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## **Children's Rights and the Circle of Caring in a Time of War**

**James Garbarino, PhD**

Watching the world try to make sense of the killing of so many children in the Hamas/Israel war, reminds me that the moral foundation for killing children for political purposes and “ideals” has never been captured better than by the 19th century Russian novelist Fyodor Dostoyevsky, when he put these words in the mouth of a character in his book, *The Brothers Karamazov*: “Imagine that you are creating a fabric of human destiny with the object of making men happy in the end, giving them peace and rest at last, but that it was essential and inevitable to torture to death only one tiny creature - that baby beating his breast with its fist, for instance - and to found that edifice on its unavenged tears, would you consent to be the architect on those conditions?” Hamas said “yes” on October 7, “yes, slaughtering dozens of children in Israel is worth the moral cost, because it is necessary to lead to the obliteration of the Jewish State of Israel and the

coming to fruition of the Palestinian homeland.” In the days and weeks that followed, the State of Israel also said “yes, it is worth killing thousands of children in Gaza, because it is necessary to lead to the obliteration of Hamas and the protection of the Jewish homeland.” In my experience, the righteousness of their cause always allows those who kill children to justify it—whether it be the dozens children intentionally slaughtered by Hamas on October 7 or the thousands of Palestinian children incidentally slaughtered in Gaza in the days and weeks that followed. Noting that the distinctions between “intentionally” and “incidentally” and “dozens” versus “thousands” are morally important and relevant distinctions is not enough, however. In every instance of political violence, whether it be terrorist acts by Hamas that target children or bombing campaigns by Israel that result in massive “collateral damage,” leaders are always tempted to answer “yes” to Dostoyevsky’s question, “Would you consent?” They justify and rationalize their “yes” vote precisely along the lines that Dostoyevsky suggested.

They are willing to decide that despite its costs in children being injured, maimed, terrorized and killed, this act of violence is necessary because by engaging in such policies and actions they “are creating a fabric of human destiny with the object of making

men happy in the end, giving them peace and rest at last.” Just this one time, they ask, suspend your moral objections to the torture of children in the name of the greater good, the higher principle, national honor, liberation from oppression, defense of the homeland, or “secure borders.” Just this once. And just this time. And just in this case. But it never ends.

No discussion of the human rights of children can proceed until this point is swallowed, digested, absorbed, and then analyzed in depth. Without it, child protection is always a hollow reed in the political arena of competing nations, competing ideologies, and competing historical narratives. And no conflict better exemplifies the difficulty of sorting out moral truth amidst competing narratives than the Israeli/Palestinian conflict. For example, while Israelis celebrate the birth of the Jewish State of Israel in 1948, because it provided a safe haven for Jews in the wake of the Holocaust, Palestinians mourn what they call the “The Catastrophe,” because it involved the permanent displacement of 700,000 Arab people (half the Arab population of Palestine at that time).

I am no stranger to killing, in all its forms. I began my career dealing with issues of child protection, domestic issues of child

abuse and neglect that often result in dead children. For the past 30 years I have served as a psychological expert witness in murder cases—some 350 of them and counting (as recounted in my 2015 book *Listening to Killers*). What is more, I have done work on behalf of children and youth living in war zones—around the world and in American cities (as dealt with in my 1991 book *No Place to be a Child: Growing Up in a War Zone*). Thus, I am no stranger to what a prosecutor of my acquaintance calls “living with the stench of death.”

The Hamas attacks on Israel on October 7, 2023, and the carnage in Gaza that followed resonated with me emotionally and intellectually because of who I am and where I have been. For a period of years starting in 1985, I visited the Middle East to observe the lives of children and youth growing up amidst ongoing political conflict and violence, including Kuwait and Iraq after the first Gulf War on a mission for UNICEF, but especially Palestinian and Israeli kids, in a multi-year research and development project. I have been to Gaza (including the hospitals that are at the center of the humanitarian crisis), and I have spent time in Israel from north to south and east to west. And, I have visited refugee camps and towns in what the world knows as “The West Bank” and in Israel is called Judea and Samaria. I have had

friends on “both sides,” and as someone professionally and personally committed to the cause of child protection (I was the founding Director of the Center for the Human Rights of Children at Loyola University Chicago), I am deeply disturbed by what is happening, and how it is being processed at the intersection of politics and morality.

The politics of public policy often offer a window into the soul of the society in which they are embedded. But they also often reveal something profoundly primal about human psychology. The crisis for children posed by the war between Hamas and Israel is revealing in just this way. It puts on public display the human scope of moral values “on the ground.” It comes down to deciding who is eligible for absolute moral concern and who is not, to whom does moral content apply and to whom not. I call this the circle of caring.

We can start from the fact that evolutionary psychology pushes us towards a small circle of caring. In the strictest evolutionary terms, this means a morality relevant only to our particular gene pool. This certainly includes our families, for most people most of the time. The principal exceptions to this evolutionary imperative are generally psychopaths, who care for no one, and therefore for

no one's future except, perhaps, their own. Psychopaths may appreciate the inheritors of their genetic heritage, but only in the narrowest, most primitive way, and generally with a strong narcissistic element-- pride in passing along their genes at the expense of everyone and anyone else.

The commitment that "normal" people have to "family" is, from the perspective of evolutionary psychology, arranged in a precise descending order across extended family as a function of relative genetic overlap. Thus, our own biological children have a higher moral priority than our nieces and nephews, who have in turn a higher priority than the children of unrelated persons. This hierarchy is rooted in evolutionary selection, but remains embedded in contemporary human consciousness.

But evolutionary psychology does not stop there when it comes to considering a broader circle of caring beyond the genetic family—call it altruism, if you will. It acknowledges the existence of a self-interested commitment to members of their own

community, on whom they depend for survival (and thus for the survival of their genetic heritage as part of their gene pool). Thus, there is an evolutionary foundation for an "us" that is broader

than immediate family and community. Beyond that? There is only “them.” Evolutionary psychology cannot take us much beyond that, and certainly not to a globalized circle of caring in which the entire human gene pool is our moral concern. This is because psychology in the evolutionary period that many thousands of years ago produced the “caveman brain” that all contemporary humans share, did not involve much beyond family, clan, tribe, and community—and perhaps eventually, race—as in the case of Neanderthals v. homo sapiens.

Thus, any effort to expand our circle of caring when it comes to children in Israel and Gaza requires an “unnatural act.” It requires everyone to define their children as our children, to include all children in their circle of caring. Looking back historically in the Middle East presents a special set of challenges to accomplishing this because virtually every aspect of the narrative (historically and contemporaneously) is contested. Even people of “good will” on both sides struggle to find a way to reconcile what is done in their name with their basic moral principles, and each side’s narrative offers some moral comfort. In my experience (and in the reports of researchers who have studied these situations more systematically) only extremists on both sides are fully content, because only extremists can live comfortably with the

demonization of the “other,” of the categorical divide between “us” and “them.” Nuance is often a casualty of war, and so it is in the Israeli-Palestinian conflict.

The widespread outpouring of emotional and moral indignation among Israelis for “their” dead and maimed children, and among Palestinians for “their” dead and maimed children in Gaza is a “no brainer” in an evolutionary sense. However, there is a “higher” calling that emerged as a human tradition, and it is to that higher calling that we are called. Contemporary human behavior reflects, in large part, a struggle between the impulses of our caveman brain—the brain that evolved many thousands of years ago—and our capacity for humanistic psychology—the consciousness that enables and arises from advancing civilization, reflection, spiritual inspiration, and profound introspection, what Abraham Lincoln famously called “the better angels of our nature.” As noted earlier, the evolutionary psychology that comes with our caveman brains pushes us towards a small circle of caring—genetically “us.” In contrast to evolutionary psychology, humanistic psychology aspires to a circle of caring that extends beyond the individual’s narrow gene pool. It seeks to create a moral space beyond self-interest, and even beyond the altruism of indirect genetic self-interest, to the human rights of children, regardless of whose



children they are. The global community must choose between the primitive thinking of tribe and race of the caveman brain, and the humanistic mind and heart that transcends evolutionary psychology. The latter is evident in expanding circles of caring to global proportions by building upon “traditional” (particularly Western) higher values like justice, liberty, and equality, and upon “universal” values like caring for children: an absolute and unflinching commitment to the human rights of children is the foundation for child protection.

One impediment to the humanistic development is the fact that “global sociopaths” play a significant role in the political life of societies in the Middle East and around the world. While true psychopaths are rare, and have virtually no circle of caring at all, sociopaths are more common, and are distinguished by the fact that they do have a circle of caring—albeit very small-- in which they may operate “morally.” However, outside that circle they demonstrate the same moral insanity that is at the core of being a psychopath. Compounding the fundamental problem that arises from evolutionary psychology is the “add on” of bigotry—on both sides, be it antisemitism among Palestinians who call for the obliteration of the Jewish State (as some Palestinian leaders have done) or an ideology of cultural superiority that defines the

conflict as one between civilization and barbarism (as some Israeli leaders have done). This kind of bigotry offers exactly the justification “good people” need to make peace with killing the enemy’s children. And there is more. I have learned in all these contexts that we need to go beyond the narrow clinical issues of PTSD—Post Traumatic Stress Disorder. We must appreciate the broader cultural and developmental effects that chronic trauma of the kind experienced in the conflict between Israel and Palestine can have on consciousness – Post Traumatic Stress Development. Terrorists are often recruited by promising them that the traumatic injuries they and their people have experienced will be remedied by acting out violently against those who they are taught are the source of those traumatic injuries to self-concept, emotional safety, and physical well-being.

Evolutionary psychology naturally breeds global sociopaths because it offers a brain inclined to embrace only those who are inside a small circle of caring. Israelis and Palestinians – and their supporters--can do so without sacrificing or even compromising their “values,” by virtue of the fact that their circle of caring does not include the children of them. Once they accept the proposition that these are not “their” children, the moral battle is already lost. “Imagine that you are creating a fabric of human destiny with the

object of making men happy in the end, giving them peace and rest at last, but that it was essential and inevitable to torture to death only one tiny creature - that baby beating his breast with its fist, for instance - and to found that edifice on its unavenged tears, would you consent to be the architect on those conditions?"

Would you? Will we?

*James Garbarino, PhD is Emeritus Professor of Psychology at Cornell University and Loyola University Chicago. Among his 26 books are No Place to Be a Child: Growing Up in a War Zone (with Kathleen Kostelny and Nancy Dubrow) and Listening to Killers. In 1988, he received the American Humane Association's Vincent De Francis Award for nationally significant contributions to child protection, and in 1989, the American Psychological Association's Award for Distinguished Professional Contributions to Public Service. In 2011, he received the Max Hayman Award from the Global Alliance for Behavioral Health and Social Justice for contributions to the prevention of genocide.*