, following the development of their capacities and interests,

C2. Such justice-based reasons for each child will be stronger or weaker depending on the status of their development, capacities, and relevant interests.

P7. When justice-based reasons are particularly weighty, they can give rise to obligations, and obligations demand higher costs for their fulfilment than reasons.

Therefore, C3. Children incur in obligations to carry the burdens of participation when their involvement is instrumental for the realization of peace and justice though political (and other) means, even if it is personally costly for them to do so.

I see two more possible routes to reach a similar conclusion, which I think it worth to continue investigate in further research. One is to appeal to Rawls's natural duties of justice and just saving principle (Rawls 1999), and say that (at least some) children, too, have duties to realize justice in the present, as well as duties to preserve resources and maintain justice

for the sake of future generations, so that when justice is not realized, some generations (like those of children who experienced war) simply have to bear more burdens than others, if justice can be more promptly realized by them carrying a greater burden in the present[118]. The other way is to appeal to the concept of vicarious liability (Tadros 2014a), according to which even when you are uncapable of responding to duties arising from a bad event, you are nonetheless liable to incur in their costs. As children will presumably be able to appreciate the importance of realizing peace and justice in the future, and the wrongs and bads of an event like the war carried out by (mainly) adults in their society, even if they are not yet in a position to understand so, they can nonetheless be treated as if they are liable to incur in the costs of participation to the post-war efforts of consolidation of peace and justice, in virtue of their relationship to the adults of their society.

All reasons so far mentioned ultimately suggest that children who experienced war can have such weighty justice-based reasons to carry some of the burdens of participation, that others would be justified in imposing such burdens on them, and expect that they adequately participate, at least when the harms children would incur by participating do not weight enough to defeat the reasons others (and children themselves) would otherwise have to expect them to participate. A key question lying in the background is who will best realize a just, peaceful society. But the question can also be declined as who is entitled to, or ought to, realize a just society. It is more straightforward that adults have the obligations (and competence) to pursue justice and peace, strengthened by their vicarious interests in doing so for the sake of the children in their societies. It is not my intention, here, to compare children's and adults' obligations (or liabilities) to carry the burdens for the realization of such goals, although it seems that we have prima facie reasons to attribute greater burdens

[118] It is true that Rawls attributes duties of justice to adults with full moral powers, but if it is true that at least some children fully develop said moral powers through experiences of war, it should not be a stretch to concede that duties of justice would fall on them too.

to adults. But I hope that my discussion of the political interests and stakes that children who experienced war have, as well as the references to children's roles to be played in processes aimed at justice and peace, have shown that there is more to be said both of children's entitlements to participate in the social and political life, and of their justice-based reasons, perhaps even duties, to do so.

Conclusion

In this Chapter, I have defended the position that children who experienced war have morally weighty interests in the consolidation of peace and justice through political and other means, which require that they are provided with adequate opportunities to participate in the political and social life in the aftermath of war. As post-conflict contexts provide unique opportunities for radical processes of transformation, and given children's weighty political participatory interests and interests in peace and justice, transitioning societies should tailor mechanisms to be as inclusive and accessible to children as possible, matching their level of relevant capacities. For some, such as those with particularly advanced moral and political powers, this even implies having a claim to the right to vote; while for those who would benefit from being excluded from the right to vote and more burdening forms of participation, this implies having a claim both to be involved in forms of political (and non) participation that suit their capacities and interests, and to have their important political interests in peace and justice advanced by others in various ways. I have suggested that, just as children acquire capacities and interests gradually, and should thus be granted adequate opportunities to participate and exercise their political and moral powers, they also gradually incur responsibilities and liabilities, and because of their crucial agential positioning in the relevant processes aimed at peace and justice, they can indeed be expected to carry out some burdens of participation, even when it is costly for them to do so: finding adequate forms of participation for children who experienced war is ultimately both

in their interests, and beneficial for the successful realization of peace and justice processes, so, both intrinsically and instrumentally justified.

Conclusions

Throughout these Chapters, I have tried to give a more or less comprehensive answer to the question of what societies transitioning from war to peace owe to children who experienced war as a matter of justice. Hardly anyone would disagree that children are entitled to be protected from the worst effects of war, but when such protection fails, and children experience war in ways that profoundly affect their morally weighty interests and capacities, we ought to acknowledge the consequences and try to make up for the damages. I have built the Lost Childhood, Moral Powers Development, and Political Participation Claims focusing on the sets of rights which seemed the most significantly affected while growing up in contexts of war. Of course, there are important consequences of war and related issues which I have not addressed, or did so only briefly, such as: criminal liability and moral responsibility for children's war-related wrongdoing; the (im)permissibility of defensively harming children when they pose a threat during combat and hostilities; whether the strain that war puts on the realization of children's morally weighty interests, during and after it, is such that it gives rise to obligations ex-ante, such as obligations to refrain from fighting, or to doing so only in ways that exclude, rather than minimize, children's worst harms; or, similarly, whether the weight of children's claims to compensation and recognition after war give rise to ex-post obligations not only within their own societies, as addressed here, but also within other societies and the international community at large, for instance triggering rescue or aid duties to provide or contribute to the provision of the resources and opportunities needed to satisfy the claims of children who experienced war. Nevertheless, I hope to have convincingly added to the reasons we have to account for the effects of war on children's lives, and to consider children as valuable social and political actors with interests and abilities particularly relevant for the realization of peace and justice in society.

In Chapter One, I introduced my understanding of children as subjects of justice within a Rawlsian conception of political justice as fairness, and a revised, children-appropriate metric of justice, defending the views that childhood is an intrinsically valuable stage of life, and that there are certain goods of childhood which it is important children get to enjoy, not only in preparation of a good life as adults, but as children. I then detailed children's morally weighty interests in having good childhoods, in growing into beings with developed moral powers, and in living in peaceful and just societies; (some of) which ought to be secured, gradually and sensibly to children's relevant developing capacities, by both welfare and autonomy rights within an interests-protecting theory of rights.

In Chapter Two, I zoomed into some of the features of children and experiences of childhood in times of war, showing that children exposed to war are likely to experience severe and numerous *harms* and *hardships*, risking *relocation*, *separation*, and exposure to *violence,* and suffering from the overall effects of *social breakdown*. I also introduced how war-related experiences significantly impact children's morally relevant developing interests and capacities, in particular endangering their interests in having good childhoods and in developing moral powers to the background of a peaceful, just society; I then carefully considered whether children's entitlements to justice are invalidated or diminished if the harms and effects of war suffered are caused by a just war, that is a war which complies with Just War Theory principles. I concluded that whether children belong to a just or unjust warring side, and whether the war is a morally required or impermissible one, children always have valid justice-based claims to be raised against their own societies, which sometimes requires prioritization in the allocation of resources and opportunities such that children's claims can be adequately satisfied: children's vulnerabilities, exacerbated by war, and the gravity of the effects of war suffered by children, specially oblige us to tend to them once hostilities are over. So, children are always owed special compensation and recognition

for the ways in which wars, no matter to what extent, harm them and impact their morally relevant developing needs, interests, and capacities.

In Chapter Three, I defended the Lost Childhood Claim, namely the claim that children who experienced war-related (in some sense, always wrongful) harm, in particular harm which endangers their morally weighty interests in having good childhoods, are owed adequate compensation and recognition, arguing that adequately responding to such claims requires tracking the ways in which war-related harms and experiences might have changed children's current interests and abilities to benefit from certain compensatory goods. I thus discussed some of the kinds of means-substitution and ends-displacement compensation (and recognition) which seem better suited to satisfy children's weighty entitlements to justice after war, as they attempt, together with their society, to recover from war's worst effects and move forward, despite the difficulties in identifying and measuring such responses.

In Chapter Four, I considered how war impacts children's morally relevant interests in developing moral powers in timely, morally adequate ways, and advanced two versions of children's Moral Powers Development Claim, given such impact. When it is true that exposure to war-related situations and harms sets back the development of moral powers in children, it seems like an appropriate response to ensure that they are compensated, for instance by having access to rehabilitation, reintegration, and recovery opportunities, which translates to granting extensive protection and assistance through extensive welfare-promoting rights, and sometimes relevant autonomy-protecting rights. On the other hand, when it is true that children develop premature, advanced capacities for moral powers because of their war-related experiences, it seems right to compensate them for the unjust, morally inadequate and untimely ways in which their moral powers developed, but also to recognize their advanced level of development in the present, particularly in ways that grant and protect the exercise of such powers, for instance by granting them important autonomy-

protecting rights. This Chapter's discussion about the process of developing moral powers in children, in general and under the effects of war, and in particular of the implications of the recognition owed to children who end up with Positive claims in the aftermath of it, is perhaps the most surprising and interesting, if controversial, contribution of this work.

In Chapter Five, I defended the position that children who experienced war have morally weighty interests in the consolidation of peace and justice through political and other means, which require that they are provided with adequate opportunities to participate in the political and social life in the aftermath of war, and that others advance children's important interests in peace, justice, and politics on their behalf when they cannot do so themselves. As post-conflict contexts provide unique opportunities for radical processes of transformation, and given children's weighty political participatory interests and interests in peace and justice, transitioning societies should tailor mechanisms to be as inclusive and accessible to children as possible, matching their level of relevant capacities. For some children, such as those with particularly advanced moral and political powers, this might even implies having a claim to the full spectrum of autonomy and political rights; while for those children who would benefit from being excluded from the right to vote and from more burdening forms of participation, this implies having a claim both to be involved in forms of political (and non) participation that are less burdening and adequately suit their level of capacities and interests, and meanwhile a claim to have their important political interests in peace and justice advanced by others in various ways, such as voting on their behalf, aiming to realize peace and justice in society. I suggested that, just as children acquire capacities and interests gradually, and should thus be granted adequate opportunities to participate and exercise their political and moral powers accordingly, they also gradually incur responsibilities and liabilities, and because of their crucial agential positioning in the relevant processes aimed at peace and justice, they might indeed be expected to carry out some burdens of participation, even when it is costly for them to do so: finding adequate

forms of participation for children who experienced war is ultimately both in their interests, and beneficial for the successful realization of peace and justice, so, both intrinsically and instrumentally justified.

Children's Claims Beyond Post-War Contexts? As mentioned before, while in this work I have focused on the case and claims of children who experienced war, through further research the framework and arguments in support of children's claims could more or less easily be adjusted to adequately identify and justify the urgent claims of children who experienced other types of pervasive harm, injustices, or critical political situations, such as refugee children, children who live in systematic conditions of extreme poverty and/or violence, or children in societies struck by natural disasters. The systematic or large-scale harm suffered by children in contexts other than war might very well gives rise to weighty compensatory claims and claims of recognition: with further research, the Lost Childhood and Moral Powers Development Claims could be modified to highlight which other specific harms (and whether wrongful or not) and experiences endanger the enjoyment of good childhoods, and which appropriate responses children might need, in other cases of serious childhood losses (or gains in capacities); similarly, the reasons advanced here in favour of children's Political Participation claims could be modified to reflect the politically salient interests, capacities, and roles children might play in other non-ideal political contexts. It seems indeed like a worthy pursuit to continue investigate the ways in which children might have to gain or lose from how societies manage to realize justice (and peace) through politics, and the ways in which we can understand and treat children as valuable moral and political agents within just societies.

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