

Childism, Intersectionality and the Rights of the Child

The Myth of a Happy Childhood

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Chapter 2

Childism

To study the unbearable in the everyday

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2 Childism

To study the unbearable in the everyday

2.1 Children's rights are human rights

Discrimination against children does not exist, not in my vocabulary.

Adult ignorance

This made-up quote serves to illustrate the possibility of a continued adult ignorance toward discrimination against children. When age-based forms of oppression are not named as such, adults may be ignorantly implicated. The existence of overlapping discriminatory structures leads to children seemingly having fewer rights than adults, lack resources and avenues for political influence, and suffer widespread domestic violence not punishable in most countries. By adding the layer of childism to intersectional studies, we may illuminate different forms of adult ignorance toward recognizing historical and present-day structural injustice regarding children's rights. The bias that children face leads them to be misrecognized, be rendered invisible, and suffer harms accompanying epistemic injustice, such as not having one's voice being heard, not being taken seriously when talking about the injustices caused to them, of not taking part in decision-making that will affect one's life, or not receiving either recognition or compensation for harms caused. The influence of adultcentrism in epistemic injustice includes miscommunication with children, inaccurate judgments about children's intents and motivations, misuse of power to limit children's self-determination, and undermining the strengths and competencies of children. In this chapter, age-related prejudice and discrimination facing children will be discussed in terms of childism and how such prejudice is infused with other types of prejudice.

Intersectional child rights violations

Given that children are prejudiced against and constitute not a homogenous but a heterogeneous group, it could be assumed that discrimination against children stems from different prejudiced discourses and systems driven by prejudice. If this premise holds, it would be important to explore age-based

prejudices and discrimination against children through intersectional analysis of how childism intersects with racism, sexism, and ableism in instances when children's rights are violated or ignored. This book explores non-ideal situations during childhood when children seem disadvantaged in different ways that could be connected to different forms of discrimination. This presumption leads to discursive shifts in how limitations concerning children's rights are being understood; it could, for example, be assumed that children who suffer from structural discrimination become a convenient target for adults who feed off the effects of social injustice, such as child-traffickers, child-recruiters in war, and distributors of child pornography. This shift toward a social justice vocabulary on child rights violations provides a sharper analytical tool in intersectionality than what more elusive concepts like 'vulnerable children,' that we see normally connected to preventive work on children's rights, offer.

Addressing overlapping discrimination against children and turning our focus to how different forms of prejudice feed into each other against a child would thus be an important discursive shift in understanding the hindrances against the implementation and social and political realization of children's rights (See Adami 2023).

The implementation of the rights of the child on a national, state, and municipal level has hitherto been the responsibility of 'family and social welfare' for 'children in need' and within the ambit of 'mother and child care.' Such labels seem to conceal (a) the individual child, (b) that ensuring a safe home for a child is not just a question of working with needs but with safeguarding human rights, and (c) that the rights of the child may be different to and, perhaps, in conflict with the rights and interests of a guardian. (On how children risk being overlooked through the notion of 'familization' and how children are rendered invisible in families needing economic support by social services in relation to welfare rights, see Leviner and Holappa 2023.)

Institutions such as hospitals, schools, social services, child psychiatry, and sports centers have an important function in realizing children's right to health, to education, to a home, to mental health, and to leisure as well as in reporting circumstances in which children's rights may be violated. The professionals working within these institutions could thus be regarded as human rights advocates for children's rights, although in many instances today, their role as such may not be made explicit. The realization of the child's right to education, health, and housing may instead be described in management terms, in which frontline workers are regarded as 'administrators,' 'service workers,' 'managers,' or 'administrative service managers' and parents and children are addressed as 'customers,' 'users,' and 'clients,' Acknowledging what instances are realizations of the rights of the child and what constitutes violations of children's rights requires discursive shifts among professionals who work with children:

It requires a paradigm shift away from child protection approaches in which children are perceived and treated as 'objects' in need of assistance rather than as rights-holders entitled to non-negotiable rights to protection.¹

To use human rights vocabulary in organizations, institutions, and bodies affecting the rights of the child would require familiarity with the Convention on the Rights of the Child (CRC), with relevant national legislation concerning civil rights and with best practice for active child influence. If we presume that adults working with children's rights have best of intentions, then what may be the structures and systems in place that interfere with good intention, turning child rights advocacy into such a challenging and troublesome space?

In examining the ways in which adult-run interventions to protect, respect, and enable the rights of the child stumble in its execution, this book focuses on two underexplored perspectives: An analysis of how childism stands in the way of the implementation of children's rights and freedoms and an intersectional perspective on the rights of the child which addresses all individuals in the diverse group of 'children.'

An adult human rights frame?

Childism as infused by racist, sexist, and ableist prejudice and discrimination can be explored through critical race theory, gender studies, and critical disability studies using an intersectional lens (see Chapters 3–5). Childism as a critical child rights concept in intersectional studies draws on the work of Elisabeth Young-Bruehl (2012) which should be distinguished from the use by John Wall (2010) who, in referring to feminism, describes childism as a children's revolution for equal rights. In contrast to Wall's claim that we should not conceptualize childism as prejudice and discrimination against children because such a concept would lack an affirmative potential and would reify the oppression of children by naming it, this work connects studies on racism, sexism, and ableism arguing that it is precisely by addressing the prejudice behind oppressive systems and how these are socially constructed, by studying their rationales, and by mapping the human rights violations stemming from them which enable us to analytically dismantle how difference among people has been used to justify oppressive forms of power relations. It would not be enough to say that there exists a power structure based on a social construct by which 'white people' are in a power position in relation to 'people of color' without addressing racism. Likewise, merely stating that adults are in a power position of domination over children (adultism) will not point to the actual oppressive mechanisms and beliefs sustaining this social inequality. The exploration of childism through its intersections with racism, sexism, and ableism discloses adult normative social structures and discourses that sustain adult oppressive forms of domination (adultism). Childism upholds adultism as sexism upholds a gendered power order and racism upholds a racialized power order.

Wall motivates the relation he draws between childism and feminism in calling for a theoretical framework that approaches 'children as not just objects but also subjectivities that creatively challenge engrained normative assumptions' (Wall 2019, 12). Conceptualizing childism in relation to racism, sexism,

and ableism has that potential, I argue, as it additionally fills the need to conceptually challenge adultism (adult oppressive domination over children) and adultist norms (that disregard children's lived experiences and voice) (see Lundy 2023 on adultism and children's rights). In childhood studies, including the voices and experiences of children is seen as integral to critical child theory while child participation and voice is essential to critical human rights studies on children's rights (Alanen 2011; Reynaert et al. 2015; Mayall 2015). I argue that in order to create spaces for diverse children voices to speak for themselves, the needed exploration of discrimination and prejudice against children will build awareness of oppressive systems that today hinder children to be heard on more child-equitable terms. By connecting the shared ambitions in critical human rights studies and critical childhood studies, I seek here to develop conceptual tools for analyzing the many ways in which children are marginalized and what social myths, prejudice, and discourses need to be questioned and denounced in order to reconceptualize human rights in more child-equitable ways. (*Child-equity* is fairness of treatment for children according to their needs. This may include equal or different treatment according to what would be considered equivalent in terms of children's rights and in avoiding reifying *childist* stereotypes and *adultist norms*.) As Nourhene Dziri notes on the opposite usages of childism by Wall and Young-Bruehl and adultism in earlier work by Peter Hunt (2008),

(...) despite the underlying disagreement on the terminology, both the works of Young-Bruehl and Wall along with earlier works of Peter Hunt (...) demonstrate a clear shift towards the disruption of the widespread prejudice against children.

(Dziri 2022, 19–20)

In exploring what the realization of the rights of the child means in terms of social justice, it is crucial to develop a critical framework that encompasses children's difference and marginalization relative to adults. Adult normative ideas on rights can, for example, be illustrated by the work of John Holt (2013 first published in 1974), who in the 1970s advocated for the abolishment of childhood and for granting children all the rights of adults—including sexual freedom and 'the right to use drugs.' The aim to place the rights of the child in the context of a human rights framework that extends current notions of 'citizen rights'² should not be conflated with treating children 'as adults' if we seek to question the idea that the rights-holder can only be 'as an adult.' Vanobbergen (2015) similarly notes the risks of viewing children's rights through adult-centric ways since children as a minority have other rights and can interpret their rights in opposition to what he refers to as an 'adultification' currently dominant in the discourse on children's rights (2015).

Theories that take an adult frame on human rights reflect ideas that adults are the norm and disregard how individuals are entitled to additional rights and freedoms during childhood due to children's specific conditions relative to

adults. Only extending adult rights to children without addressing instances of harmful adult domination over children will generate more human rights violations of children. Sweden, for example, has been criticized by the UN Committee on the Rights of the Child (UN CRC) for a lack of proper protection in its national legislation against the sexual exploitation of children by adults. All Member States that have ratified the CRC submit regular reports to the UN CRC on measures that have been taken in all fields (legislation, policies, cooperation with non-governmental organizations (NGOs), and so forth) to implement the rights of the child and the two optional protocols on involvement of children in armed conflict and sale of children, child prostitution, and child pornography. The recommendations given by the Committee on these reports will provide anyone concerned with the rights of the child with a better overview of the areas in need for improvement, which can be found by searching for the concluding observation for the concerned country (except for the United States, which is the only Member State to the UN that has not ratified the CRC). Strengthening legislation and policies on the rights of the child would provide a protective framework for children. However, enforcement of laws and regulations will continue being obscured by the unequal power position between an adult and a child. The legal age (15) for having sex in Sweden, for example, can endanger children younger than 15 ‘looking older’ in the eyes of adults having sex with minors and who will give this justification of legally sound intent to protect their own interests. If the definition of a child—as through the international human rights framework—is anyone under 18, legislation to protect children from sexual exploitation by adults should take not only age into account but the many ways in which children suffer from their unequal position in relation to adults. The debate between children’s rights theories that take child liberationist or child protectionist approaches continues, and this work on childism and intersectionality is situated in conversation with both these perspectives as discrimination against children can be in the form of over-protection or in the lack of acknowledging children’s unique socially dependent position relative to adult caregivers in need of special provisions and support. A difference-centered child rights theory encompasses both these perspectives as motivated by children’s uniqueness (see Moosa-Mitha 2005 for such a contemporary discussion).

Overlooked violations and neglected statistics?

In order to question an adult human rights frame, we need to grasp the scope of limitations that prejudice and discrimination against children have on their rights and freedoms. One of the greatest challenges to this end is the lack of statistics concerning violations and crimes against children. In its General comment No. 13 (2011) on *The right of the child to freedom from all forms of violence*, the UN CRC states that ‘Child death reviews, critical injury reviews, inquests and systemic reviews must also be taken into account when identifying the underlying causes of violence and in recommending corrective courses

of actions.³ More comprehensive statistics is needed to identify root causes of the number of violations of children's rights that have been overlooked leading to neglected facts about violence against children. Statistics could help answer how many children worldwide die of parental neglect and abuse, including not being taken to hospital, not being given appropriate food, being abused, and neglected; the number of children around the world who are subjected to physical and sexual abuse by relatives and close family members; the real number of children who suffer from depression and post-traumatic stress as a result of domestic abuse; and a better estimation of how many children (aged 0–18) are given medication or take drugs in order to deal with overlapping discriminatory structural, economic, social, and cultural problems.

Critical child rights theory on childism and intersectionality opens up a reflective space on hitherto possible instances of intersectional discrimination against children in the attainment of their basic rights, for example, regarding the widespread failure to ensure all children the right to quality education. Defined in the terms used in General comment No. 1 on the aims of education, the UN CRC states that 'The aims [of education] are: the holistic development of the full potential of the child, including development of respect for human rights, an enhanced sense of identity and affiliation, and his or her socialization and interaction with others and with the environment.'⁴ The last question about equal access to quality education would include statistics on children who are not taken to school, those who are home-schooled, and those who do not receive an education equal in quality to that offered by better funded or pedagogically invested public or private schools, as well as children discriminated at school for social, economic, ethnic, and religious reasons to be answered. There is a dire need for local, national, and global statistics on these, and many more, human rights violations concerning children.

If children do not have access to police services, they will have less opportunity to report abuse, and if they are not taken seriously when they do seek help, this leaves policymakers, legislators, and professionals who work with children's rights with merely 'hidden statistics' not easily translated into numbers that testify to the seriousness of the situation.

Children have, according to Article 8 in the CRC, the human right to an identity⁵, by being registered as a citizen at birth as well as being given a name. When such a basic human right is not implemented, as for children born in refugee camps, on the streets, in slums, and in marginalized neighborhoods, children are left in lawless circumstances where the human rights abuse they might suffer risks not being reported. In addition to children spending their childhoods in uncertain legal spaces, several legal paradoxes exist by which children lack rights but are given responsibilities and which would benefit from being analyzed through an intersectional understanding of childism. One example of a legal paradox children subjected to court find themselves in concerns their status as 'semi-subjects' in relation to the state. How come children under 18 are not allowed to vote, but held legally responsible from much lower ages in most countries?⁶ What prejudiced views of children seem to justify this?

Reading the lack of implementation and enforcement of the rights of the child through the ways in which childism intersects with racism, sexism, and ableism, this book focuses on the role of prejudice, stereotyping, and structural discrimination against children that lead to human rights violations. Age-based discrimination and its consequences are revealed in non-ideal situations (for a discussion on how childism seems to have increased during the COVID pandemic lock downs, see Adami and Dineen 2021).

In 2018, only 53 countries out of 195 in the world had laws against the corporal punishment of children by their legal guardian. How can the remaining 142 countries deem it legal for an adult to hit a child? Intersectional studies incorporating childism as another oppressive layer of discrimination cannot explain the existence of violence against children *per se* but enable conceptualizing prejudiced rationalizations that keep the adult community from interfering when children suffer. Such critical lenses are needed in order to explore structural discrimination against children. An apparent contradiction in childist reasoning is that while children are taught by adult professionals in school not to hit those who are smaller than them and never to turn against those who cannot defend themselves, both teachers and parents in several countries are legally allowed to turn on children, who are smaller and cannot defend themselves. An anti-childist lens reveals commonly held problem-formulations of ‘dealing’ with children who ‘act up.’ What consequences have racist, sexist, ableist, and childist-infused definitions of a child had in terms of the access to justice for children? Have children’s narratives as ethical subjects and rights subjects in fact been silenced in historical accounts and their struggles overlooked?

Acknowledging the existence of childism casts commonly held assumptions about children in a new critical light: To re-think ontological assumptions—what is a child’s place in the world as citizen and as rights-bearer?—and epistemological assumptions—what knowledge do we assume we have about the emotional, cognitive, and social development of ‘the child’ when problematizing ideas of sameness that influence theories on equality and justice?

New problem-formulations on the hindrances against realizing children’s rights would be essential in order to acknowledge structural injustice against children, since the way research problems and questions are formulated determines the methods, analysis, and result of any child-right investigation. An intersectional framework is needed to reckon with the fact that the implementation and realization of children’s rights maintain to be one of the weakest chains in the human rights scheme.

To theorize prejudice and discrimination against children

Childism was first coined by Chester Pierce and Gail Allen in an article entitled ‘Childism’ in the *Psychiatric Annals* 1975 and described as ‘universal oppression [consisting] of anti-child attitudes and practices’ (Chester and Gail 1975). Paul Adams (2000) traces in a publication from 2000 infanticide and the high

rates of child and infant mortality to childism, their occurrence being examples of the oppression of children. Adams argues that the widespread practice of child-battering and physical abuse, corporal punishment, abandonment of children, and neglect can be related to childism. Defending children's rights, he asserts, interferes with parental rights or family values that hitherto have made it possible for adults to dispose of babies and 'unwanted' children without legal interference.

Elisabeth Young-Bruehl published in 2012 a book on childism as prejudice against children. In her work, Young-Bruehl (2012) explores childism in relation to child abuse in how prejudice against children is based on the view that they belong to grown-ups and as such can or should be controlled, enslaved, or removed, depending on the needs of the adult.⁷ In developing the concept of childism, Young-Bruehl (2012) tells the story of Ana, who during psychoanalytic treatment gave accounts of childhood abuses and the negative beliefs that had been held about her as a child. Her story was one of multiple abuses and multiple abusers and, for Young-Bruehl, it became important to comprehend how guardians and parents could turn against their children and how children would internalize negative beliefs about themselves. In her professional role as a therapist, Young-Bruehl encountered children who had been abused and who lived in multiple ongoing situations of abuse and neglect. However, Young-Bruehl indicates that programs to help children in the United States had had too limited an approach, by addressing only one type of abuse at a time. According to Young-Bruehl, children who are physically abused (whether sexually or otherwise) generally suffer from neglect and emotional abuse, too. The environment around the abused child enables or contributes to the abuse. In order to consider children's narratives of abuse, it would therefore be important to comprehend the whole picture: that psychological and emotional abuse is connected to physical violence, sexual abuse, and neglect of children. Neglect, according to the UN CRC, 'means the failure to meet children's physical and psychological needs, protect them from danger, or obtain medical, birth registration or other services' when able to do so.⁸

In her sessions with Ana, Young-Bruehl witnessed that Ana had internalized the explanations and justifications given by adults for the abuse. Ana had come to think, as children who are being abused may do, that it was something about her that made the abuse occur. Young-Bruehl is, in her work, critical of the explanation-models that guardians, parents, and other adult figures in children's lives use to defend their abusive actions toward children. These rationalizations only serve a purpose for the abuser and are, according to Young-Bruehl, based on widespread prejudice against children.

One of the conceptual problems, according to Young-Bruehl, with prejudice is that these discourses, like racism and sexism, are often defined in a circular way: 'Sexism is discrimination against women based on sex.' The definition points to the biological differences between men and women; yet any presumed biological difference does not explain the rationale for

prejudicial treatment. Young-Bruehl questions what would happen if we instead asked ourselves: What purpose does prejudice against women serve? It is not the presumed difference between ‘men’ and ‘women’ that constitutes a problem but the prejudice about what that difference means. The focus in studies on racism, sexism, ableism, and childism is not necessarily the questioning of whether physical differences exist between different ethnicities, men and women, people with varied abilities, or adults and children. Rather, studies on racism, sexism, ableism, and childism examine what oppressive purposes prejudice—based on beliefs of difference-based inferiority—serves for those who hold such prejudice.

Young-Bruehl’s problematization raises, among others, the following question: What if we instead defined sexism as ‘discrimination on the grounds of beliefs about the sexual difference and inequalities of people, especially females’? This question turns the attention not to difference per se among people as a reason for discrimination but to people’s beliefs about inequality in relation to, for example, sexual differences. This shift in focus frames sexist prejudice as a set of beliefs that people hold about sexual difference, which can lead to discrimination against both women and men, against men who act ‘like a woman’ or identify as female, against homosexual men and boys, and toward transsexual persons. Prejudice, as such, fills the purpose of upholding privilege and legitimizing discrimination.

The multi-abuse, multi-abuser scenes that Young-Bruehl faced through her patient’s narratives, she writes, could be so terrifying that they defeat a holistic understanding of the child’s situation since psychiatrists, social workers, and teachers who listen to children’s trauma may experience secondary traumatic stress that prevent them from addressing the power structures that enable the abuse of children to occur (see further Rae Jenkins and Baird 2002; Kellog et al. 2018). Drawing attention to childism, nonetheless, requires structural studies into the abuse and discrimination of children as a marginalized and heterogeneous group. The justifications and rationalizations for continued oppression and structural discrimination against children are through this lens expressions of childism. Causes to depression among children and other mental health issues in teenagers and young adults could also be traced to more structural problems connected to childism. Children can during childhood cope with the most extreme of circumstances but abused children may experience a kind of collapse at a later time in life when their surrounding conditions are safer. One way that children cope with neglect, mental and physical violence, and abuse is by disassociating from the actual abuse (zoning out, distancing their minds from their body, or focusing on small details in their surroundings to distract them from the situation) as a kind of protective mechanism (Urquiza and Winn 1994; Brown, Yilani, and Rabbitt 2023; Radford et al. 2011)—a protective mental safeguard that makes it more difficult for children who experience abuse to be viewed as credible witnesses (discussed further in Chapter 3). Dissociative patterns among teens can be visible in face of stress

or flashbacks, in which the child gazes into the distance or is not responding to sound and stimuli in the present. A person whose dignity has been violated in childhood can experience hysterical meltdowns when their dissociative defenses are no longer up, which can lead to mental health issues (see further Roth and Lebowitz 1988). As studies on sexism have generated understanding of gender-based violence, childism adds an age-based layer to sexist beliefs and power structures against a child who may suffer in distinct ways from sexism and gender stereotypes during childhood.

Young-Bruehl dismisses claims that there is evidence and a basis for legitimizing prejudice and discrimination toward children that would justify oppression and violence against them. Children's physical size and their cognitive and communicative capabilities are not legitimate reasons for stereotyping or disregarding their rights.

Young-Bruehl correlates three forms of prejudice—racism, sexism, and anti-Semitism—with adult fantasies and enactments of power over children. She describes childism as a social construct in which prejudice can be used in its extreme forms to legitimize oppression by adults and parents who abuse children physically, emotionally, and mentally. Sexist forms of childist attitudes hold that

Children (and this child) are threatening and disobedient and should be controlled, indoctrinated into a cause or a religion, forced to assume an identity, kept from overthrowing or supplanting adults, kept from asserting their rights over or against their parents' rights.

(Young-Bruehl 2012, 36–37)

Prejudiced attitudes against children serve the interest of adults by legitimizing unlimited control over children. As noted, childism drawing on Elisabeth Young-Bruehl should not be confused with John Wall's usage of childism referring to a positive agentic usage of children's own activities and voice, similar to feminism. Adultism refers to adults' position of oppressive power and, like other positions of power in studies on racism and sexism, adultism constitutes a crucial power-dimension of the system of childism. Ageism, in contrast to childism, refers to discrimination of elderly people. Young-Bruehl argues that as conceptualizations and studies of racism have contributed to a better understanding of other forms of prejudice and discrimination such as sexism, both racism and sexism can contribute to a better understanding of childism. The drafting of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW; adopted in 1979) drew in part inspiration from definitions in the preceding Convention on the Elimination of Racial Discrimination (CERD; adopted in 1965) (Chesler 2022).

Childism, racism, and sexism intersect when children suffer from white supremacy, adult supremacy, and male supremacy (to be further discussed in Chapters 3 and 4). In contrast to ideal theories on human rights that are based

on set assumptions about certain moral and just conditions in society, critical child rights theory on childism, racism, sexism, and ableism concern the non-ideal situations in which children's rights, integrity, and agency are violated.

The need to theorize childism

This work advances critical theory on childism in relation to the rights of the child. Childism is best understood in relation to other interlocking systems of oppression, in which patriarchal and colonial systems strike hard against children. Racism, sexism, and ableism interrelate with childism in how they describe mechanisms of social segregation to shed light on different forms of prejudice and discrimination against children. It is important not only to describe multifaceted childism, but to connect the rationale of prejudice against children to unjust constructions in society, in which oppressive power relations between adults and children are upheld and maintained through violence. Children are attributed certain characteristics as a group and denied others by adults. The categorization of 'children' may serve racist, sexist, and ableist beliefs. Adulthood constitutes the norm when a 'child' is defined through the adult/child binary. The 'child' is then positioned as the default defined in opposition to 'adult' by which childhood becomes merely a stage toward what it means to develop into adulthood. My own positionality as adult and thus part of the prejudiced problem of potential adult bias and adult normativity makes me unsuitable to define for the reader 'the child' in terms of characteristics, capacities, and abilities.

A child refers, in this book, to anyone below the age of 18. Children constitute a heterogeneous group with diverse experiences of what it means to be 'a child' that stretches beyond dominant ideas and myths of childhood, as there are many different childhoods. The idea of 'the child' changes when prejudice is questioned and challenged. Adult prejudice may, however, come to subside through more child-equitable encounters between adults and children.

Prejudice against children, as noted in this chapter, creates explanation-models that give legitimacy to different forms of violence in the exercise of power by adults while childist beliefs function as explanation-schemes for adults in rationalizing violence against children. To rationalize violence against children is to turn a scale of neglect into socially acceptable practices. Childism and its related concepts allow for questioning taken-for-granted assumptions about adult-child relationships from new critical perspectives that take into consideration the asymmetric power dynamic in such relations.

The following two subsections of this chapter deal with the language found in the CRC of children's 'evolving capacities' and their 'immaturity' and how they can be interpreted through childism while additionally pointing to more progressive re-readings of these formulations that could strengthen the realization of children's rights.

2.2 'Evolving capacities': A limiting clause?

Human rights are only for individuals who have the capacity to exercise them.
(Paternalistic attitude)

This fabricated childist expression motivates the denial of children's right to exercise their economic, social, civil, political, and cultural rights with reference to their perceived lack of capacity in comparison to an adult norm. The reference to the 'evolving capacities' of the child can be interpreted as limiting, as well as of strengthening the language of the rights of the child. In its limiting form, these expressions may lead to a distinction being made between the existence of children's rights listed in the CRC and the possibility for children of actually exercising them. The distinction between 'having rights' and 'exercising one's rights' can be read into Article 5 of the CRC, that Member States should respect the responsibilities, rights, and duties of parents and guardians to provide guidance in the exercise of the child's rights 'in a manner consistent with the evolving capacities of the child.' Even one of the four core principles of the CRC, Article 12, is limited by a reference stating that 'the child who is capable of forming his or her own views' has a right to express those views freely. In Article 14 on freedom of thought, conscience, and religion which states the rights and duties of parents as 'to provide direction to the child in the exercise of his or her rights in a manner consistent with the evolving capacities of the child,' we find this language use again. No other human rights instrument but the CRC uses these formulations which can be interpreted as limitations to children's exercise of human rights.

'The evolving capacities of a child' would in childist reasoning be benchmarked against adult normativity, which compares the child against adult norms that ignore the capabilities that children possess, regardless of perceived abilities. The rights of the child may be limited in societies where age discrimination against children is not yet adequately addressed and where prejudice and negative stereotyping of children serve to legitimize the social inequality between children and adults.

Childist interpretations of the CRC jeopardize public support for children's political rights and other 'negative rights' that would otherwise enhance their autonomy, if wrongful age stereotyping is applied that views children as non-citizens who are unable to form their own thoughts, beliefs, and political convictions. The implementation and enforcement of the rights of the child would require naming and addressing wrongful age stereotyping that hitherto has served to justify childist interpretations of the language of 'evolving capacities,' 'immaturity,' and 'dependency.' Ignoring the harmful effects of childism on children will only serve the continuation of child subordination, which is the acceptance of the belief system that children should submit to adult headship without being listened to when unnecessary infringements are made to their freedoms.

A discriminatory or empowering use of 'capacity'?

[C]apacity continues to infuse the dispute [about children's rights] with obfuscating rhetoric about the meaning of having and exercising rights, drawing the analysis away from a critical examination of the organizing principle itself.

(Federle 1993, 983–84)

Katherine Federle argues that 'capacity' is 'part of the language of hierarchy and status, of exclusion and inequality' and that 'children's rights theories are inadequate precisely because they fail to accommodate notions of power' (1993, 985). To accept the language of capacity in terms of the exercise of rights presupposes ability and thus gives primacy to parental rights over those of children. The premise that perceived abilities are a prerequisite for exercising one's rights has been rejected in the discourse related to women's rights and the rights of adults with perceived disabilities but remains relative to children's rights. In the American legal tradition of individualism, capacity 'as a prerequisite to having rights' historically excluded both women and children (1993, 987). Philosophers like Hobbes, Locke, and Rousseau, who, in Federle's reading, influenced the founders of the American Constitution, 'argued that children have no freedom because of their incompetencies and are instead subject to parental authority until they attain capacity' (1993, 987). Could such statements be seen as expressions of wrongful age stereotyping from an adult-privileged position which serves to legitimize parental authority over children?

As long as we premise rights upon ability and view children as undeveloped or underdeveloped beings evolving into adulthood, we can discuss individual rights only in terms of hierarchy and exclusion.

(Federle 1993, 1028)

In prejudice studies on racism, sexism, and ableism, it is acknowledged 'that rights have value because of their power to eliminate hierarchy and exclusion' (1993, 1028). For example, women's rights claims overturned paternalistic views on patriarchal hierarchy that denied women suffrage due to their perceived lack of political capacity.

Marginalized groups are held back and excluded by prejudiced beliefs about a lack of capacity, as these beliefs imbue the policies that determine people's access to those rights in the first place. Through anti-childist lenses, we can distinguish how the notion of capacity has been used to limit children's exercise of their rights. The relational dependency of children on adults additionally serves paternalistic views that ignore instances in which this dependency can be harmful for children in the exercise of their rights. The relation between mother and child would, for example, not be treated as an exception free from adult power and domination over children. While notions of care (Hamington 2004) and nurture have been associated with the ideal motherhood, the ways in which a child's rights may be violated in such a relation also deserve to be studied (De Graeve 2015).

Relational power structures that lead to social inequalities risk being legitimized through sexist and childist discourses around capacity, which would hinder the exercise not only of women's rights but of children's rights as well. There are, however, discourses around capacity that serve to increase children's rights claims. A discourse on capacity freed of childist reasoning could support demands for positive measures to counter hierarchical structures and strengthen the duties of adults in the enforcement of the rights of the child. The main advantage of drawing attention to the potential presence of childism in adult's language about children's capacity is to identify the many instances in which children's demands are belittled or their forms of communication ignored in unjust ways. The more radical idea that adults would set aside their power in a status-based relationship with a child presupposes that (a) adults are critically aware of the power they exercise over children; (b) adults are willing to renegotiate this power in respecting children's rights; and (c) socially and politically, adults would be willing to upset the *status quo* when their interests may conflict with that of a child. Enforcing children's rights is not necessarily a call to move beyond the notion of capacity, but to reconceptualize it. In rights discourse on capacity, what is needed is a social approach that focuses on governments, courts, and state institutions and their positive duty toward children's rights. In this sense, stripping the rhetoric of 'capacity' from childist prejudice, we move from a discriminatory use of capacity in the human rights discourse to an empowering one. Capacity can, as will be explored further in the next section, be used to enable the exercise of children's rights instead of hindering their realization.

Children's legal capacity

[A] social model approach to defining legal capacity focuses not on the individuals' attributes or relative limitations, but rather on the social, economic and legal barriers a person faces in formulating and executing individual decisions, and the supports and accommodations they may require given their particular decision-making abilities.

(Bach and Kerzner 2010, 18)

'Legal capacity' is a term referring to 'people's capacity to have rights, and to have the capacity to act on those rights on an equal basis with others without discrimination' (Bach and Kerzner 2010, 16). Re-thinking this notion in terms of children's right to be heard in legal issues concerning their rights and freedoms could counter paternalistic perspectives that jeopardize children's exercise of this right by favoring adults' interests and urge for control.

In the Canadian legal discourse, legal capacity is understood in 'relation to a person's cognitive functioning' (Bach and Kerzner 2010, 17) and is 'attached to the attributes of a person' (Bach and Kerzner 2010, 18) that can be viewed as individual limitations. If we consider this definition which has applied to adults, then children are deemed as lacking legal capacity and the perceived exercisability of the rights of the child would thus be treated as limited. 'In contrast, legal capacity as it is used in the CEDAW and the CRPD is a social and legal status

accorded independent of a person's particular capabilities' (Bach and Kerzner 2010, 18). Building on this definition, 'legal capacity of children' would refer to children's social and legal status, independent of their 'evolving capacities.'

Shifting the focus in the discourse on the rights of the child from childist reasoning about children's attributes and relative limitations to the social, economic, and legal barriers that children face in formulating and executing their individual decisions is important. It instead imposes a positive duty on states to provide supports and accommodations that enforce the child's right to be included in decision-making.

In shifting the focus of the criteria for children's legal capacity from that of mental capacity to 'decision-making capabilities,' how they actually exercise their legal capacity will vary. The exercise of 'legal capacity of children' will depend on 'the nature of their decision-making abilities and on the combinations of supports and accommodations they require to turn their decision-making ability into actual decision-making capability' (Bach and Kerzner 2010, 73). This social model approach harmonizes with the general recommendations by the UN CRC which states that

Evolving capacities should be seen as a positive and enabling process, not an excuse for authoritarian practices that restrict children's autonomy and self-expression and which have traditionally been justified by pointing to children's relative immaturity and their need for socialization.⁹

A social approach to the 'legal capacity of children' is based on the idea that a person's decision-making capability may require support (as stated in the CRPD). The positive duty toward children's 'decision-making capability' would include ensuring independent advocacy support, communicational and interpretive support, representational support, relationship-building support, and administrative support to prevent indirect age discrimination in the exercise of children's rights.

This social model of capacity means a shift from reading 'evolving capacities' as a childist excuse not to take children's right to be heard and included seriously in all matters affecting them toward an understanding of legal capacity that stresses the right, for example, to individual representation for children. Age discrimination against children due to their perceived lack of decision-making ability could potentially be addressed if we shift toward a discourse of capability (see Nussbaum 2003 on capabilities as rights entitlements) instead of capacity, by which children would be entitled to receive support in order to exercise their rights and which would place a positive duty on adults to facilitate children's autonomy and self-expression in every way possible.

No representation in legislation or courts but tried as adults

The expression and practice of 'trial as an adult' is used by courts in, for example, the United States, England, and Wales when children are tried as if they were adults. In Wisconsin, United States, any child over ten charged with

homicide or attempted homicide will be tried in an adult court, which means children can be sentenced to 65 years in an adult prison. In the CNN article ‘Should 11-year-olds be charged with adult crimes?’ published in 2015, Phillip Holloway, CNN Legal Analyst, states:

There is no national standard in determining at what age a child can be treated as an adult in the criminal justice system [in the United States]. The result is that approximately 200,000 American children are charged and incarcerated every year—as adults, according to the Open Society Foundations.¹⁰

(Holloway 2015)

Under the common law system in the United States and the United Kingdom, a conviction rests on whether the court can prove criminal intent; it is hence not enough to prove that the act happened. Faced with charges of serious offenses, children can be found, by adults in court, to have the mental capacity to understand the wrongfulness of their conduct and are therefore ‘tried as an adult.’ The moral capacity of the child is, in these instances of legal responsibility, determined to be equivalent to that of an adult. The arbitrariness that can be found in adults’ conceptions of the child’s moral capacity—that children can be denied rights based on the idea that they lack capacity to exercise their rights and freedoms but yet held responsible like adults for crimes—stems from discrimination against children, motivated by intersections of racism, ableism, and childism. If and when adults deem it appropriate to punish children—either by corporal punishment, imprisonment, or even death penalty—then children seem to be treated as rational, moral subjects and in addition treated as adults capable of enduring cruel treatments. How can this childist ambivalent reasoning be faced and challenged? In order to ‘bring conceptual attention to the nature of the child’s evolving capacities,’ Arthur Raymond argues that the age of criminal responsibility should be raised (2016, 282). Raising the age of criminal responsibility would also ‘stimulate an integrated analysis’ of how to respond to a child’s antisocial behavior ‘by considering how multiple stakeholders such as families, schools, social workers and government can affect children’s well-being’ (Raymond 2016, 282). How is it that children who do not have the right to see a therapist for mental healthcare, who do not possess the freedom of choice to move from abusive homes, and who do not have property rights are treated as adults in criminal law and are not duly protected by an adult society that otherwise demands authority over children? If children are denied all the rights that would enable one to make a ‘free choice’—as access to food, safe shelter, and other basic means to survive—and if they rely on others for their survival, then how can their actions (at times of desperation) simultaneously be judged as individual when they in all other aspects are relationally dependent? How could children’s relational condition be taken seriously in both law-making and its application? Is it fair that children are held responsible under laws they have had no say in? Additional rights and responsibilities are what define adulthood. Again, children are recognized as

potential law breakers but not as potential law makers. Is it fair to hold children responsible for breaking laws they have no influence over and may lack proper knowledge about?

No right to vote but enemies of the state

In 2011, as the civil war started in Syria, 50% of its population of 22 million were children. In early March 2011, 15 children wrote the word ‘freedom’ on the walls of their school in the town of Deraa (Ajami 2012, 73). The children were between 10 and 15 years old. The state read their act as an anti-regime message and the children were arrested and placed in prison. Their imprisonment and torture led to a female-led sit-in in Damascus (Ajami 2012, 74). The military subsequently went into schools to interrogate children to punish those deemed a threat to the state. The school as a safe space was violated, as were several of the child’s basic rights, encompassing as well the right to peaceful assembly, to association, and to be heard. By 2012, 3873 schools in Syria had been damaged by military intervention, as reported by the Syria’s Local Coordination Committees. Still, the government continued using teachers and security forces in schools to interrogate children and to use corporal punishment to threaten them (Motaparthi 2013).

When wars can be fought against children who express a desire for freedom and democracy, how can we explain the arbitrariness with which children are seen as non-political subjects? When regimes take action against children’s freedom of expression, this should cast doubt on the assumption that children are protected by their status of being children: They are in fact in these instances treated as adults in battle and targeted for expressing their opinion. Children are in these instances treated as political threats and punished as adults for such ‘political’ acts, but not acknowledged as political subjects which would entail recognizing their political rights and freedoms as well. Children are not represented in Parliament; they lack the right to vote or to draft laws under which they are held responsible. Childhood by definition seems to mean an absence of political rights and responsibilities, but children do not have immunity from being held responsible for ‘political’ offenses. The inconsistency of patriarchal arguments concerning children’s capacity related to rights and responsibilities risks being discriminatorily rationalized through childism. Children are treated as non-citizens when held outside any legislative debates. At the same time, children have been treated as enemies of the state by non-democratic regimes. Harmful and misopedic age stereotyping of children that characterize them as lacking empathy, awareness of their surroundings, and the capacity to understand the consequences of their actions are presumably applied when it fits the interests or arguments of adults.

Considering children’s political rights while acknowledging their social condition of dependence on adults and caregivers would require protecting children from undue interference from adults if and when children decide to exercise their political rights. Instead of using children’s evolving capacities as a limitation clause to neglect the implementation of their rights—by claiming

that children are unable to exercise their rights because they lack legal capacity—governments could be seen as holding a positive duty to ensure children’s ‘decision-making capability.’ This could be done by offering independent advocacy support, communicational and interpretive support, representational support, relationship-building support, and administrative support to children.

2.3 The ‘immature child’: As defined by adults

Children are too immature to decide for themselves but when committing wrongful deeds, they know what they are doing and should bear the consequences of their actions.

(Ambivalent childist reasoning)

This fictional quote illustrates expressions of ambivalent childist reasoning by which ideas of childhood development are arbitrarily used to sanction violence and deny freedoms connected to autonomy and integrity. The preamble of the CRC states that ‘the child, by reason of his [or her] physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth’¹¹ and Article 12 further calls for ‘the views of the child being given due weight in accordance with the age and maturity of the child.’¹²

Excuses to not listen to a child, to not give weight to a child’s testimony, to not include children in issues involving them, or to fail to include children in different spheres can be justified through childist interpretations of this statement. Through benevolent childist arguments, the rights of children become secondary to their need for protection so that adults may speak on their behalf.

In this chapter, I highlight the exceptional language in the CRC as a potential hindrance to a more progressive realization of the rights of the child when understood in terms of age discrimination. A deficiency view of a child is that of an undeveloped adult. For an adult to be likened to a child is from this perspective an expression of degradation or humiliation. In this regard, I discuss childist notions that characterize children as not yet fully human and assumptions of adult normativity in development studies that limit our understanding of child agency. Adult bias arises from the premise that the dominant majority of thinkers are adult. As a result, theories, perspectives, and topics about children and their development presumably reflect adult interests and adult normativity (dominant ideas about the ideal adult). Children’s rights to be heard, to participate, and to be included as a consequence thereof may additionally be made relative to their physical, social, and moral development.

‘Small children do not experience pain. If they do, they will forget’

Until the 1980s, many western pediatricians believed that infants’ pain receptors were not wholly developed and that if an infant did feel pain, the small child would not remember it later. As a result, pain relief was not viewed as

necessary in operations on babies. It was only in 1987 that the American Academy of Pediatrics declared operating on newborns without anesthesia unethical. Child anesthesiologist Björn Larsson (2001) writes that in Sweden, ‘still today children are not given proper pain relief’ (Larsson 2001). Together with more than ten child anesthesiologists, pediatricians, and nurses, Larsson published a report on children and pain for the Swedish National Board of Health and Welfare, in which they state that there are ‘multiple myths about children’s experience of pain and its treatment, which prevents good pain management’ (Alfvén et al. 2003, 11). Contrary to these myths, newborns, according to Larsson and his colleagues, have even less protection against pain than adults because their pain relief system, called grind control, is not fully developed at birth (Larsson 2001). The view that infants have no memory of pain, and therefore suffer no adverse long-term effects as a result, has also been shown to be incorrect (Alfvén et al. 2003, 11). Experiences of pain may be displayed by children in other ways than orally, as through facial expressions, the child becoming stiff, too calm, or zoning out. Larsson interviewed nurses about how they perceive children’s pain and they responded that they experienced a lack of understanding the different ways in which children express pain (Larsson 2001). Apart from mistaken beliefs about children’s lack of sensing pain, there are social attitudes preventing improved usage of pain relief on children. A not uncommon attitude is that pain strengthens a child’s character, enabling them to cope with later pain and increasing their ability to compete (Alfvén et al. 2003, 11). Similar attitudes to children’s experiences of pain can be found in childist reasoning, which defends corporal punishment. That a ‘mild spank’ will not cause the child lasting pain is a childist belief and so is the childist belief that children who are hit during childhood will forget. The intersection of sexist and childist prejudice will, for example, be visible in attitudes deeming a small boy’s skin and senses to be less perceptible to experience pain than a ‘girl-child’s’ or an adult’s. Several organizations and research teams have conducted interview studies in countries that allow corporal punishment of children; although adult aggressors will use the wording ‘spank,’ children will testify to experiencing adult violence as feeling like ‘all the bones in the body would break’ and that when a guardian hits them, there is the additional emotional pain of feeling that parents don’t want them anymore (Children’s Rights Alliance for England 2013; Radford et al. 2011; Sherbert Research 2007).

‘Incest—see under the Oedipus Complex’

Adult bias presumably leads to important insights being overlooked in child development studies, especially since children’s voices and experiences are filtered through adult analysis and theorizations placing the uniqueness of the child behind categories and classification systems. The importance of identifying and treating conditions related to abuse and neglect makes it vital for child clinicians to ‘have a basic understanding of child development in order to provide therapeutic services to children, especially those who have been abused

and neglected' (Urquiza and Winn 1994, 4). But, this understanding may over-emphasize certain aspects of causality over others as well as merit theory over more complex descriptions of a situation that a child might offer. When certain perspectives are dominant over time about what primarily influence a child's development (their imagination, their connection to the mother, or their brain functions and development), other relational aspects' causality regarding the social context in which the child thrives might be diminished.

Intrapersonal development (development processes within a child), interpersonal development (development processes between the child and others in her, his, or their life), physical development (physical, body, and motor development), sexual development (development of sexual behavior, thoughts, and feelings), and behavioral conduct development (management of behavior, self-control, and regulation) are deemed important aspects of children's development and when regarded by adults as a healthy process, these are integrated (Urquiza and Winn 1994, 4–5). These aspects overlap and are integrated into what is deemed a healthy development process. The Oedipus theory, for example, over-emphasized the impact of intrapersonal development of the child and the role of imagination and fantasy in this, together with a dominant focus on the sexual development of the child in connection to its parents.

In the article 'Incest—see under the Oedipus Complex' (referring to how incest was listed under the Oedipus complex in Charles Brenner's (1955) classic *An Elementary Textbook of Psychoanalysis*), Bennett Simon discusses errors in psychoanalysis in relation to patients who suffered child abuse (either child patients or adult patients). The core conflict was 'how psychoanalysis regards the relation between external and internal reality' (Simon 1992, 956). Simon writes that the focus of the discussion about incest in the early 1990s was 'almost exclusively within the framework of the Oedipus complex' (Simon 1992, 964) and in the uncertainty Freud and Jung felt about what was fact and what was fantasy in the patient's account. Freud had moved from a belief that neurosis resulted from repressed memories of childhood sexual molestation to believing that the reports of seduction had been fantasies and stated that these fantasies derived from desires in early childhood—the Oedipus complex (Powell and Boer 1995, 563).

Virtually from the beginning of what we can call psychoanalysis (Freud's work in the early 1890s), there have been unsolved problems about the role of actual external trauma in producing neurosis (and later in the field, in producing psychosis).

(Simon 1992, 962)

In discussing a letter exchange between Freud and Jung, about a six-year-old girl who disclosed abuse but whose story was dismissed by both Freud and Jung as fantasy because the girl 'failed' to express any emotions while she recounted what had happened, Powell and Boer (1995) confirm that

Freud was biased toward interpreting certain types of incest allegations as fantasies, although it may be that this was motivated more by a desire to confirm his evolving theoretical suppositions about endogenous [stemming from internal system] fantasies than by any abhorrence toward acknowledging the reality of incest.

(Powell and Boer 1995, 568)

What can be learned from Freud's mistakes in minimizing the existence of incest, reason Powell and Boer, is that 'the assessment and treatment of childhood sexual abuse must not be based upon theory-driven dogma' (Powell and Boer 1995, 569). A critical lens on theories defining the child and child development would thus point to the prevalence of adult normativity and childism in these theories, classifications, and ideas. Adult bias needs to be challenged in the interpretation of such theories if the voice, rights, and agency of the child affected by conclusions drawn from such theories are to be taken seriously. Could it not be harmful for a child who suffers from sexual abuse to be interpreted through adult theories about children's presumable Oedipus complex of sexual desires and fantasies? Simon argues that 'The common denominator in these errors is the pre-judging of patients by the then-current theory and neglecting to obey a fundamental rule of treatment, "First, to do no harm"' (Simon 1992, 959). When Simon surveyed his own analytic practice and questioned colleagues, they confirmed a 'distressingly large proportion' of their cases they had treated in which there had been either 'extreme seductiveness or overt sexual contact, including some violence, between either a child and a parent, or between two siblings' (Simon 1992, 960).

For a child to overcome the difficulties of sharing experiences of ongoing abuse and then risking not being believed may result in the child retreating into self-doubt and of internalizing shame and guilt connected to the adult abuser's actions. Child victims of sexual abuse can be denied individual counseling by the adult who abuses, who may demand to be part of any therapy session with an outside adult where the child could otherwise have spoken of the abuse. Even when a child can see a child therapist alone and without having to share records of the counseling to the guardians, what children share in therapy would presumably be interpreted through unreflected adult bias. What are the instances where children's rights have been violated and their efforts to reach out for help been misinterpreted as signs of developmental problems? Will children who suffer from abusive forms of adult domination be labeled as a problem when the experiences of the child are belittled or overlooked, presumably due to the adult bias ingrained in theories about child development?

From 'a child in need' to 'a subject of rights'

Adult bias in the language of rights would equate rights-holders with adults. The idea that an individual has only 'needs' during childhood and 'rights' only as an adult citizen is an example of childist reasoning by which issues of justice

are reformulated into questions of care and empathy toward children. An early discursive shift from ‘needs’ to ‘rights’ can be found in the emancipatory writings on the rights of the child of Polish pediatrician, pedagogue, and writer Janusz Korczak (1878–1942),¹³ whose life ended in the gas chambers of Treblinka in 1942 together with 200 Jewish children. His writings reflected the acute situation of the children with whom he worked: Would their lives be viewed as only a stage toward becoming adult even though they would not reach adulthood? During his lifetime, Korczak witnessed the devastating consequences of war and occupation on children and made it the mission of his life to study, write, and practice a respect for children and their rights, a respect he believed constituted a prerequisite for attaining lasting peace in the world. He was inspired by the pragmatism of American philosopher John Dewey’s (1859–1952) progressive education (Dewey 2005; 1938), as well as by Swedish pedagogue and writer Ellen Key’s (1849–1926) view of children and their rights (Key 1909). Together with the Polish teacher Stefania Wilczynska, Korczak ran the orphanage Dom Sierot in Warsaw from 1912 to 1942 (she was also killed together with the children in Treblinka 1942). Korczak saw childhood as a full life in itself, one that should not be regarded as just a stage toward adulthood, and argued that children should be treated with equal dignity as full human beings. Korczak published *The Right of the Child to Respect* in 1929, arguing for children to have a more powerful status in society (Korczak 1967). He criticized the Declaration of the Rights of the Child (which preceded the CRC) for merely being a pledge for goodwill toward, and not an actual demand for, children’s rights.

Adult bias and child development

The discourse on rights in childhood has shifted from the childist attitude that only when children start possessing adult normative abilities such as reading, writing, and oral communication skills can they enjoy the list of rights in the CRC to the idea noted in the General comment No. 7 to the CRC, of children being respected in their own right, which refutes prevalent childist arguments that children should have more rights with growing age and maturity and that Article 12 of the CRC (for the child to be heard) would be exempted for younger children. The UN CRC in its General comment on implementing child rights in early childhood ‘emphasizes that article 12 applies both to younger and to older children’:

Respect for the young child’s agency—as a participant in family, community and society—is frequently overlooked, or rejected as inappropriate on the grounds of age and immaturity. (...) They have been regarded as underdeveloped, lacking even basic capacities for understanding, communicating and making choices. They have been powerless within their families, and often voiceless and inviable within societies.¹⁴

In childhood studies, it has been highlighted that although empirical studies of children's lives are vast, in number, there are too few critical theories applied in developmental, sociological, and psychological studies on children (Tisdall and Punch 2012, 251). 'Child-sensitive,' 'child-friendly,' and 'child-centered' approaches to the rights of the child need to be critical of set definitions of the 'immaturity' or 'maturity' of the child. These definitions may be based on adult normativity and thus used to serve childist beliefs that claim a 'natural' inferiority of children due to their perceived immaturity. Using an anti-childist approach when studying ideas that minimize the rights of the child questions their underlying notions of age-based inferiority and childist reasoning.

The field of childhood studies deals increasingly with what could be deemed child rights, moving toward more interdisciplinary studies on international rights interested in the concepts of participation, of children expressing their voice in empirical studies, and of finding inclusive and ethically sensitive research methods for child participation (including infants) (see [Stalford and Lundy 2020](#)). Discursive shifts important in advancing arguments on the rights of children include

- i A shift from treating children as passive objects to be studied by adult researchers in connection to family issues, toward acknowledging the agency and voice of children and their participation in empirical studies (see Graham, Powell, and Truscott 2016; Konstantoni 2012);
- ii A shift from the idea of an ideal universal child to seeing children as unique and rich beings in their own right (see White 2002);
- iii A shift from defining childhood according to a western norm, to treating childhood as socially constructed and context sensitive, acknowledging that there are many childhoods, depending on the specific experiences of the child (see Blaise et al. 2013).

These last shifts can be problematized as cultural relativistic in regard to children's rights if used to deny racialized children (racialized as 'non-white') the rights and freedoms rhetorically granted to children of so-called western childhoods. Seeing childhood as context sensitive can also be used discriminatorily to imply that the rights of the child in the CRC only apply to children in the west and are not universally applicable. The CRC has, as has other human rights treaties, been criticized for reflecting western values, and specifically western ideas about rights and childhood. The fact that no children participated in the drafting of the CRC reflects adult bias as well as other forms of privilege in the formulation of its articles. For a decolonial exploration of the articles of the CRC, see Faulkner and Nyamutata (2020). Conversely, to see childhood as a culture that children in their multiplicity fill with meaning and pride could inform discourses surrounding childhood to child-equitable ones where children would be the ones having a right to their own culture in its

vastness (Nandy 1984). The notion of children's voices as central to childhood studies calls for critical scrutiny of 'the way researchers represent children's voices in their work and the assumptions that underpin these representations' (Alanen 2011, 147). Critical childhood studies concerned with issues of research ethics have, for example, explored challenges of how to obtain informed consent from participants if these are small children (Graham, Powell, and Truscott 2016), aspects of relationships and power between adults and children (Nandy 1984), and the moral ideas underpinning definitions of childhood as a site for adult intervention (Moss, Dillon, and Statham 2000). Childism fits well as an analytical concept within such a critical framework by addressing prejudice, power, and discrimination of children in processes of conducting research about and with children (see Karlsson 2023, for methodological and ethical considerations when conducting child rights research with children).

Notes

- 1 UN CRC, *General comment No.13 (2011): The right of the child to freedom from all forms of violence*, 18 April 2011, CRC/C/GC/13, p.23.
- 2 For a discussion on children's statutory rights as citizens and the need for implementing a human rights framework regarding children living outside of the country of which they have citizenship status, see (Schiratzki 2023).
- 3 UN CRC, *General comment No.13 (2011): The right of the child to freedom from all forms of violence*, 18 April 2011, CRC/C/GC/13, p.22.
- 4 UN CRC, *General comment No.1 (2001): Article 29 (1): The Aims of Education*, 17 April 2001, CRC/GC/2001/1, p.2.
- 5 CRC, Article 8: 'Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.'
- 6 Voting is, for example, mandatory from the age of 18 in Brazil and Argentina but allowed from 16; for other exceptions from the threshold of age of 18 years, see the worldpopulationreview.com.
- 7 Claude Barbre draws in "Confusion of Wills: Otto Rank's Contribution to an Understanding of Childism." *The American Journal of Psychoanalysis* 72 (2021): 409–17 on Young-Bruehl and connects *childism* with how belittling children inhibits their creative will.
- 8 UN CRC, *General comment No.13 (2011): The right of the child to freedom from all forms of violence*, 18 April 2011, CRC/C/GC/13, p.10.
- 9 UN CRC, *General comment No.7 (2005): Implementing Child Rights in Early Childhood*, 20 September 2006, CRC/C/GC/7/Rev.1, p.8.
- 10 This estimation is higher than the one by Human Rights Watch and the American Civil Liberties Union in 2011 of approximately 60,000 children in juvenile facilities and more than 95,000 in adult jails in 2011, which can be indicative of a need to make more available official federal data.
- 11 Preamble, CRC, 1989.
- 12 Article 12, CRC, 1989.
- 13 Henryk Goldszmit known by his pen name Janusz Korczak.
- 14 UN CRC, *General comment No.7 (2005): Implementing Child Rights in Early Childhood*, CRC/C/GC/7/Rev.1, p.6-7.

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