

INTRODUCTION: Justice and Disadvantages during Childhood – What Does the Capability Approach Have to Offer?

Justice for children and during childhood and the particular political, social and moral status of children has long been a neglected issue in ethics, and in social and political philosophy. The application of general, adult-oriented theories of justice to children can be regarded as particularly problematic. Philosophers have only recently begun to explore what it means to consider children as equals, what goods are especially valuable to them, and what are the obligations of justice different agents have toward children. In addition, while philosophers have extensively written about global poverty and inequality, the issue of disadvantages during childhood, especially child poverty, has only been superficially addressed. This also applies to the Capability Approach (CA) as a normative theory. Although the socio-scientific and economic literature on how to conceptualize capabilities and functionings of children and how to measure them in the context of poverty and wellbeing is steadily growing, the normative aspects of these issues are still under-theorized. The CA offers a unique framework to engage with both the topic of justice for children and questions concerning what justice implies and demands with regard to children living and growing up in disadvantaged circumstances. Furthermore, justice and disadvantage during childhood is a compellingly interdisciplinary topic that invites the combination of ethical and philosophical reasoning together with socio-scientific theories and empirical knowledge. In this special issue of *Ethical Perspectives* we bring together theoretical and empirically informed discussions that explore the CA in relation to children and the many disadvantages they can face in their lives.

Disadvantages during Childhood

Children face many different disadvantages, several of which can have severe and long-lasting consequences if left unaddressed. Because of the

particular nature of childhood, children are more vulnerable to certain threats regarding their wellbeing and well-becoming, and they depend to a greater extent on protection from adults, in most cases their parents. In a first step, it seems appropriate to differentiate these disadvantages into three broad groups: material disadvantages, social disadvantages, and bodily disadvantages. Material disadvantages refer to such phenomena as child poverty, deprivation in housing, clothing or food. The available data shows that severe child poverty, measured in income terms, is widespread and affects more than a billion children worldwide (UNICEF 2005). Child poverty is not only an issue in developing countries, but also in highly developed countries, and the official statistics in the US as well as in the European Union show that children are at a higher risk of being poor than adults and that roughly one in five children lives in a poor household (Arrighi and Maume 2007; European Commission 2008). The effects of material disadvantages are as manifold as the disadvantages themselves: growing up in an income-poor household can affect the child's physical and mental health, his or her academic achievements, later socioeconomic position as well as his or her social inclusion. Children living in severe poverty also face death because of the lack of nutrition, access to clean water, sanitation facilities or health care. Social disadvantages relate to such phenomena as discrimination based on race, gender, health, religion or sexual orientation, the social exclusion that can follow from being poor or lacking education, political participation or rights. Some of these social disadvantages are built into the way a society frames children and the phase of childhood, such as excluding them from voting or from having the right to decide for themselves if they want to undergo surgery, or where they want to live or if they want to go to school. Thus, it can be argued that some of the disadvantages children have in relation to adults are meant to protect them and are not really disadvantages in the first instance. While this may be true for some, for others it is not: if a society allows corporal punishment, for example, this is clearly a disadvantage that has little to no benefit for children and their wellbeing

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and well-becoming. Other social disadvantages do not refer to the status of children as children, but to some of their arbitrary features like race, religion or gender. Because of such differences, children are harassed and bullied by other children as well as adults, the education to which they are entitled is withheld, and they find less support by the state compared to other children. On a global scale, discrimination based on gender is highly prevalent and girls are more often victimized, forced into marriage, sexually abused, trafficked or pulled out of school (Croll 2006). Examples for bodily disadvantages are physical and mental illnesses, impairments and disabilities. Such conditions are to a large extent disadvantageous for children due to their environment. A child confined to a wheelchair may suffer no basic disadvantages in terms of moving around and reaching the places he or she wants to reach if the environment is adapted adequately and if he or she is given the necessary support. Unfortunately, even in the most highly developed countries such things are missing, which leaves children deprived of many opportunities and also places a considerable burden on the family, which has to support the child alone.

It is abundantly clear that these three types of disadvantages are highly interrelated, and one can lead to another. Children can be pushed into vicious cycles of growing up under material deprivation that impairs their health and body, makes them feel ashamed and humiliated, and thus leads to experiences of social exclusion. In countries like the US, children of colour are much more likely to grow up in poverty, leave school early, be faced with violence and are more likely to get arrested and go to jail.

The CA now comes into play not only because it can serve as a normative tool to evaluate such disadvantages and show why they are unjust and should be tackled, but also because it can help to conceptualize them in the first place (Robeyns 2006; 2005). This means that the CA can assume two different roles: it can help define and research disadvantages, both theoretically and empirically, and it can serve as a normative benchmark for them, for example by clarifying how much of a certain disadvantage is tolerable and how much is unjust. Both things, while

closely connected, are not the same. In the next section, we will say more about the CA as a (partial) theory of justice for children. Here we will focus on its role as a tool to define and detect disadvantages.

Let us begin with the general premise of the CA, which distinguishes between capabilities on the one hand and functionings on the other (Nussbaum 2011). Capabilities are, in a nutshell, opportunities or freedoms to do or be something, like having the opportunity to move around. Functionings are, roughly speaking, realized capabilities, such as a person actually moving from point A to point B and not only having the ability and opportunity to do so. The CA focuses on such capabilities instead of resources because it believes that what is really important is what people can actually do or be and not what they have. Resources are a means to an end; they are sometimes necessary prerequisites for certain capabilities and functionings, but they are not especially important per se. Furthermore, by focusing on resources, some important differences that may turn out to be unjust disadvantages might go unnoticed. If person A and person B have the same amount of money, but A needs much more due to a chronic illness and the need to self-finance his or her medicine while B is healthy and has no such need, A can turn out to be deprived, since his or her money may not be enough for expensive medicine, or because A cannot afford proper housing, being forced to invest primarily in his or her health. Using this example, the concept of disadvantage based on the CA becomes clearer: A is not disadvantaged in terms of money, but in terms of what he or she can actually achieve if he or she uses that money. He or she is disadvantaged in his or her capability to have a nice housing or to be healthy. The third important concept besides capabilities and functionings is that of ‘conversion factors’; resources are an important example. A conversion factor for being healthy might be access to health care, but also good genes, the absence of a toxic environment, healthy nutrition, enough opportunities to be outside and to do sports.

Mario Biggeri and his colleagues were among the pioneers in the application of the capabilities approach to children’s lives (Biggeri, Ballet,

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and Comim 2011). They conceptualized children's wellbeing based on different theoretical resources such as Martha Nussbaum's list of central capabilities, the Convention on the Rights of the Child of the United Nations, experts' opinions and also the opinion of children themselves, who participated in qualitative research. Biggeri came up with a list of 14 capabilities that are central for children's wellbeing, ranging from health, love and care to education, shelter and mobility. The basic idea behind this list – as it is in general one main pillar of the CA – is that children should have the opportunity to really experience or achieve these functionings of being healthy, being sheltered or being able to move around. It can thus be said that falling short in one of these capabilities or lacking it totally is a severe disadvantage a child may face. Most disadvantages we have named so far and categorized as material, social or bodily can also be detected using this approach. If children are living in poverty and consequently face disadvantages in education, health or other areas of their lives, they are disadvantaged in relation to the capabilities to achieve these things. They suffer from capability deprivation, and a lack of money is only a causal factor in this regard. To put it differently: many disadvantages are the result of the lack of conversion factors, as in the example where the environment is not adapted to children in need of a wheelchair.

Opting to use the CA in this way is often a decision based on certain normative assumptions. The capabilities chosen by Biggeri should reflect children's wellbeing as a normative concept, meaning that lacking one of these capabilities is perceived as being bad for the child, and most likely also being perceived as unfair, morally bad or unjust. This, however, need not necessarily be the case: a child may have impaired health because of a random mutation, which is certainly bad for the wellbeing of that child and possibly connected to suffering and harm and some other disadvantages, although it may not be unjust or bad in a moral sense. In order to clarify this question, one needs to have a (partial) theory of justice or ethics.

Justice for Children and the Capability Approach

This brings us to the second role the CA can play in relation to disadvantages during childhood. In the literature, the CA is often discussed as one such a normative theory that can be used to make value judgements. In fact, the two philosophers who developed it and who are still its major architects, Amartya Sen and Martha Nussbaum, saw it from the beginning as a theory with a strong ethical component that should be used to flesh out normative concepts such as justice, development or equality (Sen 1980; 2009; Nussbaum 2000; 2011). Indeed, the CA can be considered by now as a major player in approaches to political and social philosophy, far exceeding its role as a tool for empirically assessing disadvantages. It has contributed on many levels to these debates and helped identify and clarify – some would claim also solve – some of the foundational problems involved in theorizing about justice and related concepts. For instance, it pointed to some difficulties connected to the metric of justice employed by some of the most influential theories (e.g. primary goods in the Rawlsian sense or utilitarian welfare metrics) and proposed an alternative that consists of functionings and capabilities, making normative judgements more sensitive to interpersonal differences. So far, however, the focus in these debates and formulations of the CA has been on adults and there are few suggestions as to what a partial theory of justice for children based on the CA might look like (Dixon and Nussbaum 2012; Schweiger and Graf 2015).

In our view, such an endeavour implies at least two important tasks. First, the theory has to determine or at least to give guidance on how relevant capabilities and functionings of children should be chosen for assessing their situation in terms of justice. We have already mentioned the work of Biggeri and his colleagues, who drew on different theoretical concepts to arrive at their list. In doing so, they tried to incorporate different justificatory strategies that have been proposed in the CA. On the one hand, they took Martha Nussbaum's list of central capabilities as

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a reference point, which Nussbaum claims could be generated on the basis of a justificatory method inspired by John Rawls's idea of a reflective equilibrium and the notion of human dignity. On the other hand, they took seriously the demand made by Sen and philosophers following him that it is very important for the generation of adequate lists to directly involve persons affected by respective projects, measures or social programmes. In the case of children, this means that at least children themselves, as well as child experts from different disciplines and backgrounds, must be involved in the process. Such an approach not only guarantees that the selected functionings and capabilities are child-sensitive, but also that the latest knowledge about children's wellbeing and well-becoming is integrated through consultation with academic and non-academic experts, something that might get lost if only the child's perspective is taken seriously. We agree that the procedure used by Biggeri and his colleagues leads to important results and that the capabilities and functionings it identifies are valuable to children. However, we would like to add two important criteria that a functioning or capability has to fulfil in order to qualify as significant from the point of view of justice, namely that it be (i) to some extent objectively measurable and (ii) influenceable by the institutional design of a society.

(i) The chosen capabilities and functionings should, at least to some extent, be objectively determinable and not merely subjective, i.e. not primarily dependent on the assessments, experiences and evaluations of the subjects in question. Justice should guide the design of institutions and policies, which demands that the wellbeing of different children be comparable and that the ways in which it can be influenced and changed be objectively comprehensible. Furthermore, the distribution of such capabilities and functionings is more likely to be supported by the public due to the limited possibility for cheating (Anderson 2010). In this sense, capabilities and functionings that are only subjectively accessible pose a problem. Capability scholars usually also point in this regard to the malleability and adaptiveness of the preferences of human beings. In poverty research,

for instance, it is a well-known phenomenon that people are satisfied with their circumstances despite their suffering from different kinds of hardships. In such cases, giving too much emphasis to subjective experiences would clearly distort the picture we get from their situation and lead to accepting the given and existing injustices. While relevant for all human beings, the special characteristics of children should lead to the conclusion that these ‘adaptive preferences’ have to be taken particularly seriously.

(ii) The second criterion is that the chosen capabilities and functionings should not only be relevant for the wellbeing and well-becoming of the child, but they must be, at least partly, societally influenceable. This does justice to the intuition that justice only applies to aspects of society that can be changed by its social institutions. If the distribution of a capability or functioning cannot be influenced by the institutions of a society and its distribution among children cannot be controlled in a meaningful way, then it would lie beyond the scope of social justice to guarantee it up to the relevant threshold. In such cases, where some children lack a basic functioning or capability while others enjoy it, it would be more appropriate to speak of ‘tragic fate’. This does not imply that the society in question has no obligation to help these children and to alleviate the consequences of such natural inflicted harm and disadvantage, but the harm and disadvantage themselves are not an injustice and the fact that some children enjoy the said capabilities and functionings while others do not is not unjust per se (Nussbaum 2006). For example, if a child is born with a severe disability that prevents him or her from acquiring more than rudimentary skills and competencies, society has an obligation to provide the best treatment and care feasible. In doing this, adequate support and a good social environment make an enormous difference, and in many cases, at least some functionings and capabilities can be developed. But this will not change the fact that other children will be more competent and autonomous and have far more chances in life. Here it becomes clear that a capability or functioning, e.g. being healthy, is in some cases heavily socially determined, based, for example, on access to health care or a

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supporting environment. It can thus be influenced by changes in the social structure of a society. However, sometimes even the best support cannot change or eliminate natural differences, and highly unequal functionings and capabilities will be the result without there being a problem of justice (Venkatapuram 2011).

The second question we named is concerned with the problem of determining how many of these capabilities and functionings children are entitled to as a matter of justice. We cannot discuss this in detail at the present juncture, but broadly speaking we see a sufficiency rule of distribution as the best solution, which seems to be adopted by many representatives of the capabilities approach (Nussbaum 2011; Anderson 1999). This implies that all children have a right to a sufficient minimum of the relevant capabilities and functionings. In order to determine the concrete thresholds, it is not possible to give an answer without further knowledge of the context and the target group. A five-year-old has different needs in terms of healthcare, education and social and emotional support to achieve certain capabilities and functionings than a twelve-year-old. In some cases, it will not be possible for children to reach this socially just minimum if the causes underlying his or her condition are not changeable, as would be the case with a non-treatable illness. In such instances, there is no injustice. It is also conceivable that helping a few children to reach this minimum would demand significantly lowering the wellbeing of many others, without violating their claims of justice in regard to the minimum to which they are entitled. One possible solution to this problem was formulated by J. Paul Kelleher, who distinguishes between a demand-side and a supply-side sufficiency view (2015). He claims that supply-side sufficiency in capabilities and functionings implies that those who have certain obligations and duties of justice must put sufficient effort into fulfilling them. Hence sufficiency no longer entails unreasonable demands that would significantly lower the wellbeing of those in question. While we agree with this, we would add that the demand-side sufficiency view still has its merits. On the one hand, it

focuses on the victims of injustice and prioritizes their claims. This gives them the weight they deserve because, ultimately, they are what matters. A supply-side view must be aware of the danger it poses, namely being used by the better-off to avoid their responsibilities. In a public deliberation about how much is enough, victims of injustices are most likely to be in a weaker position to argue for the demand-side view from which they will profit most, in comparison to those in a more favourable position, who argue for the supply-side view. On the other hand, and more importantly, the amount the better-off can be reasonably expected to give, i.e. the determination of the extent of the supply-side responsibilities, cannot be separated from the demand-side, but is to be conceived rather as the just answer to it. Kelleher acknowledges this but, as we see it, does not give this point enough weight. Only the demand-side view can provide the necessary information for the supply-side view, and not the other way around. If a child is severely deprived, then the justified demands are higher than if that child needs fewer resources to reach a just minimum in capabilities and functionings. Based on this demand-side information, the supply-side view can be brought in.

These are just some suggestions as to how the CA can be specified considering two crucial questions in regard to justice for children, suggestions that have to be scrutinized and developed further. There are certainly many more issues that ought to be addressed in depth – for example, how the developing nature of children can be adequately grasped in the metric of functionings and capabilities, which restrictions of autonomy can be justified towards children and on what grounds responsibilities can be identified and distributed among different agents in the child's environment. In light of these considerations, we hope that this special issue fulfils two functions. On the one hand, it should help clarify and deepen our understanding of the CA as a theory both to describe and evaluate disadvantages children face. On the other hand, it should illustrate how the CA can already be applied to concrete cases and challenges where injustices are happening to children.

Securing Justice for Disadvantaged Children

So far we have discussed the CA from two different perspectives. On the one hand, we explored its use in defining and researching disadvantages, both theoretically and empirically, and sketched some of its aspects that have to be specified in order to turn it into a partial theory of justice for children. Where does this leave us with regard to the basic question of what the CA has to offer in securing justice for disadvantaged children? To begin with, it is important to understand that the two aforementioned functions of the approach are intertwined. They may be separated analytically, as we have done in this introduction, but ultimately they become deeply connected. In fact, we believe that it is crucial for a theory that wants to deal comprehensively with disadvantages in childhood to be able to fulfil both of these functions. There is no value free treatment of this subject and it is necessary to have some normative guidance for empirical applications. This becomes clear, for example, if it is recognized that the selection and evaluation of functionings and capabilities used to research disadvantages of children empirically depends on normative reasoning and often incorporates considerations of justice as well. Research into the wellbeing and well-becoming of children is typically motivated by the aim of making certain institutions or social contexts better and more just, even if this goal is not made explicit. The CA recognizes this entanglement from facts and values from the start and does not pretend – as sometimes happens in the social sciences – to be able to approach phenomena like disadvantage from a non-normative perspective. This will often make it more difficult to come to clear results, since one central feature of normative debates is that they do not have a well-defined end and that they call for constant scrutiny and revision. However, we agree with Sen that concepts such as wellbeing, inequality and thus disadvantage are broad and partly opaque concepts (1992, 48), which have to be approached via an open, context-sensitive and normatively guided approach. It is not only important, however, that empirical researchers

understand the importance of normative reasoning; philosophers and ethicists also have to acknowledge that their theories have to connect with the real world if real improvements for real people – in our case children – are their goal. The CA, as we have introduced it here, does well in this regard. Its strength does not stem from its highly abstract and idealized principles. It is not a full theory of justice that can describe a just society in all its details. Rather, it claims to be able to give normative guidance for problems we are facing in close dialogue with the empirical sciences. The selection of valuable functionings and capabilities will vary with the phenomena in question, and even if some lists are plausible and widely applicable at an abstract level (as some insist is the case with Nussbaum's list), it is still necessary to specify the exact content of the relevant functionings and capabilities and to define a threshold that should be reached by everyone. For the issue of securing justice for disadvantaged children, this means that there will be no easy answers. Rather, the CA provides the framework for assessing disadvantages in all their varieties – we mentioned material, social and bodily ones –, to identify those that are indeed a problem for a just society and to point to their solution.

This brings us to the final point we would like to make. The CA is more than just a research paradigm: it is a philosophical theory that is deeply concerned with the injustices of our world and ways in which to solve them. For the CA, it is not enough to remain in philosophical theorizing and empirical analyses. Rather, it seeks to bring in a critical perspective concerning social norms and institutions allowing, or even producing, such vast amounts of disadvantages for so many children. It seeks, therefore, to initiate change at different levels of society and to try to bring together academics, NGOs, civil society and, of course, policy makers in order to find ways to tackle the challenges we face today in many areas, one of which relates to disadvantaged children. We hope that this special issue can contribute to the conceptual, normative and practical debates in question and bring forward the central goal of making the world a better place for children.

Overview of the Contributions

Throughout this special issue of *Ethical Perspectives*, we propose to delve into both theoretical and practical problems concerning social justice and childhood from the perspective of the CA as we have described it above. Thus, the articles by Bonvin and Stoecklin and Drerup address theoretical questions about the CA as a theory within the wider landscape of political philosophy that could potentially change the way children's rights are implemented. The articles by Cabezas, Josefsson, and Triviño focus on diverse practical challenges in terms of justice for disadvantaged children. Yousefzadeh and Gassmann face the concrete challenges concerning deprived children in difficult contexts, as is the case of Iran.

Bonvin and Stoecklin advocate for the CA as a useful tool to analyse children's wellbeing and agency given the fact that it does not make the traditional disjunction between wellbeing rights and agency rights. In their article "Children's Rights as Evolving Capabilities: Towards a Contextualized and Processual Conception of Social Justice", they articulate how the CA offers an integral understanding of human beings, combining different elements such as vulnerability and agency. In fact, the CA, they argue, has a crucial role to play in identifying the individual and social conversion factors that would facilitate – or prevent – rights on paper becoming realities. They thus argue in favour of the CA as a perspective that can help implement social justice for children. Their work points to two main questions. Firstly, and contrary to what other approaches highlight, the CA does not label children as exclusively passive beings, but as active capable agents with intentionality, who are both vulnerable and competent at the same time. Secondly, they emphasize how the CA can establish individual and contextual factors that may have an impact on children's rights and capabilities. Finally, they also underline how a diachronic approach through the complex concept of 'evolving capabilities' will be crucial for managing challenges concerning children's rights and wellbeing. In doing so, they avoid falling into the traditional dualism that

sees children as dependant and adults as essentially autonomous. This leads them to insist that, in order to protect children’s rights, their interests and choices – that is, their wellbeing and their agency – have to be explicitly linked, thus reflecting the actual interactions of individual capacities and social contexts.

For his part, Drerup develops a critique of a hot topic in Nussbaum’s approach, namely the incompatibility of perfectionism with political liberalism. In his article “Liberalism without Perfection? Autonomy, Toleration and Education in Nussbaum’s Capability Approach”, Drerup reflects on the problem of keeping the capabilities approach free from perfectionism, as Nussbaum argues, while it continues to fall into those premises as a normative theory. Drerup offers a sharp critique of the CA, pointing out the need to rearrange its justificatory framework. In his view, this step is necessary in order to surpass and unravel the main tensions resulting from Nussbaum’s attempt to make her version of political liberalism compatible with her core assumptions regarding the CA. He starts with Nussbaum’s defence of anti-perfectionism in education, making explicit the fact that her rejection of education for personal autonomy as a reasonable policy aim of liberal states entails indefensible implications and implausible assumptions in both normative and meta-ethical fields, as perfectionism is actually the base of her defence of education for tolerance and equal respect. Likewise, his article illustrates how Nussbaum’s attempt to combine resources from incompatible frameworks may lead to a new waterfall of theoretical challenges when it comes to maintaining consistency among diverse premises. Finally, he brings into the discussion the fact that the CA should face a crossroads and decide whether it should advocate for a pure political liberal justification or, rather, support Nussbaum’s anti-perfectionist approach, given the high cost of the first option.

Shifting attention now to the applied part of this special issue, we present three articles on children’s right to love, children’s right to asylum, and girls’ sexual and reproductive rights.

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Firstly, Cabezas presents the debate on children's right to love, combining the CA and the theory of attachment as two theoretical resources to make the debate move forward beyond the pro/contra phase. Throughout her article, entitled "The Right to Love during Childhood and the Capability Approach: Beyond the Liao/Cowden Debate", Cabezas suggests that the main challenge lies in the lack of precision regarding the human affective dimension, as also happens with Nussbaum's so-called capability of emotions, mixing terms such as love, care, or attachment.

Thus, in the interest of a functional theory of social justice, Cabezas argues that the capability of emotions should be translated into a capability of loving well and being well-loved. She claims, therefore, that children should have the right to be provided with (i) healthy secure attachment, (ii) positive self-esteem, and (iii) well-tuned emotional and social competences. In doing so, the vague formulation of a right to be loved can be overcome. Finally, and before suggesting some cost-effective measures that might derive from it, Cabezas advocates realising the right to be well-loved and to love well through these three concrete competences as a way of also granting other basic capabilities on the one hand, and as a matter of social justice on the other, since such a right would fulfil the criteria of objectivity and social changeability.

Secondly, in his article, entitled "Children's Rights to Asylum and the Capability Approach", Josefsson delves into the problem of child migration as a topic that political theory seems to have disregarded. Josefsson defends the CA as a promising theory in this regard, as it takes into consideration children's interests and provides wellbeing thresholds securing a minimum level of social justice for them. Nevertheless, his article also points out some limitations of this approach with respect to the debate on children's right to asylum. Josefsson underlines three main challenges that the capabilities approach should confront, namely, (i) national interests in matters of immigration control, as children's right to asylum is a highly political problem, questioning current international political organization, and legal systems; (ii) how to determine and justify

a concrete list of capabilities for children, taking into consideration their interests and agency; and (iii) how to realise a moral theory of capabilities in the international political scenario.

As a result, the capabilities approach should, according to Josefsson, clarify whether its normative suggestions apply at a national level or, on the contrary, refer to a global society; it should also address the question on how to define children's capabilities in a political sense and make them liable in a democratic context; finally, it should deal with the question on how to make, on the one hand, the universal rights of the asylum-seeking child as a political subject compatible with, on the other hand, collective rights such as the right to self-determination of nation states.

Thirdly, Triviño's contribution explores the CA from a gender sensitive perspective and deals with a gap in the CA related to girlhood and sexual and reproductive rights. "Young Bodies, Small Minds? Applying the Capability Approach to Girls' Sexual and Reproductive Rights" aims to provide an accurate theoretical approach to girlhood in this regard. In order to do so, Triviño highlights the double vulnerability of girls, as females and children, and analyses the contextual struggles that girls commonly face when it comes to making their own decisions with respect to their sexual and reproductive life. From this starting point, Triviño advocates for the CA as an appropriate theoretical background to provide tools for implementing girls' rights. She argues that some of the central capabilities will be negatively affected by a lack of respect for sexual and reproductive rights already recognized on paper. In doing so, she claims that an adequately settled sexual health care service, as well as the implementation of precise sexual education, would work as 'conversion factors' in order to guarantee justice for girls, especially because both measures recognise and increase girls' agency. As a consequence, Triviño justifies why parental rights should not overrun a girl's bodily integrity and agency. Thus, Triviño criticises the widely accepted prejudice against children's ability to define preferences and make decisions, which is even sharper with regard to girls, and points

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out the contradictory social beliefs and assumptions when it comes to girls' sexual and reproductive decisions.

Finally, we close this special issue with a case study on disadvantaged children in Iran. Yousefzadeh and Gassmann's article, entitled "Local Needs and Global Indicators: A Contextual Approach to Multidimensional Child Deprivation", combines the CA and Human Rights discourse in order to define different dimensions of child deprivation in Iran after the 1979 revolution as a way of reflecting children's basic needs. Their multidimensional analysis of child deprivation shows, firstly, the importance of providing a definition of childhood to study a specific context, as the political changes in the case of Iran led to an ideologically influenced definition of childhood based on Islamic law, which, in turn, directly affected children's rights in terms of gender biases. Secondly, after presenting evidence in this regard, the authors advocate for the importance of finding working definitions for the various dimensions involved in deprivation during childhood, taking into consideration the historical and political context as a key factor for ultimately implementing children's rights. In this sense, Yousefzadeh and Gassmann introduce the relevance of being context-sensitive into the discussion, as the CA is, in order to avoid instances of injustice resulting from a blind application of a universalistic theory of justice.¹

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